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HOUSE OF REPRESENTATIVES—*Saturday, November 20, 2004*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. OSE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 20, 2004.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of history and giver of all good and lasting gifts, America's Thanksgiving prayer seems to expand each year. Perhaps because human life seems all the more fragile in a globalized world where there is so much war and violence. Perhaps because we treasure freedom all the more as we learn about so many people in the world who have never experienced what true freedom means. Perhaps because we have come to see that so many blessings are not costly but freely given by You to all and that the most valuable blessings are not material but wrapped in spiritual meaning and not individually possessed but mutually shared with others.

No matter how we as persons calculate, measure, or recognize our blessings. Lord, may each of us here in America grow in gratitude this Thanksgiving Day because grateful people are usually more gracious; and as Americans, we not only see ourselves blessed, we also wish to be a blessing to the rest of the world.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive up to five 1-minute speeches from each side.

GRATITUDE FOR U.S. MILITARY IN IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday the Washington Post reported the U.S. military has discovered in southern Fallujah the main head quarters of an al Qaeda organization of Abu Musab Zarqawi, who claims responsibility for bombings, kidnappings, and beheadings across Iraq.

As a grateful parent of three sons in the U.S. military, including an Army National Guard member in Iraq, as a proud veteran of 31 years of service in the Army National Guard and as a Member of Congress, I have never been more proud of America's heroes fighting in the frontlines of the War on Terrorism in Iraq. Despite defeatists who slander every success, America's military will succeed to protect America's women and children from barbarian murderers.

It is more clear than ever President Bush is correct: "We will not waver, we will not tire, we will not falter, and we will not fail. Peace and freedom will prevail."

In conclusion, God bless our troops and we will never forget September 11.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 846 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 846

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on or before the legislative day of November 20, 2004, providing for consideration or disposition of any of the following measures:

(1) A bill or joint resolution making continuing appropriations for the fiscal year 2005, an amendment thereto, or a conference report thereon.

(2) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 2005, an amendment thereto, or a conference report thereon.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The resolution we are considering today would provide for the same-day consideration of certain resolutions reported from the Committee on Rules. It waives clause 6(a) of rule XIII, requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules, against certain resolutions reported from the Committee on Rules.

The rule applies to the waiver to any resolution reported on or before the

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

legislative day of November 20, 2004, providing for consideration or disposition of any of the following measures:

First, a bill or joint resolution making continuing appropriations for the fiscal year 2005, an amendment thereto or a conference report thereon; or, second, a bill or joint resolution making general appropriations for fiscal year ending September 30, 2005, and an amendment thereto or a conference report thereon.

Mr. Speaker, it is clear what we are trying to do. We are trying to make sure that as a result of the action that we took on or about October 8 as it related to the funding of the government that we would make sure we would responsibly work on behalf of the American people to make sure that all spending bills would be necessarily approved and done properly by this House. But we wanted to make sure that the government was funded from that day forward.

Today, as we end what we believe will be the last day for the House of Representatives for the 108th Congress, it allows us a chance to make sure that we are prepared to do just that. As we speak, up in the Committee on Rules right now here in the Capitol, the Committee on Rules is meeting to approve the omnibus appropriations bill. This bill will make sure that we can bring this very important bill to the floor and then we can get on with our work today and hopefully adjourn tonight.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time.

It is the 11th hour and the deals have been struck. Most, if not all, of us want to go home. Certainly the majority does. So we find ourselves again being asked to override regular House rules and vote on legislation which I defy anybody to tell me that 99 percent of us have read. I am talking about 99 percent of the Members of the House of Representatives have not read this legislation.

There is no reason why we cannot consider the omnibus appropriations bill tomorrow or Monday or Tuesday. There is no reason why all of us in the body and, most importantly, the American people should not have at least 24 hours to try to read how we are spending their money before we spend it.

I realize, Mr. Speaker, that most of the Members will support this measure. But I am opposed to the process by which it has come together floor today. And in just a few short hours, Members of this body will be asked to approve a bill that spends nearly $400 billion of Americans' hard-earned tax dollars without being afforded the opportunity to actually read the bill. That is just not right.

The bottom line is, Mr. Speaker, one party controls Washington, D.C.'s political circumstances. One party controls the House, the Senate, and the White House. One party has controlled Congress' legislative agenda and one party has controlled this year's appropriations process. I ask the American people what have they done for them this year? In a word, if I were answering, it would be not much.

Despite escalating gas prices and continued reliance on fuel needs from the volatile Middle East, has Congress enacted a comprehensive energy bill? No. Bridges and tunnels and highways around America are literally crumbling away due to years and years of neglect. And despite the fact that hundreds of thousands of jobs are on the line, has Congress passed a transportation bill? No. Welfare reform? Still on the starting blocks. Patient's bill of rights? In intensive care. Fully funding education programs like No Child Left Behind? Still waiting at the schoolhouse door. Getting our first responders the tools and equipment they need to protect the homeland? Do not hold your breath.

As far as I can tell, the only thing that the ruling party can do successfully is explode the national debt and burden our children and grandchildren to fix the mistakes we make on a daily basis around here in the House of Representatives. Enough already.

So we will go home today or tomorrow after having worked fewer days in this session of Congress than in any previous Congress in nearly the last 60 years. These really are the best words that I can use to describe this situation. The rule is a disservice to the Members of this body. More importantly, it is an affront to the people whom we represent. This process smells and the odor wafts from sea to shining sea.

I understand the circumstances at the end of the session deadline of which the majority speaks, but I ask why the rush? Why run this House in such a disorderly way? The precedent that we continue to set with this kind of action will haunt us and our successors for many generations. It is up to the majority to step up to the plate and attempt to restore integrity to the process this body practices.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume. I appreciate the gentleman's speaking about the way in which the House is operating today. I am proud of what we are doing. And in just a few hours we are going to hear the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, come and say that this package before us represents a freeze or a 0 percent growth in nondefense discretionary spending. That is hard work. That is hard work, Mr. Speaker, but in the very beginning of this year the gentleman from Iowa (Mr. NUSSLE), chairman of the Budget Committee, as a result of enlisting the Members of Congress, decided that we were going to have a budget that did the right thing for 2005. And that is exactly what this Republican-led Congress has done.

The gentleman from Florida (Mr. YOUNG) worked very diligently to make sure that the budget that this conference put forth and this House put forth is something that will be passed. We intend to make sure that we are not going to have any wild spending sprees like we have done in the past. It is going to be responsible. I am proud of what we have done. The gentleman from Illinois (Mr. HASTERT), our great Speaker, and the gentleman from Texas (Mr. DELAY), the majority leader, have made sure that the things that are in this bill deal with the essence of what is good for America. I am very proud of what we are doing.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland (Mr. HOYER), minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

□ 0915

Mr. Speaker, I believe it appropriate for me to rise in light of the gentleman from Texas's remarks. First of all, I note that the chairman of the Committee on Appropriations is on the floor. The gentleman from Florida (Mr. YOUNG) is one of the most respected Members in this body. He is a gentleman who has led our committee with fairness and great ability. Mr. Dyer is also on the floor, our chief clerk of the Committee on Appropriations. The Committee on Appropriations continues to be, in my opinion, one of the committees that really strives to work in a bipartisan fashion to meet the responsibilities that it has and the responsibilities that this Congress has to the American people.

The budget to which the gentleman from Texas (Mr. SESSIONS) spoke has resulted in a dysfunctional appropriations process over the last 4 years really. I have served on the Committee on Appropriations for 23 years, so I have some experience of the workings of that committee. In the early years that I served, it was also difficult to pass appropriation bills. Then we got into the 1994 election, the majority changed and, in 1995, of course, we shut down the government on November 22, 1995. The government essentially remained shut down and with sporadic periods of being open between then and early in January of the following year.

Since that time, particularly since the election of President Bush in 2000, in 2001, 2002, 2003 and 2004, this year, we have clearly had a dysfunctional budget and appropriations process, about which my friend from Texas seems to be so proud. In fact, this is the third year in a row where we have passed an omnibus appropriations bill including most of the appropriations. We have ignored the regular order. We have ignored the process of adopting appropriation bills one by one. We have ignored the process of having our appropriation bills open to full disclosure and consideration, not only by the House of Representatives, but by the American people. We have prevented the American people from having the opportunity to make their views known on these appropriation bills. Why? Because we have passed them in the dead of night, as we did last night, come out with a very quick Committee on Rules report, a martial law rule, and an inability to expose those to the light of day.

Now, most of those appropriations bills, the nine bills that will be incorporated into this omnibus have, in fact, been subjected to hearings, discussion on this floor, discussion on the Senate floor, and most. I do not know what percentage, but I would guess well over 90 percent, perhaps even as close to 97 or 98 percent of the bills have, in fact, been subjected to the regular order and the legislative process as it should run.

But the fear of the American people is that in the dead of night, in the cloudiness of quick consideration, that many things are included in these bills which perhaps both Houses would not have put in there, as has happened too frequently during the course of this Congress, or that neither House really knows is in there.

So when my distinguished friend, the gentleman from Florida (Mr. HASTINGS) refers to this as being a process that is contrary to regular order, he is absolutely right. It is not something of which we ought to be proud. To that extent, I disagree with my good friend, the gentleman from Texas. It is, in fact, something that we ought to commit ourselves to not repeating. The gentleman from Illinois (Mr. LAHOOD), my good friend, is on the floor, and was the chief of staff of one of the most distinguished leaders with whom I have had the privilege of serving, Bob Michel, himself a member of the Committee on Appropriations. I used to remember Leader Michel during the times when he was the Minority Leader of this House saying that this process was wrong when we pursued it, when we got into a deadlock and could not get bills passed.

So it is not that it is solely the actions of one party. It is, however, to say that we ought not to pretend that when we are doing it, that it is good, and that when the other guy is doing it, it is bad. It is not a good process. We did not in the year of last year pass eight of our appropriations bills until the calendar year following the beginning of the fiscal year. It was January. The previous year, it was February before we adopted most of the appropriations bills. I regret that we do not consider the appropriations bills one by one. There has not been a conference on the Labor-Health bill, a bill which will have approximately $150 billion in discretionary funding in this bill. It has not been conferenced. I have been a member of that committee for 23 years. I did not participate in a conference on that bill.

Now, because of the way our committee operates, the gentleman from Florida (Mr. YOUNG), the gentleman from Ohio (Mr. REGULA) and others have kept me apprised, and I am not surprised at that. As I said, they are good and decent and fair leaders of the Committee on Appropriations. We ought not to delude ourselves because of their fairness and because of the fact that they have kept me informed and kept the gentleman from Wisconsin (Mr. OBEY) informed and others informed. But the American people who have been precluded from seeing that bill conferenced have not been informed as our democracy contemplates, so I do not share the gentleman's pride in this process.

Mr. Speaker, because I have the time and I am on my feet, I also want to make a comment. I may make this comment again when he is here. In my view, the House of Representatives has sustained an extraordinary loss in the last election. I do not speak in terms of the fact that another candidate won the election. I, in no way, denigrate that candidate. But I do rise to lament the loss of a giant of this House, a Member of this House who, in my opinion, is arguably the best legislator in this House, a Member of this House whom I have grown to have the highest respect for, for his intellect, for his integrity, for his focus on fiscal responsibility. No one, no one in this House or in the United States Senate has any more faithfully focused on fiscal responsibility than my friend, the gentleman from Texas (CHARLES STENHOLM). It is a great loss to the House that he will not be serving with us next year.

As we consider this appropriation bill, and as the gentleman from Texas remarks with respect to constraining funding, I will tell my friend that we have constrained funding less over the last 4 years perhaps than at any time since I have been here, less than we did during the Clinton years. Domestic discretionary spending has risen higher over the last 4 years, as perhaps the gentleman knows, discretionary spending has risen higher. Now, there have been some reasons for that. Certainly, 9 11, terrorism, the war in Iraq. As the gentleman from Texas knows, I have supported that funding. We cannot, we must not send our best abroad to fight terrorism without supporting them fully. I have done that, and I intend to do that. But having said that, I do not intend to pretend that that money is for free, that somebody is not going to pay that bill.

Earlier this week, the Republicans increased the debt of this Nation by $800 billion, meaning that over the last 42 months we have increased the national debt by 25 percent, $2 trillion. I personally do not believe that that is something of which to be proud. $2 trillion in additional debt. I have three grandchildren. One is a little older, one is little younger, and one is very young. And all of them are going to pay that bill. Because this generation of Americans, acting through its Members in the House of Representatives, has determined that it will not pay its bills. I think that is an immoral policy. It is the refusal to accept personal responsibility for the challenges confronting our generation, and we are going to allow the next generation and perhaps generations thereafter to pay that bill.

The immediate consequences, of course, were evidenced yesterday. I hope they will be ameliorated. I hope interest rates will not skyrocket. I hope the deficit will, as the gentleman from Texas hopes, will be constrained. But I will not delude myself. I tell my friend from Texas, that it is discretionary spending that has caused our problem, because those of us on the Committee on Appropriations know it is not discretionary spending. In fact, discretionary spending as a percentage of the budget is less today than it was in 1962 and 1972 and 1982. So we ought not to delude ourselves that our failure to fully fund No Child Left Behind, as the gentleman from Florida has said, is something of which to be proud. There are going to be children left behind as a result of us failing to do that.

So I rise, Mr. Speaker, to say that I will vote for this omnibus bill when it ultimately gets to the floor. I will vote against this rule, but I will vote for the omnibus bill. The gentleman from Florida (Mr. YOUNG), Jim Dyer, and each one of our chairmen and ranking members have worked hard to try to come to grips with bills that meet our responsibilities. These bills do so only in part. I thank my chairman and would say that there are areas in which we are short, not because we want to be short, but because the resources are not there to meet our commitments.

So, Mr. Speaker, I thank the gentleman from Florida for yielding me this brief time, at a time when debate is not fulsome and I had time to ruminate to some degree on what I consider the very serious fiscal challenge that confronts our country. We cannot pretend that we can have tax cuts and war and investment in education and transportation and energy and other needs of our country and simply pass the debt along to our children and our grandchildren. Mr. Speaker, that is not right.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Maryland I believe articulated a hope and a dream that both of these parties want to stand for, and that is that we can continue to work together. He expressed great confidence not only in the gentleman from Florida (Mr. YOUNG) and Jim Dyer, who is the staff director of the Committee on Appropriations; he appropriately talked about the service to this body of the gentleman from Texas (Mr. STENHOLM), a Congressman from Texas 17. But he also talked about our hope and dream for the ability that we have to control ourselves, to bring forth spending that is worthy of the American public will.

The only thing that I would add is that we also need to have an economy that works, that is competitive with the world. We know we passed this last year, a medicare prescription drug bill that, for the first time, will allow senior citizens not to have to make a choice between food, clothing, housing, and getting the prescription drugs that were ordered by their doctor. These too are accomplishments that we have done, and it does come at a cost and a price, but it is the right thing to do.

I continue to believe in the American dream. I think that is what we are all about here today on a Saturday, working hard. And yes, the gentleman referred to us working until 2, 3, and 4 in the morning. I think that is good too. I think this body is faithful to the American public, and I believe in what we are doing.

□ 0930

Mr. HASTINGS of Florida. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 12½ minutes remaining.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida (Mr. HASTINGS) for yielding me time. He is a very able member of the Committee on Rules.

I think I follow in the tradition that those of us who are outside of the body politic of the appropriators do every year, and that is that we rise to thank the gentleman from Wisconsin (Mr. OBEY), the ranking member, and the chairman, the gentleman from Florida (Mr. YOUNG), and particularly the chairman as he finishes his tenure. I want to thank him very much for the collegial and sensitive work he does. I particularly thank him for coming to my district to support our Fishers House. We thank him so very much for the work that is being done for our veterans and for their families that are at our veterans hospitals all over the country.

But for our colleagues and the American people that wonder why we rise today, because what we do today is probably one of the more important responsibilities of this body, and it is to get out of Washington and send the dollars, your tax dollars, back to your communities, to be able to keep your hospitals open, your schools open, to be able to help our senior citizens and to create peace around the world.

The reason why I rise is because we have not completed our job, coming from Texas where there is no energy policy discernable so that we can say to the American people that you will not continue to see your fuel prices increase, and, of course, the devastation, that has occurred because jet fuel prices are high.

We have not been able to infuse into the economy reasonable policy so that those individuals who work every day can have a reasonable quality of life.

And then, of course, my concern, as the distinguished gentleman from Texas (Mr. SESSIONS) talked about the Medicare bill, one of the most expensive and unworkable bills that we have ever seen. More money goes to the pharmaceuticals than money in your pocket. No guaranteed prescription drug benefit for our seniors. That is why I rise today.

And if we want to talk about peace, it is unfortunate that even today in Iraq, where I visited just a few weeks ago with our soldiers, we have soldiers in Iraq without the appropriate equipment, and we have already spent $200 billion plus there and we have no plan.

My last point, Mr. Speaker, is on the floor yesterday we did something good with respect to Sudan. The Lugar bill was passed. But yet this administration and the will of this Congress has not seen its way to fund the African Union peacekeeping troops and to force Sudan to allow those troops in. And as we speak today, mothers and children are being raped and killed and villages are being raided and it is being done by the Sudanese police officers.

So you see there is much we could be doing but yet we are forcing an omnibus bill on the floor and yet many of us have never seen it. We welcome those dollars to go home to those street repairs, to help those nonprofits, to help ex-offenders return back into the community, to build affordable housing, to work with our Boy Scouts and other non-profit organizations. So this is why we are here. This is a martial rule that forces us to move forward on the people's business without the attention to detail to wonder whether there are enough dollars in there for Pell grants for our college students to go to school, and to be able to know whether our troops that are on the front lines in Afghanistan and Iraq have the appropriate equipment.

In a few weeks we will be looking in Iraq for elections. Dollars will be needed to be expended there. Safety will be needed. We will need the appropriate number of troops. We do not even know whether or not that the dollars that we have will suffice for the troop deployment and enforcement as well as the equipment, as well as the many casualties that are coming into our hospitals here in the United States and Germany, and of course whether we have the dollars to provide for those families whose troops have lost their lives.

Mr. Speaker, let me say that we will proceed today. I do not know as we proceed that we will have the opportunity to say to the American people that we have done our very best. I would hope that we could do better in the 109th, but, more importantly, I wish we could do better for the American people today.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, in previous election years we have heard about an October surprise. We did not have an October surprise this year. We are getting a November surprise.

Now, it is not a surprise to those of us who serve in this body. It is an unpleasant surprise to the American people, particularly those people who think that as a collective society we have some responsibilities to each other, because this is an appropriations bill that fails to fund adequately those programs that are essential to improving the quality of our lives to the extent that they must be done together.

People on the other side are fond of saying it is the people's money, not the government's money. Of course it is the people's money. But civilized and sensible people understand that we have two sets of needs for our money. Some of our needs, our desires are best met by money that we have individually and as families. But in our society particularly there are essential needs for our well-being that can only be met if we pool our money.

Now, on the one level people understand that they know that homeland security cannot be advanced by a tax cut. But neither can environmental cleanup, neither can transportation, neither can our ability to extend some compassion to people in need. The majority understand that. They understand that the American people understand that. So that is why, and let us be very clear, the sole reason we are here today a couple of weeks after an election funding the government for the rest of the year is the majority's craven unwillingness to stand up before the election for what they truly believe in. They have successfully hidden from the American people the true consequences of their philosophy. And that is the November surprise.

People who believe that America ought to be vigorously cleaning up environmental messes left from earlier periods, people who think we ought to be expanding the amount of affordable housing we have, people who think we ought to be extending health care for Americans rather than seeing it continue to erode, people who think we ought to be meeting our international obligations.

I read just this past week in Congress Daily that there is a shortfall in the money we send to feed starving people overseas. That is not adequately funded. Some of the President's own priorities are not funded internationally. It is true, I gather, they did manage to give in to the administration and there is money to go to Mars, and maybe ultimately the homeless can live there. But God help them, they better be able to because they certainly are not going to be able to find housing here.

Again, let us be clear here. There is no reason whatsoever why in this lame duck session after the election we are funding all of the important domestic elements of government and some of the international ones, except the majority's understanding that the consequences of their anti-government attitude simply would not have worked well before the election. The sole purpose of this timing is to deceive the American people. Fortunately, that deception cannot continue because we are going to have elections in the future. And we are going to test this philosophy, and here is the philosophy.

It is an administration that believes that all we have to do to reach the good life is essentially to remove all restraints on capital. Do not tax it. Put the taxes on people's consumption or on the money they earn for working. Do not hobble them with environmental regulations. For goodness sake, do not allow labor unions to speak up for their people. Do not make them pay overtime very much.

Four years from now the minimum wage will be meaningless because it will not move for 4 years under their administration and inflation will accomplish what the ideologues cannot accomplish openly. It will be eroded.

But let us go back to the budget. Now, the members of the Committee on Appropriations have always gotten praise here, including the majority members. What is the general phrase? They have done the best they can in a bad situation. Given the constraints they face, they have done a good job.

Let us be very clear, those constraints, those limitations: that is, inadequacy of funding for our public purposes, which is how as a society we in part express our aspirations for decency, for quality of life, for compassion, those constraints were not natural constraints. They did not come from the heavens. They are not natural phenomena. They are the result of the conscious policy choices of the administration and the majority. A decision to go to two wars, one of which was necessary in my judgment, one of which was not, and then to do five tax cuts, has left us, and the majority acknowledges that implicitly today by bringing up two weeks after an election measures that by any sense of democratic procedure should have been voted on before the people got to cast their ballots.

So the majority implicitly acknowledges that its extremely conservative assault on government, its refusal to acknowledge that there are important moral purposes that we can only accomplish if we pool our resources and work together as a people, they implicitly acknowledge the unacceptable nature of that, and we will continue this debate over the next 2 years.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while we were here considering this rule the Committee on Rules was meeting and reported out the conference report to accompany H.R. 4818, the Consolidated Appropriations Act of 2005, and providing for consideration of H.J. Res. 114, making further continuing appropriations for fiscal year 2005, and for other purposes.

I bring it to the attention of the body that that particular rule, if this same day rule passes and then its undertaking, will allow the members of this body one hour of debate on the rule and one hour of debate on spending upwards of $388 billion, or more as it were.

Now, when we have passed the omnibus, and it will happen sometime today, the law requires that the President of the United States will have 10 days in which to review the omnibus provisions. What is amazing to me is that the House of Representatives Members are constrained by not knowing. My colleague, the gentleman from Texas (Mr. SESSIONS), and I have not seen this legislation. We have not read it. We may have participated in some part of the regular process of some of the particulars, but much of what is in this bill no member of the House of Representatives other than a handful have seen it at all. So the law requires that the President of the United States and his team of people rightly have an opportunity to review the provisions that are passed in this body and the other body, and they get ostensibly what will amount to 20 days, and many of the Members in this body will not get 20 minutes to read what it is that we are passing in spending the American taxpayers' money.

No, I am not proud of the process. There may be substantive things in the bill that will help Americans, but you and no one else can tell me that by avoiding regular order, by avoiding the way legislation ought be presented in this country. You cannot tell me that today you can call your constituents and tell them precisely what is in this bill. I know I cannot. I do not think that is right, and I do not think any Member of this House believes it is right.

Do you have the power? Of course you do. Can you continue down this path? Of course you can. You do so at your peril because ultimately the American people will come to understand that you cannot have deficit and borrowed money, run a war, it used to be called having guns and butter. I think my friends in the majority think we can have guns, butter, ice cream and cookies. It is not going to work.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

It is a great way to start a Saturday morning, the opportunity to get up and debate before the American public the important parts about not only America and our process and the ability that we have by majority vote, but it is also an opportunity for us to look the American public right in the eye and to say that we have done what we said we would do, that this is a lean package. It follows exactly what we said we would do in the budget earlier this spring.

The gentleman from Florida (Mr. YOUNG) has brought forth a package as a result of what we heard was bipartisan work, informing people what was in the bill, the opportunity to make sure that not only as the gentleman from Maryland said to keep him updated but others in his party to make sure that they were aware of what was happening on an omnibus spending package that is important to this great Nation and an obligation of this Congress.

□ 0945

Yes, I am proud that we have the ability to say today we will bring this to the floor of the House of Representatives. The Committee on Rules has acted, and subsequent to us leaving today, we will have a measured and wonderful debate. I am proud of what we have done. I urge my colleagues to join me in supporting this rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 46 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1034

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. OSE) at 10 o'clock and 34 minutes a.m.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the de novo vote on agreeing to the resolution, House Resolution 846.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on House Resolution 846 will be followed by a 5-minute vote on House Resolution 853.

The vote was taken by electronic device, and there were—yeas 234, nays 159, not voting 39, as follows:

[Roll No. 538]

YEAS—234

Aderholt
Akin
Alexander
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Matheson
McCollum
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NAYS—159

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (NY)
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal Allard
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—39

Ackerman
Bachus
Blumenauer
Brady (PA)
Burr
Cannon
Case
Collins
Culberson
Davis, Tom
Delahunt
Deutsch
Dunn
Fattah
Feeney
Gephardt
Gillmor
Gordon
Hobson
John
Kind
Kleczka
Lipinski
McCarthy (NY)
McDermott
Meehan
Millender-McDonald
Musgrave
Norwood
Owens
Quinn
Rothman
Stark
Toomey
Towns
Upton
Waters
Weller
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1101

Mr. HOLDEN, Ms. SOLIS, Mrs. LOWEY, Mr. SCHIFF and Mr. SHERMAN changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE BOY SCOUTS OF AMERICA FOR PUBLIC SERVICES PERFORMED ACROSS THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 853.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 853, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 3, not voting 38, as follows:

[Roll No. 539]

YEAS—391

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Dingell
Frank (MA)
Woolsey

NOT VOTING—38

Ackerman
Bachus
Blumenauer
Brady (PA)
Burr
Cannon
Case
Collins
Davis, Tom
Delahunt
Deutsch
Dunn
Fattah
Feeney
Gephardt
Gillmor
Gordon
Hobson
John
Johnson, Sam
Kind
Kleczka
Lipinski
McCarthy (NY)
McDermott
Meehan
Millender-McDonald
Musgrave
Norwood
Owens
Quinn
Rothman
Stark
Toomey
Towns
Upton
Waters
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1111

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 114, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2005

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 108–794) on the resolution (H. Res. 866) waiving points of order against the conference report to accompany the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, and providing for consideration of the joint resolution (H.J. Res. 114) making further continuing appropriations for the fiscal year 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005 AND PROVIDING FOR CONSIDERATION OF H.J. RES. 114, MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2005, AND FOR OTHER PURPOSES

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 866 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 866

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 114) making further continuing appropriations for the fiscal year 2005, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

☐ 1115

Mr. Speaker, it is a beautiful Saturday morning all across America and people are waking up and taking their morning coffee, reading the paper, getting the kids off to soccer practice, and slipping into the woods to do a little hunting.

As I say, on this glorious Saturday morning, people are going about their lives and doing the things that they do, enjoying time with their family and their business, and they are undoubtedly thinking to themselves, as they find out that Congress is in session on a Saturday, that it is about time those guys did some work.

It is an important issue indeed that finds us here doing the people's business this weekend as we wrap up a very productive 108th Congress. The omnibus package that is here before us today, this rule, H. Res. 866, provides for consideration of H.R. 4818, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005.

Mr. Speaker, this rule waives all points of order against the conference report and against its consideration. Section 2 of the resolution provides for consideration of H.J. Res. 114 under a closed rule and provides for one hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. All points of order against consideration of the joint resolution are waived. Finally, the rule provides for one motion to recommit H.J. Res. 114.

Mr. Speaker, this legislation represents a tremendous amount of work on the part of our appropriators, working in conjunction with the authorizing committees on a bipartisan, bicameral basis. It is important to note, Mr. Speaker, that this omnibus represents the work of nine different subcommittees on appropriations. There are nine different bills combined in there, but it is not because of the work of the House that that is the case. The House has passed all but one of those bills, and, unfortunately we find ourselves here at the end of the 108th Congress passing them en blanc as a result of issues not related to the House, as the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), and the ranking member of that committee, the gentleman from Wisconsin (Mr. OBEY), have done a tremendous job of making sure that the House appropriation train runs on time.

This legislation includes funding for the majority of our agencies and departments, along with very important infrastructure appropriations and needs. It is vital that we pass this to ensure the smooth and continued operation of the Federal Government. The final spending package fully complies with the spending targets agreed to by the Congress and the administration, totaling $821.9 billion in fiscal year 2005 discretionary spending.

Mr. Speaker, it is important to note and to reinforce the fact that this fully complies with the spending targets laid out by this Congress and represents a freeze, or zero percent growth, in nondefense discretionary spending. Total discretionary spending in this bill is $388.4 billion. All additional spending is paid for by an across-the-board cut of 0.83 percent in all nondefense and nonhomeland security spending, a $300 million recession in nonwar, nonemergency defense funds, and $283 million from limitations on expenditures from the Crime Victims Fund.

Mr. Speaker, discretionary funding in the fiscal year 2001 budget, the last budget of the last administration, was 15 percent. Fifteen percent. Mr. Speaker, for the past 4 years, we have been able to hold the line on discretionary spending. This year's freeze demonstrates this Congress' commitment to fiscal responsibility during a time when our men and women in uniform are in harm's way.

In our restraint, however, we continue to make provisions for those who rely on America's promises. The bill provides a record level of resources for veterans health, including a total of over $30 billion for the Veterans Health Administration; $19.5 billion for medical services; $4.7 billion for medical administration; $3.7 billion for medical facilities; and $385 million for medical research. In addition, the bill does not contain additional fees or surcharges for America's veterans.

The bill also provides a significant boost in the manpower and resources of the Federal Bureau of Investigation. The bill includes over $5 billion for the FBI, an increase of over $625 million above last year, and $100 million above the President's request. This funding provides enhanced training, information technology, and staff to the tune of over 1,100 new positions for the FBI to improve intelligence and counterterrorism capabilities, while continuing to fight white collar and violent crime.

The package we consider today prioritizes our Nation's needs in a fiscally responsible manner, and I urge my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I thank the gentleman from Florida for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, for months now, Republicans have held hostage some of the foremost priorities of the American people. Key national level needs like education, veterans health care, and highway construction have all been put on the back burner. The hard legislative choices and spending decisions that had to be made were delayed so that Republicans could ensure their success at the polls.

Well, now that the election is over, we have returned to Washington to finally finish our budget for fiscal year 2005, and I am certain that my Republican friends will come down to the floor, pat each other on the back, and proclaim this giant $388.4 billion spending bill a great success that finishes their work for the year.

But, Mr. Speaker, this bill does not even come close to accomplishing what our constituents expect from this Congress. Republicans in this House just returned from the campaign trail where they promised to create more jobs and more economic opportunity. They promised they would do all they could to keep our homeland safe. They promised they would work hard to provide Americans with affordable health care and lower prescription drug prices, and they promised they would balance the budget.

However, their record tells a very different story.

This Congress has failed to act on job creation. There is a 1.6 million private sector job deficit in this country, yet Republicans have failed to pass a long-term highway bill that would create more than a million new jobs, and they have failed to end tax breaks for companies that ship jobs overseas.

This Congress has failed to provide adequate resources for our national security. This Congress has failed to provide resources for our national security. Not only have Republicans failed to give our police and firefighters the resources they need, they have failed to secure our borders and ports and failed to complete action on the critical recommendations of the bipartisan 9/11 Commission.

This Congress has failed to provide quality, affordable health care for Americans. Republicans have failed to hold down the price of prescription drugs, failed to reduce the number of uninsured, and failed to give Americans the right to import lower-priced prescription drugs from abroad.

This Congress has failed to keep America fiscally sound. Republicans repeatedly refuse to enact sensible measures to pay for any new spending or tax cuts enacted. Their policies and mismanagements have sent the budget deficit skyrocketing from $159 billion in fiscal year 2002 to a record $422 billion today, and just this week forced Congress to raise the debt limit by $800 billion, saddling our children with a massive debt that they cannot afford.

Our work is nowhere near done, Mr. Speaker. It is shameful Republicans are rushing to finish our final spending bills and leave town without taking these very serious and very important matters under consideration. Perhaps while Republicans are enjoying their Thanksgiving vacation they will take a moment to give thanks that they do not have to face the electorate for 2 more years. I do not think the American people would approve of this do-nothing Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my distinguished colleague from Florida for yielding me this time.

I stand in strong support of the rule that brings forth this Omnibus Appropriations Act for fiscal year 2005. It is really an historic piece of legislation when one thinks about the fact or realizes that it achieves a freeze, or a zero percent growth, in nondefense discretionary spending. That is an historic accomplishment, an extraordinary accomplishment, while these nine appropriation bills included in this great omnibus package fund the needs and the many great actions that day in and day out the men and women that work for the Federal Government carry out. So I strongly support the rule and the underlying legislation.

I think it is just and appropriate also, Mr. Speaker, that we take just an instant to commend and thank a great American patriot, a Floridian, who has served as chairman of the Committee on Appropriations of this House for the last 6 years, my friend, the gentleman from Florida (Mr. YOUNG).

When I arrived here as a freshman Member 12 years ago, he immediately began to teach me many extraordinary things with that friendship that he shares with all of us here in the House. I am in awe of someone who has reached such great heights in this Congress and yet never ceased to be that friend to his colleagues, to all of his colleagues, and to his constituents. And so the great State of Florida has had a great representative for these years not only in this House but especially in these 6 years in the Committee on Appropriations.

It is with a sense of gratitude as well as admiration that I say to Chairman YOUNG, thank you for what you have done, not only in this piece of legislation, this historic piece of legislation, but in all of your years of service in this House, sir. Thank you.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to express my great regrets about the inclusion of the Weldon-authored provision that undermines the rights of a State to enforce its own laws.

If this bill passes, and I am sure it will, that means that from now on State and local governments failing to comply with the Weldon provision put at risk all of their State Medicaid funding, all their SCHIP funding, all their Head Start money, all their child care development block grant money, and all their social services block grant money. In short, anything that comes to the State or local government from the Labor-HHS bill. How is that for coming down with a pretty heavy hand?

□ 1130

Simply put, it restricts the States' autonomy and right to self-governance and undermines States' ability to enforce their own constitutional protections.

If a State chooses to enforce its own laws and require an HMO to provide abortion counseling or services, it will pay a very heavy price. None of us, I believe, are going to want to explain to the senior citizens that the nutrition programs are over, that Medicare is gone, that the Social Security check will not be there, denying the Federal funds for State and local governments that attempts to ensure that a woman has full access to reproductive health services and information. Information. Once again, the land of the free and the home of the brave is going to control the information going to its citizens.

In fact, the way the proposal is worded, even Federal programs could be stripped of their funds if they were to comply with this law. Moreover, it interferes with State and local governments' responsibility to set the parameters of their Medicaid programs, something that they are very concerned about. And I know that New York, which I represent, is very concerned about the cost of Medicaid.

Right now, if a woman is raped and receives her health care from Medicaid, States can force all HMOs that participate in Medicaid to either pay for her abortion or tell her that she is eligible to get that coverage and where she can get it. If this provision passes, the States will not be able to enforce this requirement and Medicaid HMOs can simply refuse to cover the woman's abortion and not give her any information that she can get coverage elsewhere. I am sure that is what the intent is.

It even interferes with, and possibly overrides, current Federal laws, such as the Emergency Medical Treatment and Active Labor Act, which ensures that women in life-threatening circumstances receive the medical care they need.

Suppose a woman comes into the emergency room of a hospital with an incomplete miscarriage which can threaten her life. Under present law, the hospital must stabilize her. If stabilizing requires completing the abortion, they have to do it no matter what their religious belief. But when Weldon passes, the hospital can say it is discrimination to force them to do this and so the woman can just die.

I call on my colleagues to understand what is happening here. I know when the women in America find out what is happening here, there is going to be great outrage.

Mr. PUTNAM. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I would like to tell Members a little bit about the gentleman from Florida (Mr. BILL YOUNG). BILL has been a friend of mine for over 20 years. When my wife was ill with cancer and she was in Germany and was going through treatment, he assisted me in making sure that I was able to get to her and spend time with her before she passed away, so I have undying gratitude to Bill for his kindness toward me over the years.

The last few days I talked to him about a problem in the Marianas, in Guam, Saipan, American Samoa and elsewhere in the South Pacific about people who are dying from diabetes because they do not have enough dialysis machines over there. The gentleman from Florida told me he would do everything that he could to help get dialysis machines to those people. He tried to get the money into the appropriations bill; but, unfortunately, at the last minute it could not be done. So I approached him today on the floor and I said these people are dying, they are American citizens, and he said I am going to do everything I can to make sure that they get the equipment necessary to preserve and protect their lives. He was even going to go to the Pentagon to help find a way to get the equipment over there.

I would like to say to the gentleman from Florida (Mr. YOUNG) on behalf of my family and on behalf of people of Guam, Saipan, American Samoa and elsewhere who are not in this bill, I believe they will get the help they need because he said he is going to go that extra mile to get it done.

Mr. Speaker, I know that the gentleman from Florida is leaving the chairmanship of the Committee on Appropriations, so I would like to say that I appreciate the work he has done for not only me but for people all around the world.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I know it is late in the process, but I regret that this omnibus appropriations bill is wholly short on funding for the Low-Income Home Energy Assistance program, otherwise known as LIHEAP. I am compelled to speak on this issue because of the very real national crisis facing residents of the Northeast and the Midwest in the weeks and months ahead.

Mr. Speaker, this omnibus bill provides a total funding for LIHEAP of $2.2 billion. That is approximately $800 million of the level needed to ensure that this program has the same purchasing power as when it was created in 1982.

According to the Center For Budget and Policy Priorities, across this country Americans will see a 24 percent increase in the price of home heating.

Heating oil is going up 32 percent, propane 22.3 percent, and natural gas 12.1 percent. Our most vulnerable Americans depend on this program to protect them in the harsh winter months.

Regrettably, the LIHEAP level of funding in this omnibus appropriations bill does not give them that protection. Millions of them will be left out in the cold.

Mr. Speaker, I tried, without success, to amend the conference report in the Rules Committee to increase LIHEAP funding by approximately $800 million. I hope Members of this body, as they return home for the holidays, will remember that they had a chance to address this issue and they were denied that opportunity.

Mr. Speaker, there probably are some good things in this omnibus. Time will tell. This appropriations bill was brought before the Committee on Rules at 9 a.m. this morning. It is a huge bill, as Members see. It probably weighs more than I do, and it will take some time for all of us to sift through the paper. But it frustrates me that those without a powerful lobby or special interest PAC oftentimes are forgotten. This place is about priorities and choices, and this omnibus bill fails to make LIHEAP the priority it needs to be.

Mr. Speaker, the sun is shining on American corporations that choose to take advantage of a special tax loophole by incorporating in the Caribbean Islands. But here at home, in particular my home State of Massachusetts, it is going to be a cold, dark winter for many seniors and low-income families. People in America should never have to choose between paying for their prescription drugs and heating their homes, and people in America should never have to choose between heating their homes and putting food on the table. Yet because of our lack of action, those are the choices that too many Americans will have to make this winter. We could have and we should have done better.

Mr. Speaker, I commend the gentleman from Texas (Mr. FROST) for his many years of service in this Congress. We are all very proud to have served with him. I wish the gentleman well.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly share the gentleman's concern about the situation that people up north find themselves in. It is a situation, to be honest, that is somewhat unfamiliar to me, having been raised in Florida and never having seen snow until I was 30. But I understand the plight. I am proud of the work that the appropriators have done, undoubtedly from the Northeast and around the country, who share the gentleman's concern at funding LIHEAP at $2.2 billion, an increase of $84 million over last year. They are certainly doing everything they can to make sure that the winters in Boston are a little bit less cold and a little bit less dark.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, first I rise to say good-bye to the gentleman from Texas (Mr. FROST). Good-bye for now, and to thank him for all of his contributions to the people of this Nation and to all of us in this body. He has been the ultimate Energizer Bunny. I have never seen such steady, good energy in anybody in my life. I thank the gentleman, and I want him to know he will be missed.

Next, I rise in opposition to the anti-choice, anti-woman provisions in H.R. 4818. This is a misguided measure which is very dangerous for our health care system as a whole. Let me be clear, this provision is nothing more than a payoff to the religious right. The majority party has made it quite clear that winning an election is worth sacrificing the health of American women.

This bill robs women of their right to access comprehensive health care. No matter how Members look at it, this provision goes one step further by making it impossible for women to exercise their reproductive choices and once again subjects them to the wrath of the anti-choice movement.

The current state of our health care system is weakening by the day. Many of our constituents are experiencing increased premiums with others being dropped by their health plans altogether. This provision would effectively strip States of their right to enforce laws that were designed to protect women's health. Instead of putting patient access to care in further jeopardy, we should be figuring out how to improve access to quality health care. Not only is this a direct assault on women's health and the authority of health care providers; it is a slap in the face to State and local governments that have implemented policies that put a woman's health ahead of bad politics.

We cannot fall for this outrageous antic of the anti-choice community. We cannot let them twist another health care issue into a political one. That is why I implore my colleagues on both sides of the aisle to vote against this extremely harmful measure.

Mr. PUTNAM. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. WELDON), a distinguished physician.

Mr. WELDON of Florida. Mr. Speaker, I commend the gentleman for bringing this important rule to the floor. I would also like to join in the chorus of others commending the gentleman from Florida (Mr. YOUNG). He has been an outstanding chairman of the Committee on Appropriations. I guess this is the gentleman's last bill as full committee chairman. I thank the gentleman for being a friend and a mentor to me, and I am certainly glad we are going to continue to have the gentleman on the committee.

Several Members have risen to criticize the included Weldon language in this bill, and I want to clarify that this is the Weldon-Hyde language. This is a continuation of the Hyde policy of conscience protection.

The reason I sought to include this provision in the bill is my experience as a physician, and I still see patients, is that the majority of nurses, technicians and doctors who claim to be pro-choice who claim to support Roe v. Wade always say to me that they would never want to participate in an abortion, perform an abortion, or be affiliated with doing an abortion. This provision is meant to protect health care entities from discrimination because they choose not to provide abortion services.

The measure was adopted during the full committee consideration, and those who opposed it had an opportunity to call for a vote in committee and on the floor, and they did not. This provision is intended to protect the decisions of physicians, nurses, clinics, hospitals, medical centers, and even health insurance providers from being forced by the government to provide, refer, or pay for abortions. This is a reasonable Federal policy, one that was overwhelmingly approved by this very body by a vote of 229 189. The policy simply states that health care entities should not be forced to provide elective abortions, a practice to which a majority of health care providers object, and I can tell Members from personal experience, and which they will not perform as a matter of conscience.

Forty-five States and the Federal Government protect the right of health care providers to decline participation in abortions, and abortion advocates are working to abolish these legal protections in the courts and through the regulatory process. Abortion advocates have launched a campaign to force hospitals and health care entities to provide, refer, and pay for abortions. Abortion advocates argue that the term "health care entity" only covers individuals and not institutions. Abortion advocates argue that because an entity receives Federal funds they are required to provide abortions.

By twisting the law, they have successfully used the court and State and local governments to violate the objections to abortions of health care entities and providers. Let me give some examples of what I am talking about. In July 2002, an Alaskan court forced a community hospital to provide elective late-term abortions contrary to its policy and the sentiment of the community.

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In New Jersey, abortion advocacy groups urged the State of New Jersey to require a Catholic health system to build an abortion clinic on its premises to serve what they stated was a right of access to abortion.

This year the State of New Mexico refused to approve a hospital lease because the community-owned hospital declined to perform elective abortions.

This provision makes two simple changes in the existing law to prevent discrimination. It explicitly clarifies existing law to state that a health care entity includes a hospital, a health professional, a provider-sponsored organization, a health maintenance organization, a health insurance plan or any other kind of health care facility. It goes on further to state that existing law protects health care entities from discrimination based on three kinds of participation in abortion: performing, training and referring. This amendment strengthens existing law, and it is appropriate language for us to have in the bill.

This provision only applies to health care entities that refuse to provide abortion services. Furthermore, the provision only affects instances when a government requires that a health care entity provide abortion services. Therefore, contrary to what has been said, this provision will not affect access to abortion, the provision of abortion-related information or services by willing providers or the ability of States to fulfill Federal Medicaid legislation.

The right of conscience is fundamental to our American freedoms. We should guarantee this freedom by protecting all health care providers from being forced to perform, refer or pay for elective abortions. This is a good provision. I encourage all of my colleagues to vote "yes" on the rule and "yes" on the underlying bill.

Mr. FROST. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I rise in opposition to the Weldon amendment language that will reduce health care for women.

Mr. Speaker, once again the Republican majority is trying to pass major legislation detrimental to women written in the still of the night. They know they can't get this legislation passed in the light of day when the American public is watching and listening, so they stealthily add it to a huge omnibus bill at midnight. And now we're debating this on a Saturday morning as most of America is just getting up on a weekend before Thanksgiving. We're about to vote on this major bill without a proper national debate.

Mr. Speaker, this is no simple piece of legislation that merely extends current law as its author claims. This is sweeping new legislation that would allow any individual physician, health care professional, hospital, HMO, health insurance plan or any other kind of health care facility, organization, or plan from providing, paying for, or even referring a patient for abortion services. There isn't even an exception for the health and safety of women, even in cases of life threatening emergencies, rape or incest.

Worse yet is the draconian enforcement provision. If a state chooses to enforce its own law protecting women's health, that state will lose all of its federal funds for health and human services—funds for Medicaid, SCHIP, Head Start, child care services, and the list goes on.

Whatever happened to a Republican party and its support for states' rights and, more importantly, their compassion for all Americans?

This provision is outrageous—both procedurally and substantively and by itself provides sufficient reason to vote no on the entire bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I am deeply grateful to the gentleman for yielding me this time, for his tireless service to our country, for his friendship, and I wish him and his wife Kathy all the best in the future.

Mr. Speaker, I rise in opposition to the Weldon-Hyde provisions. On this Saturday morning, millions of American women are going about their business, hopefully enjoying leisure time with their families and friends, preparing for Thanksgiving, completely unaware that their Congress, their leaders are stripping them of access to a constitutional right to reproductive health care. Physicians and hospitals, let us be clear, already have the right under the conscience clause to refuse to perform abortions. The Weldon-Hyde provision would allow HMOs or other health insurance companies—HMOs and health insurance companies—to decide for any reason whatsoever it will no longer pay for, provide information or make referrals for abortion services, even if the woman's life is in danger and she is a victim of rape or incest or even if the physician as a matter of his conscience wants to perform this medical service.

Under this bill, it would be impossible for a State to ensure that poor women who are victims of rape or incest can access Medicaid-covered abortions in these narrow circumstances. This bill allows any health care entity to ignore all Federal, State and local laws pertaining to abortion services, information and referrals. While, again, there are no Federal laws that require any individual or hospital to provide abortions, there are Federal laws that women should be informed of their legal options, and this bill could overturn those options.

This bill is a gag clause denying women even necessary information to make informed decisions. Will Rogers used to say, "No man's house is safe. The legislature is in session." Women of child-bearing age, your body is not safe as long as this Republican-dominated Congress is in session.

Mr. PUTNAM. Mr. Speaker, I am delighted to yield 4 minutes to the gentleman from Ohio (Mr. REGULA), the distinguished chairman of the subcommittee who has played a key role in putting this bill together.

Mr. REGULA. Mr. Speaker, I rise in support of H.R. 4818. We have put a lot of thoughtful deliberation into these bills, and we are pleased to get this job done. By taking into consideration the priorities of the President and the Members of this House, we have produced a bill that meets the needs of all Americans, 280 million. Let me share with you the funding we have provided in a few of the programs in the Labor, Health and Human Services and Education appropriations bill. I might say there are 500 programs in that bill, but I think there are some worth highlighting.

First is education. It is essential to the preservation of democracy, and an investment in education is an investment in people. Mr. Speaker, Federal education spending has more than doubled since fiscal year 1996, from $23 billion to nearly $57 billion today. The bill supports teachers and students by increasing funding for title I by $500 million. Title I provides additional resources to low-income schools to help principals, teachers and students close education achievement gaps.

Yesterday, we voted to reauthorize IDEA. Many of my colleagues speak with me about the financial demands of special education and the needs of the children in their local school districts. We hear from parents about the need to support adequate special education funding to ensure their special needs children receive a quality education. In this bill, funding for special education totals over $11 billion, a $607 million increase over fiscal year 2004, a 380 percent increase since 1996.

Secondly, health care is a critical part of our Nation's economic development. To assist in protecting the health of all Americans and provide essential human services, the bill provides the Department of Health and Human Services over $64 billion for fiscal year 2005. Mr. Speaker, similar to the Department of Education, we have more than doubled funding for health and human services since fiscal year 1996.

Funding for NIH, that is the place where they do the research on health needs, is increased by $800 million, bringing its total budget to $28.6 billion. As a result of our commitment to the National Institutes of Health, our citizens are living longer and better lives.

Health centers operating at the community level provide regular access to high-quality, family-oriented comprehensive primary and preventive health care, regardless of ability to pay, and improve the health status of underserved populations living in inner city and rural areas. By the end of fiscal year 2004, it is estimated that these facilities around the country will have served more than 13 million patients. Funding is increased in this bill.

Children's hospitals are the training grounds for pediatricians and pediatric specialists. Again, $303 million to educate these people to serve the children of this Nation.

Mr. Speaker, our society is judged not only by the care we provide to our young but also how we treat the elderly. This bill provides over $1.4 billion to the Administration on Aging to enhance health care, nutrition and social supports to seniors and their family caregivers.

The bill also includes $21 million for a Homeless Veterans Reintegration Program to operate employment programs that reach out to our homeless veterans.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first let me say I rise in strong opposition to this outrageous Weldon provision that is neatly tucked away in this very expansive spending bill.

But, first, I just want to thank the gentleman from Texas for his leadership, for his service and for his friendship. I want to wish him well as he enters this new chapter of his life. Thank you again so much for your leadership.

Mr. Speaker, this refusal clause will allow health insurance companies, hospitals and other corporations to impose policies barring any physician or other health care provider from performing abortions or even from offering referrals. Once again, here is another effort to turn the clock back on women's rights. It will gut the longstanding title X regulatory requirement that pregnant women who request information about all of their medical options, including abortion, be given that information and be given a referral upon request.

Mr. Speaker, this refusal clause is dangerous, it is ill-conceived, and it will deny untold numbers of women their constitutional right to choose. This is a dangerous time for women around this country. The neo-con agenda is on the march. Women's lives are at stake. Is this the beginning of the end of constitutionally protected health care for women? It is really a dark day for women throughout the land, and we must fight back.

Mr. PUTNAM. Mr. Speaker, it is an honor to yield 1 minute to the distinguished gentleman from San Diego, California (Mr. CUNNINGHAM), a decorated war hero and outspoken supporter of all men and women in uniform.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman, but I want to talk about the education section in the bill.

I had doubts when John Porter left this committee if we had someone that could do as good a caring job, and that job turned out to be the gentleman from Ohio (Mr. REGULA) and his chairmanship of this committee. I was talking to the Deputy Director of Intelligence yesterday and had just got here as the gavel went down on the special education vote. I would have voted for that.

But I also want to thank the committee. If you take a look at the special education needs in this country, they are growing all the time. The increases in this bill for special education itself are at their highest level, $57 billion, $11.5 billion above last year.

I would also like to thank the gentleman from Wisconsin (Mr. OBEY) in that particular committee. The gentleman from Wisconsin is an arm-wrestling opponent, but he does a good job, and I want to thank him for the education portion of this bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first of all acknowledge the distinguished gentleman from Texas (Mr. FROST) and thank him for his work and his service to this body, which will always be remembered.

Mr. Speaker, I want to take an opportunity very briefly again, I think I have done it before, to thank the appropriators and to thank in particular the chairman and the ranking member of the full committee and their respective chairs and ranking members on what I believe is the general intent to try to work to ensure that America's people receive the benefit of their investment in this Nation. It is not an easy task. Unfortunately, what happens is that the philosophies outside of the appropriators comes into the play of trying to be fair.

Let me make it also very clear that, unlike some of the editorials and commentary as we debate this morning, there are many in our rural and urban centers that are looking for these Federal dollars as their only lifeline of survival. I do not like the denigration of this process because I know that there are constituents where I live that cannot survive if they do not have the opportunities of these dollars for HIV fights, for educational fights, for housing fights.

□ 1200

So the problem with what we see here today is, in addition to the fact that this bill was not given to members to be able to protect the interests of Americans, we have the problem of amendments that are cutting away at the choice of hospitals to do good health care as it relates to individuals who need abortions and who are looking for the health services to be adequate and complete.

In this bill, I saw funding for a vaccine fund, but I do not know if we answered the question why we had a poisoned vaccine or a vaccine that we could not use for millions of Americans who needed the flu shot.

In this bill, we know that we have not met the needs of homeless Americans. As thousands march in Washington, DC, for the homeless, we do not have those dollars that we need.

I am grateful for the dollars that are helping me fight HIV/AIDS in my community and educational opportunities. But the question is, do we have the moneys to do comprehensive immigration reform? We have H–1Bs, but do we have dollars to protect American jobs? Do we have dollars for a comprehensive immigration reform? Do we have dollars to assist the African Union with peacekeeping troops in Africa so that the Sudanese, those in Darfur and around the area, are not being brutalized every single day? Do we have the policies that would provide for the health care for veterans and provide the dollars that I need and many of us need in our districts in our veterans' hospitals? Do we have the dollars for the returning veterans from Iraq and Afghanistan, to provide them with better quality of life and do we have the dollars for their families?

I would only say, as I conclude, Mr. Speaker, that this bill needed more attention, more time, and more cohesion. I would ask my colleagues to reconsider the time that was given for adequate study of the omnibus. Because of the Weldon amendment and other legislative poison pills, I vote "no" on the rule.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I appreciate all of my good friends and female colleagues for speaking out on the Weldon-Hyde provision that is in this bill. But I think it is important also to show that this issue is not just related. It is not just a woman's issue. It is about our mothers, wives, daughters, sisters, and it is a bad provision. It is a discriminatory provision, and it undermines the U.S. Constitution that guarantees reproductive rights for all women. And that is the purpose of it. We are supposed to be the people's body, and yet this undermines what the vast majority of the American people believe in.

Seventy-six percent of the public opposes exempting hospitals from providing medical services to which they object on religious grounds, and yet this is the purpose of this provision which we are about to make law. Eighty-nine percent of the public opposes allowing insurance companies to refuse to pay for medical services on religious grounds. This Federal refusal clause is a sweeping new exemption from current laws and regulations pertaining to abortion services and information.

It undermines Roe V. Wade. It is very important. Not just foot in the door. It is getting the whole body of very radical opinion in the door, undermining what the vast majority of the American people believe in. It would change existing law to say that a Federal, State, or local government may not require any constitutional or individual health care provider to provide, pay for, or refer for abortions. It is so ambiguous that virtually any kind of action taken by a Federal, State, or local government could be banned. It is wrong. It should not be in this omnibus appropriations bill, and the public needs to know that there are many people who object to it very strongly.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I am delighted to see that the work of the appropriators has been so well received as it relates to transportation needs and defense needs and continuing our support for international issues and the fight against AIDS and malaria and tuberculosis, the investments that they have made in basic medical research. I am glad to see that their work is so highly regarded that the focus of the opposition is limited to a single issue.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I would like to begin by thanking the distinguished gentleman from Texas and his entire staff for their tireless and diligent efforts on behalf of this body and this Nation. They have done an outstanding job.

Mr. Speaker, here is the bill. I hesitate to lift it. I think it is an OSHA violation. This is it. It became available to us at 12:15 last night. It is less than 12 hours later, and we are going to be voting on this in a very short time. Something is wrong with our democracy.

In 1993, the Republican House minority made these statements: A bill that cannot survive a 3-day scrutiny of its provisions is a bill that should not be enacted. Proper consideration must be given to important legislation even in the closing days of a session. The world's most powerful legislature cannot in good conscience deprive its memberships of a brief study of a committee report prior to final action.

You have done that. You said it must not be done, and you do it repeatedly.

I have about 30 seconds left. Let me yield that time to any Member on this floor who can in good conscience honestly answer two questions: Have they read this document well enough to have confidence they know what is in it, and can they tell the American people why we must act today instead of waiting 3 days?

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

The gentleman has presented two rhetorical questions, and I will respond to one. It is a pleasure to be here with the distinguished gentleman from Washington, a man who represents a very technologically savvy constituency and a very environmentally concerned constituency. And that tremendous pile of paper was available on the Web last night at 12:15 that would have taken advantage of the skills that are out there as well as saving a few trees.

This is an important work. And I might also ask how long it took for the gentleman to read cover to cover all of the nine bills that had already passed this House in due time?

Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, one of the major issues that are of importance to the majority of my constituents is how well we treat the veterans. And it is very important to point out that in this bill there is $19.5 billion for medical services, $4.7 billion for medical administration, $3.7 billion for medical facilities, and $385 million for medical research. What does this mean? What it means is that we are taking good care of our veterans.

It is important, too, to remember that there are no increased fees as was originally proposed. What this means is something that is very important to veterans in not just my district but every single district.

There are other programs in here which are very well funded, such as the National Institutes of Health. They received a bump-up, and certainly we all know that they are working on very many diseases.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I first rise to thank the gentleman from Texas (Mr. FROST) for his many years of service to this body. He worked selflessly for the people of Texas. He led the Democrats as the head of the Democratic Congressional Campaign Committee and as the ranking member on the Committee on Rules with great distinction. He was outstanding, a mentor to many of us, and we will miss him deeply. But wherever the gentleman from Texas (Mr. FROST) and Kathy go, I know they will continue to work for the people of Texas and for the United States of America.

I also thank the appropriators, especially the gentleman from Wisconsin (Mr. OBEY), ranking member, and the chairman. And I would like to really thank the gentleman from Florida (Mr. YOUNG), who I understand this is the end of his term, for his steadfast help to New York after 9/11. He has been there through our darkest hours. I even remember on 9/12 calling him and saying that the police and fire needed phones, and he shipped them down to New York that day. He has done a great deal of support for New York in a bipartisan way, and my constituents and city are deeply grateful to him and the gentleman from Wisconsin (Mr. OBEY). We thank them and we will miss him.

Mr. Speaker, I also rise in very strong opposition to the anti-woman, the refusal law, the Weldon gag rule which will undermine and roll back a woman's constitutional right to choose. I would like my colleagues to put this in perspective. This is the 209th action striking at and chipping away at a woman's constitutional right to choose since the Republicans took control of this body; and I find it outrageous the way that they are disregarding the State, local, and Federal law.

I will end by saying that women will suffer, our health care system will suffer, and the Constitution will suffer. I urge my colleagues to vote against expanding this provision to hospitals and clinics.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), who also serves on the Committee on Appropriations and has worked very hard toward this final product.

Mr. WAMP. Mr. Speaker, I thank the gentleman for yielding me this time. It is good to see the gentleman from Florida (Mr. PUTNAM) on the Committee on Rules, managing the bill.

I also recognize the distinguished gentleman from Florida (Mr. YOUNG) for 6 awesome, fair, reasonable, very effective years as the chairman of the Committee on Appropriations. I cannot think of a better gentleman in the House than the gentleman from Florida (Mr. YOUNG), and he has goodwill from every corner from this place and all across the country for so many of the right reasons, and I am grateful for his leadership. I am also grateful that he is going to continue working on the Committee on Appropriations in the days ahead.

We are here today before Thanksgiving finishing all of the years' appropriations work because the staff on the majority and minority side did a lot of work while we were gone being reelected, and I am grateful. My 8 years on the Committee on Appropriations have seen these things slide beyond Thanksgiving, even into the next Congress, which this year we should be proud we are not allowing to happen.

And it is complicated. We have honored the President's request to hold the line on spending. It was a big issue, and we have spent too much in previous years. This year we actually can take pride knowing we are meeting the responsibilities and not spending too much and holding the line on excess riders.

I know there are some differences today over individual aspects of this bill, but, overall, it is a fairly clean product, considering the history of this body. Both sides, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG), and the professional staff can take a lot of pride in knowing that we have got a good work product here and we are meeting the responsibilities of the government.

We are doing it in a timely manner, compared to other years. While we are 6 weeks into it, the fact is this is early compared to previous years. I am very proud of that work.

I am grateful, most importantly, to the staff. There is a changeover when term limits set in, and some staff may leave. I am not going to mention names but just say this staff on the Committee on Appropriations, minority and majority side, deserve a lot of credit. It is a 24/7 job, and they do an outstanding job for the country, and I am grateful.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, let me begin by thanking the gentleman for yielding me this time and for his great service to this body, to the people of the United States. And let me express my regret that he will not be yielding time in the future.

Mr. Speaker, this bill comes before us is an omnibus bill because we did not take all the bills, vote on them on the floor, and the Senate did not do it either. This bill has some real inadequacies in its appropriation. In what promises to be a very cold winter, an inadequate LIHEAP appropriation; a $10 million cut in housing for people with AIDS, as if that scourge is going away from us; and a lot of other inadequacies in funding.

What I want to focus on is a major policy change that has been referred to by several other speakers, the so-called Weldon gag rule. This Federal refusal clause would allow not just hospitals but insurance companies, HMOs, to order their doctors not to perform abortions, not to refer people to abortions, not to tell people about abortion as an option. So whose conscience are we protecting? The board of directors of the insurance company? The doctors? The patients?

This is an outrage, because it will mean that women who want to have abortions, that women who might want to have abortions, that doctors who think they ought to tell women about their options are told to shut up. By Federal law they cannot do this, because we care about limiting access to a constitutional right, because that is the real purpose of this.

□ 1215

The proposal would preclude State and local governments with oversight authority from enforcing basic health care certifications and licensing requirements in the area of abortion; and in deciding whether to approve a hospital merger, for instance, they could not say no if this would decrease the availability of abortion services or even referral services in an area. Under the bill, States would be precluded from requiring that health care companies provide even referrals for abortion services as a condition for participating in the Medicaid program.

Now, this invasion of States rights, this invasion of the conscience of the women, this invasion of the conscience of the doctors is very deliberate. It is because the people who wrote this clause do not want people to have the freedom to decide for themselves, do not want them to be able to avail themselves of their constitutional rights.

This is not a conscience protection clause. This is a gag rule, and it ought to be defeated.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, first, on the choice issue, I want to commend those other speakers who have stood here and pointed out how this bill will lead to the death of women who are suffering from partial miscarriages and will lead to the partial death of our federalist system as we deny States the right to protect women in their own hospitals.

Three process issues. Frist, we never debated VA-HUD on this floor. Offering amendments to appropriations bills is about the most significant thing rank-and-file Members get to do on this floor, and it illustrates the total irrelevancy of the rank-and-file of both sides when we take that important function away and nobody seems to care. It is all about leadership. And as to VA-HUD, we were not even given the right to pass amendments that could be stripped out in conference.

Second, as the gentleman from Washington (Mr. BAIRD) pointed out, we were not given a chance to read this bill. Why are we not given 3 days to read it and then we can vote on it? Why? Because we want all of Thanksgiving week off; not just 2 days, the whole week. Hey, we are going to get 2 months off because we do not want to do our work. We do not want to read that boring bill. We are going to go home without reading it, but we want to rubber stamp it first.

Finally, and both parties deserve criticism over decades on this one, fiscal management. There is no corporation or major institution in this country that does not decide on its annual budget a month or two before the fiscal year begins. Do my colleagues think General Motors waits until February to figure out its budget? We should have done this bill in August.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I would just point out that this bill is within budget and that the House has done its work in hearing and passing the individual spending bills, and whatever inadequacies there may be in this process would not be a result of this half of the legislative branch.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

A lot of mischief can come from a bill that is a $388.4 billion bill, 14.75 inches thick, I measured it, which was filed sometime after midnight. I will guarantee my colleagues not one Member, including the gentleman from Florida, read this bill, even on the Internet.

One of the worst pieces of mischief that is included in this bill that we know of so far, there is probably a lot more, is the so-called Weldon gag rule. This rule, far from constituting a simple conscience clause as proponents claim, will amount to a broad noncompliance permit for companies that want to refuse to abide by the law. The bill could restrict States' autonomy and their right to self-governance, undermine States' abilities to enforce their own constitutional protections, block States' abilities to set the parameters of their own Medicaid programs, override Federal title X guidelines that ensure women receive full medical information, interfere with State and local governments' responsibility to oversee hospital mergers, set health care licensing and certification standards, interfere with, and even possibly override, current Federal laws like the Emergency Medical Treatment and Active Labor Act, which ensure that women in life-threatening circumstances receive the medical care they need and, just as importantly, deny low-income women key information about and referrals to abortion services.

This is wrong. It is the wrong way to do it. It is the wrong way to debate it; and as far as I know, given this massive spending bill that no one has read, as far as I am concerned, it is just the tip of the iceberg. Vote "no" on the rule, vote "no" on the bill.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time and for his leadership. He has brought many rules to the floor over the course of many sessions of Congress. Our country, this Congress, and the American people have all been well served, especially the people of Texas who took great pride in his leadership, the dean of the Texas delegation, a diligent and, when it comes to the Committee on Rules, that is part of what one has to be, a diligent and very astute and wise leader for the House Democrats on that committee.

The gentleman's service here will be long remembered. We will all be positively impacted for a long time to come, and I want to thank the gentleman and congratulate him for his service to our country.

Mr. Speaker, I rise in opposition to the Weldon amendment, an extraordinary sneak attack on women's rights and a disgraceful display of ideology over health.

This amendment is a radical change in policy that the House has not passed this session and that the Senate has never considered, debated, or voted on. Republicans slipped it into the appropriations in the dark of night when they thought no one was looking. It is entirely outside the scope of this omnibus spending bill, yet it is part of a must-pass bill at the insistence of House Republican leaders.

This language makes a mockery of Roe v. Wade. Under this provision, a woman will not know where her right to choose will be honored or where it will be denied.

This was first advertised to me as an expansion of the conscience clause which we all respect, as a person who served under the leadership of the gentleman from Wisconsin (Mr. OBEY) on the Labor-HHS committee and with our distinguished chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG). I knew full well the importance of the conscience clause to Catholic doctors or other faith doctors, but particular mention was always made of Catholic doctors. It was said to me that this was merely an expansion of that from the doctors to the hospitals, Catholic hospitals. But, I say to my colleagues, it is so very much more than that. We all respect a conscience clause, but this goes well beyond that.

If a hospital, a health insurance company, or a doctor opposes Roe v. Wade, they could simply ignore it. They could simply ignore it. This is the law of the land; a constitutional right could simply be ignored. The Weldon amendment is essentially a domestic gag rule, restricting access to abortion counseling, referral, and information. Health care companies should not be able to prevent doctors from giving medically necessary information.

This language, again, makes a mockery of existing State and local laws, including many State constitutions. Under the Weldon amendment, any law or regulation currently on the books to protect access to reproductive health services is at risk. The term "discrimination" in this amendment is so vague that it could be used against any Federal, State, or local government effort to provide reproductive health services.

This language makes a mockery of title X. The title X family planning program provides much-needed reproductive health services that reach millions of low-income, uninsured individuals; and it really is sad because we all want to reduce the number of abortions in our country. That is a goal that we all share, and reproductive family planning is one way to do that.

But under this amendment, clinics could participate in title X programs without providing a full range of reproductive health services. Federal dollars should not be used to deny the federally protected right to choose. Let me repeat that. Federal dollars should not be used to deny the federally protected right to choose.

Roe v. Wade is the law of the land, but Republicans are gutting it step by step.

The Weldon amendment will have a major and harmful impact on women's health. This sweeping new exemption from current laws and regulations should not be the law of the land, and it certainly should not be a part of the omnibus appropriations bill.

The Republican assault on women's rights must be stopped. I urge my colleagues to oppose the Weldon amendment.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of the Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, in 1973, Congress passed the Church Amendment to protect the conscience rights of hospitals and health care providers from being forced into involvement with abortion. The amendment provides that the receipt of Federal funds in various health programs will not require hospitals or individuals to participate in abortions if they object based on moral or religious convictions. It also forbade hospitals in these programs to make, willingness or unwillingness to perform abortions a condition of employment.

Since 1973, and I think many Members know this, various conscience protections, many of which deal specifically with abortion, have been enacted into law. Unfortunately, over the years, gaps in the protection of existing law have been exploited by pro-abortion organizations which have now undertaken a nationwide campaign to require all health care providers to participate in abortion. That campaign has met with some success, and there are a number of those which I will put into the RECORD, including trying to compel Catholic hospitals as a condition of a merger and acquisition to provide abortions. In one case in my own State, they compelled a $2 million settlement that had to go into a trust that paid for abortions. That's outrageous. To counteract this extreme campaign—to force health care providers to participate in abortion—Federal conscience law when signed by President Bush, will now be strengthened.

The principle of the Hyde amendment was that no one should be forced to participate in abortions in any way, and that needs to be affirmed. That is what this Weldon-Hyde amendment will do. The addition of conscience protection to the Hyde amendment remedies current gaps in Federal law and promotes the right of conscientious objection by forbidding federally funded government bodies to coerce the consciences of health care providers who respect fundamentally the right to life and basic human rights for the unborn.

THE CAMPAIGN TO FORCE HOSPITALS TO PROVIDE ABORTION

Forty-five States and the Federal Government protect the right of health care providers to decline involvement in abortion. Pro-abortion groups seek to abolish these legal protections:

ABORTION ACCESS PROJECT

Operating in 24 States, the project's goal is "increasing access to abortion services by expanding . . . the number of hospitals offering abortion services." The project admits that its tactics include "pressuring hospitals" and it does so through both political and legal pressure.

The "Hospital Access Collaborative" division reports on the State projects' legal and regulatory interventions challenging mergers. See www.abortionaccess.org/AAP/campaigns/hospital/hospital.htm (accessed 09/07/03).

AMERICAN CIVIL LIBERTIES UNION—REPRODUCTIVE FREEDOM PROJECT: "RELIGIOUS REFUSALS AND REPRODUCTIVE RIGHTS."

The ACLU has published a report and advocacy kit aimed at requiring all hospitals, including Catholic hospitals, to provide abortions. The report argues: "When . . . religiously affiliated organizations move into secular pursuits—such as providing medical care or social services to the public or running a business—they should no longer be insulated from secular laws. In the public world, they should play by public rules." ACLU, "Religious Refusals and Reproductive Rights," January 2002, page 11, www.aclu.org/ReproductiveRights/ReproductiveRights.cfm?ID=10516&c=30 (accessed 09/10/03).

GEORGE GUND FOUNDATION, PRO-CHOICE RESOURCE CENTER AND ACLU REPRODUCTIVE FREEDOM PROJECT NATIONAL MEETING

"Much of the debate focused on strategy, with participants wonder whether it was better to work toward improving and narrowing conscience clauses or to fight to eliminate them altogether . . . Although reproductive rights activists should still work to improve conscientious exemptions, [ACLU executive director Ira Glaser] said, their ultimate goal should be getting rid of them." See "Conscientious Exemptions and Reproductive Rights," Executive Summary, page 10, www.prochoiceresource.org/about/CERR Body.pdf (accessed 09/07/03).

In one session at the national meeting, the group analyzed a same conscience protection which "allowed hospitals, their staffs, or 'any other person' to opt out of providing abortions, sterilizations, and contraception if they objected to such services." The participants decided "the measure couldn't be fixed and should be opposed at all costs." Id. at page 11.

MARYLAND NARAL HOSPITAL PROVIDER PROJECT

"The goal of the Hospital Provider Project is to increase access to abortion services by requiring Maryland hospitals to provide abortion . . ." www.mdnaral.org/initiatives.htm (accessed 04/05/2002).

PLANNED PARENTHOOD FEDERATION OF AMERICA

"While everyone has the right to their [sic] opinions about reproductive health care, including . . . abortion, it is important to remember that the conscience that matters most belongs to the patient . . . Health care providers who object to providing certain services still have an obligation to respect the rights of their patients and to enable them to access the health care they need." www.plannedparenthood.org/articles/exemptions.html (accessed 09/12/03).

PRO-CHOICE RESOURCE CENTER

"Through its Spotlight Campaign, PCRC [Pro-Choice Resource Center] organizes regional meetings to build a network of opposition to 'conscience' or patient abandonment clauses that allow doctors, pharmacists and entire hospital systems to deny women access to services like abortion . . ." See www.prochoiceresource.org/programs/rg_meet.html (accessed 09/05/03).

"Right now, so-called 'conscience' clause laws are in place in 45 or 50 States, allowing doctors, pharmacists, clinics, hospitals, managed care plans and even employers to refuse to provide, or to pay for, abortion . . . The MergerWatch program is taking action to expose and overturn these 'conscience' clauses." See, www.prochoice resource.org/programs/spot.html (accessed 09/05/03).

CURRENT THREATS

Unfortunately, gaps in the protections of existing laws have been exploited by proabortion organizations, which have undertaken a nationwide campaign to require all health care providers to participate in abortion. That campaign has met with some success. Novel legal and administrative strategies have resulted in:

Forcing a private community hospital to open its doors for late-term abortions.

Denying a certificate of need to an outpatient surgical center that declined involvement in abortion, after an abortion rights coalition intervened in the proceedings.

Forcing a private non-sectarian hospital to leave a cost-saving consortium, because the consortium abided by a pro-life policy in its member hospitals.

Dismantling a hospital merger, after abortion advocates approached a State attorney general to challenge the merger.

Pressuring a hospital to place $2 million in trust for abortions and sterilizations before allowing the hospital to consolidate.

Attempting to require a Catholic hospital to build an abortion clinic and pay for abortions.

Threatening a Catholic-operated HMO with loss of State contracts because it declines to provide abortions.

Prohibiting hospitals from ensuring that the property they sell is not used for abortions.

Mr. FROST. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I have no further requests for time; but I would like to take a moment, if I may, to speak on a more personal note.

This will be my last speech before the House and the last rule that I will manage. First, let me say that serving on the Committee on Rules has been the highlight of my congressional career, and although I will not miss attending our midnight and 7 a.m. meetings, I will miss the committee, its members, and the good work we tried to do every week.

It has been my distinct honor to have served in this great body for 26 years. During my time here, I have had the privilege to work alongside some of the most talented and dedicated Members that this body has ever known. I want to thank them, my colleagues, for their constant efforts on behalf of this great Nation, and I want to thank them for their friendship. I also want to thank my constituents for their trust and support. I have always tried to serve my constituents as honestly and diligently as I could, and although my time here has come to an end, I do hope in some way that I may have been able to give a little something back to the people and to the country that has given me so much.

Mr. Speaker, I yield back the balance of my time.

□ 1230

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly tip my hat to the distinguished ranking member of the Committee on Rules. The gentleman has served on that committee for 26 years, and I certainly wish him and his family all the best.

Mr. Speaker, it is a pleasure to bring the debate on this rule over this critically important continuation of the Federal Government to a close. I want to thank our great Floridan, the gentleman from Florida (Mr. YOUNG), for what he and his staff, his great committee, have done in meeting the needs and prioritizing the needs of this Nation.

As a Nation and as a State, we are indebted to the gentleman from Florida (Mr. YOUNG) for the leadership and service he has provided. As a Congress, we are indebted to him for the patience and honor and dignity and demeanor that he has brought to these ever-so-difficult times. No one can understand the burdens that are placed on the chairman, and he has always handled them so well.

As we debate the issues contained within this omnibus and what it means for this Nation going into the Thanksgiving week, it is important that we keep in mind as we celebrate that uniquely American holiday that the safety and comfort that is provided for us by the men and women who are funded by this bill and the infrastructure that takes us to be with family and friends is provided by investments made in this bill. And as we give thanks to the Almighty for our family and our friends and for the blessings, it is important to take the opportunity to give thanks for the blessings of just being an American and the liberty and freedom that that means and the people who provide it for us who are in uniform, who are in law enforcement and who benefit greatly by the priorities in this bill.

AMENDMENT OFFERED BY MR. PUTNAM

Mr. PUTNAM. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PUTNAM:

At the end of the resolution add the following:

SEC. 3. Upon the adoption of this resolution, the House shall be considered to have adopted House Concurrent Resolution 528.

Mr. PUTNAM. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. PUTNAM).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAIRD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2655. An act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

The message also announced that the Senate has passed without amendment a bill and a concurrent resolution and joint resolutions of the House of the following titles:

H.R. 2912. An act to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government.

H. Con. Res. 524. Concurrent resolution directing the Clerk of the House of Representatives to make certain corrections to the enrollment of H.R. 1350.

H.J. Res. 110. Joint resolution recognizing the 60th anniversary of the Battle of the Bulge during World War II.

H.J. Res 111. Joint resolution appointing the day for the convening of the first session of the One Hundred Ninth Congress.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1047) "An Act to amend the Harmonized Tariff Schedule of the United States to Modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.".

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1350) "An Act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.".

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 480. An act to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 519. An act to determine the feasibility of establishing an Indian Tribal Development Corporation.

S. 1438. An act to provide for equitable compensation to the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

S. 1530. An act to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

S. 1996. An act to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program.

S. 2154. An act to establish a National sex offender registration database, and for other purposes.

S. 2605. An act to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, and for other purposes.

S. 2873. An act to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

S. 3014. An act to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 34 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1356

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. OSE) at 1 o'clock and 56 minutes p.m.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 114, CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2005

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 866, as amended, on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAIRD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 866 will be followed by a 5-minute vote on the motion to suspend the rules and pass the bill, H.R. 5382.

The vote was taken by electronic device, and there were—yeas 233, nays 158, not voting 42, as follows:

[Roll No. 540]

YEAS—233

Aderholt
Akin
Alexander
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
Engel
English
Everett
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—158

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Boucher
Boyd
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne

Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Woolsey
Wu

NOT VOTING—42

Ackerman
Bachus
Blumenauer
Boswell
Burr
Cannon
Case
Collins
Conyers
Cunningham
Delahunt
Deutsch
Dunn
Fattah
Feeney
Gephardt
Gillmor
Hill
Hobson
John
Kind
Kleczka
Lipinski
McCarthy (NY)
McDermott
McGovern
Meehan
Millender-McDonald
Moran (VA)
Musgrave
Norwood
Quinn
Rothman
Ruppersberger
Skelton
Toomey
Towns
Turner (TX)
Upton
Waters
Weller
Wexler

☐ 1420

Mr. STRICKLAND changed his vote from "yea" to "nay".

Mr. TIBERI and Mr. HAYES changed their vote from "nay" to "yea".

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MORAN of Virginia. Mr. Speaker, on rollcall No. 540, I was delayed in getting to the floor. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. OSE). Pursuant to House Resolution 866, House Concurrent Resolution 528 is adopted.

The text of H. Con. Res. 528 is as follows:

H. CON. RES. 528

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

1. In Division H—Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005, strike all of section 643 and insert:

SEC. 643. Section 653(j) of title 42, United States Code, is amended by adding at the end the following new paragraph:

"(7) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN FEDERAL DEBT COLLECTION—

"(A) FURNISHING OF INFORMATION BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall furnish to the Secretary, on such periodic basis as determined by the Secretary of the Treasury in consultation with the Secretary, information in the custody of the Secretary of the Treasury for comparison with information in the National Directory of New Hires, in order to obtain information in such Directory with respect to persons—

"(i) who owe delinquent nontax debt to the United States; and

"(ii) whose debt has been referred to the Secretary of the Treasury in accordance with 31 U.S.C. 3711(g).

"(B) REQUIREMENT TO SEEK MINIMUM INFORMATION. The Secretary of the Treasury shall seek information pursuant to this section only to the extent necessary to improve collection of the debt described in subparagraph (A).

"(C) DUTIES OF THE SECRETARY.

"(i) INFORMATION DISCLOSURE.—The Secretary, in cooperation with the Secretary of the Treasury, shall compare information in the National Directory of New Hires with information provided by the Secretary of the Treasury with respect to persons described in subparagraphs (A) and shall disclose information in such Directory regarding such persons to the Secretary of the Treasury in accordance with this paragraph, for the purposes specified in this paragraph. Such comparison of information shall not be considered a matching program as defined in 5 U.S.C. 552a.

"(a) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part. Support collection under section 466(b) of this title shall be given priority over collection of any delinquent federal nontax debt against the same income.

"(D) USE OF INFORMATION BY THE SECRETARY OF THE TREASURY. The Secretary of the Treasury may use information provided under this paragraph only for purposes of collecting the debt described in subparagraph (A).

"(E) DISCLOSURE OF INFORMATION BY THE SECRETARY OF THE TREASURY.—

"(i) PURPOSE OF DISCLOSURE.—The Secretary of the Treasury may make disclosure under this subparagraph only for purposes of collecting the debt described in subparagraph (A).

"(ii) DISCLOSURES PERMITTED.—Subject to clauses (iii) and (iv), the Secretary of the Treasury may disclose information resulting from a data match pursuant to this paragraph only to the Attorney General in connection with collecting the debt described in subparagraph (A).

"(iii) CONDITIONS ON DISCLOSURE.—Disclosures under this subparagraph shall be—

"(I) made in accordance with data security and control policies established by the Secretary of the Treasury and approved by the Secretary;

"(II) subject to audit in a manner satisfactory to the Secretary; and

"(III) subject to the sanctions under subsection (l)(2).

"(iv) ADDITIONAL DISCLOSURES.

"(I) DETERMINATION BY SECRETARIES. The Secretary of the Treasury and the Secretary shall determine whether to permit disclosure of information under this paragraph to persons or entities described in subclause (II), based on an evaluation made by the Secretary of the Treasury (in consultation with and approved by the Secretary), of the costs and benefits of such disclosures and the adequacy of measures used to safeguard the security and confidentiality of information so disclosed.

"(II) PERMITTED PERSONS OR ENTITIES.—If the Secretary of the Treasury and the Secretary determine pursuant to subclause (I) that disclosures to additional persons or entities shall be permitted, information under this paragraph may be disclosed by the Secretary of the Treasury, in connection with collecting the debt described in subparagraph (A), to a contractor or agent of either Secretary and to the Federal agency that referred such debt to the Secretary of the Treasury for collection, subject to the conditions in clause (iii) and such additional conditions as agreed to by the Secretaries.

"(v) RESTRICTIONS ON REDISCLOSURE. A person or entity to which information is disclosed under this subparagraph may use or disclose such information only as needed for collecting the debt described in subparagraph (A), subject to the conditions in clause (iii) and such additional conditions as agreed to by the Secretaries.

"(F) REIMBURSEMENT OF HHS COSTS.—The Secretary of the Treasury shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph. Any such costs paid by the Secretary of the Treasury shall be considered costs of implementing 31 U.S.C. 3711(g) in accordance with 31 U.S.C. 3711(g)(6) and may be paid from the account established pursuant to 31 U.S.C. 3711(g)(7).".

2. In section 122 of Title I of Division J—Other Matters, strike "0.83" and insert "0.80".

COMMERCIAL SPACE LAUNCH AMENDMENTS ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5382.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the bill, H.R. 5382, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 269, nays 120, not voting 43, as follows:

[Roll No. 541]

YEAS—269

Abercrombie
Aderholt
Akin
Alexander
Baca
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bell
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emanuel
Emerson
English
Eshoo
Everett
Farr
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hoekstra
Holt
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren

Lucas (OK)
Maloney
Manzullo
Marshall
Matsui
McCotter
McCrery
McHugh
McInnis
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)

Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner (OH)
Udall (CO)
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NAYS—120

Allen
Andrews
Baird
Baldwin
Bass
Becerra
Berkley
Berman
Berry
Bishop (NY)
Brady (PA)
Brown (OH)
Capuano
Cardin
Carson (IN)
Chandler
Conyers
Cooper
Costello
Crowley

Cummings
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Edwards
Engel
Etheridge
Evans
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)

Grijalva
Gutierrez
Hastings (FL)
Herseth
Hinchey
Hoeffel
Holden
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kucinich

Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lowey
Lucas (KY)
Majette
Markey
Matheson
McCarthy (MO)
McCollum
McGovern
McIntyre
Menendez
Michaud
Miller, George
Moore
Moran (VA)
Nadler
Napolitano

Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pelosi
Rahall
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda
T.
Sanders
Sandlin
Schakowsky
Scott (VA)
Serrano

Slaughter
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Udall (NM)
Velazquez
Watson
Waxman
Weiner
Woolsey
Wu
Young (AK)

NOT VOTING—43

Ackerman
Bachus
Blumenauer
Boswell
Burr
Cannon
Case
Collins
Delahunt
Deutsch
Dunn
Fattah
Feeney
Gephardt
Gillmor

Graves
Hart
Hill
Hobson
John
Kind
Kirk
Kleczka
Larson (CT)
Lipinski
Lynch
McCarthy (NY)
McDermott
Meehan

Millender-
McDonald
Musgrave
Norwood
Putnam
Quinn
Rothman
Skelton
Toomey
Towns
Turner (TX)
Upton
Waters
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that two minutes remain in this vote.

□ 1432

Messrs. DICKS, DAVIS of Florida and ETHERIDGE changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HART. Mr. Speaker, on rollcall No. 541 I was inadvertently detained. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report accompanying H.R. 4818, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

Mr. YOUNG of Florida. Pursuant to House Resolution 866, I call up the conference report on the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 866, the conference report is considered read.

(For conference report and statement, see page of proceedings of the House of Friday, November 19, 2004.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the bill we bring to the floor today is a conference report on the omnibus appropriations bill which includes nine bills that were not concluded prior to the end of the fiscal year. The good news is that the House had passed every one of our bills but one. And the other good news is that this bill concludes the appropriations business for fiscal year 2005.

I compliment the Committee on Appropriations on both sides of the aisle. I compliment the Members of the House for having moved all of our bills expeditiously; but this will conclude our business, and now the 109th Congress can start fresh, with a new budget resolution, hopefully, and a new appropriations process.

The bill that we are discussing today has already been discussed in great detail during consideration of the rule. The bill itself has been available for more than 14 hours for Members to review, and there is a 10-page summary on all of the desks that is available so Members can look at the highlights of the bill.

Considering the fact that we had to include nine bills here, and some extraneous material, this is a pretty good bill. It is a clean bill. It is a lean bill. It is within the budget limitations set by the House and set by the President; and so I would just hope, Mr. Speaker, that we can conclude this work and move on to whatever is next.

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	5,062	5,185	4,185	5,124	5,124	+62
Executive Operations:						
Chief Economist	8,656	14,949	10,810	9,817	10,317	+1,661
National Appeals Division	13,589	14,826	14,526	14,154	14,331	+742
Office of Budget and Program Analysis	7,694	8,146	8,246	8,128	8,228	+534
Homeland Security staff	496	1,491	508	1,000	775	+279
Office of the Chief Information Officer	15,402	22,093	15,608	17,595	16,595	+1,193
Common computing environment	115,585	136,736	---	125,585	125,585	+7,000
Office of the Chief Financial Officer	5,650	8,063	5,811	5,742	5,742	+92
Working capital fund	---	12,850	12,850	---	12,850	+12,850
Total, Executive Operations	170,072	219,154	68,359	182,021	194,423	+24,351
Office of the Assistant Secretary for Civil Rights	803	819	803	819	818	+15
Office of Civil Rights	18,123	22,283	19,452	20,347	19,889	+1,766
Office of the Assistant Secretary for Administration	669	808	669	682	669	---
Agriculture buildings and facilities and rental payments	(155,546)	(175,938)	(128,216)	(170,870)	(163,870)	(+8,324)
Payments to GSA	123,179	128,319	128,319	128,319	128,319	+5,140
Building operations and maintenance	32,367	41,642	35,564	37,551	35,551	+3,184
Repairs, renovations, and construction	---	5,977	2,000	5,000	---	---
House floor amendments	---	---	-37,667	---	---	---
Hazardous materials management	15,519	15,730	15,730	15,532	15,532	+13
Departmental administration	22,119	26,361	22,939	22,626	22,626	+507
Office of the Assistant Secretary for Congressional Relations	3,774	4,263	3,852	3,852	3,852	+78
Office of Communications	9,174	10,288	9,378	9,365	9,365	+191
Office of the Inspector General	76,825	78,392	78,392	78,289	78,289	+1,464
Office of the General Counsel	34,495	38,589	35,486	36,236	35,861	+1,366
Office of the Under Secretary for Research, Education, and Economics	592	805	592	605	592	---
Economic Research Service	70,981	80,032	76,575	75,268	74,768	+3,787
National Agricultural Statistics Service	128,161	137,594	128,661	130,299	129,480	+1,319
Census of Agriculture	(25,279)	(22,520)	(22,520)	(22,405)	(22,405)	(-2,874)
Agricultural Research Service:						
Salaries and expenses	1,082,468	987,597	1,057,029	1,090,261	1,110,887	+28,419
Buildings and facilities	63,434	178,000	202,000	172,838	187,838	+124,404
Total, Agricultural Research Service	1,145,902	1,165,597	1,259,029	1,263,099	1,298,725	+152,823
Cooperative State Research, Education, and Extension Service:						
Research and education activities	617,780	501,540	628,607	628,492	660,781	+43,001
Native American Institutions Endowment Fund	(9,000)	(12,000)	(12,000)	(12,000)	(12,000)	(+3,000)
Extension activities	439,125	421,174	440,349	443,061	449,225	+10,100
Integrated activities	50,195	76,865	66,255	57,242	55,153	+4,958
Outreach for socially disadvantaged farmers	5,935	5,935	5,935	5,935	5,935	---
Total, Cooperative State Research, Education, and Extension Service	1,113,035	1,005,514	1,141,146	1,134,730	1,171,094	+58,059
Office of the Under Secretary for Marketing and Regulatory Programs	721	804	721	733	721	---
Animal and Plant Health Inspection Service:						
Salaries and expenses	716,329	828,361	831,823	786,866	814,623	+98,294
Buildings and facilities	4,967	4,996	4,996	4,967	4,967	---
Total, Animal and Plant Health Inspection Service	721,296	833,357	836,819	791,833	819,590	+98,294

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Agricultural Marketing Service:						
Marketing Services	74,985	85,998	75,892	78,198	75,698	+713
Standardization user fees	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	---
(Limitation on administrative expenses, from fees collected)	(62,577)	(64,459)	(64,459)	(64,459)	(64,459)	(+1,882)
Funds for strengthening markets, income, and supply (transfer from section 32)	15,392	15,800	15,800	15,800	15,800	+408
Payments to states and possessions	3,318	1,347	1,347	3,847	3,847	+529
Total, Agricultural Marketing Service	93,695	103,145	93,039	97,845	95,345	+1,650
Grain Inspection, Packers and Stockyards Administration:						
Salaries and expenses	35,678	44,150	37,540	37,299	37,299	+1,621
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	(42,463)	(42,463)	---
Office of the Under Secretary for Food Safety	595	803	595	608	595	---
Food Safety and Inspection Service	779,882	838,660	824,746	823,757	823,760	+43,878
Lab accreditation fees	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	---
Total, Production, Processing, and Marketing	4,602,719	4,808,271	4,786,524	4,901,839	5,002,287	+399,568
Farm Assistance Programs						
Office of the Under Secretary for Farm and Foreign Agricultural Services	631	933	631	648	631	---
Farm Service Agency:						
Salaries and expenses	982,934	1,007,877	1,060,471	1,004,032	1,007,597	+24,663
(Transfer from export loans)	(841)	(1,033)	(1,033)	(1,002)	(1,002)	(+161)
(Transfer from P.L. 480)	(1,053)	(3,119)	(1,269)	(2,937)	(2,937)	(+1,884)
(Transfer from ACIF)	(281,350)	(305,011)	(289,445)	(293,764)	(293,764)	(+12,414)
Subtotal, transfers from program accounts	(283,244)	(309,163)	(291,747)	(297,703)	(297,703)	(+14,459)
Total, Salaries and expenses	(1,266,178)	(1,317,040)	(1,352,218)	(1,301,735)	(1,305,300)	(+39,122)
State mediation grants	3,951	4,000	4,000	4,000	4,000	+49
Dairy indemnity program	100	100	100	100	100	---
Subtotal, Farm Service Agency	986,985	1,011,977	1,064,571	1,008,132	1,011,697	+24,712
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct	(128,396)	(200,000)	(200,000)	(210,000)	(210,000)	(+81,604)
Guaranteed	(944,395)	(1,400,000)	(1,400,000)	(1,100,000)	(1,400,000)	(+455,605)
Subtotal	(1,072,791)	(1,600,000)	(1,600,000)	(1,310,000)	(1,610,000)	(+537,209)
Farm operating loans:						
Direct	(613,860)	(650,000)	(650,000)	(650,000)	(650,000)	(+36,140)
Unsubsidized guaranteed	(1,192,920)	(1,200,000)	(1,200,000)	(1,000,000)	(1,100,000)	(-92,920)
Subsidized guaranteed	(264,678)	(266,253)	(266,253)	(300,000)	(285,000)	(+20,322)
Subtotal	(2,071,458)	(2,116,253)	(2,116,253)	(1,950,000)	(2,035,000)	(-36,458)
Indian tribe land acquisition loans	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)	---
Natural disasters emergency insured loans	---	(25,000)	---	---	---	---
Boll weevil eradication loans	(100,000)	(60,000)	(100,000)	(100,000)	(100,000)	---
Total, Loan authorizations	(3,246,249)	(3,803,253)	(3,818,253)	(3,362,000)	(3,747,000)	(+500,751)

DIVISION A - AGRICULTURE RURAL DEVELOPMENT FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs Enacted
Loan subsidies:						
Farm ownership loans:						
Direct	28,350	10,700	10,700	11,235	11,235	-17,115
Guaranteed	5,100	7,420	7,420	5,830	7,420	+2,320
Subtotal	33,450	18,120	18,120	17,065	18,655	-14,795
Farm operating loans:						
Direct	88,519	65,585	65,585	65,585	65,585	-22,934
Unsubsidized guaranteed	39,724	38,760	38,760	32,300	35,530	-4,194
Subsidized guaranteed	33,799	35,438	35,438	39,930	37,934	+4,135
Subtotal	162,042	139,783	139,783	137,815	139,049	-22,993
Indian tribe land acquisition	---	105	105	105	105	+105
Natural disasters emergency insured loans	---	3,235	---	---	---	---
Total, Loan subsidies	195,492	161,243	158,308	154,985	157,809	-37,683
ACIF expenses:						
Salaries and expense (transfer to FSA)	281,350	305,011	289,445	293,764	293,764	+12,414
Administrative expenses	7,901	8,000	8,000	8,000	8,000	+99
Total, ACIF expenses	289,251	313,011	297,445	301,764	301,764	+12,513
Total, Agricultural Credit Insurance Fund	484,743	474,254	455,453	456,749	459,573	-25,170
(Loan authorization)	(3,246,249)	(3,803,253)	(3,818,253)	(3,362,000)	(3,747,000)	(+500,751)
Total, Farm Service Agency	1,471,728	1,486,231	1,520,024	1,464,881	1,471,270	-458
Risk Management Agency	71,001	91,582	72,044	72,044	72,044	+1,043
Total, Farm Assistance Programs	1,543,360	1,578,746	1,592,699	1,537,573	1,543,945	+585
Corporations						
Federal Crop Insurance Corporation:						
Federal crop insurance corporation fund	3,765,000	4,095,128	4,095,128	4,095,128	4,095,128	+330,128
Commodity Credit Corporation Fund:						
Reimbursement for net realized losses	22,937,000	16,452,377	16,452,377	16,452,377	16,452,377	-6,484,623
Hazardous waste management (limitation on expenses)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	---
Total, Corporations	26,702,000	20,547,505	20,547,505	20,547,505	20,547,505	-6,154,495
Total, title I, Agricultural Programs	32,848,079	26,934,522	26,927,128	26,986,917	27,093,737	5,754,342
(By transfer)	(283,244)	(309,163)	(291,747)	(297,703)	(297,703)	(+14,459)
(Loan authorization)	(3,246,249)	(3,803,253)	(3,818,253)	(3,362,000)	(3,747,000)	(+500,751)
(Limitation on administrative expenses)	(110,040)	(111,922)	(111,922)	(111,922)	(111,922)	(+1,882)

DIVISION A - AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs Enacted
TITLE II - CONSERVATION PROGRAMS						
Office of the Under Secretary for Natural Resources and Environment	741	936	731	758	741	---
Natural Resources Conservation Service:						
Conservation operations	847,971	710,412	854,132	845,863	837,360	10,611
Watershed surveys and planning	10,500	5,083	11,083	7,500	7,083	-3,417
Watershed and flood prevention operations	86,487	40,173	86,487	64,000	75,576	-10,911
Watershed rehabilitation program	29,629	10,091	30,091	25,000	27,500	-2,129
Resource conservation and development	51,641	50,760	51,641	50,760	51,641	---
Farm bill technical assistance	---	92,024	---	---	---	---
Total, Natural Resources Conservation Service	1,026,228	908,543	1,033,434	993,123	999,160	27,068
Total, title II, Conservation Programs	1,026,969	909,479	1,034,165	993,881	999,901	-27,068
TITLE III - RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Rural Development	632	929	632	645	632	
Rural Development:						
Rural community advancement program	752,956	541,979	668,408	733,360	716,049	-36,907
Tree assistance (sec. 747)				---	---	---
(Transfer out)	(-28,000)	---	---	(-28,000)	(-28,000)	---
Total, Rural community advancement program	752,956	541,979	668,408	733,360	716,049	36,907
RD expenses:						
Salaries and expenses	141,032	149,749	171,250	143,452	148,452	+7,420
(Transfer from RHIF)	(440,687)	(465,886)	(448,889)	(448,342)	(448,342)	(+7,655)
(Transfer from RDLFP)	(4,247)	(6,656)	(4,321)	(4,316)	(4,316)	(+69)
(Transfer from RETLP)	(37,630)	(39,933)	(38,323)	(38,277)	(38,277)	(+647)
(Transfer from RTB)	(3,152)	(3,328)	(3,152)	(3,152)	(3,152)	---
Subtotal, Transfers from program accounts	(485,716)	(515,803)	(494,685)	(494,087)	(494,087)	(+8,371)
Total, RD expenses	(626,748)	(665,552)	(665,935)	(637,539)	(642,539)	(+15,791)
Total, Rural Development	893,988	691,728	839,658	876,812	864,501	-29,487
Rural Housing Service:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Single family direct (sec. 502)	(1,351,397)	(1,100,000)	(1,100,000)	(1,200,000)	(1,150,000)	(-201,397)
Unsubsidized guaranteed	(2,709,094)	(2,725,185)	(3,309,297)	(2,725,185)	(3,309,297)	(+600,203)
Subtotal, Single family	(4,060,491)	(3,825,185)	(4,409,297)	(3,925,185)	(4,459,297)	(+398,806)
Housing repair (sec. 504)	(34,797)	(35,000)	(35,000)	(35,000)	(35,000)	(+203)
Rental housing (sec. 515)	(115,857)	(60,000)	(116,063)	(90,000)	(100,000)	(-15,857)
Site loans (sec. 524)	(5,045)	(5,045)	(5,045)	(5,045)	(5,045)	---
Multi-family housing guarantees (sec. 538)	(99,410)	(100,000)	(100,000)	(85,960)	(100,000)	(+590)
Multi-family housing credit sales	(1,491)	(1,501)	(1,501)	(1,501)	(1,501)	(+10)
Single family housing credit sales	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	---
Self-help housing land develop. (sec. 523)	(2,421)	(5,000)	(10,000)	(5,000)	(10,000)	(+7,579)
Total, Loan authorizations	(4,329,512)	(4,041,731)	(4,686,906)	(4,157,691)	(4,720,843)	(+391,331)

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Loan subsidies:						
Single family direct (sec. 502)	125,274	127,380	127,380	138,960	133,170	+7,896
Unsubsidized guaranteed	39,668	33,608	33,608	33,608	33,608	-6,060
Subtotal, Single family	164,942	160,988	160,988	172,568	166,778	+1,836
Housing repair (sec. 504)	9,555	10,171	10,171	10,171	10,171	+616
Rental housing (sec. 515)	49,830	28,254	54,654	42,381	47,090	-2,740
Site loans (sec. 524)	---	---	---	---	---	---
Multi-family housing guarantees (sec. 538)	5,915	3,490	3,490	3,000	3,490	-2,425
Multi-family housing credit sales	659	727	727	727	727	+68
Single family housing credit sales	---	---	---	---	---	---
Self-help housing land develop. (sec. 523)	75	---	---	---	---	-75
Total, Loan subsidies	230,976	203,630	230,030	228,847	228,256	-2,720
RHIF administrative expenses (transfer to RD)	440,687	465,886	448,889	448,342	448,342	+7,655
Rental assistance program:						
(Sec. 521)	574,689	586,100	586,100	580,000	586,100	+11,411
(Sec. 502(c)(5)(D))	5,865	5,900	5,900	5,900	5,900	+35
Total, Rental assistance program	580,554	592,000	592,000	585,900	592,000	+11,446
Total, Rural Housing Insurance Fund	1,252,217	1,261,516	1,270,919	1,263,089	1,268,598	+16,381
(Loan authorization)	(4,329,512)	(4,041,731)	(4,686,906)	(4,157,691)	(4,720,843)	(+391,331)
Mutual and self-help housing grants	33,799	34,000	34,000	34,000	34,000	+201
Rural housing assistance grants	45,949	42,500	42,500	46,992	43,992	-1,957
Farm labor program account	36,093	36,765	36,765	31,471	34,118	-1,975
Subtotal, grants and payments	115,841	113,265	113,265	112,463	112,110	-3,731
Total, Rural Housing Service	1,368,058	1,374,781	1,384,184	1,375,552	1,380,708	+12,650
(Loan authorization)	(4,329,512)	(4,041,731)	(4,686,906)	(4,157,691)	(4,720,843)	(+391,331)
Rural Business Cooperative Service:						
Rural Development Loan Fund Program Account:						
(Loan authorization)	(39,764)	(34,213)	(34,213)	(34,213)	(34,213)	(-5,551)
Loan subsidy	17,206	15,868	15,868	15,868	15,868	-1,338
Administrative expenses (transfer to RD)	4,247	6,656	4,321	4,316	4,316	+69
Total, Rural Development Loan Fund	21,453	22,524	20,189	20,184	20,184	-1,269
Rural Economic Development Loans Program Account:						
(Loan authorization)	(14,914)	(25,003)	(25,003)	(25,003)	(25,003)	(+10,089)
Direct subsidy	2,776	4,698	4,698	4,698	4,698	+1,922
Rural cooperative development grants	23,858	21,000	23,500	24,000	24,000	+142
Rural empowerment zones and enterprise communities grants	12,592		11,419	12,500	12,500	-92
Renewable energy program	22,864	10,770	23,000	20,000	23,000	+136
Total, Rural Business Cooperative Service	83,543	58,992	82,806	81,382	84,382	+839
(Loan authorization)	(54,678)	(59,216)	(59,216)	(59,216)	(59,216)	(+4,538)

DIVISION A - AGRICULTURE RURAL DEVELOPMENT FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Rural Utilities Service:						
Rural Electrification and Telecommunications Loans Program Account:						
Loan authorizations:						
Electric:						
Direct, 5%	(240,000)	(120,000)	(120,000)	(120,000)	(120,000)	(-120,000)
Direct, Municipal rate	(1,000,000)	(100,000)	(100,000)	(100,000)	(100,000)	(-900,000)
Direct, FFB	(1,900,000)	(1,620,000)	(2,000,000)	(2,100,000)	(2,000,000)	(+100,000)
Direct, Treasury rate	(750,000)	(700,000)	(1,000,000)	(1,000,000)	(1,000,000)	(+250,000)
Guaranteed electric	(99,410)	(100,000)	(100,000)	(100,000)	(100,000)	(+590)
Guaranteed underwriting	(1,000,000)		(1,000,000)	(1,000,000)	(1,000,000)	---
Subtotal, Electric	(4,989,410)	(2,640,000)	(4,320,000)	(4,420,000)	(4,320,000)	(-669,410)
Telecommunications:						
Direct, 5%	(145,000)	(145,000)	(145,000)	(145,000)	(145,000)	---
Direct, Treasury rate	(248,525)	(250,000)	(250,000)	(250,000)	(250,000)	(+1,475)
Direct, FFB	(120,000)	(100,000)	(125,000)	(125,000)	(125,000)	(+5,000)
Subtotal, Telecommunications	(513,525)	(495,000)	(520,000)	(520,000)	(520,000)	(+6,475)
Total, Loan authorizations	(5,502,935)	(3,135,000)	(4,840,000)	(4,940,000)	(4,840,000)	(-662,935)
Loan subsidies:						
Electric:						
Direct, 5%	---	3,848	3,648	3,648	3,648	+3,648
Direct, Municipal rate	---	1,350	1,350	1,350	1,350	+1,350
Guaranteed electric	60	60	60	60	60	---
Subtotal, Electric	60	5,058	5,058	5,058	5,058	+4,998
Telecommunications:						
Direct, 5%	---	---	---	---	---	
Direct, Treasury rate	124	100	100	100	100	-24
Subtotal, Telecommunications	124	100	100	100	100	24
Total, Loan subsidies	184	5,158	5,158	5,158	5,158	+4,974
RETLP administrative expenses (transfer to RD)	37,630	39,933	38,323	38,277	38,277	+647
Total, Rural Electrification and Telecommunications Loans Program Account	37,814	45,091	43,481	43,435	43,435	+5,621
(Loan authorization)	(5,502,935)	(3,135,000)	(4,840,000)	(4,940,000)	(4,840,000)	(-662,935)
Rural Telephone Bank Program Account:						
(Loan authorization)	(173,503)	---	(175,000)	(175,000)	(175,000)	(+1,497)
Direct loan subsidy	---	---	---	---	---	---
RTB administrative expenses (transfer to RD)	3,152	3,328	3,152	3,152	3,152	---
Total, Rural Telephone Bank Program Account	3,152	3,328	3,152	3,152	3,152	---
High energy costs grants (by transfer)	(27,835)	---	---	(28,000)	(28,000)	(+165)
Distance learning, telemedicine, and broadband program:						
Loan authorizations:						
Distance learning and telemedicine	(300,000)	---	(50,000)	(20,000)	(50,000)	(-250,000)
Broadband telecommunications	(598,101)	(331,081)	(464,038)	(600,000)	(550,000)	(-48,101)
Total, Loan authorizations	(898,101)	(331,081)	(514,038)	(620,000)	(600,000)	(-298,101)

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs Enacted
Loan subsidies:						
Distance learning and telemedicine:						
Direct	---	---	710	284	710	+710
Grants	38,770	25,000	25,000	38,000	35,000	-3,770
Broadband telecommunications						
Direct	13,039	9,884	9,884	12,780	11,715	-1,324
Grants	8,947		9,000	9,000	9,000	+53
Total, Loan subsidies and grants	60,756	34,884	44,594	60,064	56,425	-4,331
Total, Rural Utilities Service	101,722	83,303	91,227	106,651	103,012	+1,290
(Loan authorization)	(6,574,539)	(3,466,081)	(5,529,038)	(5,735,000)	(5,615,000)	(-959,539)
Total, title III, Rural Economic and Community Development Programs	2,447,943	2,209,733	2,398,507	2,441,042	2,433,235	-14,708
(By transfer)	(513,551)	(515,803)	(494,685)	(522,087)	(522,087)	(+8,536)
(Loan authorization)	(10,958,729)	(7,567,028)	(10,275,160)	(9,951,907)	(10,395,059)	(-563,670)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Under Secretary for Food, Nutrition and Consumer Services	595	799	595	608	595	---
Food and Nutrition Service:						
Child nutrition programs	6,717,780	6,056,860	6,227,595	6,060,860	6,629,038	-88,742
Transfer from section 32	4,699,661	5,319,697	5,152,962	5,319,697	5,152,962	+453,301
Discretionary spending	---	---	---	---	---	---
Total, Child nutrition programs	11,417,441	11,376,557	11,380,557	11,380,557	11,782,000	+364,559
Special supplemental nutrition program for women, infants, and children (WIC)	4,611,861	5,087,250	4,907,250	5,050,250	5,277,250	+665,389
(Contingent emergency appropiations)	---	---	---	125,000	---	---
Total, (WIC)	4,611,861	5,087,250	4,907,250	5,175,250	5,277,250	+665,389
Food stamp program:						
Expenses	26,403,176	30,495,798	29,047,276	29,053,276	30,499,527	+4,096,351
Reserve	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	---
Nutrition assistance for Puerto Rico and Samoa	1,402,805	---	1,448,522	1,448,522	1,515,027	+112,222
The emergency food assistance program	140,000	140,000	140,000	140,000	140,000	---
Total, Food stamp program	30,945,981	33,635,798	33,635,798	33,641,798	35,154,554	+4,208,573
Commodity assistance program	149,115	169,416	178,797	172,081	178,797	+29,682
Nutrition programs administration	137,488	152,227	133,742	142,592	139,937	+2,449
Total, Food and Nutrition Service	47,261,886	50,421,248	50,236,144	50,512,278	52,532,538	+5,270,652
Total, title IV, Domestic Food Programs	47,262,481	50,422,047	50,236,739	50,512,886	52,533,133	+5,270,652

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service						
Salaries and expenses, direct appropriation	131,368	143,077	137,722	139,162	137,822	+6,454
(Transfer from export loans)	(3,288)	(3,440)	(3,440)	(3,421)	(3,421)	(+135)
(Transfer from P.L. 480)	(1,069)	(1,102)	(1,102)	(1,097)	(1,097)	(+28)
Total, Salaries and expenses program level	(135,723)	(147,619)	(142,264)	(143,680)	(142,340)	(+6,617)
Public Law 480 Program and Grant Accounts:						
Program account:						
Loan authorization, direct	(130,892)	(100,000)	(100,000)	(109,000)	(109,000)	(-21,892)
Loan subsidies	103,274	86,420	88,420	94,198	94,198	-9,076
Ocean freight differential grants	27,835	22,723	22,723	22,723	22,723	-5,112
Title II - Commodities for disposition abroad:						
Program level	(1,184,967)	(1,185,000)	(1,180,002)	(1,185,000)	(1,182,501)	(-2,466)
Appropriation	1,184,967	1,185,000	1,180,002	1,185,000	1,182,501	-2,466
Salaries and expenses:						
Foreign Agricultural Service (transfer to FAS)	1,069	1,102	1,102	1,097	1,097	+28
Farm Service Agency (transfer to FSA)	1,053	3,119	1,269	2,937	2,937	+1,884
Subtotal	2,122	4,221	2,371	4,034	4,034	+1,912
Total, Public Law 480:						
Program level	(1,184,967)	(1,185,000)	(1,180,002)	(1,185,000)	(1,182,501)	(-2,466)
Appropriation	1,318,198	1,298,364	1,291,516	1,305,955	1,303,456	-14,742
CCC Export Loans Program Account (administrative expenses):						
Salaries and expenses (Export Loans):						
General Sales Manager (transfer to FAS)	3,286	3,440	3,440	3,421	3,421	+135
Farm Service Agency (transfer to FSA)	841	1,033	1,033	1,002	1,002	+161
Total, CCC Export Loans Program Account	4,127	4,473	4,473	4,423	4,423	+296
McGovern Dole international food for education and child nutrition program grants	49,705	75,000	75,000	100,000	87,500	+37,795
Total, title V, Foreign Assistance and Related Programs	1,503,398	1,520,914	1,508,711	1,549,540	1,533,201	+29,803
(By transfer)	(4,355)	(4,542)	(4,542)	(4,518)	(4,518)	(+163)

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses, direct appropriation	1,378,779	1,494,517	1,462,517	1,465,267	1,461,792	+83,013
Prescription drug user fee act	(249,825)	(284,394)	(284,394)	(284,394)	(284,394)	(+34,569)
Medical device user fee act	(31,654)	(33,938)	(33,938)	(33,938)	(33,938)	(+2,284)
Animal drug user fee act	(5,000)	(8,000)	(8,000)	(8,000)	(8,354)	(+3,354)
Subtotal	(1,665,258)	(1,820,849)	(1,788,849)	(1,791,599)	(1,788,478)	(+123,220)
Mammography clinics user fee (outlay savings)	(16,576)	(16,919)	(16,919)	(16,919)	(16,919)	(+343)
Export and color certification	(6,649)	(6,838)	(6,838)	(6,838)	(6,838)	(+189)
Payments to GSA	(119,594)	(123,015)	(129,815)	(129,815)	(129,815)	(+10,221)
Buildings and facilities	6,959	---	---	---	---	-6,959
Total, Food and Drug Administration	1,385,738	1,494,517	1,462,517	1,465,267	1,461,792	+76,054
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	89,901	95,327	93,327	95,327	94,327	+4,426
Farm Credit Administration (limitation on administrative expenses)	(40,900)	---	(42,900)	(41,800)	(42,350)	(+1,450)
Total, title VI, Related Agencies and Food and Drug Administration	1,475,639	1,589,844	1,555,844	1,560,594	1,556,119	+80,480
TITLE VII - GENERAL PROVISIONS						
Hunger fellowships	2,982	---	2,500	2,500	2,500	-482
National Sheep Industry Improvement Center revolving fund	496	---	500	2,000	1,000	+504
Tree assistance (sec. 747)	14,912	---	---	---	---	-14,912
Citrus canker compensation	---	---	---	---	30,000	+30,000
Northern Great Plains Regional Authority	1,491	---	---	2,400	1,491	---
Denali Commission	994	---	---	500	1,500	+506
Food stamp program freeze	1,988	---	---	---	---	-1,988
Milk processing and packaging facilities	---	---	---	1,000	1,000	+1,000
Alaska private lands wildlife management	---	---	---	500	500	+500
Food stamp program	---	---	6,500	---	---	---
Florida citrus promotion	---	---	---	---	6,000	+6,000
Livestock Expo Center	---	---	---	---	1,000	+1,000
Rescissions, unobligated balances Great Plains, etc			---	---	-8,000	-8,000
Wisconsin Federation of Cooperatives	---	---	---	---	2,250	+2,250
Virginia Horse Center	---	---	---	---	1,000	+1,000
Cottonseed technical correction	---	---	---	---	1,000	+1,000
Total, title VII, General provisions	22,863	---	9,500	8,900	41,241	+18,378
OTHER APPROPRIATIONS						
Consolidated Appropriations Act, 2004 (P.L.108-199) Conservation Programs						
Natural Resources Conservation Service (Sec. 102(d)):						
Emergency watershed protection program (emergency)	149,115	---	---	---	---	-149,115
Tree assistance program (emergency) (Sec. 102(e))	12,426	---	---	---	---	-12,426
Emergency conservation prog. (emergency) (Sec. 102(f))	12,426	---	---	---	---	-12,426
Commodity Credit Corporation Fund:						
Livestock indemnity prog. (emergency) (Sec. 102(g))	497	---	---	---	---	-497
Total, Public Law 108-199	174,464	---	---	---	---	-174,464
Total, Other appropriations	174,464	---	---	---	---	-174,464
Grand total:						
New budget (obligational) authority	86,761,836	83,586,539	83,670,594	84,053,760	86,190,567	-571,269
Appropriations	(86,587,372)	(83,586,539)	(83,670,594)	(83,928,760)	(86,198,567)	(-388,805)
Emergency Appropriations	174,464	---	---	---	---	-174,464
Contingent emergency Appropriations	---	---	---	(125,000)	---	
(By transfer)	(801,150)	(829,508)	(790,974)	(824,308)	(824,308)	(+23,158)
(Loan authorization)	(14,335,870)	(11,470,281)	(14,193,413)	(13,422,907)	(14,251,059)	(-84,811)
(Limitation on administrative expenses)	(150,940)	(111,922)	(154,822)	(153,722)	(154,272)	(+3,332)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	105,564	186,551	75,995	141,466	124,100	+18,536
Intelligence policy and review	---	---	21,861	---	---	---
Joint automated booking system	18,974	20,309	20,000	20,185	20,185	+1,211
Automated Biometric Identification System-Integrated Identification system integration	5,046	5,054	5,054	5,054	5,054	+8
Legal activities office automation	26,749	---	16,749	70,502	40,510	+13,761
Narrowband communications	102,085	101,971	100,000	68,021	100,000	-2,085
Counterterrorism fund	989	---	---	---	---	-989
Administrative review and appeals	191,494	202,518	202,518	205,411	203,965	+12,471
Detention trustee	805,530	1,088,810	938,810	885,994	885,994	+80,464
Violence against women office	---	---	---	410,000	---	---
Office of Inspector General	60,200	63,813	63,813	63,187	63,813	+3,613
Total, General administration	1,316,631	1,669,026	1,444,800	1,869,820	1,443,621	+126,990
United States Parole Commission						
Salaries and expenses	10,498	10,650	10,650	10,638	10,638	+140
Legal Activities						
General legal activities:						
Direct appropriation	612,029	657,135	639,314	623,364	634,193	+22,164
(Transfer out)	---	---	---	(-106)	---	---
Radiation exposure compensation act	1,975	---	---	---	---	-1,975
Emergency appropriations (P.L. 108-106)	15,000	---	---	---	---	-15,000
Subtotal	629,004	657,135	639,314	623,364	634,193	+5,189
Vaccine injury compensation trust fund (permanent)	3,985	6,333	6,333	6,333	6,333	+2,348
Legal activities office automation	---	45,510	---	---	---	---
Antitrust Division	132,911	136,463	135,463	138,763	138,763	+5,852
Offsetting fee collections - current year	-112,000	-101,000	-101,000	-101,000	-101,000	+11,000
Direct appropriation	20,911	35,463	34,463	37,763	37,763	+16,852
United States Attorneys						
Salaries and expenses	1,510,193	1,547,519	1,535,000	1,532,154	1,547,519	+37,326
Interagency drug enforcement	---	---	---	295,409	---	---
Subtotal, United States Attorneys	1,510,193	1,547,519	1,535,000	1,827,563	1,547,519	+37,326
United States Trustee System Fund	166,157	174,355	172,850	174,355	173,602	+7,445
Offsetting fee collections	-158,157	-169,355	-167,850	-169,355	-168,602	-10,445
Interest on U.S. securities	-8,000	-5,000	-5,000	-5,000	-5,000	+3,000
Direct appropriation	---	---	---	---	---	---
Foreign Claims Settlement Commission	1,193	1,220	1,220	1,220	1,220	+27
United States Marshals Service:						
Salaries and expenses (non CSE)	712,203	742,070	752,070	744,725	751,985	+39,782
Construction	13,918	1,371	1,371	---	5,734	-8,184
Total, United States Marshals Service	726,121	743,441	753,441	744,725	757,719	+31,598
Fees and expenses of witnesses	156,145	177,585	177,585	177,585	177,585	+21,440
Community Relations Service	9,426	9,833	9,833	9,494	9,664	+238
Assets forfeiture fund	21,530	21,759	21,759	21,759	21,759	+229
Payment to radiation exposure compensation trust fund	---	72,000	72,000	---	27,800	+27,800
Total, Legal activities	3,078,508	3,317,798	3,250,948	3,449,808	3,221,555	+143,047
Interagency Law Enforcement						
Interagency crime and drug enforcement	---	580,632	561,033	---	561,033	+561,033
Federal Bureau of Investigation						
Salaries and expenses	4,033,796	4,563,921	4,289,028	3,973,728	4,188,028	+154,232
(Transfer out)	---	---	---	(-2,863)	---	---
Counterintelligence and national security	484,947	495,000	916,000	1,017,000	1,017,000	+532,053
Direct appropriation	4,518,743	5,058,921	5,205,028	4,990,728	5,205,028	+686,285
Foreign terrorist tracking task force	60,949	56,349	---	120,819	---	-60,949

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(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Construction	11,056	---	10,242	---	10,242	-814
Total, Federal Bureau of Investigation	4,590,748	5,115,270	5,215,270	5,111,547	5,215,270	+624,522
Drug Enforcement Administration						
Salaries and expenses	1,703,038	1,815,719	1,815,719	1,799,243	1,807,481	+104,443
(Transfer out)	---	---	---	(-10,153)	---	---
(By transfer)	---	---	---	(1,500)	---	---
Diversion control fund	-118,561	-154,216	-154,216	-154,216	-154,216	-35,655
Subtotal	1,584,477	1,661,503	1,661,503	1,645,027	1,653,265	+68,788
Interagency drug enforcement	550,609	---	---	---	---	550,609
Total, Drug Enforcement Administration	2,135,086	1,661,503	1,661,503	1,645,027	1,653,265	-481,821
Bureau of Alcohol, Tobacco and Firearms	827,289	870,357	870,357	890,357	890,357	+63,068
(Transfer out)	---	---	---	(-106)	---	---
Rescission	---	-1,500	---	---	---	---
Total, Bureau of Alcohol, Tobacco and Firearms	827,289	868,857	870,357	890,357	890,357	+63,068
Federal Prison System						
Salaries and expenses	4,414,313	4,706,232	4,567,232	4,627,696	4,627,696	+213,383
Buildings and facilities	393,515	---	189,000	189,000	189,000	-204,515
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,393	3,429	3,429	3,393	3,411	+18
Total, Federal Prison System	4,811,221	4,709,661	4,759,661	4,820,089	4,820,107	+8,886
Office of Justice Programs						
Justice assistance	188,124	1,710,664	217,000	210,875	227,900	+39,776
(By transfer)	(6,632)	---	---	(6,632)	---	(-6,632)
Rescission	---	-53,471	---	---	---	---
Total, Office of Justice Programs	188,124	1,657,193	217,000	210,875	227,900	+39,776
State and local law enforcement assistance:						
Local law enforcement block grant	222,633	---	---	150,000	---	-222,633
Boys and Girls clubs (earmark)	(79,628)	---	---	(85,000)	---	(-79,628)
National Institute of Justice (earmark)	(9,953)	---	---	(10,000)	---	(-9,953)
USA FREEDOM corps (earmark)	(2,967)	---	---	---	---	(-2,967)
Justice assistance grants	---	---	634,000	---	634,000	+634,000
Boys and Girls clubs (earmark)	---	---	(80,000)	---	(85,000)	(+85,000)
National Institute of Justice (earmark)		---	(15,000)	---	(10,000)	(+10,000)
USA FREEDOM corps (earmark)	---	---	(5,000)	---	(2,500)	(+2,500)
Indian assistance	14,842	---	15,000	18,000	18,000	+3,158
Tribal prison construction	(1,991)	---	(2,000)	---	(5,000)	(+3,009)
Indian tribal courts program	(7,963)	---	(8,000)	---	(8,000)	(+37)
Indian grants	(4,977)	---	(5,000)	---	(5,000)	(+23)
State criminal alien assistance program	296,843	---	325,000	250,000	305,000	+8,157
Southwest border prosecutors	---	---	---	---	30,000	+30,000
(Earmark)	---	---	---	(30,000)	---	---
Cooperative agreement program	1,979	---	---	---	---	-1,979
Byrne grants (formula)	494,739	---	---	500,000	---	-494,739
Byrne grants (discretionary)	157,443	---	110,000	117,969	170,027	+12,584
Miscellaneous appropriations (P.L. 108-199)	49,705	---	---	---	---	-49,705
Drug courts	38,095	---	50,000	40,000	40,000	+1,905
Other crime control programs	3,851	---	3,862	5,950	5,983	+2,132
Assistance for victims of trafficking	9,894	---	10,000	---	10,000	+106
Prescription drug monitoring	6,926	---	10,000	---	10,000	+3,074
Prison rape prevention	36,784	---	52,175	---	37,000	+216
State prison drug treatment	---	---	35,000	25,000	25,000	+25,000
Intelligence sharing	---	---	10,000	11,000	10,500	+10,500
Miscellaneous appropriations (P.L. 108-199)	2,237	---	---	---	---	-2,237
Emergency appropriations (P.L. 108-287)	50,000	---	---	---	---	-50,000
Total, State and local law enforcement	1,385,971	---	1,255,037	1,117,919	1,295,510	-90,461
Weed and seed program fund	57,926	---	51,169	62,000	62,000	+4,074
Community oriented policing services:						
COPS enhancement grants	---	---	113,000	---	---	---
Hiring	118,737	---	---	160,000	10,000	-108,737
Training and technical assistance	---	17,625	---	20,000	15,000	+15,000
Bullet proof vests	24,737	---	25,000	25,000	25,000	+263
Tribal law enforcement	24,737	20,000	---	20,000	20,000	4,737
Meth hot spots	53,482	20,000	60,000	55,000	52,556	-926

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Police corps	14,842	---	20,000	15,000	15,000	+158
COPS technology	156,740	---	130,000	110,969	138,615	-18,125
Interoperable communications	84,106	1,550	---	100,000	100,000	+15,894
Criminal records upgrade	29,684	---	50,000	---	25,000	-4,684
DNA backlog/crime lab	98,948	---	175,788	100,000	110,000	+11,052
Paul Coverdell forensics science	9,894	---	---	20,000	15,000	+5,106
Crime identification technology	23,971	---	---	35,000	28,450	+4,479
Gun violence reduction	29,684	---	30,000	15,000	---	-29,684
Southwest border prosecutors	29,684	---	40,000	---	---	-29,684
Offender reentry	4,948	---	15,000	5,000	10,000	+5,052
Safe schools initiative	4,552	---	---	5,000	4,325	-227
Police integrity grants	9,894	10,000	---	15,000	7,500	-2,394
Management and administration	29,684	27,914	27,914	35,000	30,000	+316
Rescission	---	-53,471	---	---	---	---
Total, Community oriented policing services	748,324	43,618	686,702	755,969	806,446	-141,878
Violence against women office	383,551	362,477	383,551	---	387,275	+3,724
Juvenile justice programs	348,989	---	349,000	380,000	384,177	+35,188
(Transfer out)	(-6,632)	---	---	(-6,632)	---	(+6,632)
Public safety officers benefits:						
Death benefits	49,054	63,054	63,054	63,054	63,054	+14,000
Disability and education benefits	2,968	---	6,460	6,410	6,410	+3,442
Total, Public safety officers benefits program	52,022	63,054	69,514	69,464	69,464	+17,442
Total, Office of Justice Programs	3,164,907	2,126,342	3,011,973	2,576,227	3,032,772	-132,135
United States Attorneys (sec. 111)	14,842	---	---	---	---	-14,842
United States Attorneys (Sec. 107)	---	---	---	15,000	15,000	+15,000
Local law enforcement block grant (sec. 113)	544	---	---	544	---	-544
Rescission (sec. 114)	-100,000	---	---	---	---	+100,000
Total, title I, Department of Justice	19,850,274	20,059,739	20,786,195	20,389,055	20,863,618	+1,013,344
Appropriations	(19,885,274)	(20,168,181)	(20,786,195)	(20,389,055)	(20,863,618)	(+978,344)
Emergency appropriations	(65,000)	---	---	---	---	(-65,000)
Rescission	(-100,000)	(-108,442)	---	---	---	(+100,000)
(Transfer out)	(-6,632)	---	---	(-19,860)	---	(+6,632)
(By transfer)	(6,632)	---	---	(8,132)	---	(-6,632)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
RELATED AGENCIES						
Office of the United States Trade Representative						
Salaries and expenses	41,552	39,552	41,552	41,552	41,552	---
(By transfer)	---	---	---	(5,000)	---	---
National Intellectual Property Law Enforcement Coordinating Council						
Salaries and expenses	---	---	---	20,000	2,000	+2,000
(Transfer out)	---	---	---	(-5,000)	---	---
(Transfer out)	---	---	---	(-1,000)	---	---
International Trade Commission						
Salaries and expenses	57,682	61,700	61,700	61,700	61,700	+4,018
Total, Related agencies	99,234	101,252	103,252	123,252	105,252	+6,018
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration	391,102	401,513	401,513	401,513	401,513	+10,411
(Transfer out)	---	---	---	(-4,539)	---	---
Offsetting fee collections	-13,000	-8,000	-8,000	-8,000	-8,000	+5,000
Direct appropriation	378,102	393,513	393,513	393,513	393,513	+15,411

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	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Bureau of Industry and Security						
Operations and administration	60,358	76,516	61,265	70,872	61,193	+835
CWC enforcement	7,128	---	7,128	---	7,200	+72
Total, Bureau of Industry and Security	67,486	76,516	68,393	70,872	68,393	+907
Economic Development Administration						
Economic development assistance programs	285,083	289,762	289,762	285,083	257,423	27,660
Salaries and expenses	30,244	30,565	30,565	30,400	30,483	+239
Total, Economic Development Administration	315,327	320,327	320,327	315,483	287,906	-27,421
Minority Business Development Agency						
Minority business development	28,556	34,461	28,899	31,555	29,899	+1,343
Total, Trade and Infrastructure Development	888,705	926,069	914,384	934,675	884,963	-3,742
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	74,211	88,400	78,211	81,764	80,000	+5,789
Bureau of the Census						
Salaries and expenses	192,761	220,425	202,765	174,304	198,765	+6,004
Periodic censuses and programs	431,464	608,171	571,116	431,464	556,116	+124,652
Total, Bureau of the Census	624,225	828,596	773,881	605,768	754,881	+130,656
National Telecommunications and Information Administration						
Salaries and expenses	14,450	22,101	15,282	21,583	17,433	+2,983
Public telecommunications facilities, planning and construction	21,769	2,538	2,538	21,769	21,769	---
Information infrastructure grants	14,842	---	---	14,842	---	-14,842
Total, National Telecommunications and Information Administration	51,061	24,639	17,820	58,194	39,202	-11,859
United States Patent and Trademark Office						
Current year fee funding	1,222,460	1,314,653	1,314,653	1,336,000	1,336,000	+113,540
Spending from new fees (proposed legislation)	---	208,754	208,754	208,754	208,754	+208,754
Total, Patent and Trademark Office	1,222,460	1,523,407	1,523,407	1,544,754	1,544,754	+322,294
Offsetting fee collections	-1,222,460	-1,314,653	-1,314,653	-1,338,000	-1,336,000	-113,540
Total, Economic and Information Infrastructure	749,497	1,150,389	1,078,666	954,480	1,082,837	+333,340
SCIENCE AND TECHNOLOGY						
Technology Administration						
Office of Technology Policy						
Salaries and expenses	6,343	8,294	6,547	6,407	6,547	+204
National Institute of Standards and Technology						
Scientific and technical research and services	340,743	413,886	366,856	383,892	383,892	+43,149
(Transfer out)	---	---	---	(-14,800)	---	---
Industrial technology services	216,480	39,190	106,000	315,000	251,300	+34,820
Construction of research facilities	64,271	59,411	43,132	86,071	73,500	+9,229
Working capital fund	---	8,982	8,982	---	---	---
(By transfer)	---	---	---	(14,800)	---	---
Total, National Institute of Standards and Technology	621,494	521,469	524,970	784,963	708,692	+87,198
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	2,658,251	2,377,841	2,245,000	---	2,804,065	+145,814
Operations, research, facilities, and systems acquisition	---	---	---	4,049,646	---	---
(By transfer from Promote and Develop Fund)	(62,000)	(79,000)	(79,000)	(57,000)	(65,000)	(+3,000)

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	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
By transfer from Coastal zone management	---	3,000	---	3,000	3,000	+3,000
Deobligations returned	-15,000	---	---	---	---	+15,000
Total, Operations, research, and facilities	2,643,251	2,380,841	2,245,000	4,052,646	2,807,065	+163,814
Procurement, acquisition and construction	979,708	898,510	840,000	---	1,053,436	+73,728
Pacific coastal salmon recovery	89,052	100,000	80,000	99,000	90,000	+948
Coastal zone management fund	-3,000	-3,000	-3,000	-3,000	-3,000	---
Fishermen's contingency fund	---	956	---	956	499	+499
Foreign fishing observer fund	---	191	---	191	---	---
Fisheries finance program account	-8,000	-4,000	-4,000	8,000	-8,000	---
Total, National Oceanic and Atmospheric Administration	3,701,011	3,373,498	3,158,000	4,141,793	3,940,000	+238,989
Total, Science and Technology	4,328,848	3,903,261	3,659,517	4,933,163	4,655,239	+326,391
Departmental Management						
Salaries and expenses	46,791	56,021	52,109	55,550	48,109	+1,318
Travel and tourism	---	---	---	20,000	10,000	+10,000
Office of Inspector General	20,894	22,249	22,249	21,071	21,660	+766
Total, Departmental management	67,685	78,270	74,358	96,621	79,769	+12,084
EDA conveyance (sec. 209)	989	---	---	---	---	-989
Procurement, acquisition and construction (sec. 212)	6,065	---	---	---	---	-6,065
Lobster (sec. 213)	495	---	---	---	---	-495
Non-pollock west coast groundfish (sec. 214)	495	---	---	---	---	-495
Alaska Purse Seine (Sec. 209)	---	---	---	200	---	---
Florida grouper (sec. 218)	---	---	---	---	350	+350
Total, Department of Commerce	5,943,545	5,956,737	5,653,673	6,795,887	6,597,906	+654,361
Rescission (sec. 215)	-100,000	---	---	---	---	+100,000
Total, title II, Department of Commerce and related agencies	5,942,779	6,057,989	5,756,925	6,919,139	6,703,158	+760,379
Appropriations	(6,042,779)	(6,057,989)	(5,756,925)	(6,919,139)	(6,703,158)	(+660,379)
Rescission	(-100,000)	---	---	---	---	(+100,000)
(By transfer)	(62,000)	(79,000)	(79,000)	(76,800)	(65,000)	(+3,000)
(Transfer out)	---	---	---	(-25,339)	---	---
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,896	1,985	1,985	1,985	1,985	+89
Other salaries and expenses	52,901	56,137	56,137	56,137	56,137	+3,236
Total, Salaries and expenses	54,797	58,122	58,122	58,122	58,122	+3,325
Care of the building and grounds	10,480	10,579	9,979	10,579	9,979	-501
Miscellaneous appropriations (P.L. 108-199)	15,906	---	---	---	---	-15,906
Total, Supreme Court of the United States	81,183	68,701	68,101	68,701	68,101	-13,082
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	2,237	2,257	2,257	2,257	2,257	+20
Other salaries and expenses	18,231	22,750	20,679	18,367	19,523	+1,292
Total, Salaries and expenses	20,468	25,007	22,936	20,624	21,780	+1,312
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,721	1,757	1,757	1,757	1,757	+36
Other salaries and expenses	12,217	13,316	13,131	12,303	13,131	+914
Total, Salaries and expenses	13,938	15,073	14,888	14,060	14,888	+950

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	274,504	289,877	289,877	289,877	289,877	+15,373
Other salaries and expenses	3,680,532	4,030,367	3,887,367	3,841,610	3,887,367	+206,835
Direct appropriation	3,955,036	4,320,244	4,177,244	4,131,487	4,177,244	+222,208
Vaccine Injury Compensation Trust Fund	3,159	3,471	3,471	3,159	3,298	+139
Defender services	598,116	681,612	676,469	648,116	676,385	+78,269
Emergency appropriations (P.L. 108-287)	26,000	---	---	---	---	-26,000
Fees of jurors and commissioners	57,213	62,800	62,800	62,800	61,535	+4,322
Court security	274,580	383,282	379,580	274,653	332,000	+57,420
Total, Courts of Appeals, District Courts, and Other Judicial Services	4,914,104	5,451,409	5,299,564	5,120,215	5,250,462	+336,358
Administrative Office of the United States Courts						
Salaries and expenses	65,305	72,154	68,635	67,249	68,200	+2,895
Federal Judicial Center						
Salaries and expenses	21,214	22,126	21,737	21,670	21,737	+523
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	29,000	36,700	36,700	36,700	36,700	+7,700
United States Sentencing Commission						
Salaries and expenses	12,224	13,456	13,304	12,404	13,304	+1,080
Total, title III, the Judiciary	5,157,436	5,704,626	5,545,865	5,361,623	5,495,172	+337,736
TITLE IV DEPARTMENT OF STATE AND RELATED AGENCY						
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	3,384,013	3,626,343	3,580,000	3,493,053	3,570,000	+185,987
(Transfer out)	(-4,000)	(-4,000)	(-4,000)	(-5,500)	(-4,000)	---
(By transfer)	---	---	---	(1,000)	---	---
Worldwide security upgrades	639,896	658,701	658,701	658,702	658,702	+18,806
Worldwide IT infrastructure	39,579	---	40,000	---	---	-39,579
Emergency appropriations (P.L. 108-106)	120,500	---	---	---	---	-120,500
Emergency appropriations (P.L. 108-287)	665,300	---	---	---	---	-665,300
Total, Diplomatic and consular programs	4,849,288	4,285,044	4,278,701	4,151,755	4,228,702	-620,586
Capital investment fund	79,158	155,100	100,000	52,149	52,149	-27,009
Centralized IT modernization program	---	---	---	102,951	77,851	+77,851
Office of Inspector General	31,370	30,435	30,435	31,435	30,435	-935
Educational and cultural exchange programs	316,633	345,346	345,346	360,750	360,750	+44,117
Representation allowances	8,905	8,640	8,640	8,640	8,640	-265
Protection of foreign missions and officials	9,894	9,600	9,894	5,000	9,894	---
Embassy security, construction, and maintenance	524,423	626,680	611,680	509,728	611,680	+87,257
Worldwide security upgrades	852,335	912,320	912,320	867,030	912,320	+59,985
(By transfer)	---	---	---	(17,767)	---	---
Emergency appropriations (P.L. 108-106)	43,900	---	---	---	---	-43,900
Emergency appropriations (P.L. 108-287)	20,000	---	---	---	---	-20,000
Emergencies in the diplomatic and consular service	989	7,000	7,000	1	1,000	+11
(By transfer)	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	---
(Transfer out)	(-1,000)	(-1,000)	(-1,000)	(-1,000)	---	(+1,000)
Emergency appropriations (P.L. 108-106)	115,500	---	---	---	---	-115,500
Repatriation Loans Program Account:						
Direct loans subsidy	605	612	612	612	612	+7
Administrative expenses	600	607	607	607	607	+7
(By transfer)	(1,000)	(1,000)	(1,000)	(1,000)	---	(-1,000)
Total, Repatriation loans program account	1,205	1,219	1,219	1,219	1,219	+14
Payment to the American Institute in Taiwan	18,585	19,482	19,482	19,482	19,482	+897
Payment to the Foreign Service Retirement and Disability Fund	134,979	132,600	132,600	132,600	132,600	-2,379
Total, Administration of Foreign Affairs	7,007,164	6,533,466	6,457,317	6,242,740	6,446,722	-560,442

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs Enacted
International Organizations						
Contributions to international organizations, current year assessment	999,830	1,194,210	1,194,210	1,020,830	1,182,000	+182,170
Contributions for international peacekeeping activities, current year	450,056	650,000	650,000	574,000	490,000	+39,944
Emergency appropriations (P.L. 108-106)	245,000	---	---	---	---	-245,000
Total, International Organizations and Conferences	1,694,886	1,844,210	1,844,210	1,594,830	1,672,000	-22,886
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	25,726	30,300	26,800	27,689	27,244	+1,518
Construction	3,513	8,545	4,475	6,146	5,310	+1,797
American sections, international commissions	8,849	10,756	9,356	10,546	9,594	+745
International fisheries commissions	19,097	20,800	19,097	21,982	21,982	+2,885
Total, International commissions	57,185	70,401	59,728	66,363	64,130	+6,945
Other						
Payment to the Asia Foundation	12,864	8,880	13,000	---	13,000	+136
International Center for Middle Eastern Western dialogue	6,926	---	---	7,000	7,000	+74
Eisenhower Exchange Fellowship program	495	500	500	500	500	+5
Israeli Arab scholarship program	371	375	375	375	375	+4
East-West Center	17,692	13,709	5,000	19,500	19,500	+1,808
National Endowment for Democracy	39,579	80,000	40,579	50,000	60,000	+20,421
Total, Department of State	8,837,162	8,551,541	8,420,709	7,981,308	8,283,227	-553,935
RELATED AGENCY						
Broadcasting Board of Governors						
International Broadcasting Operations	540,292	533,111	601,740	552,240	591,000	+50,708
Emergency appropriations (P.L. 108-106)	40,000	---	---	---	---	-40,000
Broadcasting to Cuba	---	27,629	---	---	---	---
Broadcasting capital improvements	11,275	8,560	8,560	8,560	8,560	-2,715
Total, Broadcasting Board of Governors	591,567	569,300	610,300	560,800	599,560	+7,993
Total, title IV, Department of State and Related Agency	9,428,729	9,120,841	9,031,009	8,542,108	8,882,787	-545,942
Appropriations	(8,178,529)	(9,120,841)	(9,031,009)	(8,542,108)	(8,882,787)	(+704,258)
Emergency appropriations	(1,250,200)	---	---	---	---	(-1,250,200)
(Transfer out)	(-5,000)	(-5,000)	(-5,000)	(-8,500)	(-4,000)	(+1,000)
(By transfer)	(5,000)	(5,000)	(5,000)	(23,767)	(4,000)	(-1,000)
TITLE V - RELATED AGENCIES						
Antitrust Modernization Commission						
Salaries and expenses	1,187	1,200	1,200	---	1,187	---
Commission on the Abraham Lincoln Study Abroad Fellowship Program						
Salaries and expenses (P.L. 108-199)	497	---	---	---	---	-497
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	491	499	499	491	499	+8
Commission on Civil Rights						
Salaries and expenses	9,001	9,096	9,096	9,096	9,096	+95
Commission on International Religious Freedom						
Salaries and expenses	2,968	3,000	3,000	---	3,000	+32
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,598	1,831	1,831	1,598	1,831	+233

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Congressional-Executive Commission on the People's Republic of China						
Salaries and expenses	1,781	1,900	1,900	1,781	1,900	+119
Equal Employment Opportunity Commission						
Salaries and expenses	324,944	350,754	334,944	327,511	331,228	+6,284
Federal Communications Commission						
Salaries and expenses	273,947	292,958	279,851	282,346	281,098	+7,151
Offsetting fee collections - current year	-272,958	-272,958	-272,958	-281,346	-280,098	-7,140
Direct appropriation	989	20,000	6,893	1,000	1,000	+11
Federal Trade Commission						
Salaries and expenses	185,505	205,430	203,430	207,730	205,430	+19,925
Offsetting fee collections - current year	-112,000	-101,000	-101,000	-101,000	-101,000	+11,000
Offsetting fee collections, telephone database	-23,100	-20,000	-21,901	-20,000	-21,901	+1,199
Direct appropriation	50,405	84,430	80,529	86,730	82,529	+32,124
HELP Commission						
Salaries and expenses	2,968	---	1,000	---	1,000	-1,968
Legal Services Corporation						
Payment to the Legal Services Corporation	335,282	329,300	335,282	335,000	335,282	---
Marine Mammal Commission						
Salaries and expenses	1,836	1,890	1,890	1,890	1,890	+54
National Veterans Business Development Corporation						
National Veterans Business Development Corporation	1,979	2,000	2,000	2,000	2,000	+21
Securities and Exchange Commission						
Salaries and expenses	811,500	913,000	913,000	913,000	913,000	+101,500
Prior year unobligated balances	-120,000	-20,000	-20,000	-20,000	-57,000	+63,000
Direct appropriation	691,500	893,000	893,000	893,000	856,000	+164,500
Small Business Administration						
Salaries and expenses	322,322	326,259	315,362	357,684	322,335	+13
Miscellaneous appropriations (P.L. 108-199)	497	---	---	---	---	-497
Office of Inspector General	12,864	14,500	14,500	13,014	13,014	+150
Surety bond guarantees revolving fund	---	11,400	9,900	11,400	2,900	+2,900
Business Loans Program Account:						
Direct loans subsidy	1,890	---	---	---	1,455	-435
Guaranteed loans subsidy	78,299	---	---	71,910	---	-78,299
Administrative expenses	126,653	129,000	207,132	128,000	126,653	---
Total, Business loans program account	206,842	129,000	207,132	200,910	128,108	-78,734
Disaster Loans Program Account:						
Direct loans subsidy	55,597	78,887	78,887	65,000	---	-55,597
Administrative expenses	113,159	118,354	117,000	113,909	113,159	---
Gainsharing	---	---	---	---	---	---
Total, Disaster loans program account	168,756	197,241	195,887	178,909	113,159	-55,597
Total, Small Business Administration	711,281	678,400	742,781	761,917	579,516	-131,765
State Justice Institute						
Salaries and expenses	2,227	---	2,227	3,000	2,613	+386

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
United States - China Economic and Security Review Commission						
Salaries and expenses	1,979	2,000	3,000	2,300	3,000	+1,021
United States Senate-China Interparliamentary Group						
Salaries and expenses	---	---	---	100	100	+100
United States Institute of Peace						
Operating expenses	17,099	22,099	23,000	---	23,000	+5,901
Emergency supplemental appropriations (P.L. 108-106)	10,000	---	---	---	---	-10,000
Total, United States Institute of Peace	27,099	22,099	23,000	---	23,000	-4,099
Total, title V, Related agencies	2,170,012	2,401,399	2,444,072	2,427,414	2,236,671	+66,659
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working Capital fund (rescission)	-67,326	-60,000	---	---	-60,000	+7,326
Counterterrorism fund (rescission)	-40,000	---	---	---	---	+40,000
Legal Activities						
Assets forfeiture fund (rescission)	-61,608	---	---	---	-61,800	-192
Federal Prison System						
Buildings and facilities (rescission)	-51,895	-55,000	---	---	---	+51,895
Office of Justice Programs						
Justice assistance (rescission)	---	---	---	---	-1,619	-1,619
State & local law enforcement assistance (rescission)	-21,600	---	-20,000	---	-29,380	-7,780
Community oriented policing services (rescission)	-6,378	---	-61,000	---	-99,000	-92,622
Juvenile justice programs (rescission)	-15,900	---	---	---	-3,500	+12,400
DEPARTMENT OF COMMERCE						
National Institute of Standards and Technology						
Industrial technology services (rescission)	---	---	---	---	-3,900	-3,900
National Oceanic and Atmospheric Administration						
NERRS construction (rescission)	-2,500	---	---	---	---	+2,500
Departmental Management						
Emergency steel guaranteed loan program account (rescission)	---	-13,000	---	---	---	---
Travel and tourism (rescission)	-40,000	---	---	---	---	+40,000
RELATED AGENCIES						
Federal Communications Commission						
Salaries and expenses (rescission)	---	---	---	---	-12,000	-12,000
Across-the-board cut (.54%) (rescission) (sec. 640)	---	---	---	---	-229,000	-229,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs Enacted
Department of Justice:						
Working capital fund (rescission) (Sec. 627)	---	---	---	-44,000	---	---
Asset forfeiture fund (rescission) (Sec. 628)	---	---	---	-30,000	---	---
Unobligated balances (rescission) (Sec. 629)	---	---	---	-98,125	---	---
Total, title VII, Rescissions	-307,207	-128,000	-81,000	-172,125	-500,199	-192,992
Grand total:						
New budget (obligational) authority	42,242,023	43,216,594	43,483,066	43,467,214	43,681,207	+1,439,184
Appropriations	(41,424,030)	(43,453,036)	(43,564,066)	(43,639,339)	(44,181,406)	(+2,757,376)
Emergency appropriations	(1,325,200)	---	---	---	---	(-1,325,200)
Rescissions	(-507,207)	(-236,442)	(-81,000)	(-172,125)	(-500,199)	(+7,008)
(Transfer out)	(-11,632)	(-5,000)	(-5,000)	(-51,699)	(-4,000)	(+7,632)
(By transfer)	(73,632)	(84,000)	(64,000)	(108,699)	(69,000)	(-4,632)

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations	116,259	90,500	149,000	144,500	+28,241
Construction, general	1,712,157	1,421,500	1,878,680	1,796,089	+83,932
Miscellaneous appropriations (P.L. 108-199)	13,669	---	---	---	-13,669
Miscellaneous appropriations (P.L. 108-199)	22,268	---	---	---	-22,268
Rescissions	---	-94,000	---	---	---
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	322,309	270,000	325,000	324,500	+2,191
Rescissions	---	-5,000	---	---	---
Operation and maintenance, general	1,956,314	1,931,000	1,982,000	1,959,101	+2,787
Regulatory program	139,174	150,000	140,000	145,000	+5,826
FUSRAP	139,174	140,000	190,000	165,000	+25,826
Flood control and coastal emergencies	---	50,000	---	---	---
Rescissions	---	-1,000	---	---	---
General expenses	159,056	167,000	167,000	167,000	+7,944
Office of Assistant Secretary of the Army	---	---	2,800	4,000	+4,000
Total, title I, Department of Defense - Civil	4,580,380	4,120,000	4,832,280	4,705,190	+124,810
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	26,880	30,806	30,806	30,806	+3,926
Fish, wildlife, and recreation mitigation and conservation	9,367	15,469	15,469	15,469	+6,102
Subtotal	36,247	46,275	46,275	46,275	+10,028
Program oversight and administration	1,718	1,734	1,734	1,734	+16
Total, Central Utah project completion account	37,965	48,009	48,009	48,009	+10,044
Bureau of Reclamation					
Water and related resources	852,439	794,476	860,305	859,481	+7,042
Loan program	199	---	---	---	-199
Central Valley project restoration fund	39,366	54,695	54,695	54,695	+15,329
California Bay-Delta restoration	---	15,000	---	---	---
Working capital fund (rescission)	-4,525	---	---	---	+4,525
Policy and administration	55,197	58,153	58,153	58,153	+2,956
Total, Bureau of Reclamation	942,676	922,324	973,153	972,329	+29,653
Total, title II, Department of the Interior	980,641	970,333	1,021,162	1,020,338	+39,697
TITLE III - DEPARTMENT OF ENERGY					
Energy supply	733,190	835,266	817,126	946,272	+213,082
Miscellaneous appropriations (P.L. 108-199)	4,971	---	---	---	-4,971
Non-defense site acceleration completion	162,411	151,850	151,850	151,850	-10,561
Uranium enrichment decontamination and decommissioning fund	414,027	500,200	500,200	499,007	+84,980
Non-defense environmental services	337,465	291,296	291,296	291,296	-46,169
Science	3,431,335	3,431,718	3,599,964	3,628,902	+197,567
Miscellaneous appropriations (P.L. 108-199)	50,948	---	---	---	-50,948
Nuclear Waste Disposal	188,879	749,000	---	346,000	+157,121
Departmental administration	215,255	261,873	243,876	240,426	+25,171
Miscellaneous revenues	-123,000	-122,000	-122,000	-122,000	+1,000
Net appropriation	92,255	139,873	121,876	118,426	+26,171
Office of the Inspector General	39,229	41,508	41,508	41,508	+2,279
Atomic Energy Defense Activities					
National Nuclear Security Administration:					
Weapons activities	6,235,502	6,568,453	6,514,424	6,226,471	-9,031
Transfer from Department of Defense approps	---	---	---	(300,000)	(+300,000)
Total, Weapons activities (program level)	(6,235,502)	(6,568,453)	(6,514,424)	(6,526,471)	(+290,969)

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Conference	Conference vs. Enacted
Defense nuclear nonproliferation	1,319,779	1,348,647	1,348,647	1,420,397	+100,618
Naval reactors	761,878	797,900	807,900	807,900	+46,022
Office of the Administrator	337,974	333,700	356,200	356,200	+18,226
Subtotal, National Nuclear Security Administration	8,655,133	9,048,700	9,027,171	8,810,968	+155,835
Defense site acceleration completion	5,617,719	5,620,837	5,930,837	5,804,479	+186,760
High-level waste (Waste Incidental to Reprocessing) (legislative proposal)	---	350,000	---	291,950	+291,950
Subtotal, Defense site acceleration completion	5,617,719	5,970,837	5,930,837	6,096,429	+478,710
Defense environmental services	985,296	982,470	957,976	937,976	-47,320
Defense environmental management privatization (rescission)	-15,329	---	---	---	+15,329
Subtotal, Defense environmental management	6,587,686	6,953,307	6,888,813	7,034,405	+446,719
Other defense activities	670,510	663,636	697,059	692,691	+22,181
Defense nuclear waste disposal	387,699	131,000	131,000	231,000	-156,699
Total, Atomic Energy Defense Activities	16,301,028	16,796,643	16,744,043	16,769,064	+468,036
Power Marketing Administrations					
Operation and maintenance, Southeastern Power Administration	4,869	5,200	5,200	5,200	+331
Operation and maintenance, Southwestern Power Administration	28,420	29,352	29,352	29,352	+932
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	175,778	173,100	173,100	173,100	-2,678
Falcon and Amistad operating and maintenance fund	2,624	2,827	2,827	2,827	+203
Total, Power Marketing Administrations	211,691	210,479	210,479	210,479	-1,212
Federal Energy Regulatory Commission					
Salaries and expenses	203,194	210,000	210,000	210,000	+6,806
Revenues applied	-203,194	-210,000	-210,000	210,000	-6,806
Total, title III, Department of Energy	21,967,429	23,147,833	22,478,342	23,002,804	+1,035,375
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission	65,611	66,000	38,500	66,000	+389
Defense Nuclear Facilities Safety Board	19,444	20,268	20,268	20,268	+824
Delta Regional Authority	4,971	2,096	2,096	6,048	+1,077
Denali Commission	54,676	2,500	---	67,000	+12,324
Nuclear Regulatory Commission:					
Salaries and expenses	618,328	662,777	662,777	662,777	+44,449
Revenues	-538,844	-534,354	-534,354	-534,354	+4,490
Subtotal	79,484	128,423	128,423	128,423	+48,939
Office of Inspector General	7,297	7,518	7,518	7,518	+221
Revenues	-6,716	-6,766	-6,766	-6,766	-50
Subtotal	581	752	752	752	+171
Total, Nuclear Regulatory Commission	80,065	129,175	129,175	129,175	+49,110
Nuclear Waste Technical Review Board	3,158	3,177	3,177	3,177	+19
Tennessee Valley Authority:					
Office of Inspector General	---	9,000	---	---	---
Total, title IV, Independent agencies	227,925	232,216	193,216	291,668	+63,743
Grand total:					
New budget (obligational) authority	27,756,375	28,470,382	28,525,000	29,020,000	+1,263,625
Appropriations	(27,776,229)	(28,570,382)	(28,525,000)	(29,020,000)	(+1,243,771)
Rescissions	(-19,854)	(-100,000)	---	---	(+19,854)

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Decontamination and Decommiss. Fund	-452,000	-463,000	-463,000	-463,000	-11,000
Departmental Administration Revenues	---	---	---	---	---
Central Valley project collections	-31,000	-46,000	-46,000	-46,000	-15,000
Power marketing fund (WAPA)	-22,000	-23,000	-23,000	-23,000	-1,000
Indian Water Rights (Sec. 215)	2,088	---	---	---	-2,088
Across the board reduction (P.L. 108-199)	---	---	---	---	---
Total, adjustments	-502,912	-532,000	-532,000	-532,000	-29,088
Total (including adjustments)	27,253,463	27,938,382	27,993,000	28,488,000	+1,234,537
Amounts in this bill	(27,756,375)	(28,470,382)	(28,525,000)	(29,020,000)	(+1,263,625)
Scorekeeping adjustments	(-502,912)	(-532,000)	(-532,000)	(-532,000)	(-29,088)
Prior year outlays (including supplementals)	---	---	---	---	---
Total mandatory and discretionary	27,253,463	27,938,382	27,993,000	28,488,000	+1,234,537
Discretionary	(27,253,463)	(27,938,382)	(27,993,000)	(28,488,000)	(+1,234,537)
Discretionary (prior year)	---	---	---	---	---
Discretionary (total)	(27,253,463)	(27,938,382)	(27,993,000)	(28,488,000)	(+1,234,537)
RECAP BY FUNCTION					
General purpose discretionary:					
Defense	16,459,646	16,956,911	16,956,911	16,958,332	+498,686
Prior year outlays	---	---	---	---	---
Total, Defense	16,459,646	16,956,911	16,956,911	16,958,332	+498,686
Nondefense	10,793,817	10,981,471	11,036,089	11,529,668	+735,851
Prior year outlays	---	---	---	---	---
Total, Nondefense	10,793,817	10,981,471	11,036,089	11,529,668	+735,851
Subtotal, General purpose discretionary	27,253,463	27,938,382	27,993,000	28,488,000	+1,234,537
Prior year outlays	---	---	---	---	---
Total, General purpose discretionary	27,253,463	27,938,382	27,993,000	28,488,000	+1,234,537
Grand total, Mandatory and Discretionary	27,253,463	27,938,382	27,993,000	28,488,000	+1,234,537
DISCRETIONARY 302B ALLOCATION					
GENERAL PURPOSE	27,253,463	27,938,382	27,993,000	28,488,000	+1,234,537
302B ALLOCATION	27,166,765	---	27,993,000	28,488,000	+1,321,235
OVER/UNDER	86,698	27,938,382	---	---	-86,698

Conference Report
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	116,259	90,500	149,000	---	144,500	+28,241
Construction, general	1,712,157	1,421,500	1,876,680	---	1,796,089	+83,932
Miscellaneous appropriations (P.L. 108-199)	13,669	---	---	---	---	-13,669
Miscellaneous appropriations (P.L. 108-199)	22,268	---	---	---	---	-22,268
Rescissions	---	-94,000	---	---	---	---
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	322,309	270,000	325,000	---	324,500	+2,191
Rescissions	---	-5,000	---	---	---	---
Operation and maintenance, general	1,956,314	1,931,000	1,982,000	---	1,959,101	+2,787
Regulatory program	139,174	150,000	140,000	---	145,000	+5,826
FUSRAP	139,174	140,000	190,000	---	165,000	+25,826
Flood control and coastal emergencies	---	50,000	---	---	---	---
Rescissions	---	-1,000	---	---	---	---
General expenses	159,056	167,000	167,000	---	167,000	+7,944
Office of Assistant Secretary of the Army	---	---	2,600	---	4,000	+4,000
Total, title I, Department of Defense - Civil	4,580,380	4,120,000	4,832,280	---	4,705,190	+124,810
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	26,880	30,806	30,806	---	30,806	+3,926
Fish, wildlife, and recreation mitigation and conservation	9,367	15,469	15,469	---	15,469	+6,102
Subtotal	36,247	46,275	46,275	---	46,275	+10,028
Program oversight and administration	1,718	1,734	1,734	---	1,734	+16
Total, Central Utah project completion account	37,965	48,009	48,009	---	48,009	+10,044

Conference Report
(Amounts in thousands)

		FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted	
2800	Bureau of Reclamation							2800
2900	Water and related resources	852,439	794,476	860,305	---	859,481	+7,042	2900
3000	Loan program	199	---	---	---	---	-199	3000
3200	Central Valley project restoration fund	39,366	54,695	54,695	---	54,695	+15,329	3200
3300	California Bay-Delta restoration	---	15,000	---	---	---	---	3300
3400	Working capital fund (rescission)	-4,525	---	---	---	---	+4,525	3400
3500	Policy and administration	55,197	58,153	58,153	---	58,153	+2,956	3500
3600	Total, Bureau of Reclamation	942,676	922,324	973,153	---	972,329	+29,653	3600
3700	Total, title II, Department of the Interior	980,641	970,333	1,021,162	---	1,020,338	+39,697	3700
3800	TITLE III - DEPARTMENT OF ENERGY							3800
3900	Energy supply	733,190	835,266	817,126	---	946,272	+213,082	3900
4000	Miscellaneous appropriations (P.L. 108-199)	4,971	---	---	---	---	-4,971	4000
4100	Non-defense site acceleration completion	162,411	151,850	151,850	---	151,850	-10,561	4100
4200 4300	Uranium enrichment decontamination and decommissioning fund	414,027	500,200	500,200	---	499,007	+84,980	4200 4300
4400	Non-defense environmental services	337,465	291,296	291,296	---	291,296	-46,169	4400
4500	Science	3,431,335	3,431,718	3,599,964	---	3,628,902	+197,567	4500
4600	Miscellaneous appropriations (P.L. 108-199)	50,948	---	---	---	---	-50,948	4600
4700	Nuclear Waste Disposal	188,879	749,000	---	---	346,000	+157,121	4700
4800	Departmental administration	215,255	261,873	243,876	---	240,426	+25,171	4800
4900	Miscellaneous revenues	-123,000	-122,000	-122,000	---	-122,000	+1,000	4900
5000	Net appropriation	92,255	139,873	121,876	---	118,426	+26,171	5000
5100	Office of the Inspector General	39,229	41,508	41,508	---	41,508	+2,279	5100
5200	Atomic Energy Defense Activities							5200
5300	National Nuclear Security Administration:							5300
5400	Weapons activities	6,235,502	6,568,453	6,514,424	---	6,226,471	-9,031	5400 050
5410	Transfer from Department of Defense approps	---	---	---	---	(300,000)	(+300,000)	5410 050
5420	Total, Weapons activities (program level)	(6,235,502)	(6,568,453)	(6,514,424)	---	(6,526,471)	(+290,969)	5420
5500	Defense nuclear nonproliferation	1,319,779	1,348,647	1,348,647	---	1,420,397	+100,618	5500 050
5600	Naval reactors	761,878	797,900	807,900	---	807,900	+46,022	5600 050
5700	Office of the Administrator	337,974	333,700	356,200	---	356,200	+18,226	5700 050
5800 5900	Subtotal, National Nuclear Security Administration	8,655,133	9,048,700	9,027,171	---	8,810,968	+155,835	5800 5900

Conference Report
(Amounts in thousands)

		FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted	
6000	Defense site acceleration completion	5,617,719	5,620,837	5,930,837	---	5,804,479	+186,760	6000 050
6040 6050	High-level waste (Waste Incidental to Reprocessing) (legislative proposal)	---	350,000	---	---	291,950	+291,950	6040 6050 050
6060	Subtotal, Defense site acceleration completion	5,617,719	5,970,837	5,930,837	---	6,096,429	+478,710	6060
6100	Defense environmental services	985,296	982,470	957,976	---	937,976	-47,320	6100 050
6200 6300	Defense environmental management privatization (rescission)	-15,329	---	---	---	---	+15,329	6200 6300 050
6400	Subtotal, Defense environmental management	6,587,686	6,953,307	6,888,813	---	7,034,405	+446,719	6400
6500	Other defense activities	670,510	663,636	697,059	---	692,691	+22,181	6500 050
6600	Defense nuclear waste disposal	387,699	131,000	131,000	---	231,000	-156,699	6600 050
6700	Total, Atomic Energy Defense Activities	16,301,028	16,796,643	16,744,043	---	16,769,064	+468,036	6700
6800	Power Marketing Administrations							6800
6900 7000	Operation and maintenance, Southeastern Power Administration	4,869	5,200	5,200	---	5,200	+331	6900 7000
7100 7200	Operation and maintenance, Southwestern Power Administration	28,420	29,352	29,352	---	29,352	+932	7100 7200
7300 7400	Construction, rehabilitation, operation and maintenance, Western Area Power Administration	175,778	173,100	173,100	---	173,100	-2,678	7300 7400
7500	Falcon and Amistad operating and maintenance fund	2,624	2,827	2,827	---	2,827	+203	7500
7600	Total, Power Marketing Administrations	211,691	210,479	210,479	---	210,479	-1,212	7600
7700	Federal Energy Regulatory Commission							7700
7800	Salaries and expenses	203,194	210,000	210,000	---	210,000	+6,806	7800
7900	Revenues applied	-203,194	-210,000	-210,000	---	-210,000	-6,806	7900
8000	Total, title III, Department of Energy	21,967,429	23,147,833	22,478,342	---	23,002,804	+1,035,375	8000
8100	TITLE IV - INDEPENDENT AGENCIES							8100
8200	Appalachian Regional Commission	65,611	66,000	38,500	---	66,000	+389	8200
8300	Defense Nuclear Facilities Safety Board	19,444	20,268	20,268	---	20,268	+824	8300 050
8400	Delta Regional Authority	4,971	2,096	2,096	---	6,048	+1,077	8400
8500	Denali Commission	54,676	2,500	---	---	67,000	+12,324	8500

Conference Report
(Amounts in thousands)

		FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted	
8600	Nuclear Regulatory Commission:							8600
8700	Salaries and expenses	618,328	662,777	662,777	---	662,777	+44,449	8700
8800	Revenues	-538,844	-534,354	-534,354	---	-534,354	+4,490	8800
8900	Subtotal	79,484	128,423	128,423	---	128,423	+48,939	8900
9000	Office of Inspector General	7,297	7,518	7,518	---	7,518	+221	9000
9100	Revenues	-6,716	-6,766	-6,766	---	-6,766	-50	9100
9200	Subtotal	581	752	752	---	752	+171	9200
9300	Total, Nuclear Regulatory Commission	80,065	129,175	129,175	---	129,175	+49,110	9300
9400	Nuclear Waste Technical Review Board	3,158	3,177	3,177	---	3,177	+19	9400
9420	Tennessee Valley Authority:							9420
9450	Office of Inspector General	---	9,000	---	---	---	---	9450
9500	Total, title IV, Independent agencies	227,925	232,216	193,216	---	291,668	+63,743	9500
9600	Grand total:							9600
9700	New budget (obligational) authority	27,756,375	28,470,382	28,525,000	---	29,020,000	+1,263,625	9700
9800	Appropriations	(27,776,229)	(28,570,382)	(28,525,000)	---	(29,020,000)	(+1,243,771)	9800
9900	Rescissions	(-19,854)	(-100,000)	---	---	---	(+19,854)	9900

DIVISION D -- FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
EXPORT-IMPORT BANK OF THE UNITED STATES						
Subsidy appropriation	---	125,700	125,700	115,700	59,800	+59,800
Administrative expenses	72,465	73,200	73,200	73,200	73,200	+735
Inspector General	---	1,140	---	1,140	---	---
Negative subsidy	-34,000	-33,000	-33,000	-33,000	-33,000	+1,000
Total, Export-Import Bank of the United States	38,465	167,040	165,900	157,040	100,000	+61,535
OVERSEAS PRIVATE INVESTMENT CORPORATION						
Noncredit account:						
Administrative expenses	41,141	42,885	42,885	42,885	42,885	+1,744
Insurance fees and other offsetting collections	-272,000	-278,000	-278,000	-278,000	-278,000	-6,000
Subsidy appropriation	23,858	24,000	24,000	24,000	24,000	+142
Total, Overseas Private Investment Corporation	-207,001	-211,115	-211,115	-211,115	-211,115	-4,114
FUNDS APPROPRIATED TO THE PRESIDENT						
Trade and development agency	49,705	50,000	51,500	49,000	51,500	+1,795
Total, title I, Export and investment assistance	-118,831	5,925	6,285	-5,075	-59,615	+59,216
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
United States Agency for International Development						
Child survival and health programs fund	1,824,174	1,420,000	1,648,500	1,550,000	1,550,000	-274,174
(Transfer out)	(-6,000)	---	(-6,000)	(-6,000)	(-6,000)	---
Development assistance	1,376,829	1,329,000	1,429,000	1,460,000	1,460,000	+83,171
(Transfer out)	(-21,000)	(-21,000)	(-21,000)	(-21,000)	(-21,000)	---
(Transfer out)	---	---	---	(-24,000)	(-24,000)	(-24,000)
International disaster assistance	253,993	385,500	355,500	385,500	370,000	+116,007
Emergency supplemental (P.L. 108-106)	110,000	---	---	---	---	-110,000
(By transfer emergency appropriations)	---	---	---	(150,000)	---	---
(By transfer) (P.L. 108-106)	(110,000)	---	---	---	---	(-110,000)
Subtotal, Disaster assistance	363,993	385,500	355,500	385,500	370,000	+6,007
Transition Initiatives	54,676	62,800	47,500	50,000	49,000	-5,676
Development Credit Authority:						
(By transfer)	(21,000)	(21,000)	(21,000)	(21,000)	(21,000)	---
Administrative expenses	7,953	8,000	8,000	8,000	8,000	+47
Subtotal, Development assistance	3,827,625	3,205,300	3,488,500	3,453,500	3,437,000	-190,625
Payment to the Foreign Service Retirement and Disability Fund	43,859	42,500	42,500	42,500	42,500	-1,359
Operating expenses of the U.S. Agency for International Development	600,536	623,400	618,000	618,000	618,000	+17,464
Emergency supplemental (P.L. 108-106)	40,000	---	---	---	---	-40,000
(By transfer)	(6,000)	---	(6,000)	(6,000)	(6,000)	---
(By transfer)	---	---	---	(24,000)	(24,000)	(+24,000)
Emergency supplemental (P.L. 108-106) (Transfer to U.S. AID Office of Inspector General)	(-1,900)	---	---	---	---	(+1,900)
Subtotal, USAID	640,536	623,400	618,000	618,000	618,000	-22,536

DIVISION D -- FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Capital Investment Fund	81,715	64,800	64,800	59,000	59,000	-22,715
Emergency supplemental (P.L. 108-106)	16,600	---	---	---	---	-16,600
Subtotal, Capital investment fund	98,315	64,800	64,800	59,000	59,000	-39,315
Operating expenses of the U.S. Agency for International Development Office of Inspector General	34,794	35,000	35,000	35,000	35,000	+206
Emergency supplemental (P.L. 108-106)(By transfer)	(1,900)	---	---	---	---	(-1,900)
Subtotal, Operating expenses	34,794	35,000	35,000	35,000	35,000	+206
Total, USAID	4,445,129	3,971,000	4,248,800	4,208,000	4,191,500	-253,629
Other Bilateral Economic Assistance						
Economic support fund:						
Israel	477,168	360,000	360,000	360,000	360,000	-117,168
Egypt	571,608	535,000	535,000	535,000	535,000	-36,608
Other	1,071,143	1,616,500	1,555,000	1,575,000	1,587,500	+516,357
Economic support fund (P.L. 108-106)	872,000	---	---	---	---	-872,000
(By transfer emergency)	(100,000)	---	---	---	---	(-100,000)
(By transfer)	---	---	(-150,000)	(-150,000)	(-150,000)	(-150,000)
Subtotal, Economic support fund	2,991,919	2,511,500	2,450,000	2,470,000	2,482,500	-509,419
International Fund for Ireland	18,391	8,500	18,500	---	18,500	+109
Assistance for Eastern Europe and the Baltic States	442,375	410,000	375,000	410,000	396,600	-45,775
Assistance for the Independent States of the former Soviet Union	584,531	550,000	550,000	560,000	560,000	-24,531
US emergency fund for complex international crises	---	100,000	---	---	---	---
Iraq relief and reconstruction fund (P.L. 108-106)	18,649,000	---	---	---	---	-18,649,000
(Transfer out) (P.L. 108-106)	(-210,000)	---	---	---	---	(+210,000)
(Transfer out emergency)	---	---	---	(-150,000)	---	---
Debt relief (P.L. 108-106)	---	---	---	---	---	---
CPA operating expenses (P.L. 108-106)	983,000	---	---	---	---	-983,000
Total, Other Bilateral Economic Assistance	23,669,216	3,580,000	3,393,500	3,440,000	3,457,600	-20,211,616
INDEPENDENT AGENCIES						
Inter-American Foundation						
Appropriation	16,238	15,185	16,238	19,000	18,000	+1,762
African Development Foundation						
Appropriation	18,579	17,000	18,579	20,000	19,000	+421
Peace Corps						
Appropriation	308,171	401,000	330,000	310,000	320,000	+11,829
(By transfer)	(15,000)	---	---	---	---	(-15,000)
Millenium Challenge Corporation						
Appropriation	994,100	2,500,000	1,250,000	1,120,000	1,500,000	+505,900
Department of State						
Global HIV/AIDS initiative	488,103	1,450,000	1,260,000	1,450,000	1,385,000	+896,897
(Transfer out)	(-15,000)	---	---	---	---	(+15,000)
International narcotics control and law enforcement	240,274	358,820	328,820	328,820	328,820	+88,546
Emergency supplemental (P.L. 108-106)	170,000	---	---	---	---	-170,000
Subtotal, Narcotics control	410,274	358,820	328,820	328,820	328,820	-81,454

DIVISION D -- FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Andean Counterdrug Initiative	726,687	731,000	731,000	731,000	731,000	+4,313
(By transfer)	(17,000)	---	---	---	---	(-17,000)
Migration and refugee assistance	755,712	729,789	756,000	775,000	770,000	+14,288
United States Emergency Refugee and Migration Assistance Fund	29,823	20,000	20,000	50,000	30,000	+177
Nonproliferation, anti-terrorism, demining and related programs	351,414	415,200	382,000	415,200	402,000	+50,586
(By transfer)	---	---	---	(5,000)	---	---
Emergency supplemental (P.L. 108-106)	35,000	---	---	---	---	-35,000
Subtotal, Nonproliferation	386,414	415,200	382,000	415,200	402,000	+15,586
Conflict response fund	---	---	---	20,000	---	---
Subtotal, Department of State	2,797,013	3,704,809	3,477,820	3,770,020	3,646,820	+849,807
Department of the Treasury						
International Affairs Technical Assistance	18,888	17,500	19,000	17,500	19,000	+112
Debt restructuring	94,440	200,000	105,000	95,000	100,000	+5,560
Subtotal, Department of the Treasury	113,328	217,500	124,000	112,500	119,000	+5,672
Total, title II, Bilateral economic assistance	32,361,774	14,406,494	12,858,937	12,999,520	13,271,920	-19,089,854
Appropriations	(11,486,174)	(14,406,494)	(12,858,937)	(12,999,520)	(13,271,920)	(+1,785,746)
Emergency appropriations	(20,875,600)	---	---	---	---	(-20,875,600)
(By transfer)	(59,000)	(21,000)	(-123,000)	(-94,000)	(-99,000)	(-158,000)
(By transfer emergency appropriations)	211,900	---	---	150,000	---	-211,900
(Transfer out)	(-42,000)	(-21,000)	(-27,000)	(-51,000)	(-51,000)	(-9,000)
(Transfer out emergency appropriations)	-211,900	---	---	-150,000	---	+211,900

DIVISION D -- FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE III - MILITARY ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Military Education and Training	91,159	89,730	89,730	89,730	89,730	-1,429
Foreign Military Financing Program:						
Grants:						
Israel	2,147,256	2,220,000	2,220,000	2,220,000	2,220,000	+72,744
Egypt	1,292,330	1,300,000	1,300,000	1,300,000	1,300,000	+7,670
Other	829,079	1,437,500	1,257,500	1,257,500	1,263,500	+434,421
Emergency supplemental (P.L. 108-106)	287,000	---	---	---	---	-287,000
(By transfer)	---	---	(150,000)	(150,000)	(150,000)	(+150,000)
(Transfer out)	(-17,000)	---	---	(-5,000)	---	(+17,000)
Subtotal, Grants	4,555,665	4,957,500	4,777,500	4,777,500	4,783,500	+227,835
(Limitation on administrative expenses)	(40,500)	(40,500)	(40,500)	(40,500)	(40,000)	(-500)
Total, Foreign Military Financing	4,555,665	4,957,500	4,777,500	4,777,500	4,783,500	+227,835
Peacekeeping operations	74,458	104,000	104,000	104,000	104,000	+29,542
Emergency supplemental (P.L. 108-106)	50,000	---	---	---	---	-50,000
Subtotal, Peacekeeping operations	124,458	104,000	104,000	104,000	104,000	-20,458
Total, title III, Military assistance	4,771,282	5,151,230	4,971,230	4,971,230	4,977,230	+205,948
Appropriations	(4,434,282)	(5,151,230)	(4,971,230)	(4,971,230)	(4,977,230)	(+542,948)
Emergency appropriations	(337,000)	---	---	---	---	(-337,000)
(By transfer)	---	---	(150,000)	(150,000)	(150,000)	(+150,000)
(Transfer out)	(-17,000)	---	---	(-5,000)	---	(+17,000)
(Limitation on administrative expenses)	(40,500)	(40,500)	(40,500)	(40,500)	(40,000)	(-500)

DIVISION D -- FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Financial Institutions						
World Bank Group						
Contribution to the International Bank for Reconstruction and Development: Global Environment Facility	138,418	120,678	107,500	120,678	107,500	-30,918
Contribution to the International Development Association	907,812	1,061,310	850,000	820,000	850,000	-57,812
Contribution to Multilateral Investment Guarantee Agency	1,117	---	---	---	---	-1,117
(Limitation on callable capital subscriptions)	(4,475)	---	---	---	---	(-4,475)
Total, World Bank Group	1,047,347	1,181,988	957,500	940,678	957,500	-89,847
Contribution to the Inter-American Development Bank:						
Contribution to the Enterprise for the Americas Multilateral Investment Fund	24,853	25,000	25,000	15,000	11,000	-13,853
Contribution to the Asian Development Bank:						
Contribution to the Asian Development Fund	143,569	112,212	112,212	59,691	100,000	-43,569
Contribution to the African Development Bank:						
Paid-in capital	5,075	5,100	5,100	1,100	4,100	-975
(Limitation on callable capital subscriptions)	(79,610)	(79,533)	(79,533)	(79,533)	---	(-79,610)
Contribution to the African Development Fund	112,060	118,000	118,000	67,000	106,000	-6,060
Total, African Development Bank	117,135	123,100	123,100	68,100	110,100	-7,035
Contribution to the European Bank for Reconstruction and Development:						
Paid-in capital	35,222	35,431	35,431	35,431	35,431	+209
(Limitation on callable capital subscriptions)	(122,085)	(121,997)	(121,997)	(121,997)	(121,997)	(-88)
Contribution to the International Fund for Agricultural Development	14,915	15,000	15,000	15,000	15,000	+85
Total, International Financial Institutions	1,383,041	1,492,731	1,268,243	1,133,900	1,229,031	-154,010
International Organizations and Programs						
Appropriation	319,752	304,450	323,450	328,925	328,394	+8,642
Total, title IV, Multilateral economic assistance	1,702,793	1,797,181	1,591,693	1,462,825	1,557,425	-145,368
(Limitation on callable capital subscript)	(206,170)	(201,530)	(201,530)	(201,530)	(121,997)	(-84,173)
TITLE V - GENERAL PROVISIONS						
Child survival and health programs fund (emergency appropriations)	---	---	---	150,000	---	---
Peacekeeping operations in Sudan (contingent emergency appropriations)	---	---	---	75,000	---	---
(Emergency appropriation)	---	---	---	---	75,000	+75,000
International disaster and famine assistance (Emergency)	---	---	---	---	18,000	+18,000
Grand total:						
New budget (obligational) authority	38,717,018	21,360,830	19,428,145	19,653,500	19,839,960	-18,877,058
(Emergency appropriations)	(21,212,600)	---	---	(150,000)	(93,000)	(-21,119,600)
(Contingent emergency appropriations)	---	---	---	(75,000)	---	---
(By transfer)	(59,000)	(21,000)	(27,000)	(56,000)	(51,000)	(-8,000)
(By transfer emergency appropriations)	211,900	---	---	150,000	---	-211,900
(Transfer out)	(-59,000)	(-21,000)	(-27,000)	(-56,000)	(-51,000)	(+8,000)
(Transfer out emergency appropriations)	-211,900	---	---	-150,000	---	+211,900
(Limitation on administrative expenses)	(40,500)	(40,500)	(40,500)	(40,500)	(40,000)	(-500)
(Limitation on callable capital subscript)	(206,170)	(201,530)	(201,530)	(201,530)	(121,997)	(-84,173)
(Emergency Supplemental (P.L. 108-106))	(21,212,600)	---	---	(150,000)	(93,000)	(-21,119,600)

DIVISION D -- FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs Enacted
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Czech loans	20,000	---	---	---	---	-20,000
Emergency supplemental (P.L. 108-106)	-21,212,600	---	---	---	---	+21,212,600
Emergency appropriations	---	---	---	-150,000	-93,000	-93,000
Contingent emergency appropriations	---	---	---	-75,000	---	---
Total, adjustments	-21,192,600	---	---	-225,000	-93,000	+21,099,600
Total (including adjustments)	17,524,418	21,360,830	19,428,145	19,428,500	19,746,960	+2,222,542
Amounts in this bill	(38,717,018)	(21,360,830)	(19,428,145)	(19,653,500)	(19,839,960)	(-18,877,058)
Scorekeeping adjustments	(-21,192,600)	---	---	(-225,000)	(-93,000)	(+21,099,600)
Prior year outlays	---	---	---	---	---	---
Total mandatory and discretionary	17,524,418	21,360,830	19,428,145	19,428,500	19,746,960	+2,222,542
Mandatory	(43,859)	(42,500)	(42,500)	(42,500)	(42,500)	(-1,359)
Discretionary	(17,480,559)	(21,318,330)	(19,385,645)	(19,386,000)	(19,686,460)	(+2,205,901)

DIVISION D -- FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
RECAP BY FUNCTION						
Mandatory	43,859	42,500	42,500	42,500	42,500	-1,359
Prior year outlays	---	---	---	---	---	---
Total, Mandatory	43,859	42,500	42,500	42,500	42,500	-1,359
Discretionary	17,480,559	21,318,330	19,385,645	19,386,000	19,704,460	+2,223,901
Prior year outlays	---	---	---	---	---	---
Total, Discretionary	17,480,559	21,318,330	19,385,645	19,386,000	19,704,460	+2,223,901
Grand total, Mandatory and Discretionary	17,524,418	21,360,830	19,428,145	19,428,500	19,746,960	+2,222,542
DISCRETIONARY 302(b) ALLOCATION						
302(b) allocation	---	---	19,386,000	19,386,000	19,386,000	+19,386,000
Over/under allocation	17,480,559	21,318,330	-355	---	318,460	-17,162,099

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H R 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	839,848	837,462	840,401	855,689	848,939
Wildland fire management:					
Preparedness	274,303	283,018	262,644	262,644	262,644
Fire suppression operations	192,903	221,523	221,523	221,523	221,523
Borrowing repayment (emergency)	98,418	---	---	---	---
Supplemental appropriations (P.L.108-287)	100,000	---	---	---	---
Other operations	217,971	238,558	258,932	258,932	258,932
Subtotal	883,593	743,099	743,099	743,099	743,099
Central hazardous materials fund	9,856	9,855	9,855	9,855	9,855
Construction	13,804	6,476	15,000	8,976	11,500
Land acquisition	18,370	24,000	4,500	22,850	11,350
Oregon and California grant lands	105,357	116,058	111,557	113,558	109,057
Range improvements (indefinite)	10,000	10,000	10,000	10,000	10,000
Service charges, deposits, & forfeitures (indefinite)	19,490	24,490	24,490	24,490	24,490
Offsetting fee collections	-19,490	-24,490	-24,490	-24,490	-24,490
Miscellaneous trust funds (indefinite)	12,405	12,405	12,405	12,405	12,405
Total, Bureau of Land Management	1,893,233	1,759,355	1,746,817	1,776,432	1,756,205
United States Fish and Wildlife Service					
Resource management	956,483	950,987	970,494	966,265	977,205
Construction	59,808	22,111	48,400	37,136	53,400
Land acquisition	43,091	45,041	12,500	49,864	37,526
Landowner incentive program	29,630	50,000	15,000	29,000	22,000
Private stewardship grants	7,408	10,000	5,000	7,500	7,000
Cooperative endangered species conservation fund	81,596	90,000	81,596	82,600	81,596
National wildlife refuge fund	14,237	14,414	14,414	14,414	14,414
North American wetlands conservation fund	37,531	54,000	38,000	38,000	38,000
Neotropical migratory birds conservation fund	3,951	---	4,400	4,000	4,000
Multinational species conservation fund	5,532	9,500	5,900	5,700	5,800
State wildlife grants	69,138	80,000	67,500	75,000	70,000
Total, United States Fish and Wildlife Service	1,308,405	1,326,053	1,263,204	1,309,479	1,310,941
National Park Service					
Operation of the national park system	1,609,560	1,686,067	1,686,067	1,688,915	1,707,282
United States Park Police	77,888	81,204	81,204	81,204	81,204
National recreation and preservation	61,776	37,736	53,877	63,023	61,832
Urban park and recreation fund	301	---	---	---	---
Historic preservation fund	73,583	77,533	71,533	71,250	72,750
Construction	329,879	329,880	297,628	330,019	307,362
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	-30,000	-30,000
Land acquisition and state assistance	135,594	178,124	107,500	155,831	148,411
Total, National Park Service (net)	2,258,581	2,360,544	2,267,809	2,360,242	2,348,841
Appropriations	(2,288,581)	(2,390,544)	(2,297,809)	(2,390,242)	(2,378,841)
Rescission	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)
United States Geological Survey					
Surveys, investigations, and research	937,985	919,788	944,498	939,486	948,921
Minerals Management Service					
Royalty and offshore minerals management	283,510	275,305	275,305	274,905	272,905
Use of receipts	-100,230	-103,730	-103,730	-103,730	-103,730
Oil spill research	7,017	7,105	7,105	7,105	7,105
Total, Minerals Management Service	170,297	178,680	178,680	178,280	176,280
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	105,113	108,805	108,805	109,805	109,805
Receipts from performance bond forfeitures (indefinite)	271	100	100	100	100
Subtotal	105,384	108,905	108,905	109,905	109,905

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference
Abandoned mine reclamation fund (definite, trust fund)	190,591	190,863	194,106	190,863	190,863
Legislative proposal		53,000	---	---	---
Subtotal	190,591	243,863	194,106	190,863	190,863
Total, Office of Surface Mining Reclamation and Enforcement	295,975	352,768	303,011	300,768	300,768
Bureau of Indian Affairs					
Operation of Indian programs	1,892,708	1,929,477	1,935,033	1,951,798	1,955,047
Construction	346,825	283,126	348,626	283,126	323,626
Indian land and water claim settlements and miscellaneous payments to Indians	54,866	34,771	44,771	34,771	44,771
Indian guaranteed loan program account	6,417	6,421	6,421	6,421	6,421
Total, Bureau of Indian Affairs	2,300,814	2,253,795	2,334,851	2,276,116	2,329,865
Departmental Offices					
Insular Affairs:					
Assistance to Territories	48,024	45,215	47,215	46,535	48,535
Northern Marianas	27,720	27,720	27,720	27,720	27,720
Subtotal	75,744	72,935	74,935	74,255	76,255
Compact of Free Association	4,379	3,941	3,499	3,400	3,499
Mandatory payments	2,000	2,000	2,000	2,000	2,000
Subtotal	6,379	5,941	5,499	5,400	5,499
Total, Insular Affairs	82,123	78,876	80,434	79,655	81,754
Departmental management	81,599	99,103	79,551	81,608	90,855
(By transfer)	---	---	---	(13,500)	---
By transfer from Central Hazardous Material Fund	---	---	-13,500	---	-13,500
Subtotal, Departmental management	81,599	99,103	66,051	81,608	77,355
Working capital fund (cancellation)	20,000		---		---
Payments in lieu of taxes	224,696	226,000	226,000	230,000	230,000
Financial management system migration project	11,555	---	---	---	---
Office of the Solicitor	49,753	53,453	51,356	53,053	52,384
Office of Inspector General	38,271	39,400	37,655	38,100	37,800
Office of Special Trustee for American Indians					
Federal trust programs	187,305	247,688	196,267	196,267	196,267
Indian land consolidation	21,709	70,000	42,000	50,000	35,000
Total, Office of Special Trustee for American Indians	209,014	317,688	238,267	248,267	231,267
Natural resource damage assessment fund	5,564	5,818	5,818	5,818	5,818
Miscellaneous appropriations (P.L. 108-199)	99	---	---	---	---
Total, Departmental Offices	682,874	820,316	705,581	734,501	716,378
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	9,847,964	9,971,299	9,744,451	9,875,304	9,888,199
Appropriations	(9,779,548)	(10,001,299)	(9,774,451)	(9,905,304)	(9,918,199)
Emergency appropriations	(98,416)	---	---	---	---
Rescissions	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	266,387	280,654	280,654	279,883	280,278
State and private forestry	304,344	204,388	282,446	291,169	296,826
Emergency appropriations (P.L. 108-199)	24,853	---	---	---	---
National forest system	1,365,877	1,655,837	1,399,599	1,387,149	1,400,260

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H R 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference
Wildland fire management:					
Preparedness	671,621	666,227	693,627	686,000	686,000
Fire suppression operations	597,130	685,400	658,000	658,400	658,000
Borrowing repayment (emergency)	299,224	---	---	---	---
Supplemental appropriations (P.L.108-287)	400,000	---	---	---	---
Other operations	354,213	77,259	383,238	359,497	383,008
Emergency appropriations (P.L. 108-199)	24,853	---	---	---	---
Subtotal	2,347,041	1,428,886	1,734,865	1,703,897	1,727,008
Capital improvement and maintenance	555,227	501,059	522,940	516,169	521,952
Land acquisition	68,363	66,885	15,500	82,524	61,866
Acquisition of lands for national forests, special acts	1,056	1,069	1,069	1,069	1,069
Acquisition of lands to complete land exchanges (indefinite)	231	234	234	234	234
Range betterment fund (indefinite)	2,983	3,064	3,064	3,064	3,064
Gifts, donations and bequests for forest and rangeland research	90	65	65	65	65
Management of national forest lands for subsistence uses	5,467	5,962	5,962	5,962	5,962
Total, Forest Service	4,939,899	4,238,103	4,246,398	4,271,185	4,298,384
DEPARTMENT OF ENERGY					
Clean coal technology:					
Deferral	-97,000	---	-237,000	257,000	-257,000
Rescission	-88,000	-237,000	---	---	---
Fossil energy research and development	672,770	635,799	601,875	542,529	579,911
Naval petroleum and oil shale reserves	17,995	18,000	18,000	18,000	18,000
Elk Hills School lands fund	---	36,000	---	---	---
Advance appropriations from previous years	36,000	36,000	36,000	36,000	36,000
Advance appropriations, FY 2005	36,000	---	---	---	---
Advance appropriations, FY 2006	---		36,000	36,000	36,000
Energy conservation	877,985	584,733	856,071	854,299	849,092
Economic regulation	1,034	---	---	---	---
Strategic petroleum reserve	170,949	172,100	172,100	172,100	172,100
Northeast home heating oil reserve	4,939	5,000	5,000	5,000	5,000
Energy Information Administration	81,100	85,000	85,000	84,000	85,000
Total, Department of Energy:					
New budget (obligational) authority (net)	1,713,772	1,335,632	1,373,046	1,490,928	1,324,103
Appropriations	(1,826,772)	(1,536,632)	(1,538,046)	(1,675,928)	(1,509,103)
Advance appropriations	(72,000)	(36,000)	(72,000)	(72,000)	(72,000)
Rescissions	(-88,000)	(-237,000)	---	---	---
Deferral	(-97,000)	---	(-237,000)	(257,000)	(-257,000)
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services:					
Non-contract services	2,051,294	2,115,739	2,131,237	2,124,539	2,127,987
Contract care	479,070	479,085	479,085	491,085	487,085
Catastrophic health emergency fund	---	18,000	18,000	18,000	18,000
Total, Indian health services	2,530,364	2,612,824	2,628,322	2,633,624	2,633,072
Indian health facilities	391,351	354,448	405,048	364,148	394,048
Total, Indian Health Service	2,921,715	2,967,272	3,033,370	2,997,772	3,027,120
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	13,366	11,000	11,000	5,000	5,000
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	6,173	6,000	6,000	6,000	6,000
Smithsonian Institution					
Salaries and expenses	488,653	499,125	496,925	490,125	495,925
Facilities capital	107,626	128,900	122,900	136,900	127,900
Total, Smithsonian Institution	596,279	628,025	619,825	627,025	623,825

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference
National Gallery of Art					
Salaries and expenses	86,768	93,000	93,000	92,119	93,000
Repair, restoration and renovation of buildings	11,457	11,100	11,100	11,000	11,100
Total, National Gallery of Art	98,225	104,100	104,100	103,119	104,100
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	16,356	17,152	17,152	17,152	17,152
Construction	15,803	16,334	10,000	16,334	16,334
Total, John F. Kennedy Center for the Performing Arts	32,159	33,486	27,152	33,486	33,486
Woodrow Wilson International Center for Scholars					
Salaries and expenses	8,498	8,987	8,987	8,987	8,987
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration 1/	120,972	139,400	130,972	120,972	122,972
National Endowment for the Humanities					
Grants and administration	119,386	145,878	125,877	119,386	123,877
Matching grants	15,924	16,122	16,122	15,924	16,122
Total, National Endowment for the Humanities	135,310	162,000	141,999	135,310	139,999
Total, National Foundation on the Arts and the Humanities	256,282	301,400	272,971	256,282	262,971
Commission of Fine Arts					
Salaries and expenses	1,405	1,793	1,793	1,793	1,793
National Capital Arts and Cultural Affairs					
Grants	6,914	5,000	7,000	6,000	7,000
Advisory Council on Historic Preservation					
Salaries and expenses	3,951	4,600	4,600	4,600	4,600
National Capital Planning Commission					
Salaries and expenses	7,835	8,155	7,999	8,000	8,000
United States Holocaust Memorial Museum					
Holocaust Memorial Museum	39,505	41,433	41,433	41,433	41,433
Presidio Trust					
Presidio trust fund	20,445	20,000	20,000	20,000	20,000
Total, title II, related agencies:					
New budget (obligational) authority (net)	10,666,223	9,714,986	9,785,674	9,881,610	9,776,802
Appropriations	(10,430,293)	(9,915,986)	(9,950,674)	(10,066,610)	(9,961,802)
Emergency appropriations	(348,930)	---	---	---	---
Advance appropriations	(72,000)	(36,000)	(72,000)	(72,000)	(72,000)
Rescissions	(-88,000)	(-237,000)	---	---	---
Deferral	(-97,000)	---	(-237,000)	(-257,000)	(-257,000)
TITLE IV - EMERGENCY WIDLAND FIRE					
Bureau of Land Management					
Wildland Fire management:					
Fire suppression operations			100,000	100,000	100,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference
DEPARTMENT OF AGRICULTURE					
Forest Service					
Wildland Fire management:					
Fire suppression operations	---	---	400,000	400,000	400,000
TOTAL, TITLE IV, EMERGENCY WILDLAND FIRE		---	500,000	500,000	500,000
TITLE V - GENERAL PROVISION					
Across-the-board cut (.594%) (rescission) (sec. 501)	---	---	---	---	-120,024
Grand total:					
New budget (obligational) authority (net)	20,514,187	19,686,285	20,030,125	20,256,814	20,044,977
Appropriations	(20,209,841)	(19,917,285)	(20,225,125)	(20,471,914)	(20,380,001)
Emergency appropriations	(447,348)	---	---	---	---
Advance appropriations	(72,000)	(36,000)	(72,000)	(72,000)	(72,000)
Rescissions	(-118,000)	(-267,000)	(-30,000)	(-30,000)	(-150,024)
Deferral	(-97,000)		(-237,000)	(-257,000)	(-257,000)
(By transfer)	---	---	---	(13,500)	---

DIVISION F--LABOR-HEALTH and HUMAN SERVICES EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs FY 2004 Comparable		
100	TITLE I -- DEPARTMENT OF LABOR								
150	EMPLOYMENT AND TRAINING ADMINISTRATION								
200	TRAINING AND EMPLOYMENT SERVICES								
250	Grants to States:								
300	Adult Training, current year	186,891	188,000	188,000	186,107	186,107	-784	D	FF
350	Advance from prior year	(707,799)	(712,000)	(712,000)	(712,000)	(712,000)	(+4,201)	NA	
400	FY 2006	712,000	712,000	712,000	712,000	712,000	---	D	
450	Adult Training	898,891	900,000	900,000	898,107	898,107	-784		
500	Youth Training	995,059	1,000,965	1,000,965	994,242	994,242	-817	D	FF
550	Dislocated Worker Assistance, current year	330,192	251,669	330,192	348,048	348,048	+17,856	D	FF
600	Advance from prior year	(842,997)	(848,000)	(848,000)	(848,000)	(848,000)	(+5,003)	NA	
650	FY 2006	848,000	848,000	848,000	848,000	848,000	---	D	
700	Dislocated Worker Assistance	1,178,192	1,099,669	1,178,192	1,196,048	1,196,048	+17,856		
750	Federally Administered Programs:								
755	Dislocated Worker Assistance National Reserve:								
760	Current year	64,227	71,371	89,227	71,371	71,371	+7,144	D	FF
770	Advance from prior year	(210,749)	(212,000)	(212,000)	(212,000)	(212,000)	(+1,251)	NA	
780	FY 2006	212,000	212,000	212,000	212,000	212,000	---	D	
790	Dislocated Worker Assistance Nat'l Reserve	276,227	283,371	301,227	283,371	283,371	+7,144		
793	Total, Dislocated Worker Assistance	1,454,419	1,383,040	1,479,419	1,479,419	1,479,419	+25,000		
800	Native Americans	54,675	55,000	54,675	55,000	54,675		D	FF
850	Migrant and Seasonal Farmworkers	76,370	---	76,370	76,370	76,370	---	D	FF
900	Job Corps:								
950	Operations	820,114	859,966	845,000	859,966	852,483	+32,369	D	FF
1000	Advance from prior year	(587,513)	(591,000)	(591,000)	(591,000)	(591,000)	(+3,487)	NA	
1050	FY 2006	591,000	591,000	591,000	591,000	591,000		D	
1100	Construction and Renovation	30,038	6,321	6,321	26,321	16,321	-13,717	D	FF
1150	Advance from prior year	(99,410)	(100,000)	(100,000)	(100,000)	(100,000)	(+590)	NA	
1200	FY 2006	100,000	100,000	100,000	100,000	100,000	---	D	
1250	Subtotal, Job Corps, program level	1,541,152	1,557,287	1,542,321	1,577,287	1,559,804	+18,652		
1300	National Activities:								
1350	Pilots, Demonstrations and Research	57,751	30,000	48,474	62,751	85,854	+28,103	D	FF
1400	Responsible Reintegration of Youthful Offender	49,705	50,000	---	50,000	50,000	+295	D	FF
1450	Evaluation	8,986	8,000	8,000	8,000	8,000	-986	D	FF
1510	Prisoner Re-entry	---	40,000	---	40,000	20,000	+20,000	D	
1515	Community College Initiative	---	250,000	---	125,000	125,000	+125,000	D	
1516	Community College Initiative (NA) 1/		---	---	(125,000)	(125,000)	(+125,000)	NA	
1517	Subtotal, CC initiative, program level	---	250,000	---	250,000	250,000	+250,000		
1520	Personal reemployment accounts		50,000	---	---	---	---	D	
1525	Denali Commission	4,970	---		8,000	7,000	-2,030	D	
1550	Other	3,486	2,000	2,504	3,486	3,486	---	D	FF
1600	Subtotal, National activities	124,898	430,000	58,978	297,737	299,340	+174,442		
1650	Subtotal, Federal activities	2,073,322	2,325,658	2,033,571	2,289,265	2,273,560	+200,238		
1700	Current Year	1,170,322	1,422,658	1,130,571	1,386,265	1,370,560	+200,238		
1750	FY 2006	903,000	903,000	903,000	903,000	903,000	---		
2100	Total, Training and Employment Services	5,145,464	5,326,292	5,112,728	5,377,662	5,361,957	+216,493		UA
2150	Current Year	(2,682,464)	(2,863,292)	(2,649,728)	(2,914,662)	(2,898,957)	(+216,493)		UA
2200	FY 2006	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	---		UA
2300	COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	438,650	440,200	440,200	440,200	440,200	+1,550	D	FF
2400	FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES	1,338,200	1,057,300	1,057,300	1,057,300	1,057,300	-280,900	M	
2600	STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT								
2650	SERVICE OPERATIONS								
2700	Unemployment Compensation:								
2750	State Operations	2,608,653	2,700,714	2,690,714	2,654,714	2,684,714	+76,061	TF	
2850	National Activities	9,876	10,500	10,500	10,500	10,500	+624	TF	
2950	Subtotal, Unemployment Compensation	2,618,529	2,711,214	2,701,214	2,665,214	2,695,214	+76,685		

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs FY 2004 Comparable	
3100 Employment Service							
3150 Allotments to States:							
3200 Federal Funds	23,163	23,300	23,300	23,163	23,300	+137	D
3250 Trust Funds	763,724	672,700	672,700	763,724	763,587	-137	TF
3300 Subtotal, allotments to States	786,887	696,000	696,000	786,887	786,887	---	
3350 ES National Activities	58,971	67,000	67,000	65,500	65,500	+6,529	TF
3400 Subtotal, Employment Service	845,858	763,000	763,000	852,387	852,387	+6,529	
3450 Federal Funds	23,163	23,300	23,300	23,163	23,300	+137	
3500 Trust Funds	822,695	739,700	739,700	829,224	829,087	+6,392	
3550 One-Stop Career Centers/Labor Market Information	98,764	99,350	98,764	98,764	98,764	---	D
3600 Work Incentives Grants	19,751	19,870	19,870	19,870	19,870	+119	D
3650 Total, State Unemployment & Employment Srvcs	3,582,904	3,593,434	3,582,848	3,636,235	3,666,235	+83,331	
3700 Federal Funds	141,680	142,520	141,934	141,797	141,934	+254	
3750 Trust Funds	3,441,224	3,450,914	3,440,914	3,494,438	3,524,301	+83,077	
3800 ADVANCES TO THE UI AND OTHER TRUST FUNDS 2/	467,000	517,000	517,000	517,000	517,000	+50,000	M
3900 PROGRAM ADMINISTRATION							
3950 Adult Employment and Training	38,382	39,380	38,382	39,187	39,187	+805	D
4000 Trust Funds	6,814	6,980	6,814	6,957	6,957	+143	TF
4050 Youth Employment and Training	39,009	40,133	39,009	39,947	39,947	+938	D
4100 Employment Security	5,948	6,146	5,948	6,094	6,094	+146	D
4150 Trust Funds	53,624	55,722	48,624	51,000	48,624	-5,000	TF
4200 Apprenticeship Services	20,760	21,405	20,760	21,306	21,306	+546	D
4250 Executive Direction	8,400	8,718	6,900	8,568	6,900	-1,500	D
4300 Trust Funds	2,041	2,158	2,041	2,082	2,082	+41	TF
4350 Welfare to Work	2,371	378	378	2,474	378	-1,993	D
4400 Total, Program Administration	177,340	181,018	168,854	177,615	171,473	-5,867	
4450 Federal Funds	114,870	116,158	111,375	117,576	113,610	-1,060	
4500 Trust Funds	62,479	64,860	57,479	60,039	57,863	-4,616	
4550 Total, Employment and Training Administration	11,149,567	11,115,244	10,878,930	11,206,012	11,214,165	+64,598	
4600 Federal Funds	7,645,864	7,599,470	7,380,537	7,651,535	7,632,201	-13,663	
4650 Current Year	(5,182,864)	(5,136,470)	(4,917,537)	(5,188,535)	(5,169,201)	(-13,663)	
4700 FY 2006	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	---	
4750 Trust Funds	3,503,703	3,515,774	3,498,393	3,554,477	3,581,964	+78,261	
4800 EMPLOYEE BENEFITS SECURITY ADMINISTRATION							
4850 Enforcement and Participant Assistance	102,730	110,330	110,330	110,330	110,330	+7,600	D
4900 Policy and Compliance Assistance	16,907	17,497	17,497	17,497	17,497	+590	D
4950 Executive Leadership, Program Oversight and Admin	4,403	4,518	4,518	4,518	4,518	+115	D
5000 Total, EBSA	124,040	132,345	132,345	132,345	132,345	+8,305	
5050 PENSION BENEFIT GUARANTY CORPORATION							
5060 Pension insurance activities	---	(12,211)	(12,211)	(12,211)	(12,211)	(+12,211)	NA
5070 Pension plan termination	---	(169,739)	(169,739)	(169,739)	(169,739)	(+169,739)	NA
5080 Operational support	---	(84,380)	(84,380)	(84,380)	(84,380)	(+84,380)	NA
5100 Program Adm subject to limitation (TF)	20,553	---	---	---	---	-20,553	TF
5150 Termination services not subject to limitation (NA)	(212,219)	---	---	---	---	(-212,219)	NA
5200 Total, PBGC	20,553	---	---	---	---	-20,553	
5250 Total, PBGC (Program level)	(232,772)	(266,330)	(266,330)	(266,330)	(266,330)	(+33,558)	
5300 EMPLOYMENT STANDARDS ADMINISTRATION							
5350 SALARIES AND EXPENSES							
5400 Enforcement of Wage and Hour Standards	160,096	165,933	165,933	165,933	165,933	+5,837	D
5450 Office of Labor-Management Standards	38,580	43,545	43,545	40,646	42,096	+3,516	D
5500 Federal Contractor EEO Standards Enforcement	79,442	82,078	79,442	82,078	80,760	+1,318	D
5550 Federal Programs for Workers' Compensation	96,754	99,528	96,754	99,528	98,141	+1,387	D
5650 Trust Funds	2,021	2,058	2,021	2,058	2,040	+19	TF
5700 Program Direction and Support	15,123	16,152	15,123	15,627	15,375	+252	D
5750 Total, ESA salaries and expenses	392,016	409,234	402,818	405,870	404,345	+12,329	
5800 Federal Funds	389,995	407,236	400,797	403,812	402,305	+12,310	
5850 Trust Funds	2,021	2,058	2,021	2,058	2,040	+19	

DIVISION F - LABOR HEALTH and HUMAN SERVICES EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable	
5900 SPECIAL BENEFITS							
5950 Federal employees compensation benefits	160,000	230,000	230,000	230,000	230,000	+70,000	M
6000 Longshore and harbor workers' benefits	3,000	3,000	3,000	3,000	3,000	---	M
6050 Total, Special Benefits	163,000	233,000	233,000	233,000	233,000	+70,000	
6060 SPECIAL BENEFITS FOR DISABLED COAL MINERS							
6065 Benefit payments	390,848	358,806	358,806	358,806	358,806	-32,042	M
6070 Administration	6,143	5,194	5,194	5,194	5,194	-949	M
6075 Subtotal, Black Lung, FY 2005 program level	396,991	364,000	364,000	364,000	364,000	-32,991	
6080 Less funds advanced in prior year	-97,000	-88,000	-88,000	-88,000	-88,000	+9,000	M
6085 Total, Black Lung, current request, FY 2005	299,991	276,000	276,000	276,000	276,000	-23,991	
6090 New advances, 1st quarter FY 2006	88,000	81,000	81,000	81,000	81,000	-7,000	M
6095 Total, Special Benefits for Disabled Coal Miners	387,991	357,000	357,000	357,000	357,000	-30,991	
6100 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS 6150 COMPENSATION FUND							
6200 Program Benefits	(221,000)	(221,000)	(221,000)	(221,000)	(221,000)	---	NA
6250 Administrative Expenses	51,651	40,821	40,821	40,821	40,821	-10,830	M
6300 Total, Energy Emp Occupational Illness Comp Fund	51,651	40,821	40,821	40,821	40,821	-10,830	
6350 BLACK LUNG DISABILITY TRUST FUND							
6400 Benefit payments and interest on advances	998,901	1,001,951	1,001,951	1,001,951	1,001,951	+3,050	M
6450 Employment Standards Adm., S&E	32,004	32,646	32,646	32,646	32,646	+642	M
6500 Departmental Management, S&E	23,401	23,705	23,705	23,705	23,705	+304	M
6550 Departmental Management, Inspector General	338	342	342	342	342	+4	M
6600 Subtotal, Black Lung Disability	1,054,644	1,058,644	1,058,644	1,058,644	1,058,644	+4,000	
6650 Treasury Administrative Costs	356	356	356	356	356	---	M
6700 Total, Black Lung Disability Trust Fund	1,055,000	1,059,000	1,059,000	1,059,000	1,059,000	+4,000	
6750 Total, Employment Standards Administration	2,049,658	2,059,115	2,092,639	2,095,691	2,094,166	+44,508	
6800 Federal Funds	2,047,637	2,057,057	2,090,618	2,093,633	2,092,126	+44,489	
6810 Current year	(1,959,637)	(1,976,057)	(2,009,618)	(2,012,633)	(2,011,126)	(+51,489)	
6820 FY 2006	(88,000)	(81,000)	(81,000)	(81,000)	(81,000)	(-7,000)	
6850 Trust Funds	2,021	2,058	2,021	2,058	2,040	+19	
6900 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION							
6950 SALARIES AND EXPENSES							
7000 Safety and Health Standards	15,920	16,132	16,132	16,668	16,132	+212	D
7050 Federal Enforcement	166,015	171,020	171,020	171,020	171,020	+5,005	D
7100 State Programs	91,959	91,747	91,747	91,747	91,747	-212	D
7150 Technical Support	21,593	20,909	20,909	20,909	20,909	-684	D
7200 Compliance Assistance							
7250 Federal Assistance	67,049	71,430	71,430	71,430	71,430	+4,381	D
7300 State Consultation Grants	52,211	53,792	53,792	53,792	53,792	+1,581	D
7350 Training Grants	10,510	4,000	4,000	10,510	10,510	---	D
7400 Subtotal, Compliance Assistance	129,770	129,222	129,222	135,732	135,732	+5,962	D
7450 Safety and Health Statistics	22,237	22,382	22,382	22,382	22,382	+145	D
7500 Executive Direction and Administration	10,047	10,187	10,187	10,187	10,187	+140	D
7550 Total, OSHA	457,541	461,599	461,599	468,645	468,109	+10,568	

DIVISION F - LABOR-HEALTH and HUMAN SERVICES EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable	
7600 MINE SAFETY AND HEALTH ADMINISTRATION							
7650 SALARIES AND EXPENSES							
7700 Coal Enforcement	115,339	114,889	114,889	117,769	116,329	+990	D
7750 Metal/Non-Metal Enforcement	65,985	66,762	66,762	67,798	67,290	+1,305	D
7800 Standards Development	2,326	2,333	2,333	2,372	2,353	+27	D
7850 Assessments	4,170	5,280	5,280	5,280	5,280	+1,110	D
7900 Educational Policy and Development	30,356	31,507	31,507	31,507	31,507	+1,151	D
7950 Technical Support	24,545	25,064	25,064	25,564	25,334	+789	D
7975 Program evaluation and information resources (PEIR)	13,963	17,666	17,666	17,666	17,666	+3,703	D
8000 Program Administration	12,173	12,046	12,046	12,046	15,796	+3,623	D
8050 Total, Mine Safety and Health Administration	268,857	275,587	275,587	280,002	281,535	+12,678	
8100 BUREAU OF LABOR STATISTICS							
8150 SALARIES AND EXPENSES							
8200 Employment and Unemployment Statistics	160,431	164,026	164,026	164,026	164,026	+3,595	D
8250 Labor Market Information (Trust Funds)	74,667	78,473	78,473	78,473	78,473	+3,806	TF
8300 Prices and Cost of Living	166,344	170,736	170,736	170,736	170,736	+4,392	D
8350 Compensation and Working Conditions	77,614	79,827	79,827	79,827	79,827	+2,213	D
8400 Productivity and Technology	10,294	10,588	10,588	10,588	10,588	+294	D
8450 Executive Direction and Staff Services	29,146	29,868	29,868	29,868	29,868	+722	D
8500 Total, Bureau of Labor Statistics	518,496	533,518	533,518	533,518	533,518	+15,022	
8550 Federal Funds	443,829	455,045	455,045	455,045	455,045	+11,216	
8600 Trust Funds	74,667	78,473	78,473	78,473	78,473	+3,806	
8650 OFFICE OF DISABILITY EMPLOYMENT POLICY							D
8700 Ofce of Disability Employ. Policy, salaries & expenses	47,024	47,555	47,555	47,555	47,555	+531	D
8850 DEPARTMENTAL MANAGEMENT							
8900 SALARIES AND EXPENSES							
8950 Executive Direction	27,084	33,206	27,084	27,084	27,084	---	D
9000 Departmental IT Crosscut	48,219	33,565	30,000	33,565	30,000	-18,219	D
9050 Departmental Management Crosscut	4,965	10,100	5,000	4,965	5,000	+35	D
9100 Legal Services	80,412	84,007	80,412	84,007	80,412	---	D
9150 Trust Funds	314	322	314	322	314	---	TF
9200 International Labor Affairs	109,862	30,545	35,545	110,500	94,000	-15,862	D
9250 Administration and Management	33,153	32,675	32,675	33,859	32,675	-478	D
9275 Frances Perkins building security enhancements	---	15,000	7,000	15,000	7,000	+7,000	D
9300 Adjudication	25,872	26,683	25,872	26,683	25,872	---	D
9350 Women's Bureau	9,201	9,554	9,554	9,554	9,554	+353	D
9400 Civil Rights Activities	6,114	6,287	6,287	6,287	6,287	+173	D
9450 Chief Financial Officer	5,123	5,224	5,224	5,224	5,224	+101	D
9500 Total, Salaries and expenses	350,319	287,168	264,967	357,050	323,422	-26,897	
9550 Federal Funds	350,005	286,846	264,653	356,728	323,108	-26,897	
9600 Trust Funds	314	322	314	322	314	---	
9650 VETERANS EMPLOYMENT AND TRAINING							
9725 State administration, Grants	161,408	162,415	162,415	162,415	162,415	+1,007	TF
9900 Federal Administration	28,857	29,683	34,683	29,683	30,683	+1,826	TF
9925 National Veterans Training Institute	1,988	2,000	2,000	2,000	2,000	+12	TF
9950 Homeless Veterans Program	18,888	19,000	19,000	24,000	21,000	+2,112	D
10000 Veterans Workforce Investment Programs	7,505	7,550	7,550	8,683	8,550	+1,045	D FF
10050 Total, Veterans Employment and Training	218,646	220,648	225,648	226,781	224,648	+6,002	
10100 Federal Funds	26,393	26,550	26,550	32,683	29,550	+3,157	
10150 Trust Funds	192,253	194,098	199,098	194,098	195,098	+2,845	
10200 OFFICE OF THE INSPECTOR GENERAL							
10250 Program Activities	59,643	64,029	64,029	64,029	64,029	+4,386	D
10300 Trust Funds	5,698	5,561	5,561	5,561	5,561	-135	TF
10400 Total, Office of the Inspector General	65,339	69,590	69,590	69,590	69,590	+4,251	
10450 Federal Funds	59,643	64,029	64,029	64,029	64,029	+4,386	
10500 Trust Funds	5,698	5,561	5,561	5,561	5,561	-135	
10550 Total, Departmental Management	634,304	577,406	560,205	653,421	617,660	-16,644	
10600 Federal Funds	436,041	377,425	355,232	453,440	416,687	-19,354	
10650 Trust Funds	198,263	199,981	204,973	199,981	200,973	+2,710	

DIVISION F--LABOR HEALTH and HUMAN SERVICES EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable		
10675	WORKING CAPITAL FUND								
10680	Working capital fund	13,768	25,000	10,000	15,000	10,000	-3,768		
10700	Total, Title I, Department of Labor	15,263,808	15,267,349	14,992,358	15,432,189	15,399,053	+115,245		
10750	Federal Funds	11,484,601	11,471,063	11,208,498	11,597,200	11,535,603	+51,002		
10800	Current Year	(8,933,601)	(8,927,063)	(8,664,498)	(9,053,200)	(8,991,603)	(+58,002)		
10850	FY 2006	(2,551,000)	(2,544,000)	(2,544,000)	(2,544,000)	(2,544,000)	(-7,000)		
10900	Trust Funds	3,799,207	3,796,286	3,783,860	3,834,989	3,863,450	+64,243		
10930	Title I Footnotes:								
10931	1/ Funding from the Dislocated Worker National Reserve								
10932	2/ Two year availability.								
10950	TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES								
11000	HEALTH RESOURCES AND SERVICES ADMINISTRATION								
11050	HEALTH RESOURCES AND SERVICES								
11060	BUREAU OF PRIMARY HEALTH CARE								
11100	Community health centers	1,617,381	1,835,925	1,835,925	1,867,381	1,748,381	+131,000	D	
11125	Free Clinics Medical Malpractice	4,821	4,821	---	4,821	100	-4,721	D	
11130	Radiation Exposure Compensation Act	1,974	1,974	1,974	1,974	1,974	---	D	
11132	Community Access Program	83,674	9,998	---	88,674	83,674		D	
11134	Hansen's Disease Services	17,413	17,413	17,413	17,413	17,413	---	D	
11136	Buildings and facilities	249	249	249	249	249	---	D	
11138	Payment to Hawaii, treatment of Hansen's	2,033	2,033	2,033	2,033	2,033	---	D	
11140	Black lung clinics	5,963	5,963	5,963	6,000	6,000	+37	D	
11142	Subtotal, Bureau of Primary Health Care	1,733,508	1,878,376	1,863,557	1,988,545	1,859,824	+126,316		
11149	BUREAU OF HEALTH PROFESSIONS								
11150	National Health Service Corps:								
11200	Field placements	45,506	45,735	45,506	45,735	45,506	---	D	
11250	Recruitment	124,397	159,132	124,397	127,397	87,078	-37,319	D	
11300	Subtotal, National Health Service Corps	169,903	204,867	169,903	173,132	132,584	37,319		
11350	Health Professions								
11400	Training for Diversity:								
11450	Centers of excellence	33,882	---	33,882	33,882	33,882	---	D	
11500	Health careers opportunity program	35,935	---	35,935	35,935	35,935	---	D	
11550	Faculty loan repayment	1,313	---	1,313	1,313	1,313	---	D	
11600	Scholarships for disadvantaged students	47,510	9,897	47,510	47,510	47,510	---	D	
11650	Subtotal, Training for Diversity	118,640	9,897	118,640	118,640	118,640	---		UA
11700	Training in Primary Care Medicine and Dentistry	81,742	---	63,857	90,742	89,542	+7,800	D	UA
11750	Interdisciplinary Community Based Linkages:								
11800	Area health education centers	29,206	---	29,206	29,206	29,206	---	D	
11850	Health education and training centers	3,851	---	3,851	3,851	3,851	---	D	
11900	Allied health and other disciplines	11,849	---	11,849	11,849	11,849	---	D	
11950	Geriatric programs	31,805	---	31,805	31,805	31,805	---	D	
12000	Quentin N. Burdick pgm for rural training	6,126	---	2,255	6,126	6,126	---	D	
12050	Subtotal, Interdisciplinary Comm. Linkages	82,837	---	78,966	82,837	82,837	---		UA
12100	Health Professions Workforce Info & Analysis	722	999	---	999	722	---	D	
12150	Public Health Workforce Development:								
12200	Public health, preventive med. & dental pgms	9,170	---	6,970	9,170	9,170	---	D	
12250	Health administration programs	1,079	---	1,045	1,079	1,079	---	D	
12300	Subtotal, Public Health Workforce Development	10,249	---	8,015	10,249	10,249	---		UA
12399	Nursing Programs								
12400	Advanced Education Nursing	58,636	43,637	53,634	58,636	58,636	---	D	UA
12450	Nurse education, practice, and retention	31,768	41,765	36,765	41,765	36,765	+4,997	D	
12500	Nursing workforce diversity	16,402	21,399	16,402	21,399	16,402	---	D	UA
12505	Loan repayment and scholarship program	26,736	31,738	31,738	31,742	31,738	+5,002	D	
12515	Comprehensive geriatric education	3,478	3,478	3,478	3,478	3,478	---	D	
12520	Nursing faculty loan program	4,870	4,870	4,870	4,870	4,870	---	D	
12525	Subtotal, Nursing programs	141,890	146,887	146,887	161,890	151,889	+9,999		
12550	Subtotal, Health Professions	436,080	157,783	416,385	465,357	453,879	+17,799		

DIVISION ---LABOR-HEALTH and HUMAN SERVICES EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs FY 2004 Comparable		
12600	Children's Hospitals Graduate Medical Education	303,170	303,258	303,258	303,258	303,170	---	D	
12610	National Practitioner Data Bank	16,000	15,700	15,700	15,700	15,700	-300	D	
12615	User Fees	-16,000	-15,700	-15,700	-15,700	-15,700	+300	D	
12620	Health Care Integrity and Protection Data Bank	4,000	4,000	4,000	4,000	4,000	---	D	
12625	User Fees	-4,000	-4,000	-4,000	-4,000	-4,000	---	D	
12630	Subtotal, Bureau of Health Professions	909,153	665,908	889,526	941,747	889,633	-19,520		
12745	MATERNAL AND CHILD HEALTH BUREAU								
12750	Maternal and Child Health Block Grant	729,817	729,817	729,817	734,817	729,817	---	D	
12775	Sickle cell service demonstrations	-	-	-		200	+200		
12800	Traumatic Brain Injury	9,375	9,375	9,375	9,375	9,375	---	D	
12950	Healthy Start	97,751	97,751	97,751	105,000	103,376	+5,625	D	
13000	Universal Newborn Hearing	9,872	---	9,872	9,872	9,872	---	D	UA
13005	Emergency medical services for children	19,860	19,860	19,860	20,360	20,000	+140	D	
13010	Poison control	23,696	23,696	23,696	24,000	23,696	---	D	
13015	Subtotal, Maternal and Child Health Bureau	890,371	880,499	890,371	903,424	896,336	+5,965		
13020	HIV/AIDS BUREAU								
13025	Ryan White AIDS Programs:								
13030	Emergency Assistance	615,023	615,023	615,023	615,023	615,023	---	D	
13035	Comprehensive Care Programs	1,085,900	1,120,900	1,140,900	1,120,900	1,130,900	+45,000	D	
13040	AIDS Drug Assistance Program (ADAP) (NA)	(748,872)	(783,872)	(803,872)	(783,872)	(793,872)	(+45,000)	NA	
13045	Early Intervention Program	197,170	197,170	197,170	197,170	197,170	---	D	
13050	Pediatric HIV/AIDS	73,108	73,108	73,108	73,108	73,108	---	D	
13055	AIDS Dental Services	13,325	13,325	13,325	13,325	13,325	---	D	
13060	Education and Training Centers	35,335	35,335	35,335	35,335	35,335	---	D	
13065	Subtotal, Ryan White AIDS programs	2,019,861	2,054,861	2,074,861	2,054,861	2,064,861	+45,000		
13070	Evaluation Tap Funding (NA)	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---		
13075	Subtotal, Ryan White AIDs program level	2,044,861	2,079,861	2,099,861	2,079,861	2,089,861	+45,000		
13100	Emergency drug assistance	20,000	---	---	---	---	-20,000		
13105	Telehealth	3,949	3,949	3,949	5,000	3,949		D	
13110	Subtotal, HIV/AIDS Bureau	2,043,810	2,058,810	2,078,810	2,059,861	2,068,810	+25,000		
13200	SPECIAL PROGRAMS BUREAU								
13205	Organ Transplantation	24,632	24,632	24,632	24,632	24,632	---	D	UA
13210	Cord Blood Stem Cell Bank	9,941	9,941	---	9,941	9,941	---	D	
13215	Bone Marrow Program	22,662	22,662	25,662	22,662	25,662	+3,000	D	
13220	Trauma Care	3,443		3,449	4,000	3,449	---	D	UA
13225	State Planning Grants for Health Care Access	14,810	---	14,810	8,000	11,000	-3,810	D	UA
13230	Subtotal, Special programs bureau	75,494	57,235	68,553	69,235	74,684	-810		
13300	RURAL HEALTH PROGRAMS								
13305	Rural outreach grants	39,601	11,098	30,124	39,601	39,601	---	D	
13310	Rural Health Research	8,902	8,902	8,902	8,902	8,902	---	D	
13315	Rural Hospital Flexibility Grants	39,499	---	32,500	39,499	39,499	---	D	
13320	Rural and community access to emergency devices	10,933	2,015	5,000	10,933	9,000	-1,933	D	UA
13325	Rural EMS	497	---	---	997	500	+3	D	
13330	State Offices of Rural Health	8,390	8,390	8,390	8,390	8,390	---	D	UA
13335	Denali Commission	34,793	22,000	---	41,794	40,000	+5,207	D	
13340	Subtotal, Rural health programs	142,615	52,405	84,916	150,116	145,892	+3,277		
14300	Family Planning	278,283	278,283	278,283	308,283	288,283	+10,000	D	UA
14350	Health Care related Facilities and activities	371,536	---	---	371,536	484,629	+113,093	D	
14850	Program Management	148,533	151,317	151,317	148,533	148,533	---	D	
14900	Total, Health resources and services	6,593,303	6,022,833	6,305,333	6,941,280	6,856,624	+263,321		
14910	Total, Health resources & services program level	(6,618,303)	(6,047,833)	(6,330,333)	(6,966,280)	(6,881,624)	(+263,321)		
14915	Evaluation tap funding	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)			
15050	HEALTH EDUCATION ASSISTANCE LOANS (HEAL) PROGRAM								
15100	Liquidating account	(25,000)	(4,000)	(4,000)	(4,000)	(4,000)	(-21,000)	NA	
15150	Program management	3,353	3,270	3,270	3,270	3,270	-83	D	
15200	Total, HEAL	3,353	3,270	3,270	3,270	3,270	-83		

DIVISION F - LABOR HEALTH and HUMAN SERVICES EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
15250 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND								
15300 Post FY 1988 claims	66,000	66,000	66,000	66,000	66,000		M	
15350 HRSA administration	3,190	3,176	3,176	3,176	3,176	-14	D	
15400 Total, Vaccine Injury Compensation Trust Fund	69,190	69,176	69,176	69,176	69,176	-14		
15450 Total, Health Resources and Services Admin	6,665,846	6,095,279	6,377,779	7,013,726	6,929,070	+263,224		
15475 Total, HRSA program level	(6,715,846)	(6,124,279)	(6,406,779)	(7,042,726)	(6,958,070)	(+242,224)		
15500 CENTERS FOR DISEASE CONTROL AND PREVENTION								
15600 Infectious Diseases	1,641,600	1,643,599	1,660,599	1,675,800	1,666,455	+24,855	D	UA
15601 Evaluation Tap Funding	(12,794)	(12,794)	(12,794)	(12,794)	(12,794)	---	NA	
15602 Subtotal, Program level	1,654,394	1,656,393	1,673,393	1,688,594	1,679,249	+24,855		
15650 Health Promotion	932,067	989,780	991,802	988,090	1,032,802	+100,735	D	
15700 Health Information and Service	96,449	96,449	96,523	96,449	95,247	-1,202	D	
15701 Evaluation Tap Funding	(120,243)	(120,243)	(139,209)	(139,209)	(134,235)	(+13,992)	NA	
15702 Subtotal, Program level	216,692	216,692	235,732	235,658	229,482	+12,790		
15750 Environmental health and injury	282,926	282,926	287,327	290,126	288,168	+5,242	D	
15800 Occupational safety and health	241,307	242,906	244,505	212,490	200,674	-40,633	D	
15810 Evaluation Tap Funding	(35,681)	(35,681)	(35,681)	(82,097)	(87,071)	(+51,390)	NA	
15815 Subtotal, Program level	276,988	278,587	280,186	294,587	287,745	+10,757		
15850 Global health	279,943	304,445	302,051	305,239	296,380	+16,437	D	UA
15900 Public Health research	29,107	---	14,583	---	---	-29,107	D	
15910 Evaluation Tap Funding	---	(15,000)	(15,000)	(35,000)	(31,000)	(+31,000)	NA	
15915 Subtotal, Program level	29,107	15,000	29,583	35,000	31,000	+1,893		
15950 Public health improvement and leadership	220,225	188,074	187,312	261,858	269,145	+48,920	D	
15951 Evaluation Tap Funding	(12,463)	(12,463)	(12,463)	---	---	(-12,463)	NA	
15952 Subtotal, Program level	232,688	200,537	199,775	261,858	269,145	+36,457		
16000 Preventive health and health services block grant	131,814	131,814	138,518	131,814	131,814	---	D	
16050 Buildings and Facilities	260,454	81,500	61,500	294,500	272,000	+11,546	D	
16150 Business services	251,273	252,061	252,060	282,226	281,226	+29,953	D	
16155 Evaluation Tap Funding	(30,953)	(33,953)	(33,953)	---	---	(-30,953)	NA	
16157 Subtotal, Program level	282,226	286,014	286,013	282,226	281,226	-1,000		
16400 Total, Centers for Disease Control	4,367,165	4,213,554	4,228,778	4,538,592	4,533,911	+166,746		
16420 Evaluation Tap Funding (NA)	(212,134)	(230,134)	(249,100)	(269,100)	(265,100)	(+52,966)		
16425 Total, Centers for Disease Control program level	(4,579,299)	(4,443,688)	(4,477,878)	(4,807,692)	(4,799,011)	(+219,712)		
16550 NATIONAL INSTITUTES OF HEALTH								
16600 National Cancer Institute	4,735,973	4,865,525	4,870,025	4,894,900	4,865,525	+129,552	D	UA
16610 Evaluation Tap Funding	---	(4,500)	---	---	---		NA	
16650 National Heart, Lung, and Blood Institute	2,878,106	2,965,453	2,963,953	2,985,900	2,965,453	+87,347	D	UA
16700 National Institute of Dental & Craniofacial Research	383,048	394,080	394,080	399,200	395,080	+12,032	D	
16740 National Institute of Diabetes and Digestive and 16750 Kidney Diseases	1,671,240	1,727,696	1,726,196	1,739,100	1,727,696	+56,456	D	
16775 Juvenile diabetes (mandatory)	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)	---	NA	
16780 Subtotal, NIDDK	1,821,240	1,877,696	1,876,196	1,889,100	1,877,696	+56,456	NA	
16800 National Institute of Neurological Disorders & Stroke	1,500,693	1,547,123	1,545,623	1,569,100	1,552,123	+51,430	D	
16850 National Institute of Allergy and Infectious Diseases	4,153,925	4,340,007	4,340,007	4,307,185	4,340,007	+186,082	D	
16900 Global HIV/AIDS Fund Transfer	149,115	100,000	100,000	149,115	100,000	-49,115	D	
16950 Subtotal, NIAID	4,303,040	4,440,007	4,440,007	4,456,300	4,440,007	+136,967	D	

DIVISION F--LABOR HEALTH and HUMAN SERVICES EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
17000 National Institute of General Medical Sciences	1,904,777	1,959,810	1,959,810	1,975,500	1,959,810	+55,033	D	
17050 National Institute of Child Health & Human Development	1,241,845	1,280,915	1,280,915	1,288,900	1,280,915	+39,070	D	
17100 National Eye Institute	652,738	671,578	671,578	680,300	674,578	+21,840	D	
17150 National Institute of Environmental Health Sciences	631,063	650,027	650,027	655,100	650,027	+18,964	D	
17250 National Institute on Aging	1,024,598	1,055,666	1,055,666	1,094,500	1,060,666	+36,068	D	UA
17300 National Institute of Arthritis and Musculoskeletal								
17350 and Skin Diseases	500,908	515,378	515,378	520,900	515,378	+14,470	D	
17400 National Institute on Deafness and Other Communication								
17450 Disorders	381,946	393,507	393,507	399,000	397,507	+15,561	D	
17500 National Institute of Nursing Research	134,701	139,198	139,198	140,200	139,198	+4,497	D	
17550 National Institute on Alcohol Abuse and Alcoholism	428,425	441,911	441,911	444,900	441,911	+13,486	D	UA
17600 National Institute on Drug Abuse	990,787	1,012,760	1,012,760	1,026,200	1,014,760	+23,973	D	UA
17610 Evaluation tap funding	---	(6,300)	(6,300)	---	---	---	NA	
17650 National Institute of Mental Health	1,381,266	1,420,609	1,420,609	1,436,800	1,423,609	+42,343	D	UA
17700 National Human Genome Research Institute	478,828	492,670	492,670	496,400	492,670	+13,842	D	
17750 National Institute of Biomedical Imaging and								
17800 Bioengineering	288,830	297,647	297,647	300,800	300,647	+11,817	D	UA
17850 National Center for Research Resources	1,178,956	1,094,141	1,094,141	1,213,400	1,124,141	-54,815	D	
17900 National Center for Complementary and Alternative								
17950 Medicine	116,943	121,116	121,116	121,900	123,116	+6,173	D	
18000 National Center on Minority Health and Health								
18050 Disparities	191,456	196,780	196,780	197,900	197,780	+6,324	D	
18100 John E. Fogarty International Center	65,344	67,182	67,182	67,600	67,182	+1,838	D	
18150 National Library of Medicine	308,476	316,947	316,947	316,900	317,947	+9,471	D	UA
18155 Evaluation Tap Funding	(8,200)	(8,200)	(8,200)	(8,200)	(8,200)	---	NA	
18157 Subtotal, NLM	316,676	325,147	325,147	325,100	326,147	+9,471		
18200 Office of the Director	327,089	359,645	359,645	364,100	361,145	+34,056	D	
18250 Buildings and Facilities	98,972	99,500	99,500	114,500	111,177	+12,205	D	
18400 Total, National Institutes of Health (NIH)	27,800,048	28,526,871	28,526,871	28,900,300	28,600,048	+800,000		
18450 Global HIV/AIDS Fund Transfer	-149,115	-100,000	-100,000	-149,115	-100,000	+49,115		
18480 Evaluation Tap Funding	(8,200)	(19,000)	(14,500)	(8,200)	(8,200)	---		
18500 Total, NIH, Program Level	(27,659,133)	(28,445,871)	(28,441,371)	(28,759,385)	(28,508,248)	(+849,115)		
18600 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES								
18601 ADMINISTRATION (SAMHSA)								
18650 Mental Health								
18700 Programs of Regional and National Significance	240,796	270,548	257,420	303,128	276,646	+35,850	D	
18750 Mental Health block grant	412,840	414,267	414,267	414,267	414,267	+1,427	D	
18775 Evaluation Tap Funding	(21,850)	(21,803)	(21,803)	(21,803)	(21,803)	(-47)	NA	
18800 Children's Mental Health	102,354	106,013	106,013	106,013	106,013	+3,659	D	
18850 Grants to States for the Homeless (PATH)	49,760	55,251	55,251	55,251	55,251	+5,491	D	
18875 Samaritan initiative	---	10,000	---	---	---	---	D	
18900 Protection and Advocacy	34,620	34,620	36,000	34,620	34,620	---	D	
18950 Subtotal, Mental Health	840,370	890,699	868,951	913,279	886,797	+46,427		
19000 Substance Abuse Treatment:								
19050 Programs of Regional and National Significance	419,219	512,732	414,919	419,717	421,646	+2,427	D	
19075 Evaluation Tap Funding	---	(4,300)	(4,300)	(4,300)	(4,300)	(+4,300)	NA	
19100 Substance Abuse block grant	1,699,946	1,753,035	1,710,035	1,753,035	1,710,035	+10,089	D	
19125 Evaluation Tap Funding	(79,200)	(79,200)	(79,200)	(79,200)	(79,200)	---	NA	
19150 Subtotal, Substance Abuse Treatment	2,119,165	2,265,767	2,124,954	2,172,752	2,131,681	+12,516		
19155 Subtotal, Program level	2,198,365	2,349,267	2,208,454	2,256,252	2,215,181	+16,816		
19200 Substance Abuse Prevention:								
19250 Programs of Regional and National Significance	198,458	196,018	200,000	198,940	200,428	+1,970	D	
19350 Program Management and Buildings and Facilities	75,915	76,455	76,455	76,455	76,455	+540	D	
19352 Evaluation Tap funding (NA)	(16,000)	(16,000)	(16,000)	(18,000)	(18,000)	(+2,000)	NA	
19353 Subtotal, Program level	91,915	92,455	92,455	94,455	94,455	+2,540		
19400 Total, SAMHSA	3,233,908	3,428,939	3,270,360	3,361,426	3,295,361	+61,453		UA
19405 Evaluation Tap Funding	(117,050)	(121,303)	(121,303)	(123,303)	(123,303)	(+6,253)		
19410 Total, SAMHSA program level	(3,350,958)	(3,550,242)	(3,391,663)	(3,484,729)	(3,418,664)	(+67,706)		

DIVISION F--LABOR HEALTH and HUMAN SERVICES EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable	
19500 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY							
19550 Research on Health Costs, Quality, and Outcomes:							
19650 Evaluation Tap funding (NA)	(245,695)	(245,695)	(245,695)	(260,695)	(260,695)	(+15,000)	NA
19700 Clinial effectiveness research (non-add)	---	---	---	(15,000)	(15,000)	(+15,000)	NA
19750 Reducing medical errors (non-add)	(79,500)	(84,000)	(84,000)	(84,000)	(84,000)	(+4,500)	NA
19800 Subtotal (including Evaluation Tap funding)	(245,695)	(245,695)	(245,695)	(260,695)	(260,695)	(+15,000)	
19850 Health Insurance and Expenditure Surveys:							NA
19950 Evaluation Tap funding (NA)	(55,300)	(55,300)	(55,300)	(55,300)	(55,300)	---	NA
20100 Program Support:							D
20150 Evaluation Tap funding (NA)	(2,700)	(2,700)	(2,700)	(2,700)	(2,700)	---	NA
20300 Total, AHRQ Evaluation Tap funding (NA)	(303,695)	(303,695)	(303,695)	(318,695)	(318,695)	(+15,000)	
20350 Total, Public Health Service appropriation	42,066,967	42,264,643	42,403,788	43,814,044	43,358,390	+1,291,423	
20355 Total, Public Health Service program level	(42,608,931)	(42,867,775)	(43,021,386)	(44,413,227)	(44,002,688)	(+1,393,757)	
20500 CENTERS FOR MEDICARE AND MEDICAID SERVICES							
20550 GRANTS TO STATES FOR MEDICAID							
20600 Medicaid current law benefits	172,706,067	167,013,865	167,013,865	167,013,865	167,013,865	5,692,202	M
20650 State and local administration	9,067,320	9,318,602	9,318,602	9,318,602	9,318,602	+251,282	M
20700 Vaccines for Children	980,196	1,208,296	1,208,296	1,208,296	1,208,296	+228,100	M
20750 Subtotal, Medicaid program level	182,753,583	177,540,763	177,540,763	177,540,763	177,540,763	5,212,820	
20850 Less funds advanced in prior year	-51,861,386	-58,416,275	-58,416,275	-58,416,275	-58,416,275	-6,554,889	M
20900 Total, Grants to States for medicaid	130,892,197	119,124,488	119,124,488	119,124,488	119,124,488	-11,767,709	
20950 New advance, 1st quarter	58,416,275	58,517,290	58,517,290	58,517,290	58,517,290	+101,015	M
21000 PAYMENTS TO HEALTH CARE TRUST FUNDS							
21050 Supplemental medical insurance	94,518,000	114,002,000	114,002,000	114,002,000	114,002,000	+19,484,000	M
21100 Hospital insurance for the uninsured	197,000	87,000	87,000	87,000	87,000	-110,000	M
21150 Federal uninsured payment	168,000	199,000	199,000	199,000	199,000	+31,000	M
21200 Program management	201,100	215,000	215,000	215,000	215,000	+13,900	M
21225 Prescription drug eligibility determinations	---	105,900	105,900	105,900	105,900	+105,900	M
21250 Subtotal, Payments to Trust Funds, current law	95,084,100	114,608,900	114,608,900	114,608,900	114,608,900	+19,524,800	
21275 New Advance FY 2006	---	5,216,900	5,216,900	5,216,900	5,216,900	+5,216,900	
21280 Total, Payments to Trust Funds, current law	95,084,100	119,825,800	119,825,800	119,825,800	119,825,800	+24,741,700	
21300 PROGRAM MANAGEMENT							
21325 Medicare reform funding 2/ 3/ 4/	(1,000,000)	(250,000)	(250,000)	(250,000)	(250,000)	(-750,000)	NA
21400 Research, Demonstration, Evaluation	77,791	68,274	68,400	77,791	78,119	+328	TF
21450 Medicare Operations	1,701,038	1,793,879	1,793,879	1,796,879	1,746,879	+45,841	TF
21500 H.R. 3103 funding (NA)	(720,000)	(720,000)	(720,000)	(720,000)	(720,000)	---	NA
21650 Subtotal, Medicare Operations program level	(2,421,038)	(2,513,879)	(2,513,879)	(2,516,879)	(2,466,879)	(+45,841)	
21680 Revitalization plan	29,619	24,400	24,400	24,400	24,400	-5,219	TF
21700 State Survey and Certification	251,252	270,392	270,392	270,392	260,822	+9,570	TF
21800 Federal Administration	577,146	589,182	589,182	587,182	586,182	+9,036	TF
21950 Total, Program management, Limitation on new BA	2,636,846	2,746,127	2,746,253	2,756,644	2,696,402	+59,556	
22000 Total, Program management, program level	(3,356,846)	(3,466,127)	(3,466,253)	(3,476,644)	(3,416,402)	(+59,556)	
22050 Total, Center for Medicare and Medicaid Services	287,029,418	300,213,705	300,213,831	300,224,222	300,163,980	+13,134,562	
22100 Federal funds	284,392,572	297,467,578	297,467,578	297,467,578	297,467,578	+13,075,006	
22150 Current year	(225,976,297)	(233,733,388)	(233,733,388)	(233,733,388)	(233,733,388)	(+7,757,091)	
22200 New advance, FY 2006	(58,416,275)	(63,734,190)	(63,734,190)	(63,734,190)	(63,734,190)	(+5,317,915)	
22250 Trust Funds	2,636,846	2,746,127	2,746,253	2,756,644	2,696,402	+59,556	
22300 ADMINISTRATION FOR CHILDREN AND FAMILIES							
22350 FAMILY SUPPORT PAYMENTS TO STATES							
22400 Payments to territories	23,000	23,000	23,000	23,000	23,000	---	M
22450 Repatriation	1,000	1,000	1,000	1,000	1,000	---	M
22500 Subtotal, Welfare payments	24,000	24,000	24,000	24,000	24,000	---	

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
22550	Child Support Enforcement:								
22600	State and local administration	3,897,674	3,940,698	3,940,698	3,940,698	3,990,698	+93,024	M	
22650	Federal incentive payments	454,000	446,000	446,000	446,000	446,000	-8,000	M	
22750	Access and visitation	10,000	12,000	12,000	12,000	10,000	---	M	
22800	Subtotal, Child Support Enforcement	4,361,674	4,398,698	4,398,698	4,398,698	4,446,698	+85,024		
22840	Prior year AFDC payments	20,000	---	---	---	---	-20,000	M	
22850	Total, Family support payments program level	4,405,674	4,422,698	4,422,698	4,422,698	4,470,698	+65,024		
22900	Less funds advanced in previous years	-1,100,000	-1,200,000	-1,200,000	-1,200,000	-1,200,000	-100,000	M	
22950	Total, Family support payments, current request.	3,305,674	3,222,698	3,222,698	3,222,698	3,270,698	-34,976		
23000	Plus New advance, 1st quarter, FY 2006	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	---	M	
23010	Total, Family support payments	4,505,674	4,422,698	4,422,698	4,422,698	4,470,698	-34,976		
23020	LOW INCOME HOME ENERGY ASSISTANCE PROGRAM								
23050	Formula grants	1,789,380	1,800,500	1,911,000	1,901,000	1,900,000	+110,620	D	
23060	Emergency allocation								
23150	Contingent emergency allocation	99,410	200,000	100,000	99,410	---	-99,410	D	
23155	Emergency allocation	---	---	---	---	300,000	+300,000	D	
23157	Department of Energy-Weatherization Assistance5/6/	227,166	291,200	238,000	---	---	-227,166	D	UA
23160	Total, Low income home energy assistance	2,115,956	2,291,700	2,249,000	2,000,500	2,200,000	+84,044		
23200	REFUGEE AND ENTRANT ASSISTANCE								
23250	Transitional and Medical Services	168,975	193,577	193,577	193,577	193,577	+24,602	D	
23300	Victims of Trafficking	9,909	10,000	10,000	10,000	10,000	+91	D	
23350	Social Services	152,218	151,121	166,218	155,121	166,218	+14,000	D	
23400	Preventive Health	4,792	4,835	4,835	4,835	4,835	+43	D	
23450	Targeted Assistance	49,025	49,477	49,477	49,477	49,477	+452	D	
23475	Unaccompanied minors	52,770	54,229	54,229	54,229	54,229	+1,459	D	
23500	Victims of Torture	9,909	10,000	13,000	10,000	10,000	+91	D	
23550	Total, Refugee and entrant assistance	447,598	473,239	491,336	477,239	488,336	+40,738		
23650	CHILD CARE AND DEVELOPMENT BLOCK GRANT	2,087,310	2,099,729	2,099,729	2,099,729	2,099,729	+12,419	D	UA
23700	SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,700,000	1,700,000	1,700,000	1,700,000	1,700,000	---	M	
23750	CHILDREN AND FAMILIES SERVICES PROGRAMS								
23800	Programs for Children, Youth and Families:								
23850	Head Start, current funded	5,383,108	5,543,580	5,498,580	5,535,452	5,498,580	+115,472	D	
23900	Advance from prior year	(1,391,740)	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	(+8,260)	MA	
23950	FY 2006	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	---	D	
24000	Subtotal, Head Start, program level	6,774,848	6,943,580	6,898,580	6,935,452	6,898,580	+123,732		UA
24050	Consolidated Runaway, Homeless Youth Program	89,431	89,447	89,447	95,000	89,447	+16	D	
24100	Maternity Group Homes	---	10,000	---	---	---	---	D	
24125	Prevention grants to reduce abuse of runaway youth	15,302	15,302	15,302	15,802	15,302	---	D	
24150	Child Abuse State Grants	21,883	42,013	28,484	27,500	27,500	+5,617	D	
24200	Child Abuse Discretionary Activities	34,386	26,266	26,266	34,386	31,912	-2,474	D	
24225	Community based child abuse prevention	33,205	65,002	43,205	43,205	43,205	+10,000	D	
24250	Abandoned Infants Assistance	12,052	12,086	12,086	12,052	12,052	---	D	
24300	Child Welfare Services	289,320	291,986	291,986	291,986	291,986	+2,666	D	
24350	Child Welfare Training	7,411	7,470	7,470	7,470	7,470	+59	D	
24400	Adoption Opportunities	27,103	27,343	27,343	27,343	27,343	+240	D	
24500	Adoption Incentive (no cap adjustment)	7,456	32,103	32,103	32,103	32,103	+24,647	D	
24550	Adoption Awareness	12,785	12,906	12,906	12,906	12,906	+121	D	
24600	Compassion Capital Fund	47,702	100,000	55,000	47,702	55,000	+7,298	D	
24650	Social Services and Income Maintenance Research	13,168	5,982	---	13,168	26,229	+13,061	D	
24655	Evaluation tap funding	(6,000)	---	(5,982)	(6,000)	(6,000)	---	NA	
24657	Subtotal, Program level	19,168	5,982	5,982	19,168	32,229	+13,061		

DIVISION F - LABOR HEALTH and HUMAN SERVICES EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs FY 2004 Comparable		
24750	Developmental Disabilities Programs								
24800	State Councils	73,081	73,081	73,081	73,081	73,081	---	D	
24850	Protection and Advocacy	38,416	38,416	38,416	40,000	38,416	---	D	
24875	Voting access for individuals with disabilities	14,911	14,912	15,000	14,912	15,000	+89	D	
24899	Developmental Disabilities Projects of National							D	
24900	Significance	11,561	11,642	11,642	11,642	11,642	+81	D	
24949	University Centers for Excellence in Developmental							D	
24950	Disabilities	26,803	26,803	26,803	31,803	31,803	+5,000	D	
25000	Subtotal, Developmental disabilities programs	164,772	164,854	164,942	171,438	169,942	+5,170		
25050	Native American Programs	45,157	45,155	45,155	45,157	45,157	---	D	
25100	Community Services:								
25150	Grants to States for Community Services	641,935	494,948	627,500	650,000	641,935	---	D	UA
25200	Community Initiative Program:								
25250	Economic Development	32,338	32,492	32,492	38,000	33,000	+662	D	UA
25300	Individual Development Account Initiative	24,695	24,912	24,912	24,912	24,912	+217	D	UA
25350	Rural Community Facilities	7,184	---	7,184	7,500	7,300	+116	D	UA
25400	Subtotal, Community Initiative Program	64,217	57,404	64,588	70,412	65,212	+995		
25450	National Youth Sports	17,894	---	18,000	---	18,000	+106	D	UA
25500	Community Food and Nutrition	7,238	---	---	7,238	7,238	---	D	UA
25550	Subtotal, Community Services	731,284	552,350	710,088	727,650	732,385	+1,101		
25650	Domestic Violence Hotline	2,982	3,000	3,000	3,500	3,250	+268	D	
25700	Family Violence/Battered Women's Shelters	125,648	125,648	125,648	128,000	126,648	+1,000	D	
25750	Early Learning Fund	33,580	---	---	36,000	36,000	+2,420	D	
25800	Faith-Based Center	1,386	1,400	1,400	1,386	1,386	---	D	
25900	Mentoring Children of Prisoners	49,701	50,000	50,000	50,000	50,000	+299	D	
25950	Independent Living Training Vouchers	44,734	60,000	50,000	44,734	47,000	+2,266	D	
25975	Promoting Responsible Fatherhood and healthy marriages	---	50,000	---	---	---	---	D	UA
25980	Abstinence Education	70,049	191,928	105,046	100,000	100,000	+29,951	D	
25990	Evaluation Tap Funding	(4,500)	(4,500)	(4,500)	(4,500)	(4,500)	---	NA	
26000	Program Direction	177,894	190,206	190,206	190,206	187,050	+9,156	D	
26050	Total, Children and Families Services Programs	8,841,499	9,106,025	8,985,663	9,094,146	9,069,853	+228,354		
26100	Current Year	(7,441,499)	(7,706,025)	(7,585,663)	(7,694,146)	(7,669,853)	(+228,354)		
26150	FY 2006	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	---		
26160	Evaluation Tap funding	(10,500)	(4,500)	(10,482)	(10,500)	(10,500)	---		
26180	Total, Program level	8,851,999	9,110,525	8,996,145	9,104,646	9,080,353	+228,354		
26250	PROMOTING SAFE AND STABLE FAMILIES	305,000	305,000	305,000	305,000	305,000	---	M	
26300	Discretionary Funds	99,383	200,000	105,000	99,383	99,383	---	D	
26350	PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION								
26400	Foster Care	4,974,200	4,895,500	4,895,500	4,895,500	4,895,500	-78,700	M	
26450	Adoption Assistance	1,699,700	1,770,100	1,770,100	1,770,100	1,770,100	+70,400	M	
26500	Independent living	140,000	140,000	140,000	140,000	140,000	---	M	
26550	Total, Payments to States	6,813,900	6,805,600	6,805,600	6,805,600	6,805,600	-8,300		
26600	Less Advances from Prior Year	-1,745,600	-1,767,700	-1,767,700	-1,767,700	-1,767,700	-22,100	M	
26650	Total, payments, current year	5,068,300	5,037,900	5,037,900	5,037,900	5,037,900	-30,400		
26700	New Advance, 1st quarter	1,767,700	1,767,200	1,767,200	1,767,200	1,767,200	-500	M	
26750	Total, Administration for Children & Families	26,938,420	27,403,491	27,163,526	27,003,795	27,238,099	+299,679		
26800	Current year	(22,570,720)	(23,036,291)	(22,796,326)	(22,636,595)	(22,870,899)	(+300,179)		
26850	FY 2006	(4,367,700)	(4,367,200)	(4,367,200)	(4,367,200)	(4,367,200)	(-500)		
26875	Evaluation Tap funding	(10,500)	(4,500)	(10,482)	(10,500)	(10,500)	---		
26880	Total, Administration for Children & Families	26,948,920	27,407,991	27,174,008	27,014,295	27,248,599	+299,679		

DIVISION F - LABOR HEALTH and HUMAN SERVICES EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs FY 2004 Comparable		
26900	ADMINISTRATION ON AGING								
26950	Grants to States:								
27000	Supportive Services and Centers	353,889	357,000	357,000	357,000	357,000	+3,111	D	
27050	Preventive Health	21,790	21,919	21,919	21,919	21,790		D	
27100	Protection of vulnerable older americans Title VII	19,444	18,559	18,559	20,474	19,444	---	D	
27150	Family Caregivers	152,738	155,512	157,000	157,000	157,000	+4,262	D	
27200	Native American Caregivers Support	6,318	6,355	6,355	6,355	6,355	+37	D	
27250	Subtotal, Caregivers	159,056	161,867	163,355	163,355	163,355	+4,299		
27300	Nutrition								
27350	Congregate Meals	386,353	388,648	392,148	388,648	390,397	+4,044	D	
27400	Home Delivered Meals	179,917	180,965	187,616	180,985	184,301	+4,384	D	
27425	Nutrition Services Incentive Program	148,191	149,183	150,414	149,183	149,799	+1,608	D	
27430	Subtotal, Nutrition	714,461	718,814	730,178	718,814	724,497	+10,036		
27440	Subtotal, Grants to States	1,268,640	1,278,159	1,291,011	1,281,562	1,286,086	+17,446		
27450	Grants for Native Americans	26,453	26,612	26,612	26,612	26,612	+159	D	
27500	Program Innovations	33,509	23,843	37,943	37,647	43,640	+10,131	D	
27550	Aging Network Support Activities	13,294	13,373	13,373	13,373	13,373	+79	D	
27600	Alzheimer's Disease Demonstrations	11,883	11,500	11,500	12,883	11,883	---	D	
27625	White House Conference on Aging	2,814	4,558	4,558	4,558	4,558	+1,744	D	
27650	Program Administration	17,324	18,482	18,482	18,482	18,482	+1,158	D	
27700	Total, Administration on Aging	1,373,917	1,376,527	1,403,479	1,395,117	1,404,634	+30,717		
27750	OFFICE OF THE SECRETARY								
27800	GENERAL DEPARTMENTAL MANAGEMENT:								
27850	Federal Funds	174,811	180,045	149,045	189,065	192,947	+18,136	D	
27900	Medicare claims appeals	---	---	---	---	50,000	+50,000	TF	
27950	Trust Funds	5,816	5,851	5,851	5,851	5,851	+35	TF	
28050	Subtotal	(180,627)	(185,896)	(154,896)	(194,916)	(248,798)	(+68,171)		
28100	Adolescent Family Life (Title XX)	30,946	54,349	31,229	35,000	31,229	+283	D	UA
28150	National Abstinence Education Campaign 7/	---	---	---	2,500			D	
28200	Minority health	55,190	47,236	47,236	53,351	51,011	-4,179	D	
28250	Office of women's health	28,915	29,103	29,103	29,103	29,103	+188	D	
28500	Minority HIV/AIDS	49,544	52,838	52,838	52,838	52,838	+3,294	D	
28520	Health care information technology	---	50,000	25,000	---			D	
28550	IT Security and Innovation Fund	14,847	18,400	14,847	14,847	14,847		D	
28560	Evaluation tap funding (ASPE) (NA)	(21,552)	(21,552)	(21,552)	(21,552)	(21,552)	---	NA	
28600	Total, General Departmental Management	360,089	437,822	355,149	382,555	427,826	+67,757		
28650	Federal Funds	354,253	431,971	349,298	376,704	371,975	+17,722		
28700	Trust Funds	5,816	5,851	5,851	5,851	55,851	+50,035		
28775	Evaluation tap funding	21,552	21,552	21,552	21,552	21,552	---		
28850	OFFICE OF THE INSPECTOR GENERAL:								
28900	Federal Funds	39,094	40,323	40,323	40,323	40,323	+1,229	D	
28950	HIPAA funding (NA)	(160,000)	(160,000)	(160,000)	(160,000)	(160,000)	---	NA	
29050	Total, Inspector General program level	(199,094)	(200,323)	(200,323)	(200,323)	(200,323)	(+1,229)		
29100	OFFICE FOR CIVIL RIGHTS:								
29150	Federal Funds	30,607	32,043	32,043	32,043	32,043	+1,436	D	
29200	Trust Funds	3,294	3,314	3,314	3,314	3,314	+20	TF	
29250	Total, Office for Civil Rights	33,901	35,357	35,357	35,357	35,357	+1,456		
29400	POLICY RESEARCH:								
29405	Federal Funds	---	---	---	---	---	---	D	
29410	Evaluation Tap funding (NA)	(20,750)	(28,750)	(20,750)	(28,750)	(20,750)	---	NA	
29420	Total, Policy Research	20,750	28,750	20,750	28,750	20,750	---		
29450	MEDICAL BENEFITS FOR COMMISSIONED OFFICERS								
29500	Retirement payments	228,064	241,294	241,294	241,294	241,294	+13,230	M	
29550	Survivors benefits	14,298	14,750	14,750	14,750	14,750	+452	M	
29600	Dependents' medical care	79,401	74,592	74,592	74,592	74,592	4,809	M	
29655	Total Medical benefits for Commissioned Officers	321,763	330,636	330,636	330,636	330,636	+8,873		

DIVISION F--LABOR HEALTH and HUMAN SERVICES EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable		
29750	PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND								
29760	HRSA homeland security activities	542,649	503,649	542,649	503,649	523,149	-19,500	D	
29770	CDC homeland security activities 8/	1,507,211	1,509,571	1,637,760	1,639,571	1,573,300	+66,089	D	
29780	NIH homeland security activities	---	47,400	47,400	47,400	47,400	+47,400	D	
29790	Office of the Secretary homeland sercurity activities	64,438	64,438	64,438	64,438	64,438	---	D	
29800	Other PHSSEF homeland security activities	49,705	100,000	60,000	75,000	100,000	+50,295	D	
29810	Total, PHSSEF	2,164,003	2,225,058	2,352,247	2,330,058	2,308,287	+144,284		
29900	Total, Office of the Secretary	2,918,830	3,069,196	3,113,712	3,118,929	3,142,429	+223,599		
29950	Federal Funds	2,909,720	3,060,031	3,104,547	3,109,764	3,083,264	+173,544		
30000	Trust Funds	9,110	9,165	9,165	9,165	59,165	+50,055		
30100	Total, Title II, Dept of Health & Human Services	360,327,552	374,327,562	374,298,336	375,556,107	375,307,532	+14,979,980		
30150	Federal Funds	357,681,596	371,572,270	371,542,918	372,790,298	372,551,965	+14,870,369		
30200	Current year	(294,897,021)	(303,470,880)	(303,441,528)	(304,688,908)	(304,450,575)	(+9,552,954)		
30250	FY 2006	(62,783,975)	(68,101,390)	(68,101,390)	(68,101,390)	(68,101,390)	(+5,317,415)		
30300	Trust Funds	2,645,956	2,755,292	2,755,418	2,765,809	2,755,567	+109,611		
30310	Title II Footnotes:								
30312	1/ Includes Mine Safety and Health								
30314	2/ Funds provided in P.L. 108-173, the 2003 Medicare								
30316	Prescription Drug, Improvement & Modernization Act								
30318	3/ $1 billion available for fiscal years 2004-2005								
30320	4/ $250 million available for fiscal years 2005-2008								
30322	5/ FY 2005 House jurisdiction change--account moved								
30324	from Interior Appropriations								
30326	6/ Weatherization assistance funds transferred to and								
30328	administered by Department of Energy								
30330	7/ Senate display. Funds are within Abstinence								
30332	Education in ACF								
30334	8/ House display. Senate breaks out the Stockpile								
30336	funds separately								
30350	TITLE III - DEPARTMENT OF EDUCATION								
30400	EDUCATION FOR THE DISADVANTAGED								
30450	Grants to Local Educational Agencies (LEAs)								
30500	Basic Grants								
30550	Advance from prior year	(2,011,272)	(1,883,584)	(1,883,584)	(1,883,584)	(1,883,584)	(-127,688)	NA	
30600	Forward funded	5,150,529	6,150,508	6,150,508	6,194,249	5,650,508	+499,979	D	FF
30650	Current funded	3,479	3,500	3,500	75,057	3,500	+21	D	
30700	Subtotal, Basic grants current year approp.	5,154,008	6,154,008	6,154,008	6,269,306	5,654,008	+500,000		
30750	Subtotal, Basic grants total funds available	(7,165,280)	(8,037,592)	(8,037,592)	(8,152,890)	(7,537,592)	(+372,312)		
30800	Basic Grants FY 2006 Advance	1,883,584	883,584	883,584	835,141	1,383,584	-500,000	D	
30850	Subtotal, Basic grants, program level	7,037,592	7,037,592	7,037,592	7,104,447	7,037,592	---		
30900	Concentration Grants								
30950	Advance from prior year	(1,365,031)	(1,365,031)	(1,365,031)	(1,365,031)	(1,365,031)	---	NA	
31000	FY 2006 Advance	1,365,031	1,365,031	1,365,031	1,365,031	1,365,031	---	B	
31050	Subtotal, Concentration Grants program level	1,365,031	1,365,031	1,365,031	1,365,031	1,365,031	---		
31100	Targeted Grants								
31150	Advance from prior year	(1,670,239)	(1,969,843)	(1,969,843)	(1,969,843)	(1,969,843)	(+299,604)	NA	
31200	FY 2006 Advance	1,969,843	4,146,187	2,469,843	2,231,954	2,219,843	+250,000	D	
31250	Subtotal, Targeted Grants program level	1,969,843	4,146,187	2,469,843	2,231,954	2,219,843	+250,000		
31300	Education Finance Incentive Grants								
31350	Advance from prior year	(1,541,759)	(1,969,843)	(1,969,843)	(1,969,843)	(1,969,843)	(+428,084)	NA	
31400	FY 2006 Advance	1,969,843	793,499	2,469,843	2,756,175	2,219,843	+250,000	D	
31450	Subtotal, Education Finance Incentive Grants	1,969,843	793,499	2,469,843	2,756,175	2,219,843	+250,000		
31500	Subtotal, Grants to LEAs, program level	12,342,309	13,342,309	13,342,309	13,457,607	12,842,309	+500,000		

DIVISION F - LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs FY 2004 Comparable		
31550	Even Start	246,910	---	226,910	---	226,910	-20,000	D	FF
31600	Reading First:								
31655	State Grants (forward funded)	828,923	930,000	930,000	867,000	855,000	+26,077	D	FF
31750	Advance from prior year	(195,000)	(195,000)	(195,000)	(195,000)	(195,000)	---	NA	
31800	FY 2006 Advance	195,000	195,000	195,000	195,000	195,000	---	D	
31850	Subtotal, Reading First State Grants	1,023,923	1,125,000	1,125,000	1,062,000	1,050,000	+26,077		
31890	Early Reading First	94,439	132,000	132,000	110,000	105,000	+10,561	D	
31895	Striving readers	---	100,000	100,000	25,000	25,000	+25,000	D	
31900	Literacy through School Libraries	19,842	19,842	19,842	22,842	19,842	---	D	
31950	State Agency Programs:								
32000	Migrant	393,577	393,577	393,577	393,577	393,577	---	D	FF
32050	Neglected and Delinquent/High Risk Youth	48,395	48,395	48,395	52,000	50,000	+1,605	D	FF
32060	Subtotal, State Agency programs	441,972	441,972	441,972	445,577	443,577	+1,605		
32100	Evaluation	8,790	9,500	9,500	9,500	9,500	+710	D	
32125	Assistance for local school improvement	---	---	---	100,000	---	---	D	FF
32150	Comprehensive School Reform Demonstration	233,613	---	80,000	233,613	207,000	-26,613	D	FF
32400	Migrant Education:								
32450	High School Equivalency Program	18,888	18,888	22,545	18,888	18,888	---	D	UA
32500	College Assistance Migrant Program	15,657	15,657	15,657	15,657	15,657	---	D	UA
32550	Subtotal, Migrant Education	34,545	34,545	38,202	34,545	34,545	---		
32600	Total, Education for the disadvantaged	14,446,343	15,205,168	15,515,735	15,500,684	14,963,683	+517,340		
32650	Current Year	(7,063,042)	(7,821,867)	(8,132,434)	(8,117,383)	(7,580,382)	(+517,340)		
32700	FY 2006	(7,383,301)	(7,383,301)	(7,383,301)	(7,383,301)	(7,383,301)	---		
32750	Subtotal, forward funded	(6,901,947)	(7,522,480)	(7,829,390)	(7,840,439)	(7,382,995)	(+481,048)		
32800	IMPACT AID								
32850	Basic Support Payments	1,063,687	1,063,687	1,083,687	1,063,687	1,083,687	+20,000	D	
32900	Payments for Children with Disabilities	50,369	50,369	50,369	50,369	50,369	---	D	
32950	Facilities Maintenance (Sec. 8008)	7,901	7,901	7,901	7,901	7,901	---	D	
33000	Construction (Sec. 8007)	45,935	45,936	45,936	45,936	48,936	+3,001	D	
33050	Payments for Federal Property (Sec. 8002)	61,634	61,634	63,000	61,634	63,000	+1,366	D	
33100	Total, Impact aid	1,229,526	1,229,527	1,250,893	1,229,527	1,253,893	+24,367		
33150	SCHOOL IMPROVEMENT PROGRAMS								
33200	State Grants for Improving Teacher Quality	1,495,126	1,495,126	1,515,000	1,540,126	1,505,126	+10,000	D	FF
33250	Advance from prior year	(1,150,000)	(1,435,000)	(1,435,000)	(1,435,000)	(1,435,000)	(+285,000)	NA	
33300	FY 2006	1,435,000	1,435,000	1,435,000	1,435,000	1,435,000	---	D	
33350 33400	Subtotal, State Grants for Improving Teacher Quality, program level	2,930,126	2,930,126	2,950,000	2,975,126	2,940,126	+10,000		
33600	Early Childhood Educator Professional Development	14,814	14,814	14,814	14,814	14,814	---	D	
33700	Mathematics and Science Partnerships	149,115	269,115	269,115	200,000	180,000	+30,885	D	FF
33890 33900	State Grants for Innovative Education (Education Block Grant)	296,548	296,549	20,000	---	200,000	-96,548	D	FF
33950	Advance from prior year	(285,000)	---	---	---	---	(-285,000)	NA	
34000	FY 2006	---	---	---	---	---	---	D	
34050	Subtotal, Education Block Grant, program level	296,548	296,549	20,000	---	200,000	-96,548		
34150	Educational Technology State Grants	691,841	691,841	600,000	691,841	500,000	-191,841	D	FF
34200	Supplemental Education Grants	---	---	18,330	17,214	18,330	+18,330	D	
34325	21st Century Community Learning Centers	999,070	999,070	999,070	1,007,000	999,070	---	D	FF
35050	State Assessments/Enhanced Assessment Instruments	390,000	410,000	410,000	420,000	415,000	+25,000	D	FF
35060	Javits gifted and talented education	11,111	---	11,111	12,111	11,111	---	D	
35070	Foreign language assistance	16,546	---	---	19,000	18,000	+1,454	D	
35100	Education for Homeless Children and Youth	59,646	59,646	70,000	62,000	63,000	+3,354	D	FF
35150	Training and Advisory Services (Civil Rights)	7,243	7,243	7,243	7,243	7,243	---	D	
35200	Education for Native Hawaiians	33,302	33,302	33,302	36,000	34,500	+1,198	D	
35250	Alaska Native Education Equity	33,302	33,302	33,302	36,000	34,500	+1,198	D	
35300	Rural Education	167,831	167,831	167,831	175,000	172,000	+4,169	D	FF
35400	Comprehensive Centers	57,283	27,654	57,283	57,283	57,283	---	D	
35900	Total, School improvement programs	5,857,778	5,940,493	5,661,401	5,730,632	5,664,977	-192,801		
35950	Current Year	(4,422,778)	(4,505,493)	(4,226,401)	(4,295,632)	(4,229,977)	(-192,801)		
36000	FY 2006	(1,435,000)	(1,435,000)	(1,435,000)	(1,435,000)	(1,435,000)	---		
36050	Subtotal, forward funded	(4,249,177)	(4,389,178)	(4,051,018)	(4,095,967)	(4,034,196)	(-214,981)		

DIVISION F--LABOR HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable		
36100	INDIAN EDUCATION								
36110	Grants to Local Educational Agencies	95,933	95,933	95,933	95,933	95,933	---	D	
36120	Federal Programs								
36130	Special Programs for Indian Children	19,753	19,753	19,753	19,753	19,753	---	D	
36140	National Activities	5,170	5,170	5,170	5,170	5,170	---	D	
36150	Subtotal, Federal Programs	24,923	24,923	24,923	24,923	24,923	---		
36170	Total, Indian Education	120,856	120,856	120,856	120,856	120,856	---		
36300	INNOVATION AND IMPROVEMENT								
36310	Troops-to-Teachers	14,911	14,912	14,912	14,912	14,912	+1	D	
36320	Transition to Teaching	45,295	45,295	45,295	45,295	45,295	---	D	
36330	National Writing Project	17,894	---	17,894	24,000	20,500	+2,606	D	
36340	Teaching of Traditional American History	119,292	119,292	---	120,000	120,000	+708	D	
36350	School Leadership	12,346	---	15,000	16,000	15,000	+2,654	D	
36360	Advanced Credentialing	18,391	7,000	18,391	17,000	17,000	-1,391	D	
36370	Charter Schools Grants	218,702	218,702	218,702	218,702	218,702	---	D	
36380	Credit Enhancement for Charter School Facilities	37,279	100,000	50,000	37,279	37,279	---	D	UA
36390	Voluntary Public School Choice	26,757	26,757	26,757	26,757	26,757		D	
36400	Magnet Schools Assistance	108,640	108,640	108,640	108,640	108,640	---	D	
36420	Fund for the Improvement of Education (FIE)							D	
36425	Current funded	356,197	170,185	100,000	372,673	417,418	+61,221	D	
36430	Forward funded	74,073	---	---	74,073	---	-74,073	D	FF
36435	Subtotal, FIE	430,270	170,185	100,000	446,746	417,418	-12,852		
36440	Ready to Learn television	22,864	22,864	22,864	24,000	23,500	+636	D	
36450	Dropout Prevention Programs	4,970	---	---	10,000	4,970	---	D	
36460	Close Up Fellowships	1,481	---	1,481	1,481	1,481	---	D	
36470	Advanced Placement	23,534	51,534	30,000	33,534	30,000	+6,466	D	
36480	Total, Innovation and Improvement	1,102,626	885,181	669,936	1,144,346	1,101,454	-1,172		
36495	Forward funded	(74,073)	---		(74,073)	---	(-74,073)		
36500	SAFE SCHOOLS AND CITIZENSHIP EDUCATION								
36510	Safe and Drug Free Schools and Communities:								
36520	State Grants, forward funded	440,908	440,908	440,908	440,908	440,908	---	D	FF
36530	Advance from prior year	(330,000)	---	---	---	---	(-330,000)	NA	
36540	FY 2006	---	---	---	---	---	---	D	
36550	State Grants, program level	440,908	440,908	440,908	440,908	440,908	---		
36570	National Programs	153,767	175,069	153,767	156,219	153,767	---	D	
36580	Mental health integration in schools	---	---	---	10,548	---	---	D	
36590	Alcohol Abuse Reduction	29,823	---		35,000	33,000	+3,177	D	
36600	Mentoring Programs	49,705	100,000	49,705	65,000	49,705	---	D	
36610	Character education	24,691	24,691	24,961	24,691	24,691	---	D	
36620	Elementary and Secondary School Counseling	33,799	---	33,799	36,000	35,000	+1,201	D	
36630	Carol M. White Physical Education Program	69,587	69,587	69,587	75,000	74,000	+4,413	D	
36640	Civic Education	28,642	28,642	28,642	30,642	29,642	+1,000	D	
36650	State Grants for Incarcerated Youth Offenders	24,852	---	---	28,000	27,000	+2,148	D	FF UA
36670	Total, Safe Schools and Citizenship Education	855,774	838,897	801,369	902,008	867,713	+11,939		
36680	Current Year	(855,774)	(838,897)	(801,369)	(902,008)	(867,713)	(+11,939)		
36690	FY 2006	---	---	---	---	---	---		
36695	Subtotal, forward funded	(465,760)	(440,908)	(440,908)	(468,908)	(467,908)	(+2,148)		
36700	ENGLISH LANGUAGE ACQUISITION								
36710	Current funded	124,220	85,500	85,500	85,500	85,500	-38,720	D	
36750	Forward funded	556,995	595,715	595,715	614,500	595,715	+38,720	D	FF
36800	Total, English Language Acquisition	681,215	681,215	681,215	700,000	681,215			
36850	SPECIAL EDUCATION								
36900	State Grants:								
36950	Grants to States Part B current year	4,655,106	5,655,106	5,655,106	5,815,981	5,262,147	+607,041	D	FF
37000	Part B advance from prior year	(5,672,000)	(5,413,000)	(5,413,000)	(5,413,000)	(5,413,000)	(-259,000)	NA	
37050	Grants to States Part B (FY 2006)	5,413,000	5,413,000	5,413,000	5,413,000	5,413,000	---	D	
37100	Subtotal, Grants to States, program level	10,068,106	11,068,106	11,068,106	11,228,981	10,675,147	+607,041		UA

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
37150	Preschool Grants	387,699	387,699	387,699	390,000	387,699	---	D	FF UA
37200	Grants for Infants and Families	444,363	466,581	466,581	444,363	444,363	---	D	FF UA
37250	Subtotal, State grants, program level	10,900,168	11,922,368	11,922,386	12,083,344	11,507,209	+607,041		
37300	IDEA National Activities (current funded):								
37350	State Improvement	51,061	51,061	51,061	51,061	51,061	---	D	FF UA
37450	Technical Assistance and Dissemination	52,820	52,819	52,819	54,000	52,819	-1	D	UA
37500	Personnel Preparation	91,357	91,357	91,357	93,357	91,357	---	D	UA
37550	Parent Information Centers	26,173	26,173	26,173	27,500	26,173	---	D	UA
37600	Technology and Media Services	39,129	32,305	32,305	39,129	39,129	---	D	UA
37700	Subtotal, IDEA special programs	260,540	253,715	253,715	265,047	260,539	-1		
37750	Total, Special education	11,160,708	12,176,101	12,176,101	12,328,391	11,767,748	+607,040		
37800	Current Year	(5,747,708)	(6,763,101)	(6,763,101)	(6,915,391)	(6,354,748)	(+607,040)		
37850	FY 2006	(5,413,000)	(5,413,000)	(5,413,000)	(5,413,000)	(5,413,000)	---		
37900	Subtotal, Forward funded	(5,538,229)	(6,560,447)	(6,560,447)	(6,701,405)	(6,145,270)	(+607,041)		
37950	REHABILITATION SERVICES AND DISABILITY RESEARCH								
38000	Vocational Rehabilitation State Grants	2,584,162	2,635,845	2,635,845	2,635,845	2,635,845	+51,683	M	
38050	Vocational Rehabilitation State Grants	---	61,800	---	---	---	---	D	
38100	Client Assistance State grants	11,997	11,997	11,997	13,000	11,997	---	D	
38150	Training	39,139	39,139	39,139	39,139	39,139		D	
38200	Demonstration and training programs	24,286	18,784	18,784	24,286	25,814	+1,528	D	
38250	Migrant and seasonal farmworkers	2,321	---	2,321	2,500	2,321	---	D	
38300	Recreational programs	2,564	---	2,564	2,750	2,564	---	D	
38350	Protection and advocacy of individual rights (PAIR)	16,790	19,570	16,790	18,000	16,790	---	D	
38400	Projects with industry	21,799	---	21,799	22,000	21,799	---	D	
38450	Supported employment State grants	37,680	---	37,680	38,000	37,680	---	D	
38500	Independent living:								
38550	State grants	22,020	22,020	25,000	23,000	23,000	+980	D	
38600	Centers	73,563	73,563	75,000	75,000	76,000	+2,437	D	
38650	Services for older blind individuals	31,811	31,811	35,000	31,811	33,495	+1,684	D	
38700	Subtotal, Independent living	127,394	127,394	135,000	129,811	132,495	+5,101		
38750	Program Improvement	889	850	850	850	850	-39	D	
38800	Evaluation	988	1,500	1,500	1,500	1,500	+512	D	
38849	Helen Keller National Center for Deaf/Blind Youth and							D	
38850	Adults	8,666	8,666	8,666	9,000	8,666	---	D	
38900	National Inst. Disability and Rehab. Research (NIDRR)	106,652	106,652	106,652	109,152	108,652	+2,000	D	
38950	Assistive Technology	25,943	15,000	15,000	31,495	30,000	+4,057	D	
39050	Subtotal, discretionary programs	427,108	411,352	418,742	441,483	440,267	+13,159		
39100	Total, Rehabilitation services	3,011,270	3,047,197	3,054,587	3,077,328	3,076,112	+64,842		UA
39150	SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES								
39200	AMERICAN PRINTING HOUSE FOR THE BLIND	16,403	16,403	17,000	17,000	17,000	+597	D	
39250	NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID):								
39300	Operations	53,118	53,118	54,105	54,105	54,105	+987	D	
39400	Construction	365	685	1,685	1,685	1,685	+1,320	D	
39450	Total, NTID	53,483	53,803	55,790	55,790	55,790	+2,307		UA
39550	GALLAUDET UNIVERSITY	100,205	100,205	104,000	105,400	105,400	+5,195	D	UA
39699	Total, Special Institutions for Persons with								
39700	Disabilities	170,091	170,411	176,790	178,190	178,190	+8,099		
39750	VOCATIONAL AND ADULT EDUCATION								
39800	Vocational Education:								
39850	Basic State Grants/Secondary & Technical Education								
39875	State Grants, current funded	404,008	221,000	424,008	403,295	412,963	+8,955	D	FF
39900	Advance from prior year	(791,000)	(791,000)	(791,000)	(791,000)	(791,000)	---	NA	
39950	FY 2006	791,000	791,000	791,000	791,000	791,000	---	D	
40000	Subtotal, Basic State Grants, program level	1,195,008	1,012,000	1,215,008	1,194,295	1,203,963	+8,955		
40050	Tech-Prep Education State Grants	106,665	---	106,665	106,665	106,665	---	D	FF
40150	National Programs	11,852	---	11,852	11,852	11,852	---	D	FF
40200	Tech-Prep Education Demonstration	4,939	---	---	4,939	4,939		D	FF
40250	Occupational and Employment Information Program	9,382	---	---	9,241	9,382	---	D	FF
40300	Subtotal, Vocational Education	1,327,846	1,012,000	1,333,525	1,326,992	1,336,801	+8,955		

DIVISION F--LABOR-HEALTH and HUMAN SERVICES EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
40350	Adult Education								
40375	State Grants/Adult basic and literacy education:								
40400	State Grants, current funded	574,372	574,372	574,372	574,266	574,266	106	D	FF
40450	National Programs								
40500	National Leadership Activities	9,169	9,169	9,169	9,169	9,169	---	D	FF
40550	National Institute for Literacy	6,692	6,692	6,692	6,692	6,692	---	D	FF
40600	Subtotal, National programs	15,861	15,861	15,861	15,861	15,861	---		
40650	Subtotal, Adult education	590,233	590,233	590,233	590,127	590,127	106		
40710	Smaller Learning Communities, current funded	8,698	---	5,085	---	4,762	-3,936	D	
40720	Smaller Learning Communities, forward funded	165,269	---	96,613	173,907	90,476	-74,793	D	FF
40730	Community Technology Centers	9,941	---	---	11,000	5,000	-4,941	D	
40750	Total, Vocational and adult education	2,101,987	1,602,233	2,025,456	2,102,086	2,027,166	-74,821		UA
40800	Current Year	(1,310,987)	(811,233)	(1,234,456)	(1,311,086)	(1,236,166)	(-74,821)		
40850	FY 2006	(791,000)	(791,000)	(791,000)	(791,000)	(791,000)	---		
40900	Subtotal, forward funded	(1,292,348)	(811,233)	(1,229,371)	(1,300,086)	(1,226,404)	(-65,944)		
40950	STUDENT FINANCIAL ASSISTANCE								
41000	Pell Grants -- maximum grant (NA)	(4,050)	(4,050)	(4,050)	(4,050)	(4,050)	---	NA	
41050	Pell Grants -- Regular Program	12,006,738	12,830,000	12,830,000	12,830,000	12,464,715	+457,977	D	
41075	Enhanced Pell grants for State scholars	---	33,000	---	---	---	---	D	
41100	Federal Supplemental Educational Opportunity Grants	770,455	770,455	794,455	799,850	785,000	+14,545	D	
41150	Federal Work Study	998,502	998,502	998,502	998,243	998,243	-259	D	
41200	Federal Perkins Loans:								
41250	Capital Contributions	98,764	---	---	98,764	---	-98,764	D	
41300	Loan Cancellations	66,665	66,665	66,665	66,665	66,665		D	
41350	Subtotal, Federal Perkins loans	165,429	66,665	66,665	165,429	66,665	-98,764		
41400	LEAP program	66,172	---	66,172	66,172	66,172	---	D	
41500	Total, Student Financial Assistance	14,007,296	14,698,622	14,755,794	14,859,694	14,380,795	+373,499		UA
41600	STUDENT AID ADMINISTRATION								
41610	Administrative Costs	116,727	934,639	120,247	121,000	120,247	+3,520	D	UA
41620	Fed Direct Student Loan Reclassification (Leg prop)	---	-795,000	---	---	---	---	D	UA
41650	HIGHER EDUCATION								
41700	Aid for Institutional Development:								
41750	Strengthening Institutions	80,986	80,986	80,986	85,000	80,986	---	D	
41800	Hispanic Serving Institutions	93,993	95,873	95,873	100,000	95,873	+1,880	D	
41850	Strengthening Historically Black Colleges (HBCUs)	222,764	240,500	240,500	240,500	240,500	+17,736	D	
41900	Strengthening historically black graduate insts	53,100	58,500	58,500	58,500	58,500	+5,400	D	
41949	Strengthening Alaska Native and							D	
41950	Native Hawaiian-Serving Institutions	10,935	6,137	10,335	13,000	12,000	+1,065	D	
42000	Strengthening Tribal Colleges	23,287	23,753	23,753	25,000	24,000	+713	D	
42050	Subtotal, Aid for Institutional development	485,065	505,749	510,547	522,000	511,859	+26,794		UA
42100	International Education and Foreign Language:								
42150	Domestic Programs	89,211	89,211	93,211	89,211	93,211	+4,000	D	UA
42200	Overseas Programs	12,840	12,840	12,840	12,840	12,840	---	D	
42250	Institute for International Public Policy	1,629	1,629	1,629	1,629	1,629	---	D	UA
42300	Subtotal, International Education & Foreign Lang	103,680	103,680	107,680	103,680	107,680	+4,000		
42375	Fund for the Improvement of Postsec. Ed. (FIPSE)	157,700	32,011	32,011	157,700	163,915	+6,215	D	UA
42400	Minority Science and Engineering Improvement	8,889	8,889	8,889	8,889	8,889	---	D	UA
42450	Interest Subsidy Grants	1,988	1,500	1,500	1,500	1,500	488	D	UA
42475	Tribally Controlled Postsec Voc/Tech Institutions	7,185	7,185	7,185	8,000	7,500	+315	D	UA
42500	Federal TRIO Programs	832,559	832,559	842,559	844,500	843,289	+10,730	D	UA
42550	GEAR UP	298,230	298,230	318,230	302,500	308,960	+10,730	D	UA
42600	Byrd Honors Scholarships	40,758	40,758	---	41,000	41,000	+242	D	UA
42650	Javits Fellowships	9,876	9,876	9,876	9,876	9,876	---	D	UA
42700	Graduate Assistance in Areas of National Need	30,616	30,616	30,616	30,616	30,616	---	D	UA
42750	Teacher Quality Enhancement Grants	88,887	88,888	88,888	88,888	68,888	-19,999	D	UA
42800	Child Care Access Means Parents in School	16,098	16,099	16,099	16,099	16,099	+1	D	UA
42850	Demonstration in Disabilities / Higher Education	6,913	---	---	7,000	7,000	+87	D	UA
42900	Underground Railroad Program	2,222	---	---	2,222	2,222	---	D	UA
42950	GPRA data/HEA program evaluation	988	988	988	988	988	---	D	UA
43050	B.J. Stupak Olympic Scholarships	988	---	988	---	988	---	D	UA

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs FY 2004 Comparable		
43075	Thurgood Marshall legal education opportunity program	---	---	---	3,000	3,000	+3,000	D	
43100	Total, Higher education	2,092,642	1,977,028	1,976,056	2,148,458	2,134,269	+41,627		
43150	HOWARD UNIVERSITY								
43200	Academic Program	205,212	205,164	210,342	206,164	207,164	+1,952	D	
43250	Endowment Program	3,552	3,600	3,552	3,600	3,552	---	D	UA
43300	Howard University Hospital	29,999	29,999	29,999	29,999	29,999	---	D	
43350	Total, Howard University	238,763	238,763	243,893	239,763	240,715	+1,952		
43375	COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM:								
43400	(CHAFL)	769	578	578	578	578	-191	D	
43450	HBCU CAPITAL FINANCING PROGRAM -- Federal Adm.	209	212	212	212	212	+3	D	
43500	INSTITUTE OF EDUCATION SCIENCES								
43600	Research, development and dissemination	165,518	185,000	165,518	165,518	165,518	---	D	
43620	Statistics	91,664	91,664	91,664	91,664	91,664	---	D	
43650	Regional Educational Laboratories	66,665		66,665	66,665	66,665	---	D	
43720	Research and innovation in special education	78,125	78,125	78,125	78,125	83,774	+5,649	D	UA
43730	Statewide data systems	---	---	30,000	40,000	25,000	+25,000	D	
43750	Assessment:								
43800	National Assessment	89,703	89,703	89,703	89,703	89,703	---	D	
43850	National Assessment Governing Board	5,060	5,129	5,129	5,129	5,129	+69	D	
43900	Subtotal, Assessment	94,763	94,832	94,832	94,832	94,832	+69		
44050	Total, IES	496,735	449,621	526,804	536,804	527,453	+30,718		
44100	DEPARTMENTAL MANAGEMENT								
44150	PROGRAM ADMINISTRATION	420,379	429,778	421,055	420,379	423,379	+3,000	D	
44200	OFFICE FOR CIVIL RIGHTS	88,305	92,801	90,248	92,801	90,248	+1,943	D	
44250	OFFICE OF THE INSPECTOR GENERAL	46,624	50,576	47,790	50,576	47,790	+1,166	D	
44300	Total, Departmental management	555,308	573,155	559,093	563,756	561,417	+6,109		
44475	Total, Elementary and Secondary Education Act programs	24,478,026	24,901,337	24,803,103	25,513,020	24,754,029	+276,003		
44500	Total, Title III, Department of Education	58,246,623	59,974,897	60,317,016	61,484,313	59,668,693	+1,422,070		
44550	Current Year	(43,224,322)	(44,952,596)	(45,294,715)	(46,462,012)	(44,646,392)	(+1,422,070)		
44600	FY 2006	(15,022,301)	(15,022,301)	(15,022,301)	(15,022,301)	(15,022,301)	---		
44650	TITLE IV - RELATED AGENCIES								
44700	ARMED FORCES RETIREMENT HOME								
44750	Operations and Maintenance	62,923	57,195	57,195	57,195	57,624	-5,299	D	
44800	Capital Program	1,971	4,000	4,000	4,000	4,000	+2,029	D	
44850	Total, AFRH	64,894	61,195	61,195	61,195	61,624	-3,270		
44885	COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR								
44890	SEVERELY DISABLED 1/	4,897	4,672	4,672	---	4,707	+10	D	
44900	CORPORATION FOR NATIONAL AND COMMUNITY SERVICE 2/								
44950	Volunteers in Service to America (VISTA)	93,731	96,428	93,731	96,428	95,000	+1,269	D	
45000	Volunteers in Homeland Security	9,876	15,000	5,000	5,000	5,000	-4,876	D	
45050	National Senior Volunteer Corps:								
45100	Foster Grandparents Program	110,121	106,700	112,323	112,323	112,323	+2,202	D	
45150	Senior Companion Program	45,987	46,563	45,987	46,563	46,275	+288	D	
45200	Retired Senior Volunteer Program	58,156	69,884	58,156	60,000	59,000	+844	D	
45250	Senior Demonstration Program	---	1,397	---	---	---	---	D	
45300	Subtotal, Senior Volunteers	214,264	224,544	216,466	218,886	217,598	+3,334		
45350	Program Administration	36,469	39,363	38,000	37,500	39,000	+2,531	D	
45400	Total, Domestic Volunteer Service Programs	354,340	375,335	353,197	357,814	356,598	+2,258		UA

DIVISION F--LABOR, HEALTH and HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs FY 2004 Comparable		
45500	CORPORATION FOR PUBLIC BROADCASTING:								
45550	FY 2007 (current) with FY 2006 comparable	400,000	---	400,000	400,000	400,000	---	D	
45600	FY 2006 advance with FY 2005 comparable (NA)	(390,000)	(400,000)	(400,000)	(400,000)	(400,000)	(+10,000)	NA	
45650	FY 2005 advance with FY 2004 comparable (NA)	(377,758)	(390,000)	(390,000)	(390,000)	(390,000)	(+12,242)	NA	
45700	Digitalization program, current funded 3/	49,705	---	---	49,705	39,705	-10,000	D	
45710	Digitalization, non-add 4/	---	(20,000)	(20,000)	---	---	---	NA	
45725	Interconnection, current funded 3/	9,941	---	---	50,000	40,000	+30,059	D	
45730	Interconnection, non add 4/		(75,000)	(60,000)	(75,000)	(75,000)	(+75,000)	NA	
45750	Subtotal, FY 2005 appropriation	59,646	---	---	99,705	79,705	+20,059		UA
45760	Subtotal, FY 2005 comparable	(59,646)	(95,000)	(80,000)	(174,705)	(154,705)	(+95,059)		
45850	FEDERAL MEDIATION AND CONCILIATION SERVICE	43,129	43,984	43,984	44,484	44,797	+1,668	D	
45900	FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION	7,728	7,813	7,813	7,813	7,872	+144	D	
45950	INSTITUTE OF MUSEUM AND LIBRARY SERVICES	262,240	261,743	261,743	262,240	282,827	+20,587	D	
46000	MEDICARE PAYMENT ADVISORY COMMISSION	9,245	9,905	9,905	9,905	9,979	+734	TF	
46050	NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE	994	1,000	1,000	994	1,001	+7	D	
46100	NATIONAL COUNCIL ON DISABILITY	3,021	2,873	2,873	3,371	3,371	+350	D	UA
46200	NATIONAL LABOR RELATIONS BOARD	242,633	248,785	248,785	250,000	251,875	+9,242	D	
46250	NATIONAL MEDIATION BOARD	11,354	11,635	11,635	11,635	11,722	+368	D	
46300	OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	9,805	10,516	10,516	10,516	10,595	+790	D	
46350	RAILROAD RETIREMENT BOARD								
46400	Dual Benefits Payments Account	118,298	108,000	108,000	108,000	108,000	-10,298	D	
46450	Less Income Tax Receipts on Dual Benefits	-7,953	-8,000	-8,000	-8,000	-8,000	-47	D	
46500	Subtotal, Dual Benefits	110,345	100,000	100,000	100,000	100,000	-10,345		
46550	Federal Payment to the RR Retirement Account	150	150	150	150	150	---	M	
46600	Limitation on Administration	100,702	102,600	102,202	102,600	103,370	+2,668	TF	
46650	Inspector General	6,561	7,200	6,561	7,200	7,254	+693	TF	
46700	SOCIAL SECURITY ADMINISTRATION								
46750	Payments to Social Security Trust Funds	21,658	20,454	20,454	20,454	20,454	-1,204	M	
47150	SUPPLEMENTAL SECURITY INCOME								
47200	Federal benefit payments	34,198,000	38,109,000	38,109,000	34,909,000	38,109,000	+3,911,000	M	
47250	Beneficiary services	100,000	45,929	45,929	45,929	45,929	-54,071	M	
47300	Research and demonstration	38,000	27,000	27,000	35,000	35,000	-3,000	M	
47350	Administration	2,973,300	3,017,000	2,986,900	2,928,020	2,986,900	+13,600	D	
47400	Subtotal, SSI program level	37,309,300	41,198,929	41,168,829	37,917,949	41,176,829	+3,867,529		
47450	Less funds advanced in prior year	-11,080,000	-12,590,000	-12,590,000	-12,590,000	-12,590,000	-1,510,000	M	
47500	Subtotal, regular SSI current year	26,229,300	28,608,929	28,578,829	25,327,949	28,586,829	+2,357,529		
47600	User Fee Activities	120,000	124,000	124,000	124,000	124,000	+4,000	D	
47650	Total, SSI, current request	26,349,300	28,732,929	28,702,829	25,451,949	28,710,829	+2,361,529		
47700	New advance, 1st quarter, FY 2006	12,590,000	10,930,000	10,930,000	14,130,000	10,930,000	-1,660,000	M	
47710	Total, SSI program	38,939,300	39,662,929	39,632,829	39,581,949	39,640,829	+701,529		
47750	LIMITATION ON ADMINISTRATIVE EXPENSES								
47800	OASDI Trust Funds	4,070,369	4,454,000	4,412,700	4,322,654	4,412,896	+342,527	TF	
47850	HI/SMI Trust Funds	1,147,705	1,284,000	1,272,500	1,248,144	1,272,500	+124,795	TF	
47900	Social Security Advisory Board	1,800	2,000	2,000	2,000	2,000	+200	TF	
47950	SSI	2,973,300	3,017,000	2,986,900	2,928,020	2,986,900	+13,600	TF	
48000	Subtotal, regular LAE	8,193,174	8,757,000	8,674,100	8,498,818	8,674,296	+481,122		
48050	User Fee Activities (SSI)	120,000	124,000	124,000	124,000	124,000	+4,000	TF	
48100	Total, Limitation on Administrative Expenses	8,313,174	8,881,000	8,798,100	8,622,818	8,798,296	+485,122		

DIVISION F--LABOR-HEALTH and HUMAN SERVICES EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable
48300 MEDICARE REFORM FUNDING						
48310 HI/SMI trust funds mandatory spending 5/ 6/	(500,000)	---	---	---		(-500,000) NA
48320 Medicare reform contingency fund 7/	---	100,000	---	---	----	--- D
48450 OFFICE OF INSPECTOR GENERAL						
48500 Federal Funds	24,355	26,000	25,748	26,000	25,748	+1,393 D
48550 Trust Funds	63,324	66,000	65,359	66,000	65,359	+2,035 TF
48600 Total, Office of Inspector General	87,679	92,000	91,107	92,000	91,107	+3,428
48750 Adjustment: Trust fund transfers from general revenues	3,093,300	3,141,000	3,110,900	3,052,020	3,110,000	+17,600 TF
48800 Total, Social Security Administration	44,268,511	45,615,383	45,431,590	45,265,201	45,439,786	+1,171,275
48850 Federal funds	38,985,313	39,809,383	39,679,031	39,628,403	39,687,031	+701,718
48900 Current year	(26,395,313)	(28,879,383)	(28,749,031)	(25,498,403)	(28,757,031)	(+2,361,718)
48950 New advances, 1st quarter	(12,590,000)	(10,930,000)	(10,930,000)	(14,130,000)	(10,930,000)	(-1,660,000)
49000 Trust funds	5,283,198	5,806,000	5,752,559	5,636,798	5,752,755	+469,557
49020 UNITED STATES INSTITUTE OF PEACE 8/	---	---		22,099		---
49100 Total, Title IV, Related Agencies	45,959,995	46,864,769	47,057,801	47,016,902	47,177,233	+1,217,238
49150 Federal Funds	40,560,289	40,939,064	41,186,574	41,260,399	41,303,875	+743,586
49200 Current Year	(27,570,289)	(30,009,064)	(29,856,574)	(26,730,399)	(29,973,875)	(+2,403,586)
49250 FY 2006 Advance	(12,590,000)	(10,930,000)	(10,930,000)	(14,130,000)	(10,930,000)	(-1,660,000)
49300 FY 2007 Advance	(400,000)	---	(400,000)	(400,000)	(400,000)	---
49350 Trust Funds	5,399,706	5,925,705	5,871,227	5,756,503	5,873,358	+473,652

49355 Title IV Footnotes:
49357 1/ FY 2005 House jurisdiction change--account moved
49358 from Transportation-Treasury Appropriations
49362 2/ Appropriations for Americorps are provided in the
49363 VA-HUD bill
49365 3/ Current funded.
49367 4/ Requested funds for these activities are from
49368 previously appropriated funds
49369 5/ Funds provided in P.L. 108-173, the 2003 Medicare
49370 Prescription Drug, Improvement & Modernization Act
49371 6/ Available in fiscal years 2004 and 2005
49372 7/ Two-year availability. Funds may be transferred
49373 between CMS and SSA.
49374 8/ Senate display. House jurisdiction change--account
49375 moved to Commerce Justice State appropriations

DIVISION F - LABOR, HEALTH and HUMAN SERVICES, EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference vs. FY 2004 Comparable
49575	SUMMARY						
49580	Federal Funds	467,973,109	483,957,294	484,255,006	487,132,210	485,060,136	+17,087,027
49590	Current year	(374,625,833)	(387,359,603)	(387,257,315)	(386,934,519)	(388,062,445)	(+13,436,612)
49595	2006 advance	(92,947,276)	(96,597,691)	(96,597,691)	(99,797,691)	(96,597,691)	(+3,650,415)
49600	2008 advance	(400,000)		(400,000)	(400,000)	(400,000)	
49610	Trust Funds	11,844,869	12,477,283	12,410,505	12,357,301	12,492,375	+647,506
49630	Grand Total	479,817,978	496,434,577	496,665,511	499,489,511	497,552,511	+17,734,533
49640	BUDGET ENFORCEMENT ACT RECAP						
49760	Mandatory, total in bill	340,041,821	353,539,511	353,539,511	353,547,511	353,595,511	+13,553,690
49780	Less advances for subsequent years	-74,061,975	-77,712,390	-77,712,390	-80,912,390	-77,712,390	-3,650,415
49800	Plus advances provided in prior years	65,883,986	74,061,975	74,061,975	74,061,975	74,061,975	+8,177,989
49820	Total, mandatory, current year	331,863,832	349,889,096	349,889,096	346,697,096	349,945,096	+18,081,264
49860	Discretionary, total in bill	139,776,157	142,895,066	143,126,000	145,942,000	143,957,000	+4,180,843
49880	Less advances for subsequent years	-19,285,301	-18,885,301	-19,285,301	-19,285,301	-19,285,301	
49900	Plus advances provided in prior years	19,229,267	19,275,301	19,275,301	19,275,301	19,275,301	+46,034
49920	Subtotal, Discretionary, current year	139,720,123	143,285,066	143,116,000	145,932,000	143,947,000	+4,226,877
49980	Scorekeeping adjustments:						
50100	SSA User Fee Collection	-120,000	-124,000	-124,000	-124,000	-124,000	-4,000
50110	SSI date shift				-3,200,000		
50135	Vaccines for children legislative proposal		-110,000				
50138	Medicaid/Medicare offsetting proposals		-462,000				
50140	HI/SMI user fees		-165,000	-155,000			
50145	Medicare Hospital loans			-200,000	-199,900		
50180	CDC Management/IT Savings			-15,000			
50190	Smallpox vaccine injury compensation rescission					-20,000	-20,000
50191	Medical facilities guarantee and loan fund						
50192	Rescission					-66,000	-66,000
50194	Health professions student loan rescission					-19,000	-19,000
50200	Welfare to Work rescission	-176,000					+176,000
50220	H-1B rescission		-100,000	-100,000	-100,100	-100,000	-100,000
50230	75 percent rule scoring			9,000	9,000	9,000	+9,000
50231	75 percent rule offset in CMS			-12,500			
50240	Across the board administrative expenses reduction					-18,000	-18,000
50250	SSA Special benefits (offsetting collections)	-54					+54
50255	Section 223 P.L. 104-191				-35,000		
50256	Section 223 Office of Inspector General				35,000		
50260	Less emergency appropriations					-300,000	-300,000
50280	Total, discretionary	139,424,069	142,324,066	142,518,500	142,317,000	143,309,000	+3,884,931
50290	Adjustment to balance with 2004 enacted	-252,080					+252,080
50291	Total, Discretionary (FY 2004 enacted)	139,171,989	142,324,066	142,518,500	142,317,000	143,309,000	+4,137,011
50320	Grand total, current year (incl FY 2004 comparable)	471,287,901	492,213,162	492,407,596	489,014,096	493,254,096	+21,966,195
50325	Grand total, current year (incl FY 2004 enacted)	471,035,821	492,213,162	492,407,596	489,014,096	493,254,096	+22,218,275

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - LEGISLATIVE BRANCH						
SENATE						
Expense allowances:						
Vice President	20	20	---	20	20	---
President Pro Tempore of the Senate	20	20	---	20	40	+20
Majority Leader of the Senate	20	20	---	20	40	+20
Minority Leader of the Senate	20	20	---	20	40	+20
Majority Whip of the Senate	10	10	---	10	10	---
Minority Whip of the Senate	10	10	---	10	10	---
President Pro Tempore Emeritus of the Senate	8	8	---	8	15	+7
Chairman of the Majority Conference Committee	5	5	---	5	5	---
Chairman of the Minority Conference Committee	5	5	---	5	5	---
Chairman of the Majority Policy Committee	5	5	---	5	5	---
Chairman of the Minority Policy Committee	5	5	---	5	5	---
Subtotal, expense allowances	128	128	---	128	195	+67
Representation allowances for the Majority and Minority Leaders	30	30	---	30	30	---
Total, Expense allowances and representation	158	158	---	158	225	+67
Salaries, Officers and Employees						
Office of the Vice President	2,028	2,108	---	2,108	2,108	+80
Office of the President Pro Tempore	539	561	---	561	561	+22
Office of the President Pro Tempore Emeritus	156	163	---	163	163	+7
Offices of the Majority and Minority Leaders	3,220	3,408	---	3,408	3,808	+588
Offices of the Majority and Minority Whips	2,324	2,556	---	2,556	2,556	+232
Committee on Appropriations	12,799	13,301	---	13,301	13,301	+502
Conference committees	2,716	2,826	---	2,826	2,826	+110
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	674	702	---	702	702	+28
Policy Committees	2,834	2,946	---	2,946	2,946	+112
Office of the Chaplain	327	341	---	341	341	+14
Office of the Secretary	18,299	19,586	---	19,586	19,586	+1,287
Office of the Sergeant at Arms and Doorkeeper	45,789	50,635	---	50,635	50,635	+4,846
Offices of the Secretaries for the Majority and Minority	1,468	1,528	---	1,528	1,528	+60
Agency contributions and related expenses	32,134	33,779	---	33,779	33,779	+1,645
Total, Salaries, officers and employees	125,307	134,440	---	134,440	134,840	+9,533
Office of the Legislative Counsel of the Senate						
Salaries and expenses	4,843	5,152	---	5,152	5,152	+309
Office of Senate Legal Counsel						
Salaries and expenses	1,222	1,265	---	1,265	1,265	+43
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	24	24	---	24	24	---
Contingent Expenses of the Senate						
Inquiries and investigations	118,462	120,435	---	110,000	110,000	-8,462
Expenses of United States Senate Caucus on International Narcotics Control	520	520	---	520	520	---
Secretary of the Senate	2,265	1,700	---	1,700	1,700	-565
Sergeant at Arms and Doorkeeper of the Senate	135,243	136,066	---	127,182	127,182	-8,061
Miscellaneous Items	18,425	18,676	---	18,326	18,326	-99
Senators' Official Personnel and Office Expense Account	310,000	340,972	---	326,000	326,533	+16,533
Official Mail Costs						
Expenses	300	300	---	300	300	---
Across the board recission (.59%) P.L. 108-199)	-4,281	---	---	---	---	+4,281
Total, Contingent expenses of the Senate	580,934	618,669	---	584,028	584,561	+3,627
Total, Senate	712,488	759,708	---	725,067	726,067	+13,579

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
HOUSE OF REPRESENTATIVES						
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	2,630	2,708	2,708	2,708	2,708	+78
Office of the Majority Floor Leader	1,965	2,027	2,027	2,027	2,027	+62
Office of the Minority Floor Leader	2,756	2,840	2,840	2,840	2,840	+84
Office of the Majority Whip	1,684	1,741	1,741	1,741	1,741	+57
Office of the Minority Whip	1,259	1,303	1,303	1,303	1,303	+44
Speaker's Office for Legislative Floor Activities	460	470	470	470	470	+10
Republican Steering Committee	862	881	881	881	881	+19
Republican Conference	1,448	1,500	1,500	1,500	1,500	+52
Democratic Steering and Policy Committee	1,542	1,589	1,589	1,589	1,589	+47
Democratic Caucus	768	792	792	792	792	+24
Nine minority employees	1,380	1,409	1,409	1,409	1,409	+29
Training and Program Development:						
Majority	290	290	290	290	290	---
Minority	290	290	290	290	290	---
Cloakroom Personnel:						
Majority	404	419	419	419	419	+15
Minority	404	419	419	419	419	+15
Subtotal, House Leadership Offices	18,142	18,678	18,678	18,678	18,678	+536
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail						
Expenses	514,454	529,258	521,195	521,195	521,195	+6,741
Committee Employees						
Standing Committees, Special and Select	102,203	114,955	114,299	114,299	114,299	+12,096
Committee on Appropriations (including studies and investigations)	24,926	25,524	24,926	24,926	24,926	---
Subtotal, Committee employees	127,129	140,479	139,225	139,225	139,225	+12,096
Salaries, Officers and Employees						
Office of the Clerk	19,452	20,553	20,534	20,534	20,534	+1,082
Office of the Sergeant at Arms	5,471	5,887	5,879	5,879	5,879	+408
Office of the Chief Administrative Officer	111,141	121,699	116,034	116,034	116,034	+4,893
Office of the Inspector General	3,847	4,022	3,986	3,986	3,986	+139
Office for Emergency Planning, Preparedness and Operations	5,200	6,000	1,000	1,000	1,000	-4,200
Office of General Counsel	926	962	962	962	962	+36
Office of the Chaplain	153	155	155	155	155	+2
Office of the Parliamentarian	1,560	1,673	1,673	1,673	1,673	+113
Office of the Parliamentarian	(1,363)	(1,459)	(1,459)	(1,459)	(1,459)	(+96)
Compilation of precedents of the House of Representatives	(197)	(214)	(214)	(214)	(214)	(+17)
Office of the Law Revision Counsel of the House	2,263	2,346	2,346	2,346	2,346	+83
Office of the Legislative Counsel of the House	6,233	6,721	6,721	6,721	6,721	+488
Corrections Calendar Office	---	---	---	---	---	---
Office of Interparliamentary Affairs	500	687	687	687	687	+187
Other authorized employees	150	156	156	156	156	+6
Technical Assistants, Office of the Attending Physician	(150)	(156)	(156)	(156)	(156)	(+6)
Subtotal, Salaries, officers and employees	156,896	170,861	160,133	160,133	160,133	+3,237
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	3,975	4,618	4,350	4,350	4,350	+375
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	410	410	---
Government contributions	186,783	201,350	199,600	199,600	203,900	+17,117
Miscellaneous items	690	690	690	690	690	---
Subtotal, Allowances and expenses	191,858	207,068	205,050	205,050	209,350	+17,492
Total, Salaries and expenses	1,008,479	1,066,344	1,044,281	1,044,281	1,048,581	+40,102
Total, House of Representatives	1,008,479	1,066,344	1,044,281	1,044,281	1,048,581	+40,102

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
JOINT ITEMS						
Joint Congressional Committee on Inaugural Ceremonies	1,250	---	---	---	---	-1,250
Joint Economic Committee	3.988	4,139	4,139	4,139	4,139	+151
Joint Committee on Taxation	8.064	8,476	8,433	8,476	8,433	+369
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	2.223	2,528	2,528	2,528	2,528	+305
Capitol Guide Service and Special Services Office	3.511	3.844	3.844	3,844	3,844	+333
Statements of Appropriations	30	30	30	30	30	---
Total, Joint items	19 066	19.017	18,974	19.017	18,974	-92
CAPITOL POLICE						
Salaries	196,434	---	203,440	198,000	203 440	+7,006
General expenses	23,361	---	28,888	28,925	28,888	+5,527
Salaries and expenses	---	291,641	---	---	---	---
Total, Capitol Police	219,795	291,641	232,328	226,925	232,328	+12,533
OFFICE OF COMPLIANCE						
Salaries and expenses	2,242	2,950	2,421	2,421	2,421	+179
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	33,620	35.455	34,790	34.790	34.919	+1,299
ARCHITECT OF THE CAPITOL						
General administration	76,598	89,245	79,581	74,063	80,347	+3,749
Capitol building	28,021	32,239	18,185	24,784	28,857	+836
Capitol grounds	6,846	8,080	7,033	6,940	6,974	+128
Senate office buildings	63,014	65,309	---	62,303	62,083	-931
House office buildings	62,445	105,675	65,130	65,130	65,353	+2,908
Capitol Power Plant	85,436	67,776	60,539	65,328	61,234	-24,202
Offsetting collections	-4,374	-4,400	-4,400	-4,400	-4,400	-26
Net subtotal, Capitol Power Plant	81,062	63,376	56,139	60,928	56,834	-24,228
Library buildings and grounds	38,928	160,678	34,783	65,145	40,097	+1,169
Capitol police buildings and grounds	3.289	40.292	4,883	7.090	5.853	+2,564
Transfer out	(-12,000)	---	---	---	---	(+12,000)
Botanic garden	6,152	11,581	5,932	6.294	6,326	+174
Capitol Visitor Center	36,621	8,469	---	---	---	-36,621
Transfer in (non-add)	(12,000)	---	---	---	---	(-12,000)
Total, Capitol Visitor Center	(48,621)	(8,469)	---	---	---	(-48,621)
Total, Architect of the Capitol	402,976	584,944	271,666	372 677	352,724	-50,252
LIBRARY OF CONGRESS						
Salaries and expenses	368,709	393,931	373,225	379,648	384,671	+15,962
Authority to spend receipts	-6,810	-6.350	-6.350	-6.350	-6,350	+460
Subtotal, Salaries and expenses	361,899	387,581	366,875	373,298	378,321	+16,422
Copyright Office, salaries and expenses	48,005	53,518	53,518	53,518	53,611	+5,606
Authority to spend receipts	-29,489	-33,339	-33,477	-33,339	-33,477	-3,988
Subtotal, Copyright Office	18,516	20,179	20,041	20,179	20,134	+1,618
Congressional Research Service, salaries and expenses	91,185	100,934	96 385	96,678	96,893	+5,708
Books for the blind and physically handicapped, Salaries and expenses	51,401	53,937	60,187	53,937	54,412	+3,011
Total, Library of Congress	523,001	562 631	543,488	544,092	549,760	+26,759

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	90,573	88,800	88,800	88,800	88,800	-1,773
Office of Superintendent of Documents						
Salaries and expenses	34,253	33,033	32,524	31,935	31,953	-2,300
Government Printing Office Revolving Fund	9,941	25,000	---	---	---	-9,941
Office of the Inspector General	---	4,225	---	---	---	---
Total, Government Printing Office	134,767	151,058	121,324	120,735	120,753	-14,014
GOVERNMENT ACCOUNTABILITY OFFICE						
Salaries and expenses	463,577	486,654	481,000	477,419	478,392	+14,815
Offsetting collections	-5,971	-6,119	-7,500	-7,419	-7,419	-1,448
Total, Government Accountability Office	457,606	480,535	473,500	470,000	470,973	+13,367
OPEN WORLD LEADERSHIP CENTER						
Payment to the Open World Leadership Center Trust Fund	13,420	15,000	6,750	13,500	13,500	+80
GENERAL PROVISIONS						
Lincoln Fellowship program	---	---	---	495	---	---
Grand total	3,527,460	3,969,283	2,749,522	3,574,000	3,571,000	+43,540

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
RECAPITULATION						
Senate	712,488	759,706	---	725,067	726,067	+13,579
House of Representatives	1,008,479	1,066,344	1,044,281	1,044,281	1,048,581	+40,102
Joint Items	19,066	19,017	18,974	19,017	18,974	-92
Capitol Police	219,795	291,641	232,328	226,925	232,328	+12,533
Office of Compliance	2,242	2,950	2,421	2,421	2,421	+179
Congressional Budget Office	33,620	35,455	34,790	34,790	34,919	+1,299
Architect of the Capitol	402,976	584,944	271,666	372,677	352,724	-50,252
Library of Congress	523,001	562,631	543,488	544,092	549,760	+26,759
Government Printing Office	134,767	151,058	121,324	120,735	120,753	-14,014
Government Accountability Office	457,606	480,535	473,500	470,000	470,973	+13,367
Open World Leadership Center	13,420	15,000	6,750	13,500	13,500	+80
General Provisions	---	---	---	495	---	---
Grand total	3,527,460	3,969,283	2,749,522	3,574,000	3,571,000	+43,540

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	80,426	102,689	89,000	86,000	87,234	+6,808
Immediate Office of the Secretary	(2,197)	---	(2,219)	(2,400)	(2,220)	(+23)
Immediate Office of the Deputy Secretary	(696)	---	(705)	(725)	(705)	(+9)
Immediate office of the Secretary and Deputy Secretary	---	---	---	---	---	---
Office of the General Counsel	(15,312)	---	(15,394)	(15,700)	(15,395)	(+83)
Office of the Assistant Secretary for Policy	---	---	---	---	---	---
Office of the Assistant Secretary for Aviation and International Affairs	---	---	---	---	---	---
Office of the Under Secretary for Transportation Policy	(12,239)	---	(12,639)	(12,627)	(12,627)	(+388)
Office of the Assistant Secretary for Budget and Programs	(8,486)	---	(8,572)	(8,600)	(8,573)	(+87)
Office of the Assistant Secretary for Governmental Affairs	(2,286)	---	(2,316)	(2,500)	(2,316)	(+30)
Office of the Assistant Secretary for Administration	(24,467)	---	(23,436)	(24,364)	(23,436)	(-1,031)
Office of Public Affairs	(1,904)	---	(1,929)	(1,968)	(1,929)	(+25)
Executive Secretariat	(1,438)	---	(1,458)	(1,484)	(1,456)	(+18)
Board of Contract Appeals	(696)	---	(704)	(750)	(704)	(+8)
Office of Small and Disadvantaged Business Utilization	(1,261)	---	(1,277)	(1,290)	(1,278)	(+17)
Office of Intelligence and Security	(1,988)	---	(5,353)	(2,200)	(2,053)	(+65)
Office of the Chief Information Officer	(7,456)	---	(13,000)	(11,392)	(11,392)	(+3,936)
Office of emergency transportation	---	---	---	---	(3,150)	(+3,150)
Subtotal	(80,426)	---	(89,000)	(86,000)	(87,234)	(+6,808)
Office of civil rights	8,518	8,700	8,700	8,700	8,700	+182
Rescission of excess compensation for air carriers	---	---	---	-235,000	-235,000	-235,000
Transportation planning, research, and development	20,741	10,800	10,800	15,000	20,000	-741
Working capital fund	(116,026)	---	(125,000)	(151,054)	(151,054)	(+35,028)
Minority business resource center program	895	900	900	900	900	+5
(Limitation on guaranteed loans)	(18,367)	(18,367)	(18,367)	(18,367)	(18,367)	---
Minority business outreach	2,982	3,000	3,000	3,000	3,000	+18
New headquarters building	---	160,000	---	---	68,000	+68,000
Payments to air carriers (Airport & Airway Trust Fund)	51,693	50,000	---	52,000	52,000	+307
Total, Office of the Secretary	165,255	336,089	112,400	165,600	239,834	+74,579
Federal Aviation Administration						
Operations	7,486,493	7,849,000	7,726,000	7,784,000	7,775,000	+288,507
Facilities & equipment (Airport & Airway Trust Fund)	2,892,831	2,500,000	2,500,000	2,500,000	2,540,000	-352,831
Rescission (Airport and Airway Trust Fund)	-30,000	---	---	-50,000	---	+30,000
Subtotal, F&E	2,862,831	2,500,000	2,500,000	2,450,000	2,540,000	-322,831
Research, engineering, and development (Airport and Airway Trust Fund)	118,734	117,000	117,000	129,427	130,927	+12,193
Grants-in-aid for airports (Airport and Airway Trust Fund)						
(Rescission of unobligated balances)	---	---	---	---	---	---
Pop up contract authority based on ob limit	---	---	---	---	---	---
(Liquidation of contract authorization)	(3,379,940)	(2,800,000)	---	(2,800,000)	(3,400,000)	(+20,060)
(Limitation on obligations)	(3,379,940)	(3,500,000)	---	(3,500,000)	(3,500,000)	(+120,060)
(Small community air service pilot program)	(20,000)	---	---	(20,000)	(20,000)	---

DIVISION H - - DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs Enacted
Alliance Airport, TX (Sec. 167)	1,988	---	---	---	---	-1,988
Rescission of contract authorization	---	---	---	-265,000	-265,000	-265,000
Subtotal, Grants-in-aid	(3,381,928)	(3,500,000)	---	(3,235,000)	(3,235,000)	(-146,928)
Aviation insurance revolving fund	---	---	---	---	---	---
War risk insurance	---	---	-50,000	-50,000	-50,000	-50,000
Total, Federal Aviation Administration	10,500,046	10,466,000	10,293,000	10,363,427	10,395,927	-104,119
(Limitations on obligations)	(3,379,940)	(3,500,000)	---	(3,500,000)	(3,500,000)	(+120,060)
Rescissions	-30,000	---	---	-50,000	---	+30,000
Rescissions of contract authority	---	---	---	-265,000	-265,000	-265,000
Subtotal	(13,849,986)	(13,966,000)	(10,293,000)	(13,548,427)	(13,630,927)	(-219,059)
Federal Highway Administration						
Limitation on administrative expenses	(335,612)	(349,594)	---	(349,594)	(346,500)	(+10,888)
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(33,643,326)	(33,643,326)	---	(34,900,000)	(34,641,000)	(+997,674)
(Transfer out)	---	---	---	(-152,300)	(-157,386)	(-157,386)
(Exempt obligations)	(931,297)	(834,632)	---	(834,632)	(834,642)	(-96,655)
(Liquidation of contract authorization)	(34,000,000)	(34,000,000)	---	(35,000,000)	(35,000,000)	(+1,000,000)
Miscellaneous appropriations (rescission)	---	---	---	---	---	---
Miscellaneous rescission of contract authority	-207,000	-300,000	---	-300,000	-1,353,320	-1,146,320
TEA-21 Re-designations, etc. (Sec. 112)	---	---	---	---	---	---
State of Wisconsin P.L. 107-87 (Sec. 113)	---	---	---	---	---	---
Ohio River Bridges	---	---	---	---	---	---
Kentucky Highlands	---	---	---	---	---	---
Appalachian development highway system	124,263	---	---	100,000	80,000	-44,263
TFIA (rescission)	---	---	---	-100,000	-100,000	-100,000
Miscellaneous projects (Highway trust fund) (Sec. 162)	49,705	---	---	---	---	-49,705
Rock County road, Jamesville, WI (Sec. 167)	994	---	---	---	---	-994
I-75 improvements, Lee County, FL (Sec. 167)	2,485	---	---	---	---	-2,485
Emergency relief- highways	---	---	---	---	741,000	+741,000
Belleair causeway bridge (Sec. 126)	---	---	---	---	34,000	+34,000
Rescission of completed projects	---	---	---	---	-16,000	-16,000
Total, Federal Highway Administration	177,447	---	---	100,000	855,000	+677,553
(Limitations on obligations)	(33,643,326)	(33,643,326)	---	(34,900,000)	(34,641,000)	(+997,674)
(Exempt obligations)	(931,297)	(834,632)	---	(834,632)	(834,642)	(-96,655)
Rescissions	---	---	---	-100,000	-116,000	-116,000
Rescissions of contract authority	-207,000	-300,000	---	-300,000	-1,353,320	-1,146,320
Net total, FHWA	(34,545,070)	(34,177,958)	---	(35,434,632)	(34,861,322)	(+316,252)
Federal Motor Carrier Safety Administration						
Motor carrier safety (limitation on administrative expenses) (limitation on obligations)	(175,031)	(228,000)	---	(260,000)	(257,547)	(+82,516)
National motor carrier safety program (Highway Trust Fund):						
(Liquidation of contract authorization)	(190,000)	(227,000)	---	(190,000)	(190,000)	---
(Limitation on obligations)	(188,879)	(227,000)	---	(190,000)	(190,000)	(+1,121)
E-Gov (Highway trust fund)	---	450	---	---	---	---
Total, Federal Motor Carrier Safety Admin	---	450	---	---	---	---
(Limitations on obligations)	(363,910)	(455,000)	---	(450,000)	(447,547)	(+83,637)
National Highway Traffic Safety Administration						
Operations and research	---	139,300	---	---	---	---
Operations and research (HTF)	(149,657)	---	---	(152,300)	(157,386)	(+7,729)
Operations and research (Highway trust fund):						
(Liquidation of contract authorization)	(72,000)	(90,000)	---	(72,000)	(72,000)	---
(Limitation on obligations)	(71,575)	(90,000)	---	(72,000)	(72,000)	(+425)

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
National Driver Register (Highway trust fund)	(3,558)	(4,000)	---	(4,000)	(3,600)	(+42)
Subtotal, Operations and research	(224,790)	(233,300)	---	(228,300)	(232,986)	(+8,196)
Highway traffic safety grants (Highway Trust Fund): (Liquidation of contract authorization)	(223,673)	(456,000)	---	(225,000)	(225,000)	(+1,327)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(164,027)	(296,000)	---	(165,000)	(165,000)	(+973)
Occupant protection incentive grants (Sec. 405)	(19,882)	---	---	(20,000)	(20,000)	(+118)
Alcohol-impaired driving countermeasures grants (Sec. 410)	(39,764)	---	---	(40,000)	(40,000)	(+236)
Emergency medical services grants (Sec. 407)	---	(10,000)	---	---	---	---
State traffic safety info system improvement grants (Sec. 412)	---	(50,000)	---	---	---	---
Safety Incentive Grants for primary seat belt laws	---	(100,000)	---	---	---	---
Subtotal, limitation on obligations	(223,673)	(456,000)	---	(225,000)	(225,000)	(+1,327)
Total, National Highway Traffic Safety Admin	---	139,300	---	---	---	---
(Limitations on obligations)	(298,806)	(550,000)	---	(301,000)	(300,600)	(+1,794)
Total budgetary resources	(298,806)	(689,300)	---	(301,000)	(300,600)	(+1,794)
Federal Railroad Administration						
Safety and operations	130,053	142,396	---	139,849	139,769	+9,716
Railroad research and development	33,824	36,025	---	35,225	36,025	+2,201
Amtrak RRIF repayment deferment	2,982	---	---	---	6,000	+3,018
Pennsylvania Station Redevelopment project (advance appropriation	---	---	-39,827	---	---	---
Next generation high-speed rail	37,179	10,000	---	20,000	19,650	-17,529
Alaska Railroad rehabilitation	24,853	---	---	25,000	25,000	+147
Grants to the National Railroad Passenger Corporation	1,217,773	900,000	---	1,217,000	1,217,000	-773
Total, Federal Railroad Administration	1,446,664	1,088,421	---	1,437,074	1,443,444	-3,220
Federal Transit Administration						
Administrative expenses	15,011	---	---	9,984	9,750	-5,261
Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(60,044)	---	---	(68,016)	(68,250)	(+8,206)
Office of the Administrator	(965)	---	---	(900)	---	(-965)
Office of Cheif Counsel	(3,870)	---	---	(4,050)	---	(-3,870)
Office of Civil Rights	(2,701)	---	---	(2,750)	---	(-2,701)
Office of Communications and Congressional Affairs	(1,162)	---	---	(1,210)	---	(-1,162)
Office of Budget and Policy	(6,195)	---	---	(6,700)	---	(-6,195)
Office of of Planning	(3,646)	---	---	(4,000)	---	(-3,646)
Office of of Program Management	(7,115)	---	---	(7,120)	---	(-7,115)
Office of research, Demonstration and Innovation	(4,826)	---	---	(4,830)	---	(-4,826)
Office of Administration	(6,716)	---	---	(6,725)	---	(-6,716)
Central Account	(16,734)	---	---	(18,015)	---	(-16,734)
Regional offices	(18,938)	---	---	(19,200)	---	(-18,938)
National Transit database	(2,187)	---	---	(2,500)	---	(-2,187)
Subtotal	(75,055)	---	---	(78,000)	---	(-75,055)
Subtotal, Administrative expenses	(75,055)	---	---	(78,000)	(78,000)	(+2,945)
Administrative expenses per President's request	---	79,931	---	---	---	---
Formula grants	763,270	---	---	512,918	504,022	-259,248
Formula grants (Highway Trust Fund) (limitation on obligations)	(3,053,080)	(5,622,871)	---	(3,494,257)	(3,528,153)	(+475,073)
Subtotal, Formula grants	(3,816,350)	(5,622,871)	---	(4,007,175)	(4,032,175)	(+215,825)
University transportation research	1,193	---	---	768	750	-443
University transportation research (Highway Trust Fund, Mass Transit Acct) (limitation on obligations)	(4,772)	---	---	(5,232)	(5,250)	(+478)
Subtotal, University transportation research	(5,965)	---	---	(6,000)	(6,000)	(+35)

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Transit planning and research	25,051	---	---	16,384	16,000	-9,051
Transit planning and research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(100,205)	---	---	(111,616)	(112,000)	(+11,795)
Flexible funding	---	---	---	---	---	---
Subtotal, Transit planning and research	(125,256)	---	---	(128,000)	(128,000)	(+2,744)
Rural transportation assistance	(5,219)	---	---	(5,250)	(5,250)	(+31)
National transit institute	(3,976)	---	---	(4,000)	(4,000)	(+24)
Transit cooperative research	(8,201)	---	---	(8,250)	(8,250)	(+49)
Metropolitan planning	(60,030)	---	---	(60,386)	(60,386)	(+356)
State planning	(12,540)	---	---	(12,614)	(12,614)	(+74)
National planning and research	(35,291)	---	---	(37,500)	(37,500)	(+2,209)
Subtotal, Transit planning and research	(125,257)	---	---	(128,000)	(128,000)	(+2,743)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(5,812,702)	(329,006)	---	(6,764,976)	(6,744,500)	(+931,798)
Capital investment grants	623,798	---	39,827	436,970	417,353	-206,445
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(2,495,191)	---	---	(2,976,855)	(2,921,472)	(+426,281)
Capital investment grants outlays	---	---	---	---	---	---
Subtotal, Capital investment grants	(3,118,989)	---	(39,827)	(3,413,825)	(3,338,825)	(+219,836)
Major capital investment grants	---	1,234,192	---	---	---	---
Major capital investment grants (Highway Trust Fund, Mass Transit Account) (Limitation on obligations)	---	(329,006)	---	---	---	---
Fixed guideway modernization	(1,199,388)	---	---	(1,214,400)	(1,214,400)	(+15,012)
Buses and bus-related facilities	(603,618)	---	---	(725,000)	(675,000)	(+71,382)
New starts	(1,315,984)	---	---	(1,474,425)	(1,474,425)	(+158,441)
Subtotal	(3,118,990)	---	---	(3,413,825)	(3,363,825)	(+244,835)
Job access and reverse commute grants	24,853	---	---	16,000	15,625	-9,228
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(99,410)	---	---	(109,000)	(109,375)	(+9,965)
Subtotal, Job access and reverse commute grants	(124,263)	---	---	(125,000)	(125,000)	(+737)
Allegheny Port authority (sec. 166)	---	---	---	---	---	---
Total, Federal Transit Administration	1,453,176	---	39,827	993,024	963,500	-489,676
FTA per President's request	---	1,314,123	---	---	---	---
(Limitations on obligations)	(5,812,702)	(5,951,877)	---	(6,764,976)	(6,744,500)	(+931,798)
Total budgetary resources, FTA	(7,265,878)	(7,266,000)	(39,827)	(7,758,000)	(7,708,000)	(+442,122)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	14,315	15,900	15,900	15,900	15,900	+1,585
Maritime Administration						
Maritime security program	98,118	98,700	98,700	98,700	98,700	+582
Operations and training	106,366	109,300	106,400	110,910	109,478	+3,112
Ship disposal	16,115	21,616	19,116	21,616	21,616	+5,501
Vessel operations revolving fund	---	---	---	---	---	---

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Maritime Guaranteed Loan (Title XI) Program Account:						
Administrative expenses	4,471	4,764	4,764	4,764	4,764	+293
National defense tank vessel construction program	---	---	---	150,000	75,000	+75,000
Total, Maritime Administration	225,070	234,380	228,980	385,990	309,558	+84,488
Rescissions	-4,107	---	-1,979	-1,900	-1,979	+2,128
Net total, Maritime Administration	220,963	234,380	227,001	384,090	307,579	+86,616
Research and Special Programs Administration						
Research and special programs	46,167	52,936	46,790	49,000	47,115	+948
Pipeline safety:						
Pipeline Safety Fund	52,991	51,073	54,466	52,073	54,769	+1,778
Oil Spill Liability Trust Fund	12,923	19,000	14,000	19,000	15,000	+2,077
Subtotal, Pipeline safety program (incl reserve)	65,914	70,073	68,466	71,073	69,769	+3,855
Emergency preparedness grants:						
Emergency preparedness fund	199	200	200	200	200	+1
Limitation on emergency preparedness fund	(14,300)	(14,300)	(14,300)	(14,300)	(14,300)	---
Total, Research and Special Programs Admin	112,280	123,209	115,456	120,273	117,084	+4,804
Office of Inspector General						
Salaries and expenses	55,670	59,000	58,000	59,000	59,000	+3,330
Surface Transportation Board						
Salaries and expenses	19,406	20,521	---	21,250	21,250	+1,844
Offsetting collections	-1,050	-1,050	---	-1,050	-1,050	---
Total, Surface Transportation Board	18,356	19,471	---	20,200	20,200	+1,844
Net total, title I, Department of Transportation	13,927,172	13,496,343	10,821,757	12,708,588	12,448,148	-1,479,024
Appropriations	(14,168,279)	(13,796,343)	(10,863,563)	(13,660,488)	(14,419,447)	(+251,168)
Emergency	---	---	---	---	---	---
Offsets for new user fees	---	---	---	---	---	---
Rescissions	(-34,107)	---	(-41,806)	(-386,900)	(-352,979)	(-318,872)
Rescission of contract authority	(-207,000)	(-300,000)	---	(-565,000)	(-1,618,320)	(-1,411,320)
(By transfer)	(149,657)	---	---	(152,300)	(157,386)	(+7,729)
(Transfer authority)	---	---	---	---	---	---
(Limitations on obligations)	(43,498,684)	(44,100,203)	---	(45,915,976)	(45,633,647)	(+2,134,963)
(Exempt obligations)	(931,297)	(834,632)	---	(834,632)	(834,642)	(-96,655)
Net total budgetary resources	(58,357,153)	(58,431,178)	(10,821,757)	(59,459,196)	(58,916,437)	(+559,284)
Transportation discretionary total	13,927,172	13,496,343	10,821,757	12,708,588	12,448,148	-1,479,024

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs Enacted
TITLE II - DEPARTMENT OF THE TREASURY						
Departmental Offices	175,070	185,041	177,000	161,313	157,559	-17,511
Executive direction	---	---	---	(10,020)	(7,274)	(+7,274)
General Counsel	---	---	---	(7,532)	(7,200)	(+7,200)
Economic policies and and programs	---	---	---	(33,186)	(31,657)	(+31,657)
Financial policies and programs	---	---	---	(26,914)	(26,072)	(+26,072)
Financial crimes	---	---	---	(5,912)	(10,633)	(+10,633)
Treasury wide management	---	---	---	(17,569)	(16,760)	(+16,760)
Administration	---	---	---	(60,180)	(57,963)	(+57,963)
Subtotal	---	---	---	(161,313)	(157,559)	(+157,559)
Office of Foreign asset control	---	---	---	22,291	22,291	+22,291
Department-wide systems and capital investments programs	36,185	36,072	36,072	30,260	32,260	-3,925
Office of Inspector General	12,923	14,158	16,500	16,158	16,500	+3,577
Treasury Inspector General for Tax Administration	127,279	129,126	129,126	129,126	129,126	+1,847
Air Transportation Stabilization Program Account	2,523	2,800	2,000	2,000	2,000	-523
Treasury Building and Annex Repair and Restoration	24,853	20,316	20,316	12,316	12,316	-12,537
Expanded Access to Financial Services (rescission)	---	-4,000	-4,000	-4,000	-4,000	-4,000
Violent crime reduction program (rescission)	---	-1,000	-1,000	-1,200	-1,200	-1,200
Financial Crimes Enforcement Network	57,231	64,502	90,002	72,502	72,502	+15,271
Financial Management Service	227,210	230,930	230,930	230,930	230,930	+3,720
Alcohol and Tobacco Tax and Trade Bureau	79,528	81,942	82,542	83,000	83,000	+3,472
Bureau of the Public Debt	172,627	175,166	175,166	175,166	175,166	+2,539
Payment of government losses in shipment	500	1,000	1,000	1,000	1,000	+500
Internal Revenue Service						
Processing, Assistance, and Management	4,009,205	4,148,403	4,071,824	4,107,325	4,089,574	+80,369
Tax Law Enforcement	4,171,244	4,564,350	4,278,107	4,519,350	4,398,729	+227,485
Information Systems	1,581,575	1,641,768	1,622,093	1,606,768	1,590,492	+8,917
Business systems modernization	387,699	285,000	285,000	125,000	205,000	-182,699
BSM (rescission of unapproved funds)	---	---	---	-140,000	---	---
Health Insurance Tax Credit Administration	34,794	34,841	34,841	34,841	34,841	+47
Subtotal	10,184,517	10,674,362	10,291,865	10,253,284	10,318,636	+134,119
Total, title II, Department of the Treasury	11,100,446	11,610,415	11,247,519	11,184,146	11,248,086	+147,640
Appropriations	11,100,446	11,615,415	11,252,519	11,329,346	11,253,286	+152,840
Rescissions	---	-5,000	-5,000	-145,200	-5,200	-5,200

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE III -- EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President and the White House Office:						
Compensation of the President	450	---	450	450	450	---
Salaries and Expenses	68,760	---	59,525	63,698	62,000	-6,760
Executive Residence at the White House:						
Operating Expenses	12,427	---	12,760	12,760	12,760	+333
White House Repair and Restoration	4,200	---	1,900	1,900	1,900	-2,300
Council of Economic Advisers	4,475	---	4,040	4,040	4,040	-435
Office of Policy Development	4,085	---	2,267	2,392	2,300	-1,785
National Security Council	10,489	---	8,932	8,932	8,932	-1,557
Homeland Security Council	---	---	2,475	---	---	---
Office of Administration	82,337	---	92,696	92,869	92,269	+9,932
The White House salaries and expenses	---	181,048	---	---	---	---
Office of Management and Budget	66,763	76,565	67,759	68,411	68,411	+1,648
Office of National Drug Control Policy:						
Salaries and expenses	27,832	27,609	28,109	27,000	27,000	-832
Counterdrug Technology Assessment Center	41,752	40,000	30,000	42,000	42,000	+248
Subtotal	69,584	67,609	58,109	69,000	69,000	-584
High Intensity Drug Trafficking Areas Program	225,015	208,350	215,350	228,350	228,350	+3,335
Other Federal Drug Control Programs	227,649	235,000	195,000	195,500	213,700	-13,949
Unanticipated Needs	994	1,000	1,000	1,000	1,000	+6
Special Assistance to the President and the Official Residence of the Vice President:						
Salaries and expenses	4,435	4,571	4,571	4,571	4,571	+136
Operating expenses	329	333	333	333	333	+4
Total, title III, Executive Office of the President and Funds Appropriated to the President	781,992	774,476	727,167	754,206	770,016	-11,976

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE IV - INDEPENDENT AGENCIES						
Architectural and Transportation Barriers Compliance Board:						
Salaries and expenses	5,369	5,686	5,686	5,686	5,686	+317
National Transportation Safety Board:						
Salaries and expenses	73,065	74,425	76,925	76,425	76,700	+3,635
Rescission of prior year funds	---	-8,000	-8,000	-8,000	-8,000	-8,000
Emergency fund	598	---	---	---	---	-598
Committee for Purchase From People Who Are Blind or Severely Disabled	---	---	---	4,672	---	---
Federal Election Commission	50,938	52,159	52,159	52,159	52,159	+1,221
Election Assistance Commission:						
Salaries and expenses	1,193	20,000	15,000	10,000	14,000	+12,807
Election reform programs	1,491,150	30,000	---	---	---	-1,491,150
Federal Labor Relations Authority	29,436	29,673	29,673	25,673	25,673	-3,763
FLRA (rescission)	---	---	---	-3,000	-3,000	-3,000
Federal Maritime Commission	18,362	19,496	19,362	19,496	19,496	+1,134
General Services Administration:						
Federal Buildings Fund:						
Appropriations	443,369	---	1,622,282	---		-443,369
Limitations on availability of revenue:						
Construction and acquisition of facilities	(708,268)	(650,223)	(522,251)	(710,823)	(708,542)	(+274)
Repairs and alterations	(991,300)	(980,222)	(931,211)	(980,222)	(980,222)	(-11,078)
Installment acquisition payments	(169,745)	(161,442)	(161,442)	(161,442)	(161,442)	(-8,303)
Rental of space	(3,280,187)	(3,672,315)	(3,659,565)	(3,597,315)	(3,657,315)	(+377,128)
Building Operations	(1,608,708)	(1,709,522)	(1,696,772)	(1,709,522)	(1,709,522)	(+100,814)
Subtotal, limitations	(6,758,208)	(7,173,724)	(6,971,241)	(7,159,324)	(7,217,043)	(+458,835)
Repayment of Debt	(54,256)	(41,000)	(41,000)	(41,000)	(41,000)	(-13,256)
Rental income to fund	---	---		---	---	---
Total, Federal Buildings Fund	443,369	---	1,622,282	---	---	-443,369
(Limitations)	(6,812,464)	(7,214,724)	(7,012,241)	(7,200,324)	(7,258,043)	(+445,579)
Governmentwide policy	56,050	62,100	62,100	62,100	62,100	+6,050
Operating Expenses	87,590	82,175	82,175	85,176	92,175	+4,585
Office of Inspector General	38,938	42,351	42,351	42,351	42,351	+3,413
Electronic Government (E-Gov) Fund	2,982	5,000	5,000	3,000	3,000	+18
General supply fund for E-Gov (FY05 Sec. 409)	---	40,000	---	---	---	---
Allowances and Office Staff for Former Presidents	3,373	3,449	3,449	3,106	3,106	-267
Expenses, Presidential transition	---	7,700	7,700	7,700	---	---
Federal building project (FY04 Sec. 408)	13,917	---	---	---	---	-13,917
San Joaquin conveyance (FY04 Sec. 412)	-1,000	---	---	---	---	+1,000
Middle River Depot sale (FY05 Sec. 407)	---			---	---	---
Federal building construction schedule adjustments (Sec. 409)	---	---	---	-106,000	-106,000	-106,000
Total, General Services Administration	645,219	242,775	1,825,057	97,432	96,732	-548,487
Merit Systems Protection Board:						
Salaries and Expenses	32,683	37,303	34,683	34,677	34,677	+1,994
Limitation on administrative expenses	2,611	---	---	---	---	-2,611
Morris K. Udall Foundation:						
Morris K. Udall Trust Fund	1,984	---	1,984	1,996	1,996	+12
Environmental Dispute Resolution Fund	1,301	700	1,301	1,309	1,309	+8
National Archives and Records Administration:						
Operating expenses	255,185	266,945	264,185	266,945	266,945	+11,760
Electronic records archive	35,702	35,914	35,914	35,914	35,914	+212
Reduction of debt	-7,810	-8,000	-8,000	-8,000	-8,000	-190
Repairs and Restoration	13,627	6,182	7,182	12,182	13,432	-195

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
National Historical Publications and Records Commission: Grants program	9,941	3,000	3,000	5,000	5,000	-4,941
Total, National Archives and Records Admin.	306,645	304,041	302,281	312,041	313,291	+6,646
Office of Government Ethics	10,675	11,238	11,238	11,238	11,238	+563
Office of Personnel Management:						
Salaries and Expenses	118,793	131,291	120,444	130,600	125,500	+6,707
Limitation on administrative expenses	135,112	128,462	128,462	128,462	128,462	-6,650
Office of Inspector General	1,489	1,627	1,627	1,627	1,627	+138
Limitation on administrative expenses	14,342	16,461	16,461	16,461	16,461	+2,119
Government Payment for Annuitants, Employees Health Benefits	7,219,000	8,135,000	8,135,000	8,135,000	8,135,000	+916,000
Government Payment for Annuitants, Employee Life Insurance	35,000	35,000	35,000	35,000	35,000	---
Payment to Civil Service Retirement and Disability Fund	9,987,000	9,772,000	9,772,000	9,772,000	9,772,000	-215,000
Human Capital Performance Fund	994	300,000	12,514	---	---	-994
Total, Office of Personnel Management	17,511,730	18,519,841	18,221,508	18,219,150	18,214,050	+702,320
Office of Special Counsel	13,424	15,449	15,449	15,449	15,449	+2,025
Postal Service:						
Payment to the Postal Service Fund	28,829	---	---	29,000	529,000	+500,171
Advance appropriation provided in previous act for FY2005	30,831	36,521	36,521	36,521	36,521	+5,690
Total available for FY2005	59,660	36,521	36,521	65,521	565,521	+505,861
Advance appropriation for FY 2006	36,306	61,709	61,709	61,709	61,709	+25,403
Emergency preparedness plan (emergency appropriations)	---	---	---	507,000	7,000	+7,000
United States Tax Court	39,950	41,180	41,180	41,180	41,180	+1,230
White House Commission on the National Moment of Remembrance	---	---	---	250	---	---
Total, title IV, Independent Agencies	20,332,297	19,494,196	20,743,716	19,552,063	19,546,866	-785,431

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs Enacted
Title V - General Provisions, This Act						
Payments to air carriers (Airport & Airway Trust Fund)	---	-30,000	---	---	---	---
Continued dumping/subsidy offset (FY05 Sec. 635)	---	-1,450,000	---	---	---	---
Eliminate 10 year limit on debt collection (FY05 Sec. 642)	---	-2,000	---	-2,000	---	---
HHS info match- new hires (FY05 Sec. 643)	---	-125,000	---	-125,000	-125,000	-125,000
Collect unemployment overpayment (FY05 Sec. 644)	---	-20,000	---	-20,000	---	---
Total, General provisions	---	-1,627,000	---	-147,000	-125,000	-125,000
Grand total	46,141,907	43,748,430	43,540,159	44,052,003	43,888,116	-2,253,791
Appropriations	(46,315,877)	(43,963,200)	(43,496,735)	(44,554,873)	(45,770,385)	(-545,492)
Emergency	---	---	---	(507,000)	(7,000)	(+7,000)
Offset for new user fees	---	---	---	---	---	---
Rescissions	(-34,107)	(-13,000)	(-54,806)	(-543,100)	(-369,179)	(-335,072)
Rescission of contract authority	(-207,000)	(-300,000)	---	(-565,000)	(-1,618,320)	(-1,411,320)
Advance appropriation provided in previous act for FY2005	(30,831)	(36,521)	(36,521)	(36,521)	(36,521)	(+5,690)
Advance appropriation	(36,306)	(61,709)	(61,709)	(61,709)	(61,709)	(+25,403)
(By transfer)	(149,657)	---	---	(152,300)	(157,386)	(+7,729)
(Transfer out)	---	---	---	(-152,300)	(-157,386)	(-157,386)
(Transfer authority)	---	---	---	---	---	---
(Limitation on obligations)	(43,498,684)	(44,100,203)	---	(45,915,976)	(45,633,647)	(+2,134,963)
(Rescissions of limitations on obligations)	---	---	---	---	---	---
(Exempt obligations)	(931,297)	(834,632)	---	(834,632)	(834,642)	(-96,655)
Net total budgetary resources	(90,571,888)	(88,683,265)	(43,540,159)	(90,802,611)	(90,356,405)	(-215,483)
Discretionary total	27,446,781	25,805,430	25,556,882	25,115,529	24,981,166	-2,465,615

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Scorekeeping adjustments:						
Pipeline safety (OSLTF)	-49,000	-51,000	-54,000	-52,000	-55,000	-6,000
Payments to air carriers (Airport & Airway Trust Fund)	---	---	---	-30,000	---	---
TASC adjustments (Sec. 348)	-17,816	---	---	-20,844	-20,000	-2,184
IRS postage reimbursement	---	---	---	---	---	---
Bureau of The Public Debt (Permanent)	154,000	143,000	143,000	143,000	143,000	-11,000
Federal Reserve Bank reimbursement fund	122,000	175,000	175,000	175,000	175,000	+53,000
US Mint revolving fund	---	---	---	---	-15,000	-15,000
Sallie Mae	994	1,000	1,000	1,000	1,000	+6
Federal buildings fund	-8,000	15,000	-162,000	1,000	59,043	+67,043
Advance appropriations:						
Postal service, FY 2005	-36,521	-61,709	-61,709	-61,709	-61,709	-25,188
Adjustment for GSA transfer to Homeland Security	-424,211	---	---	---	---	+424,211
Kenilworth Avenue bridge project (Sec 546)	---	---	---	---	---	---
Emergency appropriations in this bill	---	---	---	-507,000	-7,000	-7,000
Total, adjustments	-258,554	221,291	41,291	-351,553	219,334	+477,888
Grand total (including scorekeeping)	45,883,353	43,969,721	43,581,450	43,700,450	44,107,450	-1,775,903
Appropriations	(46,093,844)	(44,246,200)	(43,599,735)	(44,265,029)	(46,051,428)	(-42,416)
Emergency	---	---	---	(507,000)	(7,000)	(+7,000)
Offset for new user fees	---	---	---	---	---	---
Rescissions	(-34,107)	(-13,000)	(-54,806)	(-543,100)	(-369,179)	(-335,072)
Rescission of contract authority	(-207,000)	(-300,000)	---	(-565,000)	(-1,618,320)	(-1,411,320)
(By transfer)	(149,657)	---	---	(152,300)	(157,386)	(+7,729)
(Transfer out)	---	---	---	(-152,300)	(-157,386)	(-157,386)
(Transfer authority)	---	---	---	---	---	---
(Limitations on obligations)	(43,498,684)	(44,100,203)	---	(45,915,976)	(45,633,647)	(+2,134,963)
(Rescissions of limitations on obligations)	---	---	---	---	---	---
(Exempt obligations)	(931,297)	(834,632)	---	(834,632)	(834,642)	(-96,655)
Net grand total budgetary resources	(90,313,334)	(88,904,556)	(43,581,450)	(90,451,058)	(90,575,739)	(+262,405)
Total (including adjustments)	45,883,353	43,969,721	43,581,450	43,700,450	44,107,450	-1,775,903
Amounts in this bill	(46,141,907)	(43,748,430)	(43,540,159)	(44,052,003)	(43,888,116)	(-2,253,791)
Scorekeeping adjustments	(-258,554)	(221,291)	(41,291)	(-351,553)	(219,334)	(+477,888)
Prior year outlays	---	---	---	---	---	---
Total mandatory and discretionary	45,883,353	43,969,721	43,581,450	43,700,450	44,107,450	-1,775,903
Mandatory	(17,517,950)	(18,261,000)	(18,261,450)	(18,261,450)	(18,261,450)	(+743,500)
Prior year outlays	---	---	---	---	---	---
Total mandatory	(17,517,950)	(18,261,000)	(18,261,450)	(18,261,450)	(18,261,450)	(+743,500)
Discretionary	(28,365,403)	(25,708,721)	(25,320,000)	(25,439,000)	(25,846,000)	(-2,519,403)
Prior year outlays	---	---	---	---	---	---
Total discretionary	(28,365,403)	(25,708,721)	(25,320,000)	(25,439,000)	(25,846,000)	(-2,519,403)

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
RECAP BY FUNCTION						
Mandatory	17,517,950	18,261,000	18,261,450	18,261,450	18,261,450	+743,500
Prior year (outlays only)	---	---	---	---	---	---
Total, Mandatory	17,517,950	18,261,000	18,261,450	18,261,450	18,261,450	+743,500
Discretionary:						
Highway category	---	---	---	---	---	---
(Limitation on obligations)	(34,306,042)	(34,648,326)	---	(35,651,000)	(35,389,147)	(+1,083,105)
Prior year (outlays only)	---	---	---	---	---	---
Total, Highway category	(34,306,042)	(34,648,326)	---	(35,651,000)	(35,389,147)	(+1,083,105)
Highway category budget scoring	---	---	---	---	---	---
Mass Transit category	1,453,176	---	39,827	993,024	963,500	-489,676
(Limitation on obligations)	(5,812,702)	(5,951,877)	---	(6,764,976)	(6,744,500)	(+931,798)
Prior year (outlays only)	---	---	---	---	---	---
Total, Mass Transit category	(7,265,878)	(5,951,877)	(39,827)	(7,758,000)	(7,708,000)	(+442,122)
Mass Transit category budget scoring	1,453,176	---	39,827	993,024	963,500	-489,676
General purpose discretionary:						
Defense discretionary	98,118	98,700	98,700	98,700	98,700	+582
Prior year (outlays only)	---	---	---	---	---	---
Total, Defense (050)	98,118	98,700	98,700	98,700	98,700	+582
Nondefense discretionary	26,814,109	25,610,021	25,181,473	24,347,276	24,783,800	-2,030,309
Prior year (outlays only)	---	---	---	---	---	---
Total, Nondefense	26,814,109	25,610,021	25,181,473	24,347,276	24,783,800	-2,030,309
Total, General purpose discretionary	26,912,227	25,708,721	25,280,173	24,445,976	24,882,500	-2,029,727
Total, Discretionary	28,365,403	25,708,721	25,320,000	25,439,000	25,846,000	-2,519,403
Total, Mandatory and discretionary	45,883,353	43,969,721	43,581,450	43,700,450	44,107,450	-1,775,903

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
DISCRETIONARY 302(b) ALLOCATION						
TOTAL discretionary (including mass transit and highway BA)	28,365,403	25,708,721	25,320,000	25,439,000	25,846,000	-2,519,403
TOTAL 302(b) discretionary allocation	---	---	25,320,000	25,439,000	25,846,000	+25,846,000
TOTAL Over/under discretionary allocation	28,365,403	25,708,721	---	---	---	-28,365,403

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H R 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	29,845,127	32,607,688	32,607,688	32,607,688	32,607,688	+2,762,561
Readjustment benefits	2,529,734	2,556,232	2,556,232	2,556,232	2,556,232	+26,498
Veterans insurance and indemnities	29,017	44,380	44,380	44,380	44,380	+15,363
Veterans housing benefit program fund program account (indefinite)	305,834	43,784	43,784	43,784	43,784	-262,050
(Limitation on direct loans)	(300)	---	(500)	(500)	(500)	(+200)
Credit subsidy	---	-144,000	-144,000	-144,000	-144,000	-144,000
Administrative expenses	153,936	154,075	154,075	154,075	154,075	+139
Education loan fund program account	1	---	---	---	---	-1
(Limitation on direct loans)	(3)	---	---	---	---	(-3)
Administrative expenses	70	---	---	---	---	-70
Vocational rehabilitation loans program account	52	47	47	47	47	-5
(Limitation on direct loans)	(3,938)	(4,108)	(4,108)	(4,108)	(4,108)	(+170)
Administrative expenses	298	311	311	311	311	+13
Native American Veteran Housing Loan Program Account	568	571	571	571	571	+3
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	---
Total, Veterans Benefits Administration	32,864,637	35,263,088	35,263,088	35,263,088	35,263,088	+2,398,451
Veterans Health Administration						
Medical services	17,761,803	---	19,498,600	17,198,600	19,472,777	+1,710,974
Two year funding	---	---	---	1,100,000	---	---
(Emergency appropriations)	---	---	---	1,200,000	---	---
Medical administration	4,970,500	---	4,705,000	4,705,000	4,705,000	-265,500
Medical facilities	3,976,400	---	3,745,000	3,745,000	3,745,000	-231,400
Medical and prosthetic research	405,593	769,540	384,770	405,593	405,593	---
Medical care	---	24,967,830	---	---	---	---
Accelerated spending of balances, sec. 115	---	---	---	---	---	---
Two-year funding	---	1,396,000	---	---	---	---
Rescission	-270,000	---	---	---	---	+270,000
Medical care cost recovery collections:						
Offsetting collections	-1,554,772	-2,002,000	-2,002,000	-2,002,000	-2,002,000	-447,228
Appropriations (indefinite)	1,554,772	2,002,000	2,002,000	2,002,000	2,002,000	+447,228
Accelerated spending of balances (Sec. 114b)	---	---	---	---	---	---
Total, Veterans Health Administration	26,844,296	27,133,370	28,333,370	28,354,193	28,328,370	+1,484,074
Offsetting collections	(-1,554,772)	(-2,002,000)	(-2,002,000)	(-2,002,000)	(-2,002,000)	(-447,228)
Total available to VHA	(28,399,068)	(29,135,370)	(30,335,370)	(30,356,193)	(30,330,370)	(+1,931,302)
Departmental Administration						
General operating expenses	1,275,701	1,324,753	1,319,753	1,399,753	1,324,753	+49,052
National Cemetery Administration	143,352	148,925	148,925	148,925	148,925	+5,573
Office of Inspector General	61,634	64,711	69,711	64,711	69,711	+8,077
Construction, major projects	271,081	458,800	458,800	458,800	458,800	+187,719
Omnibus Appropriations (P.L. 108-199) Sec.167	497	---	---	---	---	-497
Construction, minor projects	250,656	230,799	230,799	230,779	230,779	-19,877
Grants for construction of State extended care facilities	101,498	105,163	105,163	105,163	105,163	+3,665
Grants for the construction of State veterans cemeteries	31,811	32,000	32,000	32,000	32,000	+189
Total, Departmental Administration	2,136,230	2,365,151	2,365,151	2,440,131	2,370,131	+233,901
Total, title I, Department of Veterans Affairs	61,845,163	64,761,609	65,961,609	66,057,412	65,961,589	+4,116,426
Appropriations	(63,669,935)	(65,367,609)	(67,963,609)	(66,859,412)	(67,963,589)	(+4,293,654)
Rescissions	(-270,000)	---	---	---	---	(+270,000)
Emergency appropriations	---	---	---	(1,200,000)	---	---
Offsetting collections	(-1,554,772)	(-2,002,000)	(-2,002,000)	(-2,002,000)	(-2,002,000)	(-447,228)
(Limitation on direct loans)	(54,241)	(54,108)	(54,608)	(54,608)	(54,608)	(+367)
Mandatory	(32,709,712)	(35,108,084)	(35,108,084)	(35,108,084)	(35,108,084)	(+2,398,372)
Net discretionary	(29,135,451)	(29,653,525)	(30,853,525)	(30,949,328)	(30,853,505)	(+1,718,054)
Medical care collection fund	(1,554,772)	(2,002,000)	(2,002,000)	(2,002,000)	(2,002,000)	(+447,228)
Total discretionary available	(30,690,223)	(31,655,525)	(32,855,525)	(32,951,328)	(32,855,505)	(+2,165,282)

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H R 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Housing Certificate Fund:						
Direct appropriation	15,081,970	14,265,800	---	16,507,804	---	-15,081,970
Advance appropriations provided in previous acts	4,175,220	4,200,000	---	4,200,000	---	-4,175,220
Subtotal, Housing certificate fund	19,257,190	18,465,800	---	20,707,804	---	-19,257,190
Advance appropriations provided in current year	4,200,000	4,200,000	---	4,200,000	---	-4,200,000
Total, Housing certificate fund	23,457,190	22,665,800	---	24,907,804	---	-23,457,190
Tenant-based Rental Assistance						
Direct appropriation	---	---	10,477,055	---	10,685,000	+10,685,000
Advance appropriations provided in previous acts	---	---	4,200,000	---	4,200,000	+4,200,000
Subtotal, Tenant-based rental assistance	---	---	14,677,055	---	14,885,000	+14,885,000
Advance appropriations provided in current year	---	---	4,200,000	---	4,200,000	+4,200,000
Total, Tenant-based rental assistance	---	---	18,877,055	---	19,085,000	+19,085,000
Project-based rental assistance	---	---	5,340,745	---	5,341,000	+5,341,000
Public housing capital fund	2,696,253	2,674,100	2,580,000	2,700,000	2,600,000	-96,253
Public housing operating fund	3,578,760	3,573,000	3,425,000	2,610,000	2,458,000	-1,120,760
Revitalization of severely distressed public housing	149,115	---	143,000	150,000	144,000	-5,115
Native American housing block grants	650,241	647,000	622,000	650,241	627,000	-23,241
Indian housing loan guarantee fund program account	5,269	1,000	5,000	1,000	5,000	-269
(Limitation on guaranteed loans)	(197,243)	(29,070)	(145,345)	(145,345)	(145,345)	(-51,898)
Native Hawaiian housing block grant	---	9,500	---	---	---	---
Native Hawaiian housing loan guarantee fund	1,029	1,000	1,000	1,000	1,000	-29
(Limitation on guaranteed loans)	(39,712)	(37,403)	(37,403)	(37,403)	(37,403)	(-2,309)
Total, Public and Indian Housing	30,537,857	29,571,400	30,993,800	31,020,045	30,261,000	-276,857
Current year advance appropriations	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Net Total (excluding current year advances)	26,337,857	25,371,400	26,793,800	26,820,045	26,061,000	-276,857
Community Planning and Development						
Housing opportunities for persons with AIDS	294,751	294,800	282,000	294,800	284,000	-10,751
Rural housing and economic development	24,853	---	24,000	25,000	24,000	-853
Empowerment zones / enterprise communities	14,912	---	14,250	---	10,000	-4,912
Community development fund	4,920,795	4,618,094	4,711,000	4,950,000	4,709,000	-211,795
Omnibus Appropriations (P.L. 108-199) Sec 165	9,941	---	---	---	---	-9,941
Omnibus Appropriations (P.L. 108-199) Sec.167	2,992	---	---	---	---	-2,992
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(275,000)	---	(275,000)	(275,000)	(275,000)	---
Credit subsidy	6,288	---	6,000	6,325	6,000	-288
Administrative expenses	994	---	1,000	1,000	1,000	+6
Brownfields redevelopment	24,853	---	24,000	25,000	24,000	-853
HOME investment partnerships program	2,005,597	2,084,200	1,920,000	2,050,000	1,915,000	-90,597
Homeless assistance grants	1,259,525	1,282,400	1,206,000	1,260,000	1,250,515	-9,010
Samaritan housing initiative (legislative proposal)	---	50,000	---	---	---	---
Total, Community planning and development	8,565,501	8,329,494	8,188,250	8,612,125	8,223,515	-341,986
Housing Programs						
Housing for the elderly	773,728	773,300	741,000	773,800	747,000	-26,728
Housing for persons with disabilities	249,092	248,700	238,000	250,000	240,000	-9,092
Housing counseling assistance	---	45,000	---	---	---	---
Manufactured housing fees trust fund	12,923	13,000	13,000	13,000	13,000	+77
Offsetting collections	-12,923	-13,000	-13,000	-13,000	-13,000	-77
Total, housing programs	1,022,820	1,067,000	979,000	1,023,800	987,000	-35,820
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(185,000,000)	(185,000,000)	(185,000,000)	(185,000,000)	(185,000,000)	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	---
Administrative expenses	356,882	366,000	356,882	366,000	356,906	+24
Offsetting receipts	-2,921,000	-2,206,000	-2,206,000	-2,206,000	-2,206,000	+715,000
Offsetting receipts (legislative proposal)	---	-28,000	---	-28,000	-28,000	-28,000
Administrative contract expenses	84,499	70,900	78,000	70,900	78,000	-6,499

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H R 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs Enacted
Additional contract expenses	1,000	1,000	1,000	1,000	1,000	---
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(25,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(+10,000,000)
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	---
Administrative expenses	227,649	234,000	227,649	234,000	227,767	+118
Offsetting receipts	-225,000	-240,000	-240,000	-240,000	-240,000	-15,000
Credit subsidy	14,912	10,000	10,000	10,000	10,000	-4,912
Non-overhead administrative expenses	93,227	81,600	86,000	81,600	86,000	-7,227
Additional contract expenses	4,000	4,000	4,000	4,000	4,000	---
Total, Federal Housing Administration	-2,363,831	-1,706,500	-1,682,469	-1,706,500	-1,710,327	+653,504
Government National Mortgage Association (GNMA)						
Guarantees of mortgage-backed securities loan guarantee program account						
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	---
Administrative expenses	10,695	10,986	10,695	10,986	10,695	---
Offsetting receipts	-316,124	-368,000	-368,000	-368,000	-368,000	-51,876
Policy Development and Research						
Research and technology	46,723	46,700	45,000	46,700	45,500	-1,223
Fair Housing and Equal Opportunity						
Fair housing activities	47,717	47,700	46,000	47,700	46,500	-1,217
Office of Lead Hazard Control						
Lead hazard reduction	173,968	139,000	167,000	175,000	168,000	-5,968
Management and Administration						
Salaries and expenses	543,773	591,579	543,773	590,579	547,197	+3,424
Transfer from:						
Limitation on FHA corporate funds	(560,672)	(576,000)	(560,672)	(576,000)	(560,673)	(+1)
GNMA	(10,695)	(10,986)	(10,695)	(10,986)	(10,695)	---
Community Development Loan Guarantees Program	(1,000)	---	(1,000)	(1,000)	(1,000)	---
Native American Housing Block Grants	(150)	(150)	(150)	(150)	(150)	---
Indian Housing Loan Guarantee Fund Program	(250)	(250)	(250)	(250)	(250)	---
Native Hawaiian Housing Loan Guarantees	(35)	(35)	(35)	(35)	(35)	---
Total, Salaries and expenses	(1,116,575)	(1,179,000)	(1,116,575)	(1,179,000)	(1,120,000)	(+3,425)
Working capital fund	233,614	234,000	100,000	234,000	270,000	+36,386
Office of Inspector General	76,546	77,000	77,000	83,500	80,000	+3,454
(By transfer, limitation on FHA corporate funds)	(23,858)	(24,000)	(23,858)	(24,000)	(24,000)	(+142)
Total, Office of Inspector General	(100,404)	(101,000)	(100,858)	(107,500)	(104,000)	(+3,596)
Office of Federal Housing Enterprise Oversight	39,680	59,209	59,209	59,209	59,209	+19,529
Offsetting receipts	-39,680	-59,209	-59,209	-59,209	-59,209	-19,529
Rescissions:						
Housing Certificate Fund	-2,844,000	-1,557,000	-1,557,000	-2,588,172	-1,557,000	+1,287,000
Public housing elimination grants	---	-5,000	-5,000	-5,000	-5,000	-5,000
Title VI credit subsidy	---	-21,000	-21,000	-21,000	-21,000	-21,000
Indian housing credit subsidy	---	-33,000	-33,000	-33,000	-33,000	-33,000
Urban development action grant	-30,000	---	---	---	---	+30,000
Rental housing assistance	-303,000	-675,000	-675,000	-675,000	-675,000	-372,000
GI/SRI credit subsidy	---	-30,000	-30,000	-30,000	-30,000	-30,000
Total Rescissions	-3,177,000	-2,321,000	-2,321,000	-3,352,172	-2,321,000	+856,000
Total, title II, Dept of Housing and Urban Dev. grand net total, incl current year advance	35,402,259	35,719,359	36,779,049	36,417,763	36,240,080	+837,821
Current year advance appropriations	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Net total, excluding current year advance	31,202,259	31,519,359	32,579,049	32,217,763	32,040,080	+837,821
Total Program Level (appropriation)	(37,893,986)	(36,754,568)	(37,786,258)	(38,484,144)	(37,275,289)	(-618,697)
Rescissions	(-3,177,000)	(-2,321,000)	(-2,321,000)	(-3,352,172)	(-2,321,000)	(+856,000)
Offsetting receipts	(-3,462,124)	(-2,842,000)	(-2,814,000)	(-2,842,000)	(-2,842,000)	(+620,124)
Offsetting collections	(-52,603)	(-72,209)	(-72,209)	(-72,209)	(-72,209)	(-19,606)
(Limitation on direct loans)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	---
(Limitation on guaranteed loans)	(410,511,955)	(420,066,473)	(420,457,748)	(420,457,748)	(420,457,748)	(+9,945,793)
(Limitation on corporate funds)	(596,660)	(611,421)	(596,660)	(612,421)	(596,803)	(+143)

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	41,056	41,100	41,100	46,100	41,100	+44
Foreign currency fluxuation	---	---	9,000	---	12,000	+12,000
Total American Battle Monuments Commission	41,056	41,100	50,100	46,100	53,100	+12,044
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	8,201	9,451	9,451	9,000	9,100	+899
Emergency fund	447	400	400	---	400	-47
Total	8,648	9,851	9,851	9,000	9,500	+852
Department of the Treasury						
Community Development Financial Institutions						
Community development financial institutions fund program account	60,640	48,403	60,640	55,000	55,522	-5,118
Consumer Product Safety Commission						
Salaries and expenses	59,646	62,650	62,650	62,650	62,650	+3,004
Corporation for National and Community Service						
National and community service programs operating expenses	549,961	636,232	541,000	558,311	545,884	-4,077
Salaries and expenses	24,853	---	25,000	25,500	26,000	+1,147
Office of Inspector General	6,213	6,000	6,000	6,250	6,000	-213
Total	581,027	642,232	572,000	590,061	577,884	-3,143
U.S. Court of Appeals for Veterans Claims						
Salaries and expenses	15,844	17,623	16,725	17,623	17,250	+1,406
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	28,829	29,600	29,600	29,600	29,600	+771
Department of Health and Human Services						
National Institute of Health						
National Institute of Environmental Health Sciences	78,309	80,486	80,486	80,486	80,486	+2,177
Centers for Disease Control and Prevention						
Agency for Toxic Substances and Disease Registry						
Toxic substances and environmental public health	73,034	76,654	76,654	76,654	76,654	+3,620
Total, Department of Health and Human Services	151,343	157,140	157,140	157,140	157,140	+5,797
Environmental Protection Agency						
Science and Technology	781,685	689,185	729,029	758,179	750,061	-31,624
Transfer from Hazardous Substance Superfund	44,433	36,097	36,097	36,097	36,097	-8,336
Subtotal, Science and Technology	826,118	725,282	765,126	794,276	786,158	-39,960
Environmental Programs and Management	2,280,046	2,316,959	2,241,476	2,310,263	2,313,409	+33,363
Office of Inspector General	37,336	37,997	37,000	38,000	38,000	+664
Transfer from Hazardous Substance Superfund	13,136	13,214	13,000	13,139	13,000	-136
Subtotal, OIG	50,472	51,211	50,000	51,139	51,000	+528
Buildings and facilities	39,764	42,918	39,000	40,000	39,000	-764
Hazardous Substance Superfund	1,257,537	1,381,416	1,257,537	1,381,416	1,257,537	---
Transfer to Office of Inspector General	-13,136	-13,214	-13,000	-13,139	-13,000	+136

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Transfer to Science and Technology	-44,434	-36,097	-36,097	-36,097	-36,097	+8,337
Subtotal, Hazardous Substance Superfund	1,199,967	1,332,105	1,208,440	1,332,180	1,208,440	+8,473
Leaking Underground Storage Tank Program	75,552	72,545	74,000	70,000	70,000	-5,552
Oil spill response	16,113	16,425	16,000	16,000	16,000	-113
Pesticide registration fund	---	19,400	19,400	19,400	19,400	+19,400
Pesticide registration fees	---	-19,400	-19,400	-19,400	-19,400	-19,400
State and Tribal Assistance Grants	2,705,543	1,979,500	2,197,400	2,724,000	2,458,425	-247,118
Ominbus Appropriations (P.L. 108-199) Sec.167	3,976	---	---	---	---	-3,976
Categorical grants	1,168,266	1,252,300	1,161,627	1,162,550	1,145,757	-22,509
Subtotal, STAG	3,877,785	3,231,800	3,359,027	3,886,550	3,604,182	-273,603
Total, EPA	8,365,817	7,789,245	7,753,069	8,500,408	8,088,189	-277,628
Executive Office of the President						
Office of Science and Technology Policy	6,986	7,081	7,081	7,081	6,379	-607
Council on Environmental Quality and Office of Environmental Quality	3,219	3,284	3,284	3,284	3,284	+65
Total	10,205	10,365	10,365	10,365	9,663	-542
Federal Deposit Insurance Corporation						
Office of Inspector General (transfer)	(30,125)	(30,125)	(30,125)	(30,625)	(30,125)	---
General Services Administration						
Federal Citizen Information Center Fund	13,917	14,907	14,907	14,907	14,907	+990
U.S. Interagency Council on Homelessness						
Operating expenses	1,491	1,500	1,500	1,500	1,500	+9
National Aeronautics and Space Administration						
Science, aeronautics and exploration	7,883,114	7,760,000	7,621,169	7,811,100	7,742,550	-140,564
(Emergency appropriations)	---	---	---	600,000	---	---
Exploration capabilities	7,467,779	8,456,400	7,496,800	7,736,500	8,425,850	+958,071
(Emergency appropriations)	---	---	---	200,000	---	---
Office of Inspector General	27,139	27,600	31,400	31,600	31,600	+4,461
Total, NASA	15,378,032	16,244,000	15,149,369	16,379,200	16,200,000	+821,968
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	---
(Limitation on administrative expenses, corporate funds)	(310)	(310)	(310)	(310)	(310)	---
Community Development Revolving Loan Fund	1,193	1,000	1,000	1,000	1,000	-193
National Science Foundation						
Research and related activities (non-defense)	4,183,769	4,384,000	4,083,745	4,336,320	4,186,593	+2,824
Defense function	67,599	68,000	68,000	68,000	68,000	+401
Research and related activities /1,2	4,251,368	4,452,000	4,151,745	4,404,320	4,254,593	+3,225
Major research equipment and facilities construction	154,980	213,270	208,200	130,420	175,050	+20,070
Education and human resources /1,2	938,977	771,360	842,985	929,150	848,207	-90,770
Salaries and expenses /1	218,702	294,000	249,970	269,000	225,000	+6,298
National Science Board	3,877	3,950	3,950	4,000	4,000	+123
Office of Inspector General	9,941	10,110	10,110	10,110	10,110	+169
Total, NSF	5,577,845	5,744,690	5,466,960	5,747,000	5,516,960	-60,885

/1 Recommended reflects transfer of $31.5M in admin costs to the S&E account funded in FY04 in R&RA ($26M) and EHR ($5.5M). The budget did not propose this transfer

/2 Recommended does not adopt proposed transfer of $80M for MSP to R&RA from EHR

DIVISION I - VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	114,322	115,000	115,000	115,000	115,000	+678
Selective Service System						
Salaries and expenses	26,153	26,300	26,300	26,300	26,300	+147
White House Commission on the National Moment of Rememberance	---	250	250	---	250	+250
Total, title III, Independent agencies	30,436,008	30,955,856	29,497,426	31,762,854	30,936,415	+500,407
Appropriations	(30,436,008)	(30,955,856)	(29,497,426)	(30,962,854)	(30,936,415)	(+500,407)
Emergency appropriations	---	---	---	(800,000)	---	---
(By transfer)	(30,125)	(30,125)	(30,125)	(30,625)	(30,125)	---
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	---
(Limitation on corporate funds)	(310)	(310)	(310)	(310)	(310)	---
TITLE IV						
GENERAL PROVISIONS						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Community Planning and Development						
Community development fund (sec. 424)	---	---	---	---	31,000	+31,000
Total, title IV, General Provisions	---	---	---	---	31,000	+31,000
Grand total	127,683,430	131,436,824	132,238,084	134,238,029	133,169,084	+5,485,654
Current year advances (housing cert. fund)	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Net grand total	123,483,430	127,236,824	128,038,084	130,038,029	128,969,084	+5,485,654
Appropriations	(131,999,929)	(133,078,033)	(135,247,293)	(136,306,410)	(136,206,293)	(+4,206,364)
Rescissions	(-3,447,000)	(-2,321,000)	(-2,321,000)	(-3,352,172)	(-2,321,000)	(+1,126,000)
Emergency appropriations	---	---	---	(2,000,000)	---	---
Offsetting receipts	(-3,462,124)	(-2,842,000)	(-2,814,000)	(-2,842,000)	(-2,842,000)	(+620,124)
Offsetting collections	(-1,607,375)	(-2,074,209)	(-2,074,209)	(-2,074,209)	(-2,074,209)	(-466,834)
(By transfer)	(30,125)	(30,125)	(30,125)	(30,625)	(30,125)	---
(Limitation on direct loans)	(1,654,241)	(1,654,108)	(1,654,608)	(1,654,608)	(1,654,608)	(+367)
(Limitation on guaranteed loans)	(410,511,955)	(420,066,471)	(420,457,748)	(420,457,748)	(420,457,748)	(+9,945,793)
(Limitation on corporate funds)	(596,970)	(611,731)	(596,970)	(612,731)	(597,113)	(+143)

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - Department of Veterans Affairs						
Veterans Benefits Administration	32,864,637	35,263,088	35,263,088	35,263,088	35,263,088	+2,398,451
Veterans Health Administration	26,844,296	27,133,370	28,333,370	28,354,193	28,328,370	+1,484,074
Departmental administration	2,136,230	2,365,151	2,365,151	2,440,131	2,370,131	+233,901
Total, Title I - Deparment of Veterans Affairs	61,845,163	64,761,609	65,961,609	66,057,412	65,961,589	+4,116,426
TITLE II - Dept. of Housing and Urban Dev						
Public and Indian housing (excluding CY advances)	26,337,857	25,371,400	26,793,800	26,820,045	26,061,000	-276,857
Community and planning development	8,565,501	8,329,494	8,188,250	8,612,125	8,223,515	-341,986
Housing programs	1,022,820	1,067,000	979,000	1,023,800	987,000	-35,820
Federal Housing Administration	-2,363,831	-1,706,500	-1,682,469	-1,706,500	-1,710,327	+653,504
Government National Mortgage Association (GNMA)	-305,429	-357,014	-357,305	-357,314	-357,305	-51,876
Policy development and research	46,723	46,700	45,000	46,700	45,500	-1,223
Fair housing and equal opportunity activities	47,717	47,700	46,000	47,700	46,500	-1,217
Office of lead hazard control	173,968	139,000	167,000	175,000	168,000	-5,968
Management and administration	1,116,575	1,179,000	1,116,575	1,179,000	1,120,000	+3,425
Working capital fund	233,614	234,000	100,000	234,000	270,000	+36,386
Office of Inspector General	100,404	101,000	100,858	107,500	104,000	+3,596
Total, Title II - Dept. of Housing and Urban Development (excluding CY advances)	31,202,259	31,519,359	32,579,049	32,217,763	32,040,080	+837,821
TITLE III - Independent Agencies						
American Battle Monuments Commission	41,056	41,100	41,100	46,100	41,100	+44
Chemical Safety and Hazard Investigation Board	8,648	9,851	9,851	9,000	9,500	+852
Community development financial institutions fund (Department of Treasury)	60,640	48,403	60,640	55,000	55,522	-5,118
Consumer Product Safety Commission	59,646	62,650	62,650	62,650	62,650	+3,004
Corporation for National and Community Service	581,027	642,232	572,000	590,081	577,884	-3,143
U.S. Court of Appeals for Veterans Claims	15,844	17,623	16,725	17,623	17,250	+1,406
Cemeterial expenses, Army	28,829	29,600	29,600	29,600	29,600	+771
HHS/(NIH-Institute of Environmental Health Sciences) and (CDC-Toxic Subtances and Disease Registry)	151,343	157,140	157,140	157,140	157,140	+5,797
Environmental Protection Agency	8,365,817	7,789,245	7,753,069	8,500,408	8,088,189	-277,628
EOP/Office of Science and Technology Policy, Council Environmental Qual, and Office of Environmental Qual	10,205	10,365	10,365	10,365	9,663	-542
Federal Deposit Insurance Corp	30,125	30,125	30,125	30,625	30,125	---
GSA/ Federal Consumer Information Center	13,917	14,907	14,907	14,907	14,907	+990
Interagency Council on the Homeless	1,491	1,500	1,500	1,500	1,500	+9
National Aeronautics and Space Administration	15,378,032	16,244,000	15,149,369	16,379,200	16,200,000	+821,968
National Credit Union Administration	1,193	1,000	1,000	1,000	1,000	-193
National Science Foundation	5,577,845	5,744,690	5,466,960	5,747,000	5,516,960	-60,885
Neighborhood Reinvestment Corporation	114,322	115,000	115,000	115,000	115,000	+678
Selective Service System	26,153	26,300	26,300	26,300	26,300	+147
Commission on National Day of Rememberance	---	250	250	---	250	+250
Total Title III - Independent Agencies	30,436,008	30,955,856	29,497,426	31,762,854	30,936,415	+500,407
TITLE IV - General Provisions						
Community development fund (sec. 424)	---	---	---	---	31,000	+31,000
Total Title IV - General Provisions	---	---	---	---	31,000	+31,000
Grand total	127,683,430	131,436,824	132,238,084	134,238,029	133,169,084	+5,485,654
Current year advances (housing cert. fund)	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Net grand total	123,483,430	127,236,824	128,038,084	130,038,029	128,938,084	+5,454,654
Mandatory	(32,709,712)	(35,108,084)	(35,108,084)	(35,108,084)	(35,108,084)	(+2,398,372)
Discretionary	(90,773,718)	(92,128,740)	(92,930,000)	(94,929,945)	(93,861,000)	(+3,087,282)

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
FSLIC resolution fund (mandatory)	-3,000	-1,000	-1,000	-1,000	-1,000	+2,000
Housing certificate fund, advance appropriations provided in FY 2004 and FY 2005	-4,200,000	-4,200,000	-4,200,000	-4,200,000	-4,200,000	---
Emergency appropriations in this bill	---	---	---	-2,000,000	---	---
Total, adjustments	-4,203,000	-4,201,000	-4,201,000	-6,201,000	-4,201,000	+2,000
Total (including adjustments)	123,480,430	127,235,824	128,037,084	128,037,029	128,968,084	+5,487,654
Amounts in this bill	(127,683,430)	(131,436,824)	(132,238,084)	(134,238,029)	(133,169,084)	(+5,485,654)
Scorekeeping adjustments	(-4,203,000)	(-4,201,000)	(-4,201,000)	(-6,201,000)	(-4,201,000)	(+2,000)
Prior year outlays	---	---	---	---	---	---
Total mandatory and discretionary	123,480,430	127,235,824	128,037,084	128,037,029	128,968,084	+5,487,654
Mandatory	32,706,712	35,107,084	35,107,084	35,107,084	35,107,084	+2,400,372
Discretionary	90,773,718	92,128,740	92,930,000	92,929,945	93,861,000	+3,087,282

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
RECAP BY FUNCTION						
Mandatory	32,706,712	35,107,084	35,107,084	35,107,084	35,107,084	+2,400,372
Prior year outlays	---	---	---	---	---	---
Total, Mandatory	32,706,712	35,107,084	35,107,084	35,107,084	35,107,084	+2,400,372
Discretionary:						
General purpose discretionary:						
Defense discretionary	93,752	94,300	94,300	94,300	94,300	+548
Prior year outlays	---	---	---	---	---	---
Total, Defense discretionary	93,752	94,300	94,300	94,300	94,300	+548
Nondefense discretionary	90,679,966	92,034,440	92,835,700	92,835,645	93,766,700	+3,086,734
Prior year outlays	---	---	---	---	---	---
Total, Nondefense discretionary	90,679,966	92,034,440	92,835,700	92,835,645	93,766,700	+3,086,734
Total, Discretionary	90,773,718	92,128,740	92,930,000	92,929,945	93,861,000	+3,087,282
Grand total, Mandatory and Discretionary	123,480,430	127,235,824	128,037,084	128,037,029	128,968,084	+5,487,654
GENERAL PURPOSE	90,773,718	92,128,740	92,930,000	92,929,945	93,861,000	+3,087,282

HIGHLIGHTS OF THE FINAL FY05 SPENDING BILLS

The final spending package fully complies with the spending targets agreed to by the Congress and the Administration, totaling $821.9 billion in FY05 Discretionary spending. This represents a freeze or zero percent growth in non-defense discretionary. Total discretionary spending in the bill is $388.4 billion. All additional spending is paid for by an across the board cut of .80% in all non-defense and non-homeland security spending, $300 million rescission in non-war, non-emergency defense funds, $283 million from limitations on expenditures from the Crime Victims Fund. All figures listed below are subject to a .80% reduction. The bill drops provisions relating to overtime regulations and the Administration's competitive sourcing initiative.

"This is a lean and clean package that adheres to the budgetary limits agreed to by the Congress and the President. We have resisted many requests for additions to the package that would have busted the budget by billions of dollars. The bill also is free of controversial legislative riders. The only provisions that were included had bipartisan, bicameral support," said C.W. Bill Young, Chairman of the House Appropriations Committee.

Agriculture

Bill Highlights: In total, the bill provides nearly $17 billion in total discretionary resources. This level represents an increase of $393 million over the President's request and nearly $123 million over the FY04 enacted level.

FY 04 Funding Level: $16.84 billion ($69.746 billion total mandatory).

FY 05 President's Request: $16.57 billion ($66.370 billion total mandatory).

FY 05 Bill: $16.96 billion ($66.294 billion total mandatory).

Protecting Human Health and Safety:

Food Safety and Inspection Service is increased by $44 million over last year, for a total of $824 million, $15 million below the President's request.

Animal and Plant Health Inspection Service activities are funded at $98 million above last year for a total of $820 million, and a decrease of $14 million below the President's request. This includes an increase of $33 million for an animal identification system.

Food and Drug Administration is funded at $1.162 billion, $76 million above last year and $33 million below the President's request. This includes the full amount requested for the medical device program.

Bovine Spongiform Encephalopathy (BSE) detection and prevention activities are increased $20 million, the same as the President's budget request.

Fulfilling Commitments to Important Food and Nutrition Programs:

Child Nutrition Programs (Mandatory) are funded at $11.8 billion, $365 million above last year and $406 million above the President's request.

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) is funded at $5.3 billion, $666 million above last year and $190 million above the President's request.

Food Stamp Program (Mandatory) is funded at $35.2 billion, an increase of $4.2 billion above last year and $1.5 billion above the President's request.

Food for Peace Program (PL 480) Title II is funded at a program level of $1.18 billion, a decrease of $2.5 million below the President's request and last year's level.

Commodity Supplemental Food Program (CSFP) is funded at $108 million, an increase of $9 million above last year and the President's request.

Supporting Farmers, Ranchers, and Rural America:

Farm Service Agency salaries and expenses are funded at President's request of $1.008 billion, an increase of $25 million above last year, to continue delivery of farm programs.

Agricultural Research Service is funded at $1.299 billion, an increase of $153 million above last year's level and $133 million above the President's request. Funding of $122 million is included for construction of the National Centers for Animal Health.

Conservation Operations activities are increased by $127 million over the President's request, bringing FY05 funding to $837 million, and a decrease of $11 million below last year.

Rural Community Advancement Program (RCAP) is funded at $716 million, a decrease of $37 million below last year and an increase of $174 million above the President's request. Included in the increase is an additional $111 million for rural water and waste grants above the President's request.

FY05 COMMERCE JUSTICE STATE

Funding Levels:

FY05 Funding: $40.0 billion.

FY05 President's Request: $39.6 billion.

FY04 Funding: $37.6 billion.

Provides a total of $20.6 billion for the Department of Justice, $975 million above FY04 and $804 million above the President's request, including the following:

$5.22 billion for the Federal Bureau of Investigation, an increase of $625 million above FY04 and $100 million above the President's request. This funding provides enhanced training, information technology, and staff (1,194 new positions) to improve intelligence and counterterrorism capabilities, while continuing to fight white-collar and violent crime.

$1.65 billion for the Drug Enforcement Administration, an increase of $69 million above FY04 and $8 million below the President's request.

$758 million for the United States Marshals Service, an increase of $32 million above FY04 and $14 million above the request, to meet protection requirements of the Federal judiciary and to enhance fugitive apprehension activities.

$890 million for the Bureau of Alcohol, Tobacco, Firearms and Explosives, an increase of $63 million above FY04 and $21 million above the President's request.

Provides $3 billion for assistance to State and local law enforcement for crime fighting initiatives, $906 million above the President's request and $132 million below FY04 including:

$634 million for the Edward Byrne Justice Assistance Grants program (as authorized by H.R. 3036); $384 million for juvenile delinquency prevention and accountability programs, $387 million for violence against women prevention and prosecution programs, $110 million to eliminate DNA analysis backlogs, $139 million for law enforcement technologies, and $305 million to reimburse States for criminal alien detention costs.

Department of Commerce and Related Agencies receives $6.7 billion, $761 million above FY04 and $645 million above President's request including:

$1.54 billion for the Patent and Trademark Office to reduce the growing backlog and increase quality of patent processing, $322 million above FY04 and $21 million above the request.

$3.94 billion for the National Oceanic Atmospheric Administration (NOAA), $239 million above FY04 and $567 million above the request, including $791 million for the National Weather Service, the full request, to improve forecasting.

$709 million for the National Institute of Standards and Technology (NIST), including $109 million for the Manufacturing Extension Partnership (MEP) program.

$755 million for the Census Bureau, including $146 million for the American Community Survey (ACS).

Federal Judiciary: Provides $5.16 billion for the Federal Judiciary, $315 million above FY04, to process increased workload, including an all-time high number of criminal cases and bankruptcy filings, and for supervision of an increasing number of offenders by probation officers.

State Department and the Broadcasting Board of Governors receives $8.8 billion, $704 million above FY04 (excluding supplemental appropriations).

Includes $1.6 billion to continue worldwide security improvements and replacement of vulnerable embassies.

Provides $4.2 billion for Diplomatic and Consular Programs to fund the operating costs of the Department, which is $165 million above FY04, to respond to diplomatic requirements in Haiti, Libya, and Afghanistan, strengthen visa adjudication and border security, and increase public diplomacy activities in the Arab and Muslim world.

Provides $1.67 billion for Contributions to International Organizations and International Peacekeeping Activities to fund anticipated assessments for the UN and other international organizations.

Provides $600 million for International Broadcasting to expand broadcasting to the broader Middle East.

Provides $60 million for the National Endowment for Democracy, $20 million above the FY04 level.

Other Items of Interest:

Federal Communications Commission (FCC) Bill includes $281 million, $7 million above FY04.

Securities and Exchange Commission (SEC) Bill includes total budget authority of $913 million, $102 million above FY04 and the same as the request.

Legal Services Corporation (LSC) Bill includes total budget authority of $335 million, the same as last year.

Small Business Administration (SBA) Bill provides $580 million for the SBA, and supports a record 7(a) business loan program level to help America's small businesses access capital.

FY 2005 ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Funding Levels: The Chairman's mark provides a total of $28.0 billion in new discretionary spending authority for the U.S. Army Corps of Engineers-Civil, the Department of Interior including the Bureau of Reclamation, the Department of Energy, and several Independent Agencies. This bill is $734.5 million above fiscal year 2004 and $49.6 million above the President's budget request.

Corps of Engineers: The conference report supports a vigorous Civil Works program. The recommendation of $4.7 billion is $125 million over fiscal year 2004.

Bureau of Reclamation: The Chairman's mark provides funding necessary to maintain, operate, and rehabilitate Bureau projects throughout the western United States and protect the considerable Federal investment in western water infrastructure. Funding for the Bureau of Reclamation is $1 billion, $40 million over last year's level.

Department of Energy: The recommendation of $23 billion for the Department of Energy is $145 million under the President's request and $1 billion above fiscal year 2004.

The Committee funds the Yucca Mountain repository at last year's level of $577 million and does not include the proposed authorization language to reclassify the fees paid into the Nuclear Waste Fund or the radiation standard language.

The Power Marketing Administrations are funded at $210.5 million, the same as the President's request and $1.2 million below last year. Reimbursable purchase power and wheeling activities are maintained at the fiscal year 2004 levels.

The National Nuclear Security Administration (NNSA), which includes the nuclear weapons program, defense nuclear nonproliferation, naval reactors and the office of the administrator, is funded at $8.8 billion, an increase of $156 million over last year. Funding of $6.5 billion is provided for Weapons Activities; $1.42 billion for Defense Nuclear Nonproliferation programs;

Foreign Operations

FY04 Enacted: $17.5 billion.
FY05 President's Request: $21.4 billion.
FY05 Bill: $19.8 billion.

Addressing the AIDS Pandemic: Provides a total of $2.3 billion in global assistance to combat HIV/AIDS, tuberculosis and malaria, $99 million above the President's request and $690 million more than FY04. Within this $2.3 billion, $858 million is provided for bilateral assistance through the Child Survival and Health Programs Fund and $1.385 billion is provided to the Global AIDS Initiative. $600 million in global assistance is anticipated in the Labor-HHS appropriations bill, bringing total funding to $2.9 billion, $99 million above the president's request and the highest level in history.

An Innovative Approach to Foreign Assistance:

The bill provides record level funding the President's signature foreign assistance initiative, the Millennium Challenge Corporation. Total funding is $1.5 billion, $500 million above last year.

Supporting the Global War on Terror: The bill provides significant increases in security assistance to our allies in the global war on terrorism. It also increases resources for our anti-narcotic programs abroad.

Provides $73 million increase for Foreign Military Financing for Israel to assist in their security and counter-terror efforts. Total funding is $2.2 billion, the same as the President's request. Also fully funds the President's $360 million request for economic assistance to Israel.

The bill provides an increase of $350 million, for a total of $400 million to train and equip the new Afghan National Army.

A new base program of $300 million for military assistance for Pakistan as they assist us in hunting terrorists along the Afghan border.

Fully funds the President's $1.3 billion request for Foreign Military Financing for Egypt. Also fully funds the President's $535 million request for economic assistance to Egypt.

International Narcotics Control is funded at $329 million, $89 million above last year and $30 million below the request and fully funds the President's request for Mexico and Afghanistan.

The Andean Counter drug Initiative is funded at $731 million, the same as the President's request.

Other Items of Interest:

Provides $403 million in humanitarian and refugee assistance for Sudan. Including $93 million as an emergency appropriation, $75 million of which is for logistical and equipment support of the Africa Union Security Force. $95 million in humanitarian assistance was provided earlier this year in the FY05 Defense appropriations bill.

Includes $800 million for refugee programs, $50 million more than the President's request and $14 million more than last year's level.

Provides $441 million for bilateral international family planning programs, and $25 million for the UNFPA. Retains current law on restrictions and prohibitions on assistance.

Peace Corps is funded at $320 million, $12 million above FY04 and $81 million below the President's request.

Total funding of the Agency for International Development (USAID) is $4.2 billion, $221 million above the request and $254 million less than FY04.

The U.S. contribution to the multilateral development banks are funded at a level of $1.2 billion, $264 million less than the request and $151 million less than last year.

The Global Environment Facility (GEF) is funded at $108 million, $13 million below the President's request and $31 million below last year.

HIGHLIGHTS OF FY05 INTERIOR CONFERENCE REPORT

[Budget Authority—dollars in billions]

FY 2004 Enacted	FY 2005 Request	FY 2005 Recommended
20.5	19.7	20.0*

* Includes an across the board cut of 0.594%.

The 2005 recommended level is $469 million below the 2004 enacted level and $359 million above the 2005 requested level.

*Bill Highlights**	*Change from 2004 (in millions)*
$1.7 billion for National Park Operations	+98
3.0 billion for the Indian Health Service	+105
1.9 billion for BIA Operation of Indian programs	+62
$653 million for BIA education	+12.4
$2.6 billion for Wildland firefighting and National Fire Plan	+168
$500 million supplemental for urgent wildfire suppression	0
$1.4 billion for the National Forest System	+34
$949 million for the U.S. Geological Survey	+11
$167 million for Federal land acquisition	-3
$580 million for Fossil Energy R&D	-93

*Does not reflect an across the board recission of 0.594%.

Major Emphasis: Maintains ongoing base programs; provides the largest park base increase ever for the National Park Service; and continues responsible wildland fire suppression and hazardous fuels funding as in FY2004.

Major Initiatives:*

Provides $573 million for National Park backlog maintenance.

Provides $64 million for the Everglades restoration effort. Cumulative funding since 1993 is $1 billion.

Provides $231 million for Indian trust reform, $22 million above the 2004 level.

Provides $2.6 billion for the National Fire Plan; $1.9 billion for the Forest Service, and $743 million for the Department of the Interior. Includes an $89 million increase for wildfire suppression and a $53 million increase for hazardous fuels reduction efforts, above 2004 enacted levels. The conference agreement includes an additional $500 million for urgent wildfire suppression activities available under special circumstances.

Provides funding for NEA at $123 million, $2 million above FY04 for the New American Masterpieces initiative and $16 below the request, and $140 million for the NEH, $5 million above FY04 and $22 million below the request.

Agency Funding:*

Department of Interior—Total funding is $10 billion, $140 million above FY04 and $17 million above the request.

BLM is funded at $1.8 billion, $61 million above non-emergency FY04 funding and $3 million below the request.

U.S. Fish and Wildlife Service is funded at $1.3 billion, $3 million above FY04 and $15 million below the request.

Bureau of Indian Affairs is funded at $2.3 billion, $29 million above FY04 and $76 million above the request.

Indian Health Service—Total funding is $3 billion, 105 million over FY04 and $60 million above the request.

U.S. Forest Service—Total funding is $4.3 billion, $107 million above non-emergency FY04 funding (almost all of the increase is in fire programs) and $60 million above the request.

Smithsonian—Total funding is $624 million, $28 million above FY04 and $4 million below the request.

*Does not reflect an across-the-board rescission of 0.594%.

FY05 LEGISLATIVE BRANCH SPENDING

FY04: $3.527 billion.
FY05 Bill: $3.575 billion.
FY05 Request: $3.969 billion.

FY05 LEGISLATIVE BRANCH FUNDING

Agency	FY04 (millions)	FY05
House of Reps	$1,008	$1,048
Capitol Police	220	232
CBO	34	35
Architect of Capitol	403	352
Library of Congress	523	550
GPO	135	121
GAO	458	471

Other Items of Interest:

Maintains current staffing levels for all legislative branch agencies.

Fully funds COLA for staff and the establishment of a staff fitness in the Rayburn garage.

FY05 LABOR, HHS, EDUCATION

Bill Funding:
FY04 Comparable: $139.424 billion.
FY05 Budget Request: $142.324 billion.
FY05 Conference Report: $143.309 billion ($493.3 billion including mandatory spending).

The bill's funding level represents a 2.79% growth from fiscal year 2004.

Protecting Priority Education Programs:

Overall, the bill provides a $1.4 billion increase for the Department of Education, bringing it to a total of $57 billion. Special Education Grants are funded at $11.5 billion, $115 million below the request and $607 above FY04. This is the highest level in history and over three times the amount provided in 1995.

Title I—Program is funded at $12.8 billion, $500 million below the budget request and $500 million above last year, to provide aid to states and school districts to help educationally disadvantaged children achieve the same high state academic performance standards as all other students.

Reading Programs—Funds reading programs at $1.2 billion, which will enable states to eliminate the reading deficit through scientific research-based reading programs, $62 million above FY04.

Improving Teacher Quality—The bills provide $2.94 billion, $10 million above the budget request and last year's level, for professional development programs to provide states and school districts with tools to improve teacher quality. Math and Science Partnerships are funded at $180 million, an increase of $31 million over last year to increase the number of teachers trained in the fields of math and science.

Education Block Grant—The bill includes a restoration of the title V education block grant to $200 million, $96 million below the fiscal year 2004 request and $180 million above the House bill.

State Assessments—The bill includes $415 million, $25 million over fiscal year 2004, to cover the cost of developing annual state assessments of students' reading and math skills. States will be responsible for selecting and designing their own assessments.

Maximum Pell Grant awards are maintained at $4050 million and the program is increased by $458 million over last year.

Impact Aid is funded at $1.24 billion, $24 million over last year's level and the budget request.

Head Start is increased $124 million over last year's level, bringing total FY05 funding to $6.9 billion. This funding level will allow Head Start to maintain current service levels while ensuring that quality improvements and training elements are fully implemented.

TRIO funding is increased to $843 million, an increase of $11 million above the fiscal year 2004 level and the President's request. The bill also increases GEAR UP funding to $309 million, also an increase of $11 million above the fiscal year 2004 level and the President's request.

Medical Research and Health Programs

Centers for Disease Control funding is $4.5 billion, $167 million above last year and $320 million above the budget request.

Community Health Centers are expanded—fourth year of the President's proposed expansion of health services to the uninsured. Total funding $1.7 billion, $131 million over last year.

National Institutes of Health—continues our commitment to curing disease through support of NIH research at $28.6 billion, $800 million more than last year.

International HIV/AIDS, TB and Malaria programs are funded at $624 million, the same as the President's request.

Ryan White AIDS program is increased by $45 million over FY04 with total funding of $2.1 billion.

Low Income Home Energy Assistance Program (LIHEAP) is funded at $2.2 billion, an increase of $84 million over last year.

Faith- and Community-Based Initiatives are increased including the Compassion Capital Fund at $55 million.

Abstinence Education—Provides $105 million for the discretionary abstinence education program, an increase of $30 million over FY04.

Social Security—Provides a 6% increase to the Social Security Administration to improve service delivery of Social Security benefits and accelerate the time it takes to process disability claims.

Supporting Job Training Programs and Dislocated Workers

Job Corps operations is funded at $1.559 billion, which provides an increase of $19 million for Center operations over last year.

Dislocated Worker Assistance is funded at $1.479 billion, adding $95.3 million over the budget request.

Community College Initiative—fully funds the President's $250 million program that will train workers for high growth/high demand industries by funding partnerships of employers, local workforce investment boards, and community colleges.

Prisoner Re-Entry Initiative—provides $20 million in support and job training for ex-offenders.

FY05 TRANSPORTATION & TREASURY

In total, the bill provides more than $89.9 billion in total budgetary resources, $495 million below the FY04 level. Discretionary spending is $25.8 billion, $112 million below the President's request and $2.5 billion below the FY04 level.

Boosts Highway Spending: Federal-aid highways spending is $35.5 billion. This is an increase of $1.9 billion over the President's request and the FY04 enacted level.

Supports Aviation: A total of $13.6 billion is provided to the Federal Aviation Administration (FAA)—$219 million below the fiscal year 2004 enacted level and $335 million below the President's request. This includes a $289 million increase for FAA's operations (total operations funding is $7.7 billion), $3.5 billion for the Airport Improvement Program and $102 million for Essential Air Service. The bill includes $9.5 million above the request for the hire and training of additional air traffic controllers. The bill also extends the current provisions of war risk insurance, including current premium price caps, for one additional year.

Capital Investments in Transit: Transit program spending totals $7.708 billion, including over $1.4 billion for new fixed guideway systems.

Supports National Anti-Drug Efforts: Provides $468.5 million to the Office of National Drug Control Policy, including:

$228 million for the High Intensity Drug Trafficking Areas program, $20 million above the President's request.

$120 million for the National Youth Anti-Drug Media Campaign.

$80 million for the Drug-Free Communities program.

Provides for Continuing Amtrak Operations: The bill provides $1.217 billion for Amtrak, $300 million over the President's budget request. Also continues current reforms for Amtrak, including the submission of a financial plan and quarterly reports to the Congress on the implementation of that plan, and directs DOT to undertake a valuation of all Amtrak's capital assets.

Agency Funding:

Department of Treasury is funded at $11.2 billion, $122 million above FY04 and $393 million below the President's request.

The Internet Revenue Service is funded at $10.3 billion, $134 million above FY04 and $356 million below the request. The bulk of the increases is for the tax enforcement activities of the IRS.

Federal Election Commission is funded at the budget request of $52 million, $2 million above FY04 and the Election Assistance Commission is funded at $14 million.

Other provisions:

Maintains both current law requiring contraceptive coverage under FEHBP (except in certain circumstances) and current law prohibiting the use of funds under FEHBP to pay for an abortion, except where the life of the mother is endangered or in case of rape or incest.

Provides pay parity between civilian and military federal employees.

FY05 VA HUD

FY04 Bill (Discretionary): $90.8 billion.

FY05 President's Request (Discretionary): $92.1 billion.

FY05 Bill (Discretionary): $93.5 billion.

Taking Care of Veterans:

Provides total resources of $30.3 billion for the Veterans Health Administration; $19.5 billion for Medical Services; $4.7 billion for Medical Administration; $3.7 billion for Medical Facilities and $385 million for Medical Research—a total of $1.2 over the budget request and $1.9 billion above last year.

Does not contain additional fees proposed by the President.

Total budgetary resources for all activities of the Veteran's Administration including retirement and medical benefits are increased by $4.3 billion over last year and $1.2 billion over the request.

Science and Space:

The National Science Foundation (NSF) is funded at $5.5 billion, $62 million below last year and $278 million below the request. Includes $4.3 billion for research, $3 million over last year; $175 million for research equipment, $20 million over last year; and $848 million for education and human resources, $91 million below last year.

NASA is funded at $16.2 billion, $822 million above last year and $44 million below the request. The agreement give NASA almost total funding flexibility, but requires NASA to report to the Congress within 60 days on how they will adjust program values to cover increased costs associated with the Hubble servicing repair mission and shuttle return-to-flight activities. This flexibility is unprecedented and gives the Administrator broad latitude to implement the President's vision for Space within the funds provided in the bill.

Protecting the Environment:

The Environmental Protection Agency is funded with an emphasis on state grants, particularly in the areas of clean water and safe drinking water.

Provides $8.1 billion for the EPA, $299 million above the President's request and $278 million above FY04. This includes funding of $2.3 billion for Environmental Programs and Management, $33 million below last year's level and $3 million below the request.

The Safe Drinking Water State Revolving Fund is funded to the budget request of $850 million, $5 million above FY 2004 and the Clean Water State Revolving Fund is funded at $1.1 billion, at the President's request.

Funds state environmental program grants at $1.2 billion, about equal to the FY04 level.

Overall, State and Tribal Assistance Grants are funded at $3.6 billion, $273 million below FY04 and $373 million over the request.

Funds Superfund at $1.3 billion, the same as last year's level.

Addressing Critical Housing Needs: The Department of Housing and Urban Development (HUD) is funded at $37.3 billion, $618 million below last year's level and $521 million above the President's request. Includes a provision to synchronize funding for public housing operations to a calendar year resulting in saving of $994 million.

Funding for Section 8 programs is split into two accounts to provide better accountability and oversight.

Tenant-Based Rental Assistance (Section 8 vouchers) is funded at $14.9 billion, $697 million over last year and $1.77 billion over the request. This includes $13.46 billion for Section 8 voucher renewals, $742 million, or 6 percent over last year, and $1.67 billion over the request. This is in addition to the 15 percent increase the program received last year. Section 8 is treated as a budget or dollar based system like all other discretionary programs. Does not include Administration's proposed authorization legislation to alter income targeting and tenant rent contributions.

Project-Based Rental Assistance (project-based contracts) is funded at $5.34 billion, $270 million over last year and $10 million below the request.

Public and Indian Housing programs are funded at $5.8 billion, which reflects a one-time $994 million reduction in Operating Subsidies due to synchronization of the program to a calendar year funding cycle. Includes $2.6 for the Capital Fund, $144 million for HOPE VI, and $627 million for the Native American Housing Block Grant, a 3 percent reduction from last year.

HOME Investments Partnership is funded at $1.9 billion.

Includes $1.3 billion for Homeless programs, $284 million for Housing Opportunities for Persons with AIDS (HOPWA), $747 million for Elderly Housing, and $240 million for Housing for Persons with Disabilities.

Other Items of Interest: The Corporation for National and Community Service is funded at $578 million, $3 million below last year and $64 million below the President's request. This supports a volunteer level of 70,000.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, I will reserve my comments on the contents of this bill for a later point in the proceedings; but right now, I would simply like to say two things.

First of all, I want to express my great admiration and appreciation for the gentleman from Texas (Mr. FROST) who handled the rule on this bill. It was the last time he will do so in this House. MARTIN FROST has provided his district, his State, the country, and this institution with a superb record of public service. I honor him for it. They could not beat him on the square, so they had to rig the reelection lines; but he has served his district with great dignity, with great ability. His mentor, when he first came here, Dick Bolling, would be very proud of him; and I know we are all proud of him.

I also would like to say with respect to the gentleman from Florida (Mr. YOUNG), the chairman of the committee, the budget resolutions usually come to this floor, they are vague, they have large generic numbers; but after they are passed, then the appropriations legislation has to translate those resolutions into reality and into specifics. At that point, we get many Members who have voted for those budget resolutions then writing us letter after letter after letter on the committee demanding that we increase funding for this program or that program or another. They do it for LIHEAP. They do it for NIH. They do it for health programs, for agriculture. The gentleman from Florida (Chairman YOUNG) has the job of cutting through that hypocrisy; and he has tried to do so many, many times.

BILL YOUNG to me epitomizes what the American dream is all about. BILL YOUNG grew up in hardscrabble circumstances in Pennsylvania. He rose from serious poverty. He became the first Republican to serve in that State senate in Florida. He was the only Republican serving the first year he went there, and he has thrived and prospered; and now he is completing his service as the chairman of the Committee on Appropriations.

I simply want to say, representing the minority, that BILL has recognized that when you are a chairman of a committee, you have a different responsibility than you do when you are an individual Member of this House. You have separate and sometimes conflicting obligations to your country, to the Congress itself, to your committee, to your district, to your State and to your party, in that order.

The gentleman from Florida has always tried to exercise those responsibilities. He has done it with charm and grace and fairness, and I would simply say that the fact that he will no longer be chairman of the committee after this year is a greater loss to the House itself than it is to him, and I think we all owe him a round of applause for his stewardship.

Mr. Speaker, I reserve the balance of my time for the moment.

Mr. YOUNG of Florida. Mr. Speaker, I yield for the purpose of a unanimous consent request to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I rise in strong support of the bill and our chairman.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON) for the purpose of a colloquy.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me time, and I rise to ask the chairman of the Committee on Appropriations to engage me in a brief colloquy.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would be happy to do that.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for the time.

As the gentleman may recall, at the close of the 107th Congress, four paragraphs were slipped into the Homeland Security bill which unfairly restricted the ability of families with vaccine-injured children from seeking legal recourse. Thanks to the gentleman's support, those provisions were quickly repealed, without prejudice, in H.J. Res. 2, the fiscal year 2003 Consolidated Appropriations bill.

Nevertheless, the inclusion of these special-interest provisions in the dark of night was a black eye for the Congress and left the families of vaccine-injured children highly suspicious of the motivations of many of their elected officials.

As the grandfather of a child with autism, an affliction that I personally believe was caused by mercury-containing thimerosal in vaccines, I vowed to remain vigilant against any attempt to insert similar provisions in any other bill that makes its way through the Congress. To that end, I would respectfully ask the chairman to reassure me that the Omnibus Appropriations bill before us contains no such provisions.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would yield, I thank the gentleman for his inquiry, and I can assure the gentleman from Indiana that this bill contains no provision that would impede the right of families with vaccine-injured children from having their day in court.

Mr. BURTON of Indiana. Mr. Speaker, I also have one other comment.

I would like to ask the chairman for his assurance that no provisions of this bill pertain to reforming the National Vaccine Injury Compensation Program. We still need to do work on that, but it should not be done in this bill.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will continue to yield, again, I appreciate the gentleman from Indiana's personal and deeply felt concerns, and I can assure him that nothing in the bill before the House alters, changes or reforms the structure, rules, procedures, or operation of the National Vaccine Injury Compensation Fund.

Mr. BURTON of Indiana. Mr. Speaker, the gentleman from Florida (Mr. YOUNG) has done a heck of a job. I thank him very much.

Mr. OBEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks later in the proceedings and to include immediately after my remarks charts and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from Wisconsin, our ranking member, who does such an extraordinary job on the Committee on Appropriations in focusing us on our priorities as a Nation.

Mr. Speaker, initially I want to rise and say that the gentleman from Florida (Mr. YOUNG), our chairman, is like Sara Lee, nobody doesn't like BILL YOUNG, and that goes for everybody on our side of the aisle.

I want to say some nice things, and let me take just one second, but I said earlier, Mr. Speaker, during the consideration of the rule that I perceive BILL YOUNG as one of the fairest, most decent, and most positive leaders in this House. It is an honor to serve with him. I will tell my colleagues, as an opponent of term limits, I think the fact that BILL YOUNG is leaving as chairman of the committee is another compelling argument against term limits. His talent, his fairness, his vision will be missed as our chairman. Thankfully, he will still be on our committee, giving us his sound counsel and leadership.

□ 1445

And, BILL, I want to thank you from the bottom of my heart for the example you have set for all of us of what it means to be an American, working together on behalf of our country and not on behalf of our party, on either side. I thank you for that, sir.

Mr. Speaker, here we are yet again this year considering an end-of-session omnibus appropriations bill not because of our Chairman YOUNG but because of the disagreements, frankly, within his party. This is the fourth in the last 5 years and the eighth time in 10 years since our Republican friends regained the House majority that we have not passed appropriation bills as they should have been passed.

This clearly is not how our appropriations process should work, with this House rolling nine separate appropriation bills into one and giving the Members just a few hours to review it. My chairman said 14 hours. The distinguished ranking member of the Committee on Agriculture is reviewing the bill right now. It is, I judge, at least two feet tall, right in front of her. I do not know whether the camera panned to that, but it is an extraordinary document.

It epitomizes this failed 108th Congress in which Republicans failed to enact the budget, failed to enact an energy plan, failed to enact a transportation bill, failed to enact welfare reform, failed to enact higher education reauthorization, and failed to enact a patients' bill of rights.

Now, despite this dreadful appropriations process, there are many good provisions, as Chairman YOUNG has said, in this bill. Not only that, I am going to vote for this bill.

For example, there are more than $90 million to support an African Union peacekeeping force intended to end genocide in Darfur, Sudan. We must act on that. This bill also maintains the Federal commitment to election reform, providing $14 million for the new Election Assistance Commission. And we again recognize the dedicated service of our Federal civilian employees by providing a 3.5 percent pay raise, which is consistent with the pay increase for our men and women in uniform. Our staffs, hopefully, will all receive that as well. These funds also allow FDA employees to move from substandard workplaces into modern, state-of-the-art facilities.

Finally, let me say that I am disappointed, however, that the A 76 outsourcing, supported by the majority of this House and the majority of the Senate, was nevertheless dropped out of the conference report. This will put Federal employees at greater risk.

Let me conclude, Mr. Speaker, by saying that I am disappointed that we once again failed to reimburse small airports in the Washington, D.C., area. The Republicans and ourselves say we are on the side of small business. These airports have been disadvantaged by the actions of the terrorists and by our security concerns closing them down. We should have made them whole in this bill. We did not. I hope that in the future we will.

Again, I thank BILL YOUNG for his leadership and for his service.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time; and, as we all understand, the Committee on Appropriations plays the cards that they are dealt. In this instance, they have been dealt a set of cards with a great big deficit and not much room to work.

I want to thank the Committee on Appropriations for the effort they have made to bring this bill together, and I want to thank the gentleman from Florida (Mr. YOUNG) for his stewardship of this committee.

I must say, however, that I am deeply disappointed in the figures for education. From kindergarten to college, this legislation disappoints America's children, its families and its educators.

In title I education, we see a reduction of almost 50 percent or a little over 50 percent of the money that the President asked for that is not in this legislation.

In special education, where we have constantly pledged that we were going to move toward full funding, and in fact provide full funding, this year we see now we have backtracked on the effort that was being made, because almost $600 million is cut out of that request for an additional $1 billion.

There are after-school funding cuts, and some 85,000 students will lose their Pell Grants and tens of thousands of others will because of the eligibility reconfigurations by the administration. A bad bill from kindergarten to college.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I rise in support of the conference report, and I want to associate myself with all the remarks with regard to the gentleman from Florida (Mr. YOUNG). No Member in this history of this Congress has ever done a better job with appropriations than Mr. YOUNG.

Mr Speaker, I rise in strong support of this conference report. Division B of this Omnibus bill is the conference report on the fiscal year 2005 Commerce, Justice, State and Judiciary Appropriations Act, which represents the work of the subcommittee that I chair.

I would like to thank my colleague, Mr. SERRANO, for his support throughout this process. He helped us to get a strong bill through the House, with a vote of 397 to 18.

I would also extend my thanks to our Senate counterparts Chairman GREGG and Senator HOLLINGS.

Within a very tight allocation, we were able to provide funding for a variety of critical national priorities.

The bill includes $20.6 billion for the Department of Justice, $975 million above fiscal year 2004 and $804 million above the budget request to address terrorism, drugs, violence and white collar crime. The bill addresses recommendations of the 9/11 Commission by enhancing the FBI's personnel and retirement authorities to attract and retain critical intelligence staff and provides an increase of $625 million to improve training and information technology and provide additional agents, analysts, translators, and support staff.

For Federal law enforcement overall, the conference report represents a 6.2 percent increase over last year to strengthen counterterrorism and crimefighting capabilities.

The conference agreement provides $3 billion for State and local law enforcement, $906 million above the administration's request, including $634 million for Byrne Justice Assistance grants, $305 million for State Criminal Alien Assistance, $110 million to addresses critical DNA backlogs, $387 million for violence against women prevention, and $384 million for juvenile justice.

The conference report includes $913 million for the Securities and Exchange Commission, $102 million above last year, to provide the necessary resources to protect investors from corporate abuse.

For the State Department, we have provided $8.7 billion, $693 million above last year, including $1.6 billion, the full requested level for worldwide embassy security upgrades. It also includes $1.28 billion for public diplomacy programs including international broadcasting, focusing on expanded programs for the Arab and Muslim world.

For the Department of Commerce, the conference report provides $6.7 billion for the Department of Commerce and other trade agencies, $761 million above last year. Increases will result in more accurate economic statistics, improved weather forecasting, better management of the Nation's fisheries, and more accurate and timely census data. The bill also includes a 4.5 percent increase for the Nation's trade agencies to negotiate, enforce and verify free and fair trade agreements.

For the Federal judiciary, the conference report provides $5.16 billion, $315 million above last year. This includes funding to process all time high numbers of criminal and bankruptcy cases, and to fund the judiciary's security requirements.

Overall, Mr. Speaker, this conference agreement represents a sound and fair resolution of the multitude of issues that we faced in conference, and it does so in a fiscally responsible manner. I urge my colleagues to support this conference report.

Mr. Speaker, I want to thank the members of my subcommittee staff who have put in very long hours to produce the FY 2005 C–J–S appropriations bill. All members of the staff have worked long, hard hours to produce a bill that I believe will help our country.

I would like to particularly thank Mike Ringler, clerk of the subcommittee, who has led the subcommittee through the House Appropriations process. I would also like to thank Christine Kojac, John Martens, and Anne Marie Goldsmith for their tireless efforts. Their work is much appreciated.

I also would like to thank the detailee, Jonathan Mattiello, who has also lent his support to the bill.

In my personal office, I would like to thank Dan Scandling, Janet Shaffron, J.T. Griffin, Samantha Stockman, and Neil Siefring for their efforts and work with the subcommittee.

From the minority staff, I would like to thank David Pomerantz, Lucy Hand, Linda Pagelsen, and Rob Nabors who have worked with my staff in a bipartisan manner to produce this bill.

Thank you all very much.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader, who has some scathing remarks she wants to utter about the chairman of the committee.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman from Wisconsin for yielding me this time and in jest describing the remarks I wanted to make. I want to join him, I know he is a friend of the gentleman from Florida (Mr. YOUNG). The two of them have worked together, despite their differences on some issues, in a very courteous and constructive way for this House.

Mr. Chairman, I want to convey to you not only my personal congratulations and appreciation for your very distinct leadership on this committee but that of all the House Democrats. As a former member of the Committee on Appropriations, I saw firsthand the fairness, the intelligence, and the humor that you brought to the chairmanship. Our Congress was greatly served by your leadership, by your demeanor, by your friendship to each and every Member, and by the respect that you gave us all on the committee. You were a model of bipartisanship where you could be, where it was possible to be, and I think you always gave us the opportunity for that bipartisanship.

I want to again congratulate you, wish you well in whatever the arrangement of chairs is on the Republican side, and to say not only to you but to Mrs. Young, thank you for the attention you have paid to our men and women in uniform, to our troops in battle and when they come back. Again, congratulations. Thank you, my friend, Mr. YOUNG.

I hope that bought you enough time. I have plenty more to say about you.

I will just make one comparison. When Mr. Livingston came in as the Chair of the Committee on Appropriations, my colleagues on the committee will remember he brought, some would call it a machete, but I think it was called something else in Louisiana, and he was swinging this blade around, and that was how we started the term. It was humorous to some, frightening to others, a mystery to most.

In any event, when Mr. YOUNG came, it was a much less menacing beginning and a much more fruitful, I think, opportunity for us all to work together. No offense to Mr. Livingston, but your approach and friendship was much more inviting. So, again, Mr. YOUNG, thank you so much for your service and for your leadership. We are all in your debt.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT), the distinguished majority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Florida for yielding me this time, and I just wanted to stand up today and talk about what a great job I think this committee has done, given the tough assignment before the election to come back after our break and to bring these remaining bills into place at the budget number that the House had worked with, without a budget agreed to with the Senate. I think it is a remarkable accomplishment that both the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) should be praised for. The committee has worked hard.

I certainly join in the remarks that I have heard on the floor this morning about the great leadership that the gentleman from Florida (Mr. YOUNG) has brought to the committee for the last 6 years, the challenges, the lines of people that want to talk to him that, in the case of a bill like this, just want one more thing in the bill that maybe was not an issue that the appropriators should be dealing with. So I rise in tremendous admiration, respect and appreciation for Mr. YOUNG, for his leadership of this committee, and also for this product that is on the floor today and give my appreciation to both he and Mr. OBEY for that job.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMAS) for the purpose of a colloquy.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Chairman, I understand section 222 of the Transportation, Treasury and Postal title provides the Committee on Appropriations with proper access to IRS facilities for oversight purposes but not the ability to examine individual tax returns, data, or information and that it is the intent of the Committee on Appropriations that all access to taxpayer information would remain governed by the disclosure and privacy rules of section 6103 of the Internal Revenue Code. Is that correct?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, the gentleman is correct. The Committee on Appropriations needs access to IRS field facilities to do our oversight work. That work does not require the Committee on Appropriations to review individual tax returns under section 6103, but it does require access to the facilities.

Mr. THOMAS. Reclaiming my time, Mr. Speaker, with that clarification, I want to rise strongly in support of this omnibus bill.

But, more strongly, Mr. Speaker, I want to rise in admiration of the chairman of the Committee on Appropriations. All of us think we have difficult jobs around here. Some of us have impossible jobs. And heading that list is the gentleman from Florida, who has done a magnificent job, and I want to thank him not only for this bill but for the service he has rendered over the years.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), for the purpose of a colloquy.

Mr. KIRK. Mr. Speaker, I thank the chairman for yielding me this time, and I just wanted in this colloquy to read a statement that was inadvertently deleted from the conference report regarding Waukegan Harbor.

"The Conferees recognize the progress achieved over the last year by the parties involved in the Waukegan Harbor project. However, it is important that this fiscal year the U.S. Army Corps of Engineers finishes its requirements so next year dredging of the Inner Harbor may begin, such as finishing the Comprehensive Dredging Management Plan, the National Environmental Protection Act requirements, and Plans and Specifications. All of these requirements must be completed for dredging work to begin on the Inner Harbor. Once final dredging is concluded, the Harbor can be considered for delisting as an Area of Concern by the International Joint Commission. The Conferees urge the Chicago District of the U.S. Army Corps of Engineers to continue working towards a final resolution of cleaning of the Harbor."

Is that the Chairman's understanding.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Yes, Mr. Speaker, this language was to have been included in the conference report and inadvertently was not. But the gentleman is correct.

Mr. KIRK. I thank the chairman.

Mr. OBEY. Mr. Speaker, I yield for purposes of a unanimous-consent request to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, had time permitted, I would have asked the following question of the Chairman of the Committee, the Gentleman from Florida (Mr. YOUNG):

Given that earlier this week the Majority insisted that Congress increase the debt limit by $800 billion, and that this bill includes an across-the-board cut of everything from cancer research to highway funding, why does this bill, specifically section 108 of Division J, appropriate $2 million to purchase a Presidential yacht, the *Sequoia*? At a time when we are sending American men and women to war in Iraq without the necessary body armor and equipment, why in the world are we spending taxpayer money on a Presidential yacht?

The background of this issue deserves some elaboration.

Division J of H.R. 4818 appropriates $2 million for the Secretary of the Navy to purchase the Presidential yacht *Sequoia*. President Jimmy Carter ordered that this yacht be sold to eliminate signs of an "imperial presidency". It is unclear whether the purpose of purchasing the yacht, a national historic landmark, is to provide a yacht for the President, or to bail out the current owner of the vessel, or to donate the vessel to a maritime museum. When the Navy previously owned the vessel, it cost $800,000 a year to keep the vessel running safely and securely.

The *Sequoia* was built in 1925; President Herbert Hoover was the first President to use the yacht. It was used by all Presidents until Jimmy Carter became President. President Nixon used the *Sequoia* approximately 100 times—including the evening on which he decided to resign the Presidency. The yacht is owned by Gary Silversmith, a lawyer and collector of presidential memorabilia, who purchased the vessel in 2000 for $1.9 million. In recent years, the *Sequoia* has been available for charter on the Potomac for $10,000 per day.

A nonprofit group, the Presidential Yacht Sequoia Foundation, has been raising money to make the privately owned vessel "public." According to an April 17, 2003, Washington Times article, Bill Codus, vice president of the foundation, said that the foundation had the ear of certain Members of the Congress for future appropriations, but he understood if, during tough economic times, the yacht is not at the top of Congress' list. He specifically stated: "We have to be patient. A lot is going toward defense now, and we understand that."

This body ought not to be patient with a frivolous expenditure of $2 million to buy a yacht that the Federal Government does not need and which, in fact, was once sold by the Government as excess property. This $2 million could be put to much better use by the U.S. Coast Guard to help buy a high speed cutter to interdict drug runners and illegal immigration in the U.S. coastal waters, for example.

There are, no doubt, numerous other such unwarranted expenditures buried in this bill which should be excised—nontheless, I will vote for the conference report: it is better than the "C.R.", and I consider an "aye" vote necessary to keep the Government functioning.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the very distinguished majority leader.

□ 1500

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time.

I do not know if I am sad or happy that I am coming to the floor today to talk about this bill because this is the last bill that the gentleman from Florida (Mr. YOUNG) will handle as chairman of the Committee on Appropriations. It is sad that he is no longer going to be chairman of the Committee on Appropriations because for the last 6 years he has done a stellar job under very difficult circumstances.

As the gentleman knows, when the committee is trying to put an appropriation bill together, in the end it is very difficult. There is incredible pressure on the chairman. But the gentleman is a man of incredible patience because he has put up with me, has incredible stamina, and big, big shoulders because he has carried big, big responsibilities, particularly in light of the fact that after 9/11 much tougher issues have come before the gentleman because of 9/11. He has the respect of the entire House. Actually, he has the respect of this entire Congress, both the House and the Senate, and certainly the President of the United States and the American people.

Mr. Speaker, we greatly appreciate the service of the gentleman from Florida (Mr. YOUNG). We are very excited that he is continuing to serve in the House and on appropriations.

I come in support of this bill, and I want to reflect on a couple of things. This has been an interesting week on the same subject, raising the debt limit on the United States and bringing the government appropriations, the government spending bills, here to the floor today. Most of the debate centered around philosophy, economic philosophy on where this country should go.

I was amused in watching the debate on the debt limit and on this bill, the comments from the other side of the aisle. They have many ideas about fiscal responsibility, fiscal restraint, how to lead us into the future. Part of their understanding of history is a little off. I lived through that same period of time. The other side of the aisle takes credit for the balanced budget and the surplus in the 1990s because they passed higher taxes and more spending in 1993. And they point to what happened in the late 1990s when we actually balanced the budget for the first time in, I do not know, 30, 40, 50 years, and we were in a surplus.

The problem in 1993 was business as usual. I remind the body that in 1993 the Democrats had the majority of the House, had the majority of the Senate, had the President of the United States. They could do anything they wanted to, and they did. So their philosophy was the policy of the United States. It was very interesting if raising taxes and increasing spending, taking money out of the economy so you are not creating jobs or not creating an economy that can sustain this government, it was the right way to go, then why did their subsequent budgets and all of their economists project that there were going to be growing deficits as far as the eye could see?

If they were very strong in their philosophy, they would have had their economists look at their philosophy and understand if they raise taxes and they increase the size of government by increasing spending, then we could predict out into the future that deficits would go away, you would balance the budget and you would create surpluses. At no time in the 40 years that the Democrats controlled this body did they ever, ever present a budget that balances or did they ever present a budget that predicted a balance. So to take credit for balancing the budget in the 1990s, which we did, and having surpluses holds no water whatsoever.

What actually happened was the Republicans came into the majority in 1995. In 1996 we did what we are doing here today. We did not just freeze nondefense discretionary spending; we cut nondefense discretionary spending. Our philosophy is if you cut taxes, the economy grows; and if the economy grows and there are more jobs created, there is more revenue to the government. That is exactly what happened in 1981 when we cut taxes and we froze spending in 1981 under Ronald Reagan. They should have taken credit for that because they were in the majority in 1981. Unfortunately, in 1982 they started spending again. In 1987 we were able to freeze spending again because the economy dictated it and tried to cut taxes again. They should have taken credit for that because they were in the majority. But right before that and right after that they started spending again.

The best part about this debate is if Members really listen to what they are saying, and they criticize this bill, they have said there is not enough spending in this bill. This bill actually freezes nondefense, non-homeland security, the first time we have done that since 1996; and I am very proud that we held the line and made Congress make choices and set priorities because it fits our philosophy. You cut taxes, grow the economy, more revenue for the government. You hold down spending and let those revenues catch up, sooner or later we are going to get to balance. That is exactly what we did in the Balanced Budget Act of 1997.

By the way, I was also amused in the opening of the Clinton Library, Bill Clinton took credit for that. He vetoed it twice. He never proposed it; he vetoed it twice, and finally he signed it because he insisted over and over again that we were going to balance the budget, not by raising taxes but by increasing the economy and holding down spending. We can do it again. It is much more difficult now that we are at war. At no time has this country ever balanced the budget while we were at war because we will spend whatever it takes to win this war and protect our troops. So it is going to be difficult to balance the budget, particularly if we do not raise taxes.

What they really want and what they are so mad about is we are lowering taxes when they want to increase them so they can continue to spend more and increase the size of government. But we are not doing that, and we are not doing it as exhibited in this bill. This is part of our philosophy. This is a part of where we want to lead the country.

We have been cutting taxes. In fact, this House has cut taxes every year for the last 10 years that we have been in the majority, and we will continue to cut taxes because we believe American families should keep more of what they earn so they can spend it and invest it and thereby grow the economy. And we will continue fiscal restraint and hold down spending, as difficult as it is, so we will get to a balanced budget because we are the only ones that have the credibility because we have done it before. We did it in the 1990s, we can do it again, and we will because our budgets have a projected balanced budget over the next 4 or 5 years. Actually, if we could do that. If we could implement some of the policies we want to, we will get to it faster.

The crux of the matter is when we bring a balanced budget amendment to the Constitution to the floor of this House, they will be the first ones to vote against it because they know what it means.

Mr. Speaker, make no mistake about it, there are two philosophies. They presented their philosophy in the election; we presented our philosophy in the election. With all due respect, the American people chose. The American people chose, so we are going to continue down this road of fiscal responsibility.

Mr. Speaker, I am very proud of the bill that the chairman has presented. I am very proud of the fact that we actually froze spending for the first time in a long time. I am very pleased to support this bill and urge my colleagues to do the same.

Mr. OBEY. Mr. Speaker, I yield myself 14 minutes.

Mr. Speaker, this is a sad bill. There are countless good reasons to vote against it. In fact, this bill is a poster child for institutional failure. That is true for several reasons. First of all, because the nine appropriation bills which are wrapped into this early Thanksgiving turkey should have been dealt with by the House months ago.

Secondly, it is totally inadequate to meet the Nation's needs in education, health care, and the environment. It falls so far short from meeting our investment obligations for the future that it could only be brought to the floor by the majority party after the election.

Third, there are things that have been added in this omnibus bill which have never been voted on by anybody. Some of them are reasonable; some of them certainly are not. An example, Republicans chose to take this opportunity to slip a number of anti-environmental provisions into this bill which I will list in full in my extended remarks.

Fourth, the Republicans have taken out several provisions that were supported by the majority of this body and should have been retained. I will again expand more fully on them in my extended remarks, but those provisions include eliminating the contracting-out provision, the bipartisan Chabot-Andrews amendment prohibiting road building in the Tongass National Forest, provisions to ease the economic embargo on Cuba, the Sanders cash-balance pension plan amendment, the MILC reauthorization bill which the President twice claimed to favor, and they also stripped out the language which would have protected 6 million workers from being chiseled on their overtime rights.

Another troubling feature of this bill is that it misleads people into thinking that funding for the programs in this bill is more generous than it actually is because it applies an across-the-board cut to the accounts in this bill, but it does not show the impact of those cuts on individual programs.

I have often quoted my friend Archie the cockroach and I am moved to do so once more in commenting on this action by the committee. Archie said once that "man always fails because he is not honest enough to succeed. There are not enough men continuously on the square with themselves and with other men. The system of government does not matter so much: the thing that matters is what men do with any kind of system they happen to have."

The problem we have today is there are all kinds of papers floating around this floor that profess to describe what is the funding provided for each of the programs provided in this bill, but they significantly overstate the amount of money in those accounts because the effect of the across-the-board cut is not counted.

I would also say that this bill is not here in a lame duck session because of any delaying action by the minority party. The record shows that the minority party has procedurally cooperated with the majority to bring all these bills to the floor. Of the 12 appropriation bills brought to the floor before the election, eight were expedited by unanimous consent agreements from the minority; four of the bills not considered under unanimous consent agreement were completed in a single day while the Labor-Health-Education bill took only two days.

Despite that procedural cooperation, even though they control both Houses of Congress and the White House, Republicans could not enact these bills. Why? Well, it was not because the majority party could not compromise with the minority; it was because the majority party could not compromise with itself. Why was that? Because rank-and-file members of the majority party, especially in the Senate, did not want to act on these bills with inadequate funding for education, health, science and environmental protection until they were safely past the election.

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This bill shows some examples. This bill slashes funding for the EPA by $335 million. The biggest cut, $259 million, comes from the Clean Water State Revolving Fund, even though surveys have shown that we will confront a $388 billion investment deficit in that program alone over the next 20 years.

This Congress just finished doubling the NIH budget over the past 5 years, but NIH in the long run is heavily dependent upon basic initial research done by agencies like the National Science Foundation. Congress is on record supporting the need to double NSF funding, and yet the bill cuts funding for the NSF by $107 million below last year. This is the most Luddite provision in the bill.

Support for housing and community development block grant funding is so pitiful I cannot even talk about it. One of the most reckless actions is a $332 million cut to the FAA after the bill's across-the-board cut is taken into account. FAA will lose staff, including safety inspectors and air traffic controllers, and forgo needed safety technology improvements, all at a time when clogged and overcrowded airways make the skies dangerous.

But perhaps the most serious neglect of our responsibilities is reflected in what this bill does on education. Unbelievably, it cuts the President's request for title I education funding, the prime mover of education reform, by $607 million, almost 50 percent. It falls $482 million below the President's request for special education. It cuts funding for after-school programs by $25 million below the request and below last year's level, denying 1.3 million kids the educational opportunities they were promised in No Child Left Behind.

Flu vaccine. This Congress has still managed once again to cut the President's request for flu vaccine, by a small amount admittedly, but it is still $800,000 below the President's request.

On low-income heating assistance, despite the fact that the increased costs are expected to be 28 percent for home heating oil this year, this bill provides only half that increase in funding. That means a real reduction in assistance provided to the most vulnerable people in our society.

Let there be no doubt that if Democrats were running this place, this bill would look far different. In June, we had a vote on a bill that detailed our Democratic priorities, H. Res. 685. If that bill were before us today, we would be providing an additional $3 billion for homeland security, police, fire and emergency services, an additional $5.7 billion to strengthen education, an additional $2.3 billion to fully fund veterans health care and improve housing for military families and an additional $1.3 billion to improve health care by expanding community health centers, rural health clinics, mental and child health programs.

If today we were voting on the Democratic priority package rather than this bill, we would be providing $1.5 billion more for title I, serving an additional 500,000 low-income children so that they can meet the high standards of No Child Left Behind; we would be providing $1.2 billion more to serve the special education needs of 6.9 million children with disabilities; and we would be providing $2.2 billion more for Pell grants, increasing the maximum Pell grant to $4,500.

Based on the debate yesterday on the debt ceiling and on the majority leader's comments just a few moments ago, I know that some people on the other side of the aisle would claim that the Democrats' proposals to increase these investments in education, health, science and the environment would add to the deficit, but that is simply not the case.

If the Democrats' priority plan were before us tonight, this legislation would actually reduce the deficit by $5 billion because our priorities package would limit the jumbo-sized tax cuts for persons making over $1 million a year to the same amount provided to other less fortunate Americans. It would redirect $14 billion of the money saved to crucial additional investments and would use the other $5 billion for deficit reduction. This bill would be at the same time more fiscally responsible and more humane than the bill brought before us tonight.

So Democrats have demonstrated what our priorities are. We have done everything we possibly can to improve the warped priorities of the majority budget, but the majority has rejected and defeated those efforts. At this point, we are at the end of the calendar, and we are out of options. We need to move on. At this point our choice is simply to continue to vote "no" as a protest for the misshapen priorities in the bill or to grudgingly vote "yes" because this bill is $4 billion closer to meeting our responsibilities than Congress would be if we turned this bill down and we had to live with a continuing resolution.

So, Mr. Speaker, I will reluctantly vote for this bill, but I will certainly not be leading the cheers because this body should have been able to do much better. I know the chairman of the committee and the various subcommittee chairmen have by and large done their best with what resources have been made available to them. That limitation has been imposed upon them by their own party leadership and by the White House. This bill could have been made much more humane and much more socially responsible by a relatively small adjustment.

$14 billion more for our top domestic priorities as we have in the Democratic priority package is a lot of money, but it pales in comparison to the $280 billion that this Congress passed out in tax cuts this year alone with so much of it aimed at high-end taxpayers. For only 5 percent of that amount that was provided in tax actions this year, so much of which has gone to the most privileged and well-off among us, we could have made responsible investments in the future and had bipartisan agreements in support of these bills long before the election.

One more point. In response to the majority leader's reshaping of history, to put it kindly, let me state what the facts are with respect to the national debt. The last President to balance a budget was Bill Clinton. The last President to balance a budget over his full term of office was President Truman. The last time I looked, they were both Democrats. The facts are also these: since 1946 at the end of World War II, under Democratic and Republican administrations alike and under a Democratic Congress for all of those years, from 1946 to 1979, the Nation's debt as a percentage of our total national income declined from 126 percent to 25 percent. In other words, we cut it by more than 75 percent. Then President Reagan came to power and he doubled that to 50 percent. Bill Clinton came to power and again brought that debt down.

In contrast to just a few years ago when Bill Clinton left office, in large part because of the actions of this Congress and this President, economists today are predicting deficits as far as the eye can see. That is why Democrats sought to improve investments in this bill, not in a free-lunch way, but by engaging on our own pay-as-you-go proposition in order to see to it that even as we increased crucial investments in the economy, we still were trying to keep some money available for deficit reduction. If the majority party were doing that, this bill would be a lot more palatable today.

Mr. Speaker, I will, as I said, reluctantly vote for this bill, but this bill is no great product. As the press finds out more and more about what the impact is on various programs, I think the Congress is going to wish that we spent considerably more time dealing with this in a rational manner.

Some examples of how the Omnibus would be different if Democratic priorities were being voted on today rather than the Republican majority's plan:

Issue	H. Res 685 Democratic priorities	FY 2005 Republican omnibus
Health care for veterans	+$1.3 billion over the Republican budget resolution to fully fund veterans' medical care at levels advocated on a bipartisan basis by the House Veterans' Affairs Committee.	$235.1 million below the House Republican budget resolution.
Investments in education	+$5.7 billion over the President's request.	−$779 million below the President's request.
Title I	+$1.5 billion over the President's request to support reading and math instruction for 500,000 additional low income children.	−$607 million below the President's request.
Child Care and After School Learning	+$300 million over the President's request to double the number of children receiving quality after school care in five years.	$25 million below the President's request and last year's level.
Special Education	+$1.2 billion over the President's request to meet the promise the House Republicans themselves made on special education funding.	−$482 million below the President's request.
Pell Grants	+$2.2 billion over the President's request to increase the maximum Pell Grant by $450 to $4,500 for more than 5 million low income students. The average public 4-year college tuition has increased $1,400 (36 percent) since 2001.	−$468 million below the President's request, freezing the maximum Pell Grant at $4,050.
	Public health	
Infectious diseases and immunizations	+$100 million over the President's request to protect the public against infectious diseases (like SARS, West Nile Virus, tuberculosis, and AIDS) and for child and adult immunization.	Provides only $9 million over the President's request.
	Health care and medical research	
Core health "safety net" programs	+$400 million over the President's request for community health centers, rural health clinics, mental and child health programs.	−$32 million below the President's request, including −$103 million for community health centers and −$12 million for mental health programs.
NIH research	+$500 million over the President's request for health research in areas such as liver cancer, SARS, breast cancer, Parkinson's disease, and Alzheimer's disease.	$170 less than the President's request.

Issue	H Res 685—Democratic priorities	FY 2005 Republican omnibus
National nursing shortfall	+$35 million over the President's request for the "Nurse Reinvestment Act" authorization.	Provides only $4 million over the President's request.
Dental care	+$50 million over the President's request for dental services in rural and other underserved areas.	No funding included.
	Clean water standards and environmental protection	
Land protection and preservation	+$325 million over the President's request for conservation programs covered by the bipartisan commitment reached in 2001.	−$62 million below the President's request.
Water infrastructure	+$500 million over the President's request for the Clean Water State Revolving Fund.	−$259 million below the FY 2004 levels.
	Basic services in rural communities	
Community assistance for refugees	+$50 million over the President's request for States and local communities to offset the cost of the dramatic influx of refugees anticipated as result of the Administration's commitment to permit resumption of refugee flow to pre-September 11 levels.	Provides only $11 million over the President's request.

The best that can be said about this bill is that if it passes, it will provide $4 billion more than a Continuing Resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

First I would like to make this announcement, that following the vote on this omnibus appropriations bill, there will be a vote on a continuing resolution. The CR that we are operating under today expires at midnight tonight. So in order for us to have time to move this bill from the House to the Senate and go through the enrolling process and get it transmitted to the President's office and give the President time to review it and OMB time to review it, we thought we should do a CR just to make sure that there were no difficulties. We will take that CR up right after we pass this.

As my colleagues have heard, because of term limits on the Republican side of the House, this chairman will be term-limited at the end of this Congress and will not be chairing the Full Appropriations Committee. But I wanted to say as I depart this post that it has been a real honor to serve in this capacity. It has been a tremendous challenge. There have been days when I almost wished I was back in the minority. But nevertheless it has been a good work.

The gentleman from Wisconsin has been the ranking member during the 6 years that I have chaired the committee. He and I have had some very strong differences, but we have also had some very strong agreements. Regardless of whether we agreed or disagreed, whether we were happy or unhappy with the situation, we were able to conduct the business of the House, I think, with respect for the institution.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would simply like to say that I have enjoyed very much the relationship between both of us. But I have enjoyed nothing in that relationship more than in the days after 9/11 when the gentleman and I worked so closely with each other, visiting all of the security agencies in town to discover what they needed. We worked arm in arm providing $40 billion when it was needed and seeing to it in the process that congressional prerogatives were protected. It was a great bipartisan experience. I wish that we had been allowed to continue that on many more fields of endeavor.

Mr. YOUNG of Florida. I appreciate the gentleman's comments. I want him to know, I am not going anywhere. I plan to be back with all our appropriations bills as we proceed.

I would like to call attention to all of the members of the Appropriations Committee on both sides because this is a working committee. I know that in some cases the committee is really admired and respected and appreciated. In other cases we are probably sort of hated on occasion, but nevertheless we have the responsibility of adopting legislation that is must-pass legislation. Without the appropriations bills, the government does not function. The committee has worked really well, and I am proud of the committee. I am proud of the members. I am proud of the staff. We have great staff. I want to call particular attention to, and there are too many to refer to everybody by name today, but the front office staff, the main staff headed by the clerk of the committee, Jim Dyer, and his very, very able assistants, John Blazey, and Therese McAuliffe and Dale Oak, and I do not know of anybody who knows more about the numbers in these bills than Dale Oak, and John Scofield and Doug Gregory who is the man who I rely on considerably to make sure that I am in touch with everything that is happening to the best of our ability. We have a really great staff and they work together very well.

The gentleman from Wisconsin has a very great staff on the minority side. We do our very best to make sure that we do not have any surprises for them, and they have been very good about not having any surprises for us. We are open and honest with each other and that is, I think, important to the type of work that we are responsible to do.

Mr. OBEY. I intend at some point to insert in the RECORD the names of all of the staff, including associate staff, but I just want the House to appreciate the fact that many members of that staff have been working on this bill for 2 and 3 days without sleep. I do not think the public or the Members understand that, but their dedication to this place is phenomenal.

HOUSE COMMITTEE ON APPROPRIATIONS STAFF LISTING—(SEPTEMBER 20, 2004)

FRONT OFFICE—H-218 CAPITOL—52771

Jim Dyer, Dale Oak, John Blazey, Therese McAuliffe, Di Kane, Sandy Farrow, John Howard, Jane Porter, Theo Powell.

COMMUNICATIONS—H-218 CAPITOL—65828

John Scofield.

EDITOR—B-301A RAYBURN—52851

Larry Boarman, Cathy Edwards.

COMPUTER—B-305 RAYBURN—52718

Vernon Hammett, Tim Buck, Carrie Campbell, Jay Sivulich, Linda Muir.

SURVEYS & INVESTIGATIONS—283 FORD—53881

Rob Pearre, Mike Welsh.

AGRICULTURE—2362-A RAYBURN—52638

Martin Delgado, Maureen Holohan, Leslie Barrack, Joanne Perdue, (Detailees: Tom O'Brien, Mike Gregoire).

COMMERCE-JUSTICE-STATE—H-309 CAPITOL—53351

Mike Ringler, Christine Kojac, John Martens, Anne Marie Goldsmith, (Detailee: Jonathan Miettallo).

DEFENSE—H-149 CAPITOL—52847

Kevin Roper, Betsy Phillips, Doug Gregory, Alicia Jones, Paul Juola, Steve Nixon, Leslie Albright, Greg Lankler, Paul Terry, Sarah Young, Kris Mallard, Kevin Jones, Sherry Young, Callie Michael.

DISTRICT OF COLUMBIA—H-147 CAPITOL—67500

Joel Kaplan, Clelia Alvarado.

ENERGY & WATER DEV—2362-B RAYBURN—53421

Kevin Cook, Dennis Kern, Scott Burnison, Tracey LaTurner, (Detailee: Timothy Winchell).

FOREIGN OPERATIONS—HB-26 CAPITOL—52041

John Shank, Alice Hogans, Rob Blair, Rodney Bent, Lori Maes.

HOMELAND SECURITY—B-307 RAYBURN—55834

Michelle Mrdeza, Stephanie Gupta, Jeff Ashford, Tom McLemore, Terry Tyborowski, Kelly Wade, (Detailees: Ben Nicholson, Brian Dunlop).

INTERIOR—B-308 RAYBURN—53081

Debbie Weatherly, Loretta Beaumont, Chris Topik, Greg Knadle, Andria Oliver, (Detailee: Darren Benjamin).

LABOR-HHS-ED—2358 RAYBURN—53508

Craig Higgins, Susan Firth, Meg Thompson, Sue Quantus, Francine Salvador, Nicole Kunko, (Detailee: Timothy Monteleone).

LEGISLATIVE—H-147 CAPITOL—67252

Liz Dawson, Chuck Turner, (Detailee: Kathy Rohan).

MILITARY CONST—B-300 RAYBURN—53047

Carol Murphy, Walter Hearne, Mary Arnold, (Detailee: Eric Elsmo).

TRANSPORTATION—2358 RAYBURN—52141

Rich Efford, Dena Baron, Cheryle Tucker, Leigha Shaw, (Detailee: Kristen Jones).

VA-HUD—H-143 CAPITOL—53241

Tim Peterson, Jennifer Miller, Doug Disrud, Tad Gallion, Tammy Hughes.

MINORITY—1016 LONGWORTH—53481

Rob Nabors, Mark Murray/Foreign Ops, Cheryl Smith/Labor, Education, David Reich/HHS, Soc. Sec., William Stone, Tom Forhan/Legis/Mil Con, Mike Stephens/Interior/EPA, NSF, Martha Foley/Agric/DC, Michelle Burkett/VA-HUD-NASA, Beverly Pheto/Homeland, Christina Hamilton, Linda Pagelsen/Justice-Judiciary, David Pomerantz/Commerce-State, Mike Malone/Trans-Treas, David Morrison/Defense, David Helfert/Press, Dixon Butler/Energy & Water, Bob Bonner/CIS, FLETC/Postal, MARAC, SLSDC, Paul Carver, Lesley Turner, Chris Fitzgerald, Mandy Swann, Heather Wilson, Beth Houser, (Detailees: Bill Gnacek/Laura Hogshead/Amy Lazor).

Mr. YOUNG of Florida. I appreciate the gentleman's comments. I wanted to make particular mention of the staff for the Energy and Water subcommittee. I think everybody understood that Energy and Water was not going to be in this bill, that there were great difficulties in Energy and Water, and so it was going to be on a long-term CR.

□ 1530

Senator STEVENS and I were determined that that was not going to happen, and we worked really hard with the House, both sides of the House, both sides of the Senate. We were finally able to get agreement to include the energy and water in this package. So this bill includes everything. That is why it is so big. It is nine bills. That is why the stack is so high.

But the Subcommittee on Energy and Water Development staff only had 2 days to prepare this legislation and to write it and to read it and to get it fit into the bill. And these 2 days they went 48 hours without a break, without sleep, with an occasional snack and something to drink. But they really worked hard because they were only given 2 days to get their work done.

As we conclude the business of the Congress, as we conclude the appropriations business, I wish that I was able under the House rules to say what a great honor it is to work with the chairman of the Appropriation Committee in the Senate. Senator STEVENS, while he is a tough negotiator and he takes really good care of Alaska, he is a good, honest guy, and he is good to work with, and I appreciate him very much.

And Senator BYRD, it is an experience to work with Senator BYRD as the ranking member. He is such a distinguished gentleman and is very knowledgeable about what it is that we do here.

So as we close the session and close this bill, I want to wish everybody a very safe and happy return to their homes and Thanksgiving, Christmas, Hanukkah, New Year's, and whatever other celebrations that we might have between now and the time we come back together. And I would like everyone, as they recognize all of these holidays and they remember and they enjoy their family times together, to think about our troops. Think about our Americans who are deployed overseas in harm's way and their families and just give them a little extra prayer for their safety and a successful completion of their mission.

Mr. Speaker, God bless everybody in this institution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the economic prosperity of the 1990s fueled a drive to increase the levels of employment-based immigration. Both the Congress and the Federal Reserve Board expressed concern that a scarcity of labor could curtail the pace of economic growth. This resulted in an increase of the supply of foreign temporary professional workers through FY 2003. The number of petitions approved for H–1B workers escalated in the 1990s and peaked in FY 2001 at 331,206 approvals. Since then, the H–1B annual numerical limit has reverted back to 65,000. That limit was reached on the first day of FY 2005. The bill before us today includes provisions to address that problem. I want to thank Senator KENNEDY for his work on these provisions.

Before discussing these provisions, I want to emphasize that I believe American companies should hire American workers first. When they cannot meet their employment needs by hiring American workers, however, they should have access to foreign workers.

The H–1B provisions in this bill would exempt H–1B applicants with a masters or higher degree from a U.S. institution of higher education from the annual H–1B cap. This exemption would be limited to 20,000 per year. It also would strengthen labor protections under the H–1B program. It would reinstate and make permanent the attestation requirements for H–1B dependent employers. Employers would be required to attest that they have not displaced a U.S. worker 90 days before or 90 days after the hiring of an H–1B worker. It would require an employer to pay 100 percent of the prevailing wage. Current law only requires 95 percent. It would require a government survey to determine the prevailing wage to provide at least four levels of wages commensurate with experience, education, and the level of supervision. Currently, only two wage levels are used.

I am pleased that we have provisions that would strengthen enforcement protections under the H–1B program. These provisions would authorize the Secretary of the Department of Labor, DOL, to conduct random investigations if the Secretary has reasonable cause to believe that an employer has committed a violation. It also would reinstate DOL's authority to investigate complaints alleging an employer's violation of the law.

We also have provisions that would increase H–1B visa fees from $1,000 to $1,500 for business with more than 25 employees. This would provide greatly needed additional funds for job training activities. It also would provide additional scholarships for computer science, technology, and science programs. I want to point out though that it is an empty victory if our American children are trained to do jobs and then are unable to find employment.

Finally, we obtained provisions that would provide needed strengthening of labor protections under the L Visa program to plug loopholes that are being used to bypass the cap restriction of the H–1B program. These provisions would prohibit the subcontracting of L–1 workers, and they would toughen eligibility restrictions by requiring L–1 workers to be continuously employed with the company for at least 1 year prior to obtaining an L visa.

While I would support provisions of this legislation with these provisions contained therein, I remain concerned about the need to hire American workers first. We must work together to ensure that American companies make an effort to save American jobs for American workers. I received a letter from the American Engineering Association that I want to bring to your attention. According to the American Engineering Association, "American tech workers are facing record unemployment and losing their jobs to outsourcing." The Association claims also that, "Bringing in foreigners to take tech jobs undermines engineering as a profession and discourages young people from pursuing this path."

As I look forward to the 109th Congress, I envision a new approach to immigration reform. Instead of piecemeal reforms of our broken immigration system, such as this fix for some of the problems in the H–1B and L visa programs, we need bipartisan, bicameral support for comprehensive immigration reform. Effective immigration reform must provide a certain path to legalization for workers from around the world who are already living and working in the United States; repeal and replace employer sanctions with stiffer penalties for employers who take advantage of workers' immigration status to exploit them and undermine labor protections for all workers; reform, not expand, temporary worker programs; and reform the permanent immigration system so that those who play by the rules are not penalized by unconscionably long waiting periods. I intend to pursue such reform in the 109th Congress by reintroducing my Comprehensive Immigration Fairness Act.

Mr. MANZULLO. Mr. Speaker, on November 20, 2004, the House took up consideration of and passed H.R. 4818, the Consolidated Appropriations Act for 2005. Division K of H.R. 4818 contains the Small Business Reauthorization and Manufacturing Assistance Act of 2004. Since the act was incorporated directly into the Consolidated Appropriations Act for 2005, no committee report accompanies the legislation. As chairman, I am submitting for insertion in the RECORD, the attached explanation of the Small Business Reauthorization and Manufacturing Assistance Act of 2004. I would expect the Administrator, in implementing the provisions of this act, to accord the enclosed explanation the same weight in defining congressional intent that the Administrator would give to a report after a mark-up prior to floor action or the language in a conference report. This expectation is particularly apt in this circumstance because the provisions were negotiated and agreed to in cooperation with my counterpart in the United States Senate.

JOINT EXPLANATORY STATEMENT OF DIVISION K OF H.R. 4818 FILED BY CHAIRMAN MANZULLO

Section 101. Express loans

Section 7(a)(25)(B) authorizes the Administrator to create pilot loan programs. In exercising that authority, the Administrator created an "Express Loan Pilot Program." The program authorizes lenders to use their own forms in submitting requests to the Administrator for the issuance of guarantees. Two significant restrictions are imposed by the "Express Loan Pilot Program:" the guarantee cannot exceed 50 percent of the loan and the maximum loan amount is $250,000.

Section 101 codifies, with a few significant differences, the provisions of Pub. L. No. 108-217, which addressed the Express Loan Program. The two most significant changes are the permanent authorization of the Express Loan Program by creating a new paragraph (31) in §7(a) of the Small Business Act and the statutory increase in the size of such loans to $350,000.

Section 101 defines an "express loan" as any lender authorized by the Administrator to participate in the Express Loan Program. Congress expects that the Administrator will establish by rule the standards needed to qualify as an Express Lender.

Section 101 defines an "express loan" as one in which the lender utilizes, to the maximum extent practicable, its own analyses of credit and forms. Congress fully expects that the conditions under which express loans are made will not vary significantly from those conditions that currently exist under the "Express Loan Pilot Program." Nevertheless, Congress understands that the Administrator may wish to revise the standards and operating procedures associated with "express loans." Nothing in the statutory language should be interpreted as prohibiting the Administrator from imposing these additional requirements that are otherwise consistent with the statutory language.

Section 101 codifies the existing concept of the Administrator's "Express Loan Pilot Program." In other words, the "Express Loan Program" is one in which lenders utilize their own forms and get a guarantee of no more than 50 percent.

Section 101 restricts the program, including the increased loan amount of $350,000, to those lenders designated as express lenders by the Administrator. Designation as an express lender does not limit the lender to making express loans if the lender has been authorized to make other types of loans pursuant to §7(a) of the Small Business Act. Although a lender may only seek status as an express lender, this section was included to ensure that the Administrator not limit the ability of an express lender to seek other lending authority from the Administrator. Nor is the Administrator permitted to change its standards for designating an express lender in a manner that only authorizes the lender to make express loans. To the extent that the lending institution wishes to offer a full range of loan products authorized by §7(a) and is otherwise qualified to do so, the Administrator shall not restrict that ability on the lender's status as an express lender.

Section 101 prohibits the Administrator from revoking the designation of any lender as an express lender that was so designated at the time of enactment. This prohibition does not apply if the Administrator finds the express lender to have violated laws or regulations or the Administrator modifies the requirements for designation in a way that the express lender cannot meet those standards. Congress does not expect that the Administrator will impose new requirements for express lenders that prohibit them from making loans under other loan programs authorized by the Small Business Act for which they have approval from the Administrator.

Congress, at the request of the Small Business Administration, determined that it was appropriate to expand the size of "express loans" to $350,000. Any change in the size of an express loan now will require action by Congress.

Congress is concerned that the Administrator will take regulatory actions that unduly favor express lending over other types of lending authorized by §7(a) of the Small Business Act. As such, Congress incorporated a provision prohibiting the Administrator from taking any action that would have the effect of requiring a lender to make an express loan rather than a conventional loan pursuant to §7(a). Any significant policy change in the operation of the lending programs authorized by §7(a) of the Small Business Act requires notification to the House and Senate Small Business Committees. Furthermore, the statutory language on notification goes beyond that which is required pursuant to §7(a)(24) of the Small Business Act.

Section 102. Loan guarantee fees

Section 103 increases the loan guarantee amount to a maximum of $1.5 million. Given the fact that borrowers are getting an additional increment in loan guarantees, the sponsors determined that it would be appropriate to require an additional 0.25 percent fee for the amount of guarantee in excess of $1 million. Thus, on the amount of the guarantee between $1 million and $1.5 million, the upfront fee authorized pursuant to §7(a)(18) of the Small Business Act increases from 3.5 percent to 3.75 percent but only for that portion of the loan guarantee in excess of $1 million. This is consistent with typical commercial lending practices of charging fees that are commensurate with the lenders' exposure to risk.

Section 102 also raises the fee collected by the Administrator from banks of the unpaid balance of deferred participation loans. To avoid situations such as those that occurred at the end of calendar year 2003 in which the Administrator was required to drastically reduce lending and impose other restrictions on the program, Congress determined that it would be appropriate for the Administrator to have some discretion in setting the fee paid by lenders on the unpaid balance. The total amount of the fee cannot in, any year, exceed 0.55 percent of the unpaid balance. Congress expects the Administrator to use this authority only when needed to drive the cost, as that term is defined in the Federal Credit Reform Act, of the loan program to zero, i.e., not need an appropriation. Any use of this discretion to raise the fee beyond the current level of 0.5 percent should trigger the notification provisions in §7(a)(24) of the Small Business Act. As a further oversight tool, Congress expects that the Administrator would satisfy any relevant committee's request for information on the utilization of this discretion.

Finally, Congress determined that the Administrator also be given the authority to lower fees charged to borrowers and lenders if the subsidy cost becomes negative, i.e., the fees will actually take in more money to the government than it costs to operate the §7(a) loan program. Congress adopted an approach that the Administrator should it undertake a fee reduction first consider reducing the fees set forth in clauses (i)–(iii) of subsection 7(a)(1 8)(A) and then reduce fees on lenders. As a further restriction on the discretion of the Small Business Administration, the fees that were charged to borrowers on the date of enactment of this conference report may not be raised. Congress adopted this language to ensure that any fee increases to borrowers beyond the statutory limits requires the action of Congress.

Section 103. Increase in guarantee amount and, institution of associated fee

Access to capital is vital to the growth of small businesses. Particularly for manufacturers and high technology research and development businesses, typical amounts of capital available under the existing loan limits authorized by §7(a) of the Small Business Act often are inadequate. Given the importance of capital to grow small businesses, Congress determined that it would be appropriate to permanently increase the amount of the loan guarantee from $1 million to $1.5 million. No additional changes were made in the overall statutory cap of a gross $2 million loan. Thus, the Administrator will be able to guarantee up to $1.5 million of a $2 million loan rather than the current limit of $1 million. Congress expects that this will increase the number of lenders willing to make loans to small manufacturers who face significant global competition.

Section 104. Debenture size

Congress raised all of the loan limitations for qualified state and local development companies ("CDCs") because they had not been raised in many years and the long-term financing needs of small businesses were not being met by loans that did not exceed the thresholds for loans made pursuant to §7(a) of the Small Business Act. Raising the loan limitations has two effects. First, it signifies the recognition that Title V of the Small Business Investment Act and §7(a) of the Small Business Act has very different purposes in mind. Second, an increase in the threshold allows more effective economic development projects to be funded by CDCs.

Congress believes that the increases to $1,500,000 for regular projects, $2,000,000 for public policy goal projects, and $4,000,000 for small manufacturers will provide significant new financial inputs to small businesses in general and to small manufacturers in particular.

While all small businesses whose primary industrial classification is in North American Industrial Classification sectors 31, 32, and 33 (the sectors for manufacturing), not all small business concerns in those sectors are considered small manufacturers. Congress adopted a requirement that small manufacturers should be limited to those small business concerns that have all of their production facilities are located in the United States. Congress does not intend that small business concerns that have manufacturing facilities situated outside of the United States should be denied assistance under programs operated by the Small Business Administration. However, special benefits should be afforded to those manufacturers whose production facilities are located in the United States. Finally, the definition in §106 is identical to the definition in this section thereby avoiding any potential interpretive concerns about what the legislature meant when it used the same term in different sections of legislation.

Section 105. Job requirements

The Administrator has promulgated regulations, pursuant to §501 of the Small Business Investment Act mandating that a loan made by a CDC must create or save one job for each $35,000 in guarantee. This standard has not been revised since it was adopted in 1990. The standard clearly does not reflect inflation or the dramatic increases in productivity that has led to higher wages for all employees. Congress determined that the standard should be revised to take account of the changes in the economy during the past 14 years. Therefore, 105 statutorily raises the job creation standard to one job for every $50,000 in guarantees.

Manufacturing requires greater capital investment than other businesses. Such investment may lead to higher productivity for small manufacturers and therefore fewer jobs created per investment. Congress does not want to prejudice the ability of CDCs to fund projects that would assist small manufacturers. Section 106 establishes a standard that authorizes CDC loans to small manufacturers if the project creates one job for each $100,000 of guarantee.

CDCs do not need to meet job creation standards for individual loans if the loan is used to further one of the public policy objectives in §501(d). Section 105 modifies that requirement slightly by exempting a particular project from the job creation standards if the project was meeting a public policy objective and if the CDC's overall loan portfolio creates one job for $50,000 in guarantees.

Since the basic premise of loans made pursuant to Title V of the Small Business Investment Act is to encourage economic development, Congress concluded that it made sense to establish a different standard for job creation in economically-depressed areas or places with unusually high wage requirements. Congress believes that CDCs should be provided more leeway in creating jobs in economically-depressed areas and Alaska and Hawaii. As a result, CDC loans in these areas only need to meet a more lenient job creation standard of one job per $75,000 of guarantee in certain areas.

Given the importance of small manufacturing to economic development, Congress excluded loans to small manufacturers from the calculations needed to determine whether a CDC's loan portfolio meets the overall job creation standard of one job per $50,000 of guarantee or the $75,000 standard for high-wage and economically depressed areas. Congress intends that the public policy goals set forth in §501 should be accomplished without reference to job creation for small manufacturers. Section 105 also authorizes the Administrator to waive any of the standards when appropriate. Congress expects that the Administrator will promulgate regulations specifying when the job creation standards will be waived. Two restrictions are imposed on the Administrator's discretion. First, the Administrator may not waive the requirements concerning small manufacturers. Second, the Administrator may not mandate a job creation standard with a number lower than that set forth in §105 but does have the liberty to set a higher dollar guarantee per job standard. These restrictions ensure that the Administrator does not undermine the ability of CDCs to lend to small manufacturers.

Section 106. Report regarding national database of small manufacturers

Institutions of higher education can play a vital role in reviving small manufacturers. Universities must purchase large amounts of standard manufactured products (often on an annual basis—such as furniture for dormitory rooms). They also often purchase very sophisticated tools and laboratory equipment that small manufacturers may produce. Congress believes that some mechanism should be in place so that institutions of higher education can identify suppliers from the universe of small manufacturers. While not an ideal system, a database similar to PRO-NET represents a useful model for making institutions of higher education aware of the capabilities of small manufacturers. PRO NET is a database operated by the federal government in which the capabilities of numerous small businesses are outlined. Contracting officers use PRO NET to find small businesses capable of providing goods and services. Section 106 requires the Administrator and the Association of Small Business Development Centers to study the viability of creating a PRO-NET-like database that all institutions of higher education can use to identify small manufacturers (the definition is identical to the definition in §§104 05) capable of providing their procurement needs. The bill also requires a report to Congress on the viability and cost to establish such a database.

Section 107. International trade

All §7(a) loans can be used to refinance existing debt except for international trade loans. Congress determined that the restriction did not make sense especially since businesses harmed by unfair international competition will be more competitive if their debt service payments are lower. Therefore, Congress authorized businesses otherwise eligible for an international trade loan to use it for refinancing of debt but only to the extent that the Administrator determines the applicant's existing debt is not structured with reasonable terms and conditions. Congress expects that the Administrator examine the interest rate being charged relative to the interest rates generally available for similar businesses to determine whether the terms and conditions are not reasonable.

To obtain an international trade loan, the applicant must demonstrate that the business either is engaged in or adversely affected by international trade. To avoid the necessity of having to prove adverse effects if other government agencies already reached that conclusion in the same industry as the borrower, Congress mandated that the Administrator must accept as conclusive proof of injury a finding by the Secretary of Commerce issued pursuant to chapter 3 of Title II of the Trade Act of 1974 or any determination by the International Trade Commission. If an applicant is in an industry for which the Commission or the Secretary has made an injury finding, Congress concluded that it would be pointless to require the small businesses so suffering to go through the additional expense of presenting new evidence to the Administrator of injury.

Congress intends that the utilization of the findings by the Secretary or the Commission is not a limiting factor if a small business can present other evidence of injury. For example, the Commission or Secretary may not find that an industry was injured or that no claims were made to either agency. Nothing in §107 prevents a small business from presenting of evidence of specific injury to his or her business. The Administrator then would be required to rule on the adequacy of the proof, and if sufficient evidence was found of injury, make a loan under §7(a)(16).

Section 107 also provides for an increase in the size of international trade loans. Given the nature of international trade, Congress typically has mandated that loan caps be $250,000 higher than those for conventional §7(a) loans. This section maintains that practice and increased the cap for international trade loans based on the increase in the guarantee fees for conventional loans.

Section 121. Program authorization levels

This section amends §20 of the Small Business Act and provides for authorization of appropriations. Congress selected authorization levels with sufficient room to allow for expected growth and expansion of programs authorized by the Small Business Act and Small Business Investment Act. Congress also determined that an authorization of appropriations not elsewhere provided should apply to all of the Small Business Investment Act.

Finally, Congress concluded that the existing standing authorization of appropriations only for carrying out title IV of the Small Business Investment Act was illogical. Section 121 amends §20 to provide for an authorization of appropriations not elsewhere provided for carrying out both the Small Business Act and all titles of the Small Business Investment Act.

Section 122. Addition reauthorizations

The Small Business Development Center (SBDC) program's authorization levels are set forth in §21 of the Small Business Act. Congress provided modest authorization increases for the SBDCs to take account of necessary growth in providing services to entrepreneurs. In addition, Congress also extended the authority of SBDCs to provide drug-free workplace counseling. This authority would have lapsed without the change. The extension of authority will give the SBDC grantees sufficient time to coordinate their actions with the grantees under the revised drug-free workplace program.

Given the SBDCs expertise in providing assistance to entrepreneurs, Congress established a program authorizing grants to SBDCs that are willing to offer advice in communities that are economically challenged due to business or government facility down-sizing or closing. Congress expects that this assistance will first be offered to communities suffering from plant closings, then to communities suffering from government office closings, and finally to base realignments. To the extent that other bases are closed in future years, Congress expects that legislation concerning such closures will provide additional assistance to the surrounding communities and that assistance provided under §122 should be utilized in other areas that do not receive the directed assistance associated with base closures.

Section 123. Paul D. Coverdell Drug-Free Workplace Program authorization provisions

Congress recognizes that small businesses need drug free workplaces. Drug-free workers boost productivity and reduce the costs of health care coverage and absenteeism. As a result, Congress reauthorized the program for two years at the five million dollar level. In addition, to ensure that funding is maximized to eligible intermediaries that specialize in providing drug-free workplace assistance to small businesses, Congress adopted a limitation on the amount of funds that can be awarded to SBDCs for carrying out the purposes of the Paul D. Coverdell Program. Furthermore, Congress, again in an effort to maximize limited dollars, restricts the use of funds for administrative purposes to five percent of the total made available to grantees. Nothing in this limitation restricts the drug-free workplace advice that SBDC grantees are authorized to provide in their normal course of operations.

Section 124. Grant provisions

Congress recognized that improvements in coordination between the activities of drug-free workplace eligible intermediaries and SBDCs might improve delivery of services to small businesses. As a result, Congress established a grant program within the Paul D. Coverdell Drug-Free Workplace Program to promote cooperation between eligible intermediaries and SBDC grantees. Congress expects that the Administrator award the two-year grants to those applicants that best demonstrate the capacity to deliver advice in a coordinated manner between SBDCs and eligible intermediaries.

Section 125. Drug-free communities coalitions as eligible intermediaries

Congress recognizes that there are numerous entities that receive grants under chapter 2 of the National Narcotics Leadership Act of 1988 but are not currently authorized to participate as eligible intermediaries under the Paul D. Coverdell Drug-Free Workplace Program. This section makes these National Narcotics Leadership Act grantees, which could provide valuable insight into establishing drug-free workplaces, eligible to receive awards under the Paul D. Coverdell Drug-Free Workplace Program. Inclusion of new additional parties should not be interpreted as directing the Administrator to favor them over others that apply for grants under the Paul D. Coverdell Drug-Free Workplace Program.

Section 126. Promotion of effective practices of eligible intermediaries

To ensure that the Paul D. Coverdell Drug-Free Workplace Program operates optimally, Congress mandates that the Administrator provide best practices to eligible intermediaries. The Administrator should use all of its available outreach resources, including SBDCs, Women Business Centers, and district offices to ensure that eligible intermediaries are kept apprised of best practices.

Congress also believes that the performance of eligible intermediaries should be assessed and measured. Such evaluations will be useful to Congress when it considers what changes, if any, need to make the program even more effective. This section establishes the procedures for collecting data needed to evaluate the efficacy of the program.

Section 127. Report to Congress

This section requires the Administrator to use the data collected under §126 and report to Congress on the efficacy of the program and dissemination of drug-free workplace information. Congress expects the relevant committees to examine the report and make necessary legislative changes as a result to ensure optimal operation of the Paul D. Coverdell Drug-Free Workplace Program.

Section 131. Lender examination and review

Current practice authorizes SBIC licensees to pay for examination and reviews conducted by the Administrator. Congress determined that the same principles should apply to lenders authorized to make government-guaranteed loans under §7(a). This section grants the Administration the authority to charge for examinations and reviews. The section also requires that the fees be directed to lender oversight activities including the payment of salaries and expenses of Administration personnel involved in such functions. This authority does not imply that the fees may be directed to the reimbursement of other functions of the Administration.

Section 132. Gifts and co-sponsorship of events

Gifts and co-sponsorships play a useful role in the Small Business Administration's performance of its outreach function to small businesses. Congress determined that even broader language than is currently permitted was necessary to ensure the Administration's continued ability to obtain gifts and seek co-sponsorships. In particular, Congress recognized that in many instances the Administration does not receive gifts but rather contributions are made by a co-sponsoring entity to an Administration event, such as small business forum. In other instances, the SBA uses gifts to pay for promotional materials, such as cards that are handed out in district offices to promote an event. This section clarifies and broadens the existing authority of the Small Business Administration to obtain gifts and co-sponsorships in order to expand the agency's outreach. To ensure appropriate clarity, Congress added the term "recognition events" which would include Small Business Week and sponsorship of dinners during that period. The section also requires the Administration to recognize the co-sponsors of such events but only to the extent of their contributions. No endorsements of the co-sponsors products or services are permitted.

In order to ensure that conflicts of interest do not arise in the solicitation or acceptance of gifts, Congress requires the General Counsel to determine whether a conflict of interest exists. If a determination that a conflict of interest exists, the General Counsel is empowered to prohibit the solicitation or acceptance. Finally, the language clarifies that the Administrator may delegate the approval of co-sponsorships to the Deputy Administrator, Associate Administrators, and Assistant Administrators. No personnel located in district or regional offices are permitted to approve co-sponsorships. Congress adopted this restriction to ensure close cooperation with the General Counsel of the Administration.

Congress also requires that the Inspector General audit the use of such gifts and co-sponsorships. This avoids potential abuses of the program through independent oversight of an official whose investigations cannot be impeded by the Administrator or Administration personnel. Congress wanted additional assurances (beyond the Inspector General audit) that the Small Business Administration achieved a proper balance between this new expanded authority and accountability. As a result, a sunset date of 2006 was added in order to properly monitor this new authority before considering making this language permanent in the Small Business Act.

Section 141. Service Corps of Retired Executives

Currently, the Administrator has the discretion whether to permit the Service Corps of Retired Executives (SCORE) to maintain offices at the headquarters of the Administration and pay employees of SCORE. Congress determined that the vitality of SCORE should not be subject to whims of the Administrator and therefore require that the Administrator maintain SCORE's offices at the Administration's headquarters and continue to pay for the salaries of SCORE personnel. Congress notes that this will not require any increased appropriation since these services and expenses are currently included in the Small Business Administration's budget.

Section 142. Small Business Development Center Program

Congress remains concerned that SBDCs were and may continue to be revealing the name of businesses that seek their advice to Administration employees for functions unrelated to the financial auditing or client surveys needed to oversee the operations of the SBDC grantees. Congress believes that such behavior is intolerable. This section prohibits the disclosure of client information (including the name, address, telephone and facsimile numbers, and e-mail address) of any concern or individual receiving assistance from a SBDC grantee or its subcontractors (who operate service centers that business owners can utilize to obtain advice) unless the Administrator is ordered to make such disclosure pursuant to a court order or civil or criminal enforcement action commenced by a federal or state agency. Congress expects that SBDC grantees will only respond to formal agency requests, such as civil investigative demands, and subpoenas.

Congress also recognizes that the Administrator has significant management responsibilities to ensure that federal taxpayer dollars are wisely used by grantees and are in compliance with the law, regulations, and the cooperative agreements signed by SBDC grantees. Congress authorizes the SBDC grantees to provide client names for the purposes of financial audits conducted by the Administrator or Inspector General and for client surveys to ensure that the SBDC grantees are satisfying certain aspects of their grant agreements. Congress recognizes that client surveys may be misused and impose restrictions on their use. Until regulations are in place to ensure that SBDC grantee client's privacy is protected to the maximum extent practicable given the management oversight responsibility of the Administrator, Congress requires client surveys to be approved by the Inspector General and any approval incorporated into the semi-annual report made to Congress.

This section also makes a technical change in wording of the SBDC program. It renames the certification program as an accreditation program. The change was made because institutions are accredited not certified. Since the program determines the quality of SBDCs, it makes sense to have them accredited not certified. An identical change is made in 20(a)(1)(D) (E).

Section 143. Advisory Committee on Veterans Business Affairs

Congress has determined that the federal government must provide better assistance and support to veterans in their efforts to form and expand small businesses. In 1999, as part of this effort, Congress established an Advisory Committee on Veterans Business Affairs. Its responsibilities included providing advice to Congress and the Small Business Administration on policy initiatives that would promote entrepreneurship by veterans. The responsibilities of this advisory board were to be taken over by the National Veterans Business Development Corporation on October 1, 2004. Congress determined that the Advisory Committee's role was sufficiently beneficial that it should not be subsumed within the National Veterans Business Development Corporation. As a result, Congress authorized an extension of the Advisory Committee as a separate entity to continue its functions through September 30, 2006.

Section 144. Outreach grants for veterans

The Administration is authorized to provide outreach grants to help disabled veterans start and expand small businesses. Congress determined that the outreach grants should not be limited to disabled veterans. This section extends the authority to provide outreach programs to veterans and reservists.

Section 145. Authorization of appropriations

To express Congress' concern about adequate efforts to assist veterans, Congress determined that the Small Business Administration's Office of Veterans Affairs should have a separate authorization. This section provides for that separate authorization for fiscal years 2005 and 2006.

Section 146. National Veterans Business Development Corporation

A ruling by the Department of Justice concluded that the National Veterans Business Development Corporation was a federal agency for all purposes and thus subject to, among other things, federal administrative, personnel, and procurement laws. Congress, when it created the corporation, never intended that it would be considered a federal agency. The legislation mandated sufficient fundraising by the corporation that would eliminate the need for federal funding. While that fundraising continues, Congress determined that its original intent concerning the status of the corporation should be honored. This section makes it clear that the corporation is to be considered and treated as a private entity and not an agency or instrumentality of the federal government.

Section 147. Small Business Manufacturing Task Force

Manufacturing jobs in the United States have declined since their historic peak in 1979 and that loss has accelerated in recent years. Small business manufacturers constitute over 98 percent of our nation's manufacturing enterprises. It is impossible to overstate the role of small manufacturers within the overall manufacturing industry and our nation's economy. The House and Senate Small Business Committees have placed a high priority on trying to resuscitate the small business industrial base because economic security in the United States cannot occur in a purely post-industrial economy.

Section 147 establishes a Small Business Manufacturing Task Force within the Small Business Administration, charged with ensuring that the Administration is properly addressing the particular needs of small manufacturers. Specifically, the Small Business Manufacturing Task Force will: (a) evaluate and identify whether existing programs and services are sufficient to serve small manufacturers' needs, or whether additional programs or services are necessary; (b) actively promote the SBA's programs and services that serve small manufacturers; and (c) identify and study the unique conditions of small manufacturers, and develop and propose policy initiatives to support and assist them. This section also instructs the Small Business Manufacturing Task Force to submit a report of its findings and recommendations to the President and the Senate and House Small Business Committees not later than 12 months after the effective date of the bill and annually thereafter. In carrying out their obligations under this section, Congress expects that the Task Force will consult with other agencies that have manufacturing responsibilities, such as the Department of Commerce.

Section 151. Streamlining and revision of HUBZone eligibility requirements

The Historically Underutilized Business Zone (HUBZone) program was designed to direct portions of federal contracting dollars into areas of the country that in the past have been out of the economic mainstream. HUBZone areas, which include qualified census tracts, poor rural counties, and Indian reservations, often are out-of-the-way places that the stream of commerce passes by, and thus tend to be in low or moderate income areas also characterized by comparatively high unemployment. These areas can also include certain rural communities and tend generally to be low-traffic areas that do not have a reliable customer base to support business development. As a result, businesses have been reluctant to move into these areas and expend the necessary funds to develop the infrastructure for creation of jobs. It simply has not been profitable, without a customer base, to keep those businesses operating.

The HUBZone program seeks to overcome these problems by providing the means for Federal procurement activities to become customers for small businesses that locate in HUBZones. While a small business works to grow, expand its payroll, and establish a solid base of commercial or other customers, federal business opportunities can be of vital importance. Federal prime and subcontracts can become an important source of revenue for a HUBZone small business, and prime contracts in particular can help stabilize revenues, establish valuable past performance record, and maintain future profitability.

In past years, the HUBZone program has encountered issues relating to the statutory requirement that a HUBZone firm be entirely owned and controlled by individual U.S. citizens. This requirement means that all HUBZone applicants need to be owned by human beings directly and not human beings organized as business entities. However, many small business owners and small business investors prefer to take advantage of various corporate forms in order to limit the personal liability for themselves and their families. Exceptions for Alaska Native Corporations, Indian tribal governments, and community development corporations were added by the Small Business Act reauthorization legislation in 2000. Even with those changes, the presence of a corporate entity or a limited liability company with an ownership stake in a small business would have automatically disqualified an otherwise eligible firm from participation in the HUBZone program. Small agricultural cooperatives, which already maintain presence in rural HUBZones, would have faced similar restrictions. These rules unnecessarily impede the flow of capital to the very areas that need it the most and create compliance conflicts with other small business procurement programs.

Section 151 addresses this problem through streamlining and revision of the eligibility requirements for HUBZone small businesses to include small businesses that are 51 percent owned by United States citizens, as well as to include small businesses which are small agricultural cooperatives or are owned and controlled by small agricultural cooperatives.

In addition, HUBZone firms owned by the Indian tribes have been facing peculiar challenges due to statutory requirements that they must hire a certain percentage of its workforce performing a federal contract or subcontract from Indian reservations or adjacent areas. These requirements, while motivated by the desire to spur economic development of the tribes, over time had the unintended consequence of putting tribally-owned firms at a disadvantage in comparison with all other HUBZone concerns by imposing a geographic restriction on the kinds of contracts that tribally-owned HUBZone firms could perform. Geographic restrictions also impeded business synergies between tribally-owned HUBZone firms and Alaskan Native Corporations. To remedy this disparity, Section 151 is providing tribally-owned HUBZone concerns the option of qualifying for the program based on locating in, and hiring workers from, either Indian reservations or any other HUBZones on the same terms as available to other HUBZone firms. Congress notes that the Indian tribes, as owners of the HUBZone firms, will be receiving expanded economic benefits from new contracting opportunities.

Section 152. Expansion of qualified areas

Congress observes that the HUBZone area qualifications are also in need of improvement. Paradoxically, economically distressed rural communities in states with high unemployment—among the neediest of needy areas—currently do not qualify for the HUBZone program because rural areas currently must qualify in relation to the statewide unemployment average. As an example, in calendar year 2003, Alaska had a statewide unemployment rate of 8.0 percent. To qualify as a HUBZone area, it was necessary for an Alaskan rural community to have an 11.2 percent unemployment rate. But, in 25 of the 50 states, a rural community could have qualified as a HUBZone with an unemployment range of 7.8 percent or less.

Section 152 addresses this problem by modifying the definition of a "qualified non-metropolitan county" to provide the option of comparing the unemployment statistic for that area to the statewide average or to the national average. The new statutory HUBZone definition should give the Small Business Administration flexibility to address both national and state-wide unemployment disparities without hurting the states that have comparatively low unemployment overall, but with pockets of serious unemployment.

Congress recognizes the drastic economic ramifications of military base closures and that the HUBZone program can uniquely harness the strength and the creativity of the private sector by providing incentive for small businesses to relocate to areas suffering such ramifications. According to congressional research, more than 300 military bases closed or realigned between 1988 and 2003 and more than 50 percent of these bases were located outside of a designated HUBZone. Therefore, Congress intends that, upon the later of the enactment of this act or the date of final closure, existing as well as future military base closure areas be designated as HUBZones for a period of five years in order to reinvigorate the productive capacity of such areas and leverage existing local customers and a skilled workforce. Congress believes that new businesses and new jobs created through the HUBZone small firms mean new life for areas affected by base closure.

Additionally, Congress notes the existence of numerous complaints that the current definition of HUBZone qualified areas based on census income data, in conjunction with the definition of HUBZone qualified redesignated areas, fail to provide adequate time to recoup a return on investment. These concerns appear justified. Congress observes that the HUBZone program is relatively young, and the federal government is not even close to meeting its statutory prime contracting goal of 3 percent. Because the HUBZone program was enacted into law in 1997, the initial HUBZone areas were designated on the basis of the 1990 Census. However, the federal government conducted another census in 2000.

As a result, many areas were redesignated after only 3 years of the program's existence. The statute currently grandfathers the redesignated areas into the program for 3 years.

Congress notes that, at the time of the last redesignation, the small business community received comparatively few benefits from the HUBZone program despite the substantial workforce recruitment, compliance, and business development efforts that must be expended by each of the HUBZone firms. These small businesses, which made business decisions to pursue the HUBZone strategy by locating in a HUBZone, adjusting their ownership structure, and recruiting HUBZone residents are in danger of being penalized for the federal government's slow initial implementation of the HUBZone program. Further, anecdotal evidence indicates that it may take a long time for a new firm to secure a federal contract, and that multiple-order contracts commonly envision task orders over a number of years. In these circumstances, a 3-year grandfather clause would appear not to provide sufficient time for a small business to generate a return on the HUBZone investment. By comparison, companies under the 8(a) program can maintain such a designation for 9 years, and a general small business designation can be maintained indefinitely. Therefore, Congress imposes a moratorium on HUBZone area redesignations by providing for an extension of the redesignation period until the conclusion of the 2010 Census. No certified HUBZone firm shall be decertified as a result of either the redesignation process based on the 2000 Census data or any revised unemployment data subsequent to December 21, 2000, the date of passage of enactment of the HUBZone in the Native America Act. It is the intent of Congress to have the Small Business Administration reinstate any HUBZone firm previously decertified based on these two criteria.

Congress also finds that, concurrently with the moratorium, a study on the effectiveness of the HUBZone area definitions, including the redesignation period, must be conducted by the Office of Advocacy of the United States Small Business Administration. The Office of Advocacy is chosen to conduct this study for its particular expertise in small business procurement, rural small business development, and general small business matters. Congress directs the Office of Advocacy to examine the impact and effectiveness of the HUBZone definitions on small business development and jobs creation, and expect that the Office of Advocacy will periodically consult with congressional small business committees on matters concerning this study. Findings and recommendations of the study must be reported to congressional small business committees by May 1, 2008.

Section 153. Price evaluation preference

With regards to the application of existing HUBZone price preferences to international food aid procurements conducted by the United States Department of Agriculture (USDA), Congress concludes that the preferences as they currently stand are hindering the goals of U.S. foreign humanitarian food assistance programs. This view is supported by extensive consideration of market data from the Kansas City auction office of the USDA Farm Service Agency, the structure of auction tenders and other auction processes, as well as data supplied by the industry. It appears that there is a risk of various unintended and undesirable consequences to applying the current HUBZone mandate to international food aid acquisitions. In particular, it appears that, in the context of food aid tender auctions, the claimed job gains fostered by the current price preference are offset by job losses in other communities, the non-HUBZone small businesses attempting to compete may experience undue harm, and the competitive supplier base may atrophy. In turn, this may undermine USDA's capacity to secure adequate foodstuffs for malnourished persons and increase the costs to the food aid programs without realizing adequate jobs creation and business development benefits.

The HUBZone price preference alternative adopted in this act (a 5 percent price evaluation preference on 20 percent of the contract) would alleviate these potentially damaging effects on the U.S. food aid system. Congress believes that this approach would preserve the HUBZone program's goal of providing HUBZone-eligible companies with a meaningful opportunity to compete while ensuring that the USDA has an adequate capacity of supply from which to draw to deliver emergency food aid in catastrophic situations. This approach would also eliminate the current HUBZone program's application problem which directly penalizes non-HUBZone small businesses due to the nature of the food aid auctions. The potential for job losses in other communities would be limited. Importantly, this approach also reflects the cornerstone of America's efforts to provide food assistance to the world's neediest people through competitive markets.

According to President Dwight D. Eisenhower and congressional architects of the Small Business Act, an overarching purpose of small business procurement programs is to assure a vibrant, competitive supplier base for the federal government. Price preferences are employed to further this purpose, and should be structured accordingly. Congress notes that, in general, price preferences have been a valuable tool for encouraging a more robust supplier base. Nevertheless, Congress believes that, in these very special circumstances, it is important to encourage competition by keeping multiple vendors actively bidding in our food assistance programs to secure the lowest cost procurement and emergency supply chains in the case of humanitarian crisis. This approach builds on the current small business 10 percent set-aside by an additional 20 percent allocation of every tender to small businesses and HUBZone applicants. It guarantees full and open competition, including competition pursuant to the Small Business Act, in food aid procurement tenders to assure that U.S. food aid programs do not suffer consequences inconsistent with the intent of the price preference program. The approach in this legislation safeguards the dual interests of a vibrant small business presence in federal procurements and robust food aid programs.

Section 154. HUBZone authorizations

Congress notes that the federal government has failed to meet its statutory HUBZone contracting goals every single year these goals have been in effect. Continuous, dedicated authorization of the HUBZone program is essential to continue the effort to bring economic opportunities to the HUBZone areas. Therefore, Congress extends the current authorization of appropriations of $10,000,000 for the SBA's HUBZone program through Fiscal Year 2006.

Section 155. Participation in federally funded projects

Section 155 removes the burdensome paperwork requirements for additional certification by firms seeking to perform any State, or political subdivision projects that utilize federal dollars if they are currently certified, or otherwise meet the applicable qualification requirements, for participation in any program under §8(a) of the Small Business Act.

This change will: (1) provide federally certified §8(a) small businesses with access to all State and local projects funded in whole or in part by the federal government; (2) eliminate the burden of requiring §8(a) small businesses to get certifications from the State or local government or both in addition to their federal certification under §8(a); and, (3) decrease certification costs and eliminate time delays associated with the burden of receiving additional state or local government certifications for businesses authorized to participate in program established by §8(a) of the Small Business Act.

Section 161. Supervisory enforcement authority for small business lending companies

This section creates a new §23 of the Small Business Act. It gives the Administrator specific enforcement and supervisory authority over Small Business Lending Companies (SBLCs) and Non-Federally Regulated SBA Lenders as those terms are defined in §162 of this conference report. The vast majority of lenders authorized to make loans pursuant to the Small Business Act have their lending and other activities overseen and regulated by federal financial regulators, including loans and corporate transactions related to their general lending practices. The Administrator makes no effort at regulating lending institutions except for their authority to make §7(a) loans.

In contradistinction, there are a few institutions that are authorized to make loans pursuant to §7(a) of the Small Business Act that are not typical lending institutions. SBLCs (except for two which are wholly-owned by national banks) are subsidiaries of industrial corporations and thus not subject to any regulation by financial regulators, other than certain filings made with the Securities and Exchange Commission. Non-federally regulated SBA lenders have some state oversight but the extent varies according to state law. The only authority that the Administrator has with respect to these lenders is the ability to prohibit them from making loans pursuant to §7(a). The Administrator has no authority to take other regulatory action, similar to that available to banking regulators, to protect the public and the federal treasury. Congress concurs with the Administrator's request that greater authority is needed to regulate SBLCs and Non-Federally Regulated SBA Lenders.

The basic approach adopted by Congress enables the Administrator to supervise the soundness and safety of institutions authorized to make loans pursuant to §7(a) but are not otherwise subject to the strict oversight imposed by federal financial regulators. Congress concurs with the Administrator's request that specific enforcement and supervisory authority are needed. These authorities include the power to: issue cease and desist orders, impose civil money penalties, mandate capital standards, and remove officers and directors who are acting in an unsafe and unsound manner. The power and authority tracks closely the powers granted to the Administrator with respect to regulation of SBICs and their officers and employees. In some cases, Congress differentiated regulatory powers applicable to SBLCs and those applicable to Non-Federally Regulated Lenders. Nothing in this section grants the Administrator the authority to be extended to overall corporate management of the parent that owns a SBLC.

Congress provides for the Administrator to issue capital directives mandating maintenance of certain capital standards, including the requirement to increase its level of capital. The section also authorizes the Administrator to issue cease and desist orders by the SBLC or Non-Federally Regulated Lender. To ensure that the capital directive is used sparingly and only in appropriate circumstances, the Administrator is required to promulgate regulations on capital directives and may only delegate the authority to the Associate Administrator for Capital Access.

The Administrator also is empowered to suspend or remove officials that have management responsibility for the entity's lending pursuant to §7(a) of the Small Business Act. No authority, explicit or implied, is authorized to remove or suspend officials that do not have management responsibilities with respect to §7(a) lending. Thus, Congress expects that the Administrator take action not to suspend the Chief Executive Officer of General Electric Corporation but only its SBLC subsidiary.

Prior to the issuance of any order under this section except for a capital directive, the Administrator is required to provide any target of the order a hearing pursuant to §§554, 556, and 557 of the Administrative Procedure Act. The section delegates the responsibility of conducting the hearing to administrative law judges but the final responsibility on determining whether an order should issue rests with the Administrator based on the record developed at the adjudication. The approach is similar to that used by independent federal regulatory agencies such as the Federal Communications Commission or Federal Trade Commission. Those agencies use administrative law judges to conduct hearings and the commissioners use that record as the basis for their legal and policy determination. This bifurcation of the hearing from the decisionmaker ensures that the hearing will be fair and provide an opportunity for the target of an order to make the best possible case before an impartial fact-gathering tribunal.

The Administrator is authorized to issue orders prior to a hearing if extraordinary circumstances exist and the order is needed to protect the financial or legal position of the United States. The Administrator only should use the power to issue orders without a hearing only under those circumstances in which an agency issues a rule without notice and comment, i.e., a truly exigent circumstance, see, e.g., NRDC v. Evans, 316 F.3d 904, 912 (9th Cir. 2002); Utilities Solid Waste Group v. EPA, 236 F.3d 749, 754 (D.C. Cir. 2001) (good cause to forgo notice and comment applies only in emergency circumstances), or when a federal court would issue an ex parte temporary restraining order (but in order to preserve and protect the federal government rather than the status quo). Cf. Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers, 415 U.S. 423, 439 (1974) (noting that ex parte restraining orders necessary evil to protect status quo). The section then provides that the procedures for holding a hearing, including the notice requirement, be commenced within 2 days after the issuance of the order. Congress believes that this comports with the fundamental fairness exhibited by federal courts when issuing an ex parte temporary restraining order.

Congress' approach defines final agency action for purposes of a challenge to the issuance of an order by the Administrator and authorizes that a challenge may be commenced in federal court within 20 days after issuance of a final order. For purposes of fundamental fairness to individuals, Congress also believes that interim relief in federal court is appropriate for a stay of an order issued prior to hearing until the hearing itself is completed. Both of these provisions were added out of an abundance of caution. Although Congress believes that federal court jurisdiction challenging the Administrator's action may constitute a "federal question" pursuant to §1331 of the Title 28, United States Code, Congress determined that explicit authority to challenge the Administrator's orders in federal court removes any question that this decision has been remitted solely to the discretion of the agency and is not subject to review under Heckler v. Chaney, 470 U.S. 821 (1985).

This section authorizes a court to appoint a receiver for the entities subject to regulation pursuant to this section. The receiver is entitled to take possession of assets of the SBLC or Non-Federally Regulated SBA Lender. Congress intends this authority to extend only to the SBLC or Non-Federally Regulated Lender's portfolio of loans or other instruments guaranteed by the Administrator including any debentures, participating debt, or securities issued pursuant to the Small Business Investment Act.

Congress believes that suspension, revocation, or cease and desist is an extraordinary remedy. Each requires an extremely high burden of proof related to willful misconduct that may present a difficult case for the Administrator to prove. Therefore, the bill also provides the Administrator with the authority to seek court-imposed civil penalties for the failure to file reports required by the Administrator. Such penalties shall issue when the failure to file is willful and not due to neglect. The failure to file required reports for more than two reporting periods is, in the opinion of Congress, sufficient, but not the only evidence of willful neglect. Congress expects the Administrator to promulgate regulations outlining the factors that determine willful neglect for the purposes of civil penalties (as an aid to the entities regulated pursuant to §23). These regulations also must contain standards for exempting SBLCs and Non-Federally Regulated Lenders from the civil penalty provisions as well as the procedures used for determining whether the institution qualifies.

Section 162. Definitions relating to small business lending companies

Almost all of the lenders authorized by the Administrator to issue guaranteed loans pursuant to §7(a) are lending institutions regulated by a federal financial regulator. However, there are a few institutions that make guaranteed loans that are not subject to federal financial regulatory oversight or regulation by a state banking authority. The Administrator classifies these institutions generically as "small business lending companies." However, that universe actually consists of two separate entities—small business lending companies (not financial institutions) and financial institutions not subject to any agency authorized to review the safety and soundness of depositary institutions. Since §161 adds a new §23 granting the Administrator power to regulate these entities, §162 adds two new subsections to the definitions in the Small Business Act defining small business lending companies and non-federally regulated SBA lenders.

Section 201. Amendment to definition of equity capital with respect to issuers of participating securities

Congress determined that changes were needed in the definition of equity capital with respect to any company that issues participating securities. Such companies, participating securities SBICs, commit to invest an amount equal to the outstanding face value of participating securities solely in equity capital. Equity capital refers to common or preferred stock or a similar instrument, including subordinated debt with equity features. Equity capital issued by participating securities SBICs previously provided for interest payments to be made to the Administration contingent upon—and limited to—the extent of earnings on equity capital. However, since the inception of the Participating Security SBIC program, the majority of SBICs have not realized sufficient profits with which to meet their financial obligations to the federal government. This has resulted in serious financial loss for the federal government. In order to mitigate these losses, the definition of equity capital has changed so that participating security SBICs do not have to realize profits on their investments in order to make payments to the Administration. If a participating security SBIC is experiencing overall losses on their investments but has other sources of funds such as invested excess funds, royalty payments, licensing fees and the like, Congress intends that these funds may be used to meet their obligations to the Administration.

Section 202. Investment of excess funds

This section provides SBICs with additional flexibility for handling funds prior to investments in small businesses by allowing SBICs to invest such funds in additional types of securities. Currently, SBICs holding cash, prior to investing in a small business, are only permitted to invest directly in obligations of the United States, obligations guaranteed by the United States, or in certificates of deposit maturing within one year or savings accounts that are in institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. This section modifies the current restriction by permitting SBICs to invest in securities, mutual funds, or instruments, which themselves invest solely in the obligations that are currently permitted. For instance, Congress expects that SBICs will be able to invest in mutual funds that, in turn, invest in the government-backed obligations already authorized for investment in SBICs. Congress believes that this modification will provide SBICs with greater flexibility and a wider range of short-term investment options.

Section 203. Surety Bond Amendments

Section 203(a) clarifies that the current $2 million limit on surety bonds applies to the bond guarantee and not the contract size. Congress adopted this clarification to prohibit contracting officers from determining that small businesses would not qualify for an Administration-backed surety bond for a contract worth less than $2 million even though it was part of a bundle of contracts that exceeded $2 million. For example, a small business might be denied a surety bond if the small business had a contract for $1.5 million, but that contract was part of a $12 million bundle of contracts that had been awarded simultaneously.

Section 203(b) requires that an audit of each participating surety shall occur every three years instead of annually. This reduction in the frequency of audits will save participating sureties time and money and allow them to allocate these resources to more productive uses. In addition, this will enable the Administrator to focus on more critical elements since the sureties already provide reports on a periodic basis that would identify problems during the interregnum between audits.

Currently certain sureties designated by the Administrator may issue, monitor, and service surety bonds issued pursuant to Title IV of the Small Business Investment Act. This authority ceased to be operative on September 30, 2003 (but has been extended for short periods of time on a temporary basis). Congress determined that the authority for this program should be made permanent. Section 203(b) makes that change by repealing 207 of the Small Business Reauthorization and Amendment Act of 1988.

Section 204. Effective Date of Certain Fees

Loans made pursuant to Title V of the Small Business Investment Act do not require any appropriation. Fees charged to borrowers and CDCs absorb the costs associated with the issuance of such loans. When the zero-subsidy for the program was instituted, Congress made the fee authority temporary to see whether the program could survive without an appropriation. The program has succeeded admirably and Congress does not expect that an appropriation to fund loans made by CDCs will be made for the foreseeable future. As a result, Congress determined it was pointless to continue, as temporary, the Administrator's authority to charge fees for loans made pursuant to Title V of the Small Business Investment Act. Section 204 grants the Administrator permanent authority to charge fees.

Mr. KOLBE. Mr. Speaker, I rise to speak in strong support of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for fiscal year 2005, which is included as Division D of this consolidated appropriations legislation. This conference agreement provides important funding for programs designed to support the global war on terrorism, the battle against HIV/AIDS and other infectious diseases, and to support the national interests of the United States. It provides new funding of $93 million to help address the humanitarian disaster in Sudan, including $75 million to support an African Union security force to help end the violence that is plaguing the people of Darfur.

This portion of the conference report contains $19.7 billion in new discretionary budget authority for fiscal year 2005, excluding $93 million in emergency spending to meet the very real emergency in Darfur. This is still $1.6 billion below the President's request, but represents an increase of $318 million above the level passed by the House. The primary reason for the increase is a conference decision to fund the President's highest priority in this bill, the Millennium Challenge Corporation, at a level of $1.5 billion.

We had many challenges in dealing with the Senate bill and reaching a final agreement, but I think we were successful in crafting a bill that is balanced and promotes United States foreign policy objectives.

The Millennium Challenge Corporation will be an important innovation in the way we deliver foreign assistance. It will reinforce and reward efforts in developing countries to strive for poverty reduction by emphasizing a country's commitment to fighting corruption and investing in its people. It was our appropriation bill last year that incorporated the authorization creating the MCC. The President can continue to count on me as a strong supporter.

In addition, we provide important military assistance and counter narcotics funding for our allies in the global war on terrorism, including: an increase of $350 million, for a total of $400 million, to train and equip the new Afghan National Army; an increase of $90 million for law enforcement and counter narcotics programs in Afghanistan, to help reduce record opium harvests; a new base program of $300 million for military assistance for Pakistan to help us in hunting terrorists along the Afghan border; and an increase of $73 million, for a total of $2.22 billion, for our closest alley in the Middle East, the State of Israel.

The conference agreement includes full funding for these increases, both through new budget authority and, in the case of Pakistan, the use of $150 million in transfer authority.

In addition, the conference agreement includes $2.3 billion for combating HIV/AIDS and related diseases, an increase of $690 million over last year and $93 million over the President's request. Together with $624 million recommended by the Subcommittee on Labor/HHS, over $2.9 billion will be available for HIV/AIDS programs in fiscal year 2005.

The conference agreement includes a contribution of $338 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria. The figure for the Global Fund has gotten a lot of attention, and I want to set the record straight. The $338 million that the conference included in $238 million over the President's request. I hope everyone keeps in mind that in order to meet our budget target we had to cut $1.6 billion from the President's request for foreign assistance. Given such a challenge, I'm personally very satisfied that we are able to find bicameral, bipartisan support for such a significant contribution.

My colleagues should know that the U.S. contribution is limited by law to one-third of all contributions to the Global Fund. Because other countries, particularly some European countries, did not step up to the plate last year, $88 million of our money intended for the Global fund could not be spent. We've included bill language to direct those funds back to the Global Fund; otherwise they would not be available for that purpose. When the challenge of AIDS is so large, we must put every dollar to work.

Finally, the Fund has grown tremendously in its three years. It currently has over 200 grants under management for billions of dollars. The funding included in the conference agreement provides enough—again, assuming other countries contribute their share—to cover the ongoing and renewal costs of these grants.

The Fund needs to take the next several months to make sure it's strong enough to fulfill its mandate efficiently and transparently. The conference agreement includes guidance for steps the Fund should take, such as making sure funds are disbursed only on the basis of proven results.

This conference agreement also provides $950 million for other health activities aside from HIV/AIDS. This amounts to an increase of $130 million over the President's request and a $31 million increase over last year.

The conference agreement also provides $404 million in assistance for Sudan, including Darfur. I visited Darfur a few months ago with Mr. JACKSON of Illinois, and we returned convinced that no long-term solution can be found for that troubled region without security. The African Union observers and protection mission in Darfur is a step in the right direction, and $75 million of this assistance is specifically intended to support and sustain that mission. Our bill is explicit in providing that no funds from these accounts can be made available for the government of Sudan in Khartoum until it acts in good faith to find a lasting peace in Darfur. The rest of the funding will remain available for humanitarian assistance for the people of Sudan.

We continue an emphasis in agreement on helping developing countries build their capacity to participate in the international trading system. The conference agreement provides $507 million for trade capacity building, the same amount as last year. It also includes $20 million specifically intended to help the countries of Central America develop the labor and environmental standards that will help facilitate implementation of the Central American Free Trade Agreement, which I hope Congress can make a reality in the coming session.

The conference agreement also responds to emerging needs, such as the provision of $85 million in assistance for Haiti. This legislation also funds the export finance agencies that help promote U.S. investment overseas and create jobs in the United States export sectors. It provides over $250 million for these agencies, including the Export-Import Bank, the Overseas Private Investment Corporation, and the Trade and Development Agency, which is offset by $311 million in collections.

The narcotics industry has become a source of funding for terrorists, especially in countries like Colombia and Afghanistan. As part of the war on terror, the conference agreement fully funds the President's request for the Andean Counterdrug initiative at a level of $731 million, for anti-narcotics, interdiction, development programs, and rule of law and institution building programs in Colombia, Bolivia, Peru and Ecuador.

Under the general anti-narcotics account, the conference report fully funds anti-narcotics and law enforcement programs in Afghanistan at a level of $90 million, and in Mexico at a level of $40 million.

To support continuing United States leadership in the world for providing humanitarian responses to refugee crises, the conference agreement provides $800 million for refugee programs, $50 million more than the President's request.

To conclude, Mr. Speaker, I believe this balanced conference agreement provides important support for our most critical national security needs while substantially increasing funding to respond to the global HIV/AIDS pandemic. It also enhances our support for our overseas development assistance and humanitarian assistance activities. It meets the high priority needs of the President in these areas, and accommodates Congressional concerns as well. It is a conference agreement that I think all members of this body should support.

Before I yield, Mr. Speaker, I want provide special thanks to my full committee chairman, BILL YOUNG of Florida, for his help and support to the Foreign Operations Subcommittee over the past 6 years. He is leaving as committee chairman, but remains a valued member of our committee, and I look forward to working with him closely in the future.

I also want to pay tribute to the ranking minority member of the full committee, Mr. OBEY, and my ranking minority member, NITA LOWEY. They both have been extremely helpful in this process, and I very much appreciate the House Foreign Operations bill, and in reaching a conference agreement. I also appreciate all the members of the Subcommittee who contributed so much to this final agreement.

Mr. INSLEE. Mr. Speaker, I oppose the language in this Omnibus bill that significantly restricts a woman's access to health care services. This year, 2,500 Washington State residents traveled across America to march for this right protected by the U.S. Constitution. As the 108th Congress comes to an end, I am disappointed to be faced again with an omnibus piece of legislation containing political poison pills that attack constitutional liberties.

I regret that Congress must pass this appropriations bill to keep our Government running yet simultaneously approve a bill that encroaches on a woman's right to make private medical decisions with her doctor. Embedded in this legislation is a Federal Refusal Clause which creates an impossible situation for women in my State that are protected by local pro-choice laws—laws that these citizens time after time support—which ensure women access to reproductive health information and services.

This provision would break contracts that Washington State has with Medicaid providers to prohibit the local healthcare facilities participating in Medicaid from referring patients to abortion services—even when medically necessary, even upon patient request and even though law entitles it. This provision is a blow to the right of a woman and her doctor to make private healthcare decisions and I urge my colleagues to correct this outrage.

Mr. OWENS. Mr. Speaker, I ask that my statement be included at the appropriate place in the RECORD in its entirety and request permission to revise and extend my remarks.

Mr. Speaker, as other members on the Democratic side of the aisle have stressed, the Republican majority has allowed us only a handful of hours to examine the content of this mammoth bill, which numbers in the thousands of pages, before holding a vote on final passage. This rushed vote on the omnibus appropriations bill for fiscal year 2005 represents more than a serious disservice to the American people. It signifies a disgraceful denigration of our role as elected representatives and a serious blow to our democratic form of government.

Although I therefore lack any time to sift through, let alone examine carefully, the lion's share of provisions in this omnibus measure, I have seen two labor clauses which cause me the gravest of concerns. First, this conference report reverses a provision—which passed both the House and the Senate with clearcut bipartisan support—to ensure that workers who put in overtime hours get paid overtime wages. The Republican leadership in Congress has therefore joined with the Bush Administration in pilfering the pockets of hard-working Americans and their families. By taking away the right of millions of American workers to earn overtime pay, the Republican leadership is also turning back the clock more than half a century. They do so to the detriment of hardworking women and men and their families across this nation.

Secondly, a clause in this bill that would seriously erode worker protections against tuberculosis (TB) and bioterrorism. This provision prohibits the Occupational Safety and Health Administration (OSHA) from enforcing any part of its respirator standard for workers at risk of exposure to TB and other deadly infections. At a time when the Bush Administration is invoking daily, color-coded terrorist alerts, it is senseless to weaken the only standard we have to protect health care workers against air-borne pathogens or air-borne "weapons of mass destruction." By prohibiting OSHA from enforcing either an initial as well as an annual fit test for workers' masks, that is exactly what is possible. According to Dr. Margaret Hamburg, Vice President for Biological Programs at the Nuclear Threat Initiative, drug-resistant TB is a biological agent that might be used as a weapon, in addition to small pox, pneumonic plague, and others. To undercut the only protection that front-line health care workers would have against such agents—namely, their respirators—is worse than irresponsible and reckless. It is entirely without conscience. Mr. Speaker, I hope my colleagues in the 109th Congress will see the wisdom of reversing this provision, which seriously undermines workers' protections against TB and bioterrorism.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to urge the Conferees and Appropriators to strike the language contained in Section 508(d)(1), language that was offered by the gentleman from Pennsylvania as a violation of the House Rule against legislating in an appropriations measure.

In addition, Mr. Speaker, this provision severely undermines the right of States to enforce their laws.

If this bill passes and a State or local government fails to comply with the Weldon provision, they essentially put at risk the following:

All of their state Medicaid funding.

All their S–CHIP money.

All their Head Start money.

All their child care development block grant money.

All their social services block grant money.

Simply put, it restricts states' autonomy and right to self-governance and undermine states' ability to enforce their own constitutional protections.

If a state chooses to enforce its own laws and require an HMO to provide abortion counseling or services—it will pay a very heavy price.

This provision has a broad and draconian enforcement mechanism. It would deny federal funds to a state or local government that attempts to ensure women have full access to reproductive health services and information. In fact, the proposal is worded so that even federal programs could be stripped of their funds if they were to comply with existing federal laws requiring women have full access.

Moreover, it interferes with state and local governments' responsibility to set the parameters of their own Medicaid programs. It blocks federal, state and local governments' attempts to improve women's access to full reproductive health services.

Rights now, if a woman is raped and receives her health care from Medicaid, states can force all HMOs that participate in Medicaid to either pay for her abortion or at least tell her that she is eligible to get such coverage and where to get it. If this provision passes, states will not be able to enforce this requirement and Medicaid HMOs could simply refuse to cover this woman's abortion and not tell her that she can get coverage elsewhere.

It even interferes with, and possibly overrides, current federal laws, such as the Emergency Medical Treatment and Active Labor Act, which ensure that women in life-threatening circumstances receive the medical care they need.

Right now, if a woman comes into the emergency room of a hospital with an incomplete miscarriage, which can threaten her life, under EMTALA, the hospital must stabilize her. If stabilizing requires completing that abortion, they have to do it no matter what their religious beliefs. If Weldon passes, the hospital could claim that it is "discrimination" to force them to do this. So, this provision could essentially overrule EMTALA depending on how it is interpreted and we don't know how it will be interpreted.

Mr. Speaker, I strenuously urge my colleagues in the House to fight this onerous, dangerous provision that is a backdoor attempt to overturn Roe v. Wade.

Mr. EMANUEL. Mr. Speaker, I want to thank the Appropriations conferees for including in the conference report nearly $100 million to improve flu vaccine production capacity and technology, and, if necessary, to allow the government to purchase vaccine.

This allocation will help us make sure we don't repeat the mistakes of this year. This investment in flu vaccines means that the Congress learned a lesson from this year's crisis and is taking steps so it doesn't happen again.

This year's shortage is resulting in long lines for the flu shot and widespread fear among the elderly and other vulnerable populations that they will be stricken with the flu virus.

As the sponsor of the Flu Protection Act, along with Senator BAYH in the other body, I also want to thank Congressman SHIMKUS and all of the 29 bipartisan cosponsors of the Flu Protection Act for their work on this issue.

We have our work cut out for us. Next year, we need to implement all of the provisions of the Flu Protection Act, and ensure that we improve our ability to prevent an avoidable public health disaster.

Mr. EHLERS. Mr. Speaker, I rise today to express my displeasure with the current state of the appropriations bills.

First, I regret that we are using an omnibus bill to finish the appropriations process for FY 2005. It is not a good procedure, under any circumstances, when we are required to vote on a bill with insufficient time for review, especially a bill as important as appropriations for most of government funding other than Defense and Homeland Security.

My most serious concern with the omnibus is the appropriation for the National Science Foundation, (NFS), which is $227 million below the President's request for FY 2005. The amount is even $60 million lower than last year's appropriation—before accounting for the .83 percent across-the-board cuts, meaning the cut is actually larger than $60 million—primarily in the critical areas of research and education, and even reduces the support for basic research. In the last 20 years this has happened only twice, and I am sorry to see that this year we will make it a third.

While I understand the need to make hard choices in the face of fiscal constraint, I do not see the wisdom in putting science funding far behind other priorities. We have cut NSF despite this omnibus bill spending *more* money for the 2005 fiscal year, so clearly we could find room to grow basic research while maintaining fiscal constraint. But not only are we not keeping pace with inflationary growth, we are actually cutting the relative size basic research comprises of the overall budget.

NSF has been praised as a model of administrative efficiency—over 95 percent of its funds go directly to support education and research programs. Former OMB director, Mitch Daniels, praised NSF as a model of administrative efficiency and called NSF one of the "true centers of excellence in this government" for its low overhead costs and efficient use of tax dollars. Furthermore, NSF has earned a reputation as the premiere basic research institution with only 4 percent of the total federal research and development budget. I am concerned about the kind of message that we are sending by cutting funding at agencies that succeed so well with already lean budgets, while rewarding those less efficient agencies by increasing their funding.

This decision shows dangerous disregard for our nation's future, and I am both concerned and astonished that we would make this decision at a time when other nations continue to surpass our students in math and science and consistently increase their funding of basic research. We cannot hope to fight jobs lost to international competition without a well-trained and educated workforce. If we want to remain competitive in the international marketplace, we must provide funding that stimulates innovation and supports education. Within our borders, NSF supports technological innovation that has been, and remains crucial to the sustained economic prosperity that America has enjoyed for several decades. This innovation is made possible, in large measure, by NSF support of basic scientific research, particularly in the physical sciences. Research at NSF not only underpins physical science research, but lays the foundation for work in the health science and medicine as well. Reducing this funding is extremely shortsighted.

While I strongly oppose the reduced budget for the National Science Foundation, I recognize that the omnibus contains many important pieces of legislation that are necessary to pass. Therefore, under protest, I will vote for the bill, but my vote does not in any way represent my approval for the funding cuts to the NSF.

Ms. LOWEY. Mr. Speaker, I rise in support of this conference report. I'd like to take a few moments to focus on the foreign operations section, which I strongly support and which I believe represents the very best of bipartisan cooperation in the pursuit of a sound and effective foreign policy.

Despite representing a cut of $1.9 billion below the President's request, the conference agreement will accomplish many good things. It increases the President's request for international HIV/AIDS programs by about $100 million, and by about $700 million over last year's level. It provides a total of $400 million for basic education, which is a $75 million increase above last year. Since Chairman KOLBE and I began working together, we have quadrupled funding for basic education, and I am pleased the Senate agreed to include the House-passed level for this valuable priority.

The Millennium Challenge Corporation will receive $1.5 billion, which is $500 million above last year. We have also restored cuts proposed by the President to USAID's core programs for health, the environment, democracy building, and economic growth. This is the second consecutive year that Congress has had to restore the administration's cuts, and I hope the administration will take notice. Congress has no intention of cutting our core programs in Africa and Latin America to make room for new initiatives.

The agreement fully funds our commitments to Israel and other Middle Eastern countries and provides increases for new programs designed to mitigate conflicts. I am pleased that we have extended the loan guarantee program for Israel by 2 years, which will enable Israel to take full advantage of the authority already granted by Congress. I am also pleased that the statement of managers expresses concern about the need for more vigorous oversight of the United Nations Relief and Works Agency, and requests a report on oversight measures from the State Department.

The agreement also provides significant funding for both Pakistan and Afghanistan as we continue our partnership in fighting the war on terrorism. As reconstruction proceeds in Afghanistan, it is increasingly clear that the $1 billion in this bill will have to be augmented by as much as an additional $1 billion in supplemental funds. I hope that we will have the opportunity to provide these funds after the New Year—we have a responsibility to our own national security, and to the people of Afghanistan, to get the reconstruction job done right.

We have increased funds for both Sudan and Haiti because of the serious humanitarian crises in both countries. For Haiti, we have provided $85 million, which is $58 million above the request. For Sudan, the bill contains the $311 million included in the House-passed bill plus an additional $93 million specifically for the Darfur emergency. This funding, which should have come in the form of a mandatory transfer from the billions of unspent Iraq reconstruction funds, will instead be provided as new, emergency funding. I am simply baffled that, despite bipartisan support for this transfer, the administration has fought tooth and nail against it. While I am pleased the funds have been provided, I am surprised that we have not taken advantage of the authority to use already-appropriated funds for this clearly important purpose.

Once again, I am disappointed with the disposition of the outstanding issues surrounding international family planning. While I am pleased that the conference agreement provides $441 million for our bilateral family planning programs, these programs are still subject to the senseless global gag rule policy. We have also failed to rationalize restrictions on funding the United Nations Population Fund, which as received no U.S. support since 2001.

I am pleased that we have clearly stipulated that any fiscal year 2005 funds blocked from UNFPA will go to bolster our bilateral family planning programs. I am deeply disappointed that the administration has only allowed us to provide half of the fiscal year 2004 funds meant for UNFPA for family planning. I support anti-trafficking initiatives, but urge the President to actually request them for the upcoming fiscal year, instead of simply announcing that he will take them from other programs.

One last issue I feel compelled to address is the potential cut-off of economic assistance to a number of countries based on their failure to sign so-called Article 98 agreements. The House bill contained language extending the reach of current law by cutting off Economic Support Fund assistance to the government of countries that have not signed agreements exempting U.S. troops from the jurisdiction of the International Criminal Court. Current law cuts off military assistance to countries with no signed Article 98 agreements, but also gives the President broad waiver authority.

The conference agreement contains a narrow waiver for non-NATO allies, but no waiver for the remainder of the world. The ultimate result is the potential cutoff of economic assistance to Jordan, Cyprus, Lebanon, Ecuador, Kenya, South Africa, Angola, and other countries.

I understand and share the concerns many of my colleagues have about the International Criminal Court. But I also do not believe that these concerns should be the cornerstone of U.S. foreign policy.

Jordan is not only our most reliable partner in the Arab world, the country now serves as the primary staging point for much of our Iraq reconstruction effort. The new Iraqi police force upon which so much depends is now being trained in Jordan. Threatening a cutoff of economic assistance simply flies in the face of common sense. Our program in Cyprus has been in place for many years and funds efforts to help end the conflict there—a key U.S. foreign policy goal. In other countries, our efforts include a wide range of programs relating to drug trafficking, dealing with environmental problems, and providing economic advisors. It seems shortsighted to discard these goals because of concerns over the poorly organized and ineffective ICC.

Personally, I believe this provision should have been dropped—I opposed it when it was offered during House consideration of the bill. However, if a waiver must be included, it should have included all countries and not simply NATO and major non-NATO allies. This would allow the administration to let aid flow unimpeded to key countries in Latin America and Africa that might otherwise be forgotten. As it stands now, many of these programs are likely to be curtailed or halted.

Mr. Speaker, I also want to express my concern with the Weldon refusal clause provision included in the LHHS section of the bill. For over 30 years, there have been Federal laws that allow doctors, nurses, and hospitals to refuse to provide abortion services because of their religious beliefs.

However, just as the law protects religious or moral objections, it protects the rights of patients—ensuring that women have access to accurate and complete medical information when making decisions about their own health. The Weldon provision would unravel these protections—gutting the patient protections included in the Title X family planning program, which require that all legal options are presented to a woman; denying rape and incest survivors access to legal abortion services, which is a longstanding provision in current law, and overriding State constitutional patient protections.

I am very disappointed that my and my colleagues' efforts to strip this provision from the final bill did not prevail. This will hurt women all around our country, and it is shameful.

In closing, I want to thank Chairman KOLBE for his hard work on this bill, and express my deep appreciation of this close working relationship we have enjoyed. I think it is clear from the bipartisan way in which this bill was written—from the very first day—that we both share a strong commitment to our Nation's foreign assistance programs, and that we both understand that foreign assistance, along with diplomacy and defense, is a pillar of U.S. national security strategy. Chairman KOLBE and his staff—John Shank, Alice Grant, Rodney Bent, Rob Blair, Lori Maes, and Sean Mulvancy—have been wonderful partners in this process.

And I would like to thank the minority staff—Mark Murray and Beth Tritter—for their work as well.

Mr. SHAYS. Mr. Speaker, protecting and preserving our environment is one of the most important jobs I have, but I don't think we as a Congress are doing very well at it.

The conference report before us today includes funding for hundreds of important and beneficial programs and projects. Unfortunately, it also contains provisions that will weaken several significant land and water protections.

When the House passed the Interior Appropriations Act in June, we included a pro-environmental provision that would block new roadbuilding in the Tongass National Forest. The amendment passed because environmentalists came together with fiscal conservatives to end a long-standing subsidy for the logging industry while protecting the rainforest. Doing so just made sense. I am disappointed that this important provision is absent from the conference report before us today.

What is included, however, is language that reduces judicial review on Tongass timber sales by placing a 30-day statute of limitations on challenging those sales in court, making it much more difficult for the public to participate in the process.

In addition, the conference report waives National Environmental Policy Act (NEPA) review of nearly 1,000 expiring Federal-lands grazing permits, which will further discourage agencies from complying with environmental laws and could lead to continued degradation of sensitive public lands.

While I intend to support this legislation, I want to reiterate my disappointment that this Congress has missed another opportunity to craft policy that is both fiscally and environmentally responsible. Congress can and must do a better job protecting our environment. We simply will not have a world to live in if we continue our neglectful ways.

Mr. WALSH. Mr. Speaker, as we conclude our work today on the omnibus fiscal year 2005 spending bills, I wanted to take a few moments to recognize publicly the work of our Appropriations chairman for the past six years, the Honorable BILL YOUNG of Florida. Like so many members here in the House I greatly admire and respect my friend BILL YOUNG. He is truly both a gentleman and leader of this body and his work as chairman can only be categorized as outstanding.

The Appropriations Committee must find ways to fund the many programs authorized by the committees of the Congress. It is an awesome and challenging job requiring a person of skilled leadership abilities to accomplish. Our chairman is such a person who in his own quiet but fair manner finds ways to solve the problems around here. The reason is that warmth, fairness and skill he brings with him every day in coming here to work.

I support the omnibus legislation, H.R. 4818, we have before us now. It is a tribute to Chairman YOUNG and his many talents that we are able to debate and pass this bill today.

Mr. DEFAZIO. Mr. Speaker, I rise today to explain my vote in favor of H.R. 4818, the massive omnibus appropriations act, which incorporates the nine unfinished spending bills into a single package.

I reluctantly supported this legislation. On the positive side, it includes millions of dollars I requested for important projects in southwest Oregon. For example, the bill includes $2 million for the North Bend Airport Air Traffic Control Tower; $475,000 for the Port of Brookings Harbor Boardwalk Expansion and $418,250 for the Port of Brookings Harbor Seafood Processing Plant; $60,000 for Coos and Curry County METH Reduction and $150,000 for Coos County Law Enforcement Technologies; $265,000 for the Benton County Health Services in Monroe for facilities and equipment; and $200,000 for the Springfield Public Schools, Schools Plus Program.

It provides a significant investment in our Nation's roads, bridges, and water infrastructure. For southwest Oregon, the bill includes $5 million for the Courthouse District Transportation Improvements in Eugene; $2 million for the Lane Transit District Bus and Bus Facilities; $3 million for the Coburg/I–5 Interchange Improvements; and Wastewater Improvement Funds, including $150,000 for Sweet Home, $300,000 for Coburg, and $250,000 for Coquille.

I am pleased the bill restores at least some funding for the dredging of small ports in my district, though more funding is needed. Despite the fact that these small ports are the economic lifeblood of coastal communities in my district, President Bush had proposed to zero out funding for these ports in his budget.

I was also pleased that H.R. 4818 boosts funding for veterans' health care by $1.9 billion over last year and by $1.2 billion above the level requested by the President. Though, as I will discuss in a minute, veterans need and deserve more.

And, I am pleased the bill falls within the spending cap set by the President. Our Nation cannot continue to run up hundreds of billions of dollars in debt every year. Reversing the dangerous accumulation of debt will require discipline on both spending and taxes.

While I supported the bill, I want to note for the record my disappointment with the inadequate funding levels in several important areas. These areas could have been funded at higher levels even within the spending cap set by the President if lower priority items, such as the President's plan to send spacecraft to Mars or military and economic aid to dozens of countries, were reduced or eliminated.

For example, I am concerned that the bill cuts funding for the Small Business Administration by 19 percent below its current funding level. Small businesses are the primary employers and innovators in our economy. I cannot understand why the House Republican leadership elected to slash support for small businesses in this bill.

As I mentioned, while funding for veterans' health care was increased in this bill, I am concerned that the funding level still falls $1.3 billion below the level requested on a bipartisan basis by the House Committee on Veterans' Affairs.

I am disappointed that H.R. 4818 underfunds the education programs under the No Child Left Behind Act by $9.6 billion. Title I, Head Start, IDEA, and after-school programs, among others, are underfunded. Thousands of children will be left behind by the funding levels in this bill.

Older students won't make out much better. H.R. 4818 freezes the maximum award for Pell grants for the second year in a row, despite the fact that college tuition has risen 36 percent since 2001.

Finally, I think it is outrageous that the House Republican leadership stripped a variety of important provisions that were adopted on a bipartisan basis by the House and, in some cases, the Senate as well. For example, the House leadership cut a provision to protect overtime pay for millions of American workers. And, a provision to allow Americans to safely reimport cheaper drugs from overseas was eliminated at the behest of the pharmaceutical industry.

So, again, I will support this bill, but I will not do so enthusiastically.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today during this special Saturday session to discuss the omnibus appropriations we are now hurriedly trying to pass. While I commend the conferees and appropriators for completing the extraordinarily difficult task of agreeing to the language of this legislation pertaining to the nine appropriations, it is vitally important that all necessary programs are funded at the appropriate levels. This august body is nevertheless charged with the responsibility to prioritize in the most efficient manner possible and with the needs of the American people in mind. Each Member of this body comes from a district that has its own particular needs and requirements, and it is our sworn duty to ensure that our constituents are served.

As we all know, this omnibus bill is a mixed blessing because while many programs will receive greater funding, many others will lose the level of funding they received in previous years. Under the agriculture portion of this omnibus we are appropriating $85.3 billion. This number is $1.3 billion (1.5 percent less than the fiscal year 2004 level, which means that many valuable programs will face cuts or losses. But I also want to make note to the credit of the conferees that the funding level is $2.3 billion (4 percent more than the Bush administration's request and $2.1 billion (2 percent more than the original version that came from the House of Representatives.

Of that total, $68.3 billion (80% is mandatory spending for nutrition programs, such as food stamps and crop-support programs. There are two programs in particular that are of great value, both to my constituents and the Nation: the WIC program and the School Meals Program.

The omnibus has allocated $5.3 billion to the WIC program, which supports the Women, Infants and Children program. I am pleased to see that this is $665 million (14% more than the fiscal year 2004 level and $370 million (7.5 percent more than the original House bill.

The Special Supplemental Nutrition Program for Women, Infants, and Children, WIC, is a health and nutrition program with a successful record for improving the diet of infants, children, and pregnant, postpartum and breastfeeding women who are at risk for nutrition-related illness. The main focus of the WIC program is to educate mothers on the proper nutrition for babies and young children. The target population is low-income women who are pregnant, breastfeeding or have recently given birth, and children up to the age of 5.

This is a commonsense, simple approach to instill good nutrition into mothers and children at an early age. The purpose of WIC is to provide nutrition education and food assistance to those categories of people who have been found to be the most vulnerable to the effects of malnutrition and to achieve optimal nutritional status for children prior to starting school.

Income eligibility for WIC is at 185% of the poverty line, allowing women who can afford to take care of their children a unique opportunity to learn about nutrition and pass those skills and nutrients along to their child. This past year, in my State of Texas, there were 1,132,467 women who met the eligibility requirements of WIC. Out of that number, 80 percent, or 901,658 participated in the WIC program, demonstrating its huge success and appeal.

In my position as a legislator, I often hear criticism of government programs that don't instantly solve problems with taxpayer money. WIC is a direct benefit to mothers with young children, providing them with nutrition education, access to public health care system, (i.e., prenatal care, child health, family planning, immunizations) and supplemental nutritious foods. This combination is a positive cycle toward a lifetime of healthy living, which will continue to be passed on for generations. Having a community with healthy, immunized children is a public good.

The other program I want to address today is the school lunch program, which $11.8 billion is allocated to under the agriculture appropriations in the omnibus bill. Unfortunately, this is $364 million (3 percent less than the current level of funding. Again to be fair though this appropriation is $405 million (3.5% more than the President's request and $401 million (3.5% more than the House bill had originally offered.

According to the American School Food Service Association, both WIC and the school lunch program provide a link to literacy and support the Nation's educational goals. Teachers, parents, children and administrators can all attest how hard it is for a child to concentrate in a classroom on an empty stomach.

Schools have an important role to play in the development of healthy children. The school lunch program needs to be adequately funded so that all children who are with 185 percent of the poverty line can get a healthy, nutritious meal at school. Until we are able to do this, we cannot expect all children to learn and engage properly in a classroom.

The school lunch program doesn't just address those that are eating too little, but also those that indulge too much. The American School Food Service has stated that the most effective place to begin addressing overweight and obesity is by teaching children to make healthy life choices. Obesity has become a leading health problem in our Nation's schools. Childhood obesity rates have tripled over the past 20 years, resulting in children suffering from early onset of traditionally adult diseases such as hypertension, diabetes, and heart disease.

As reiterated by Dr. Susan Finn, chair of the American Council for Fitness and Nutrition, it is not a "black list of foods" that we must eliminate in children's diets to create a better balance, but teaching children to recognize healthy options and learn to enjoy them. The school lunch program gives our educational system a prime opportunity to do so.

I am proud to be here today to pass this bill, and ensure the success of these two programs. As chair of the Congressional Children's Caucus, I have always been committed to America's children. Our children are our Nation's greatest strength and resource. Marian Wright Edelman, president of the Children's Defense Fund said, "If we don't stand up for children, then we don't stand for much." Today on this floor I want all of us to reaffirm our commitment to the welfare of all of America's children.

Transportation is a vital issue in my district in Houston as I know it is all throughout America. I am satisfied to know that this omnibus agreement provides a total of $58.9 billion in budgetary resources for the Transportation Department, $559 million (1 percent) more than current funding and $485 million (1 percent) more than originally requested. I am also satisfied that the amount in the conference agreement in $48.1 billion more than in the House-passed bill, because most of the $58.9 billion in transportation funding recommended by the House Appropriations Committee was removed by points of order during the debate and had now been restored.

As a body we must insist on proper funding for our long-term transportation needs because it is of such vital interest to our Nation. Investments in our Nation's surface transportation infrastructure create millions of family-wage jobs and billions of dollars of economic activity. Each $1 billion of Federal funds creates 47,500 jobs and $6.1 billion in economic activity. In addition, this investment in transportation infrastructure will increase business productivity by reducing the costs of producing goods in virtually all industrial sectors of the economy. Increased productivity results in increased demand for labor, capital, and raw materials and generally leads to lower product prices and increased sales.

Because so much is literally riding on transportation services for the 21st century we must insist on a balanced surface transportation program that serves the mobility needs of our country in a manner consistent with key democratic principles, including: economic growth, intermodalism, security, safety, continuity, equal opportunity, protecting our human and natural environment, rebuilding our transit and highway systems, encouraging alternative transportation, encouraging smart growth, encouraging advanced technology solutions, and protecting the rights of workers in transportation industries. While I am satisfied with the current funding level I look forward to the day when we can pass a comprehensive and equitable transportation agreement that serves the 21st century transportation needs of the American people.

I want to spend some time discussing the appropriations made under the section covering the Veterans Affairs, VA, Housing and Urban Development, HUD, Independent Agencies appropriations bill. The conference agreement includes $93.5 billion in discretionary funding under this section, which is $2.7 billion (3 percent) more than the fiscal year 2004 discretionary level and $1.4 billion (1 percent) more than the administration's request. Unfortunately, not all the needs within this section were fulfilled and too many people will be left to feel this burden.

I am saddened to say that our Nation's housing programs were hardest hit by this omnibus. The agreement provides $37.3 billion for the Housing and Urban Development Department. Sadly, this total is a full $618 million less than the fiscal year 2004 level but thankfully $521 million more than the administration's pitiful request for housing. Every year our housing needs grow greater, not less; therefore, I find it implausible that our funding for housing programs would in fact go down. Too many people in my district in Houston and in fact throughout the country are in need of housing assistance, and now as we near the holidays we are prepared to leave these people out in the cold. I call for all in this body to make the commitment to housing because in many ways it is the backbone of the American family and our way of life.

Being from Houston, home of the Johnson Space Center, I am also very concerned by the level of funding given to NASA. The agreement provides $16.2 billion for the National Aeronautical and Space Administration, NASA, $822 million more than the fiscal year 2004 appropriation but a full $44 million less than the President's request. As a Nation, we must reaffirm our full commitment to science and space exploration. The discoveries made through NASA endeavors have many practical applications as well as helping us to answer questions about our past. Truly, our Nation would be less complete without the marvels and innovations that NASA has produced throughout its history. I also want to make note of the reduction in funding for the National Science Foundation, NSF, which under the agreement appropriates $5.5 billion, but is $62 million less than the fiscal year 2004 level and $278 million less than the President's request. Again, as a Nation we must strive to move forward, not backward in the areas of innovation and discovery. Our Nation's greatness was built on the hard work of its people, but it was also greatly aided by the work of our science community.

Another vital section of this omnibus is the one regarding Labor, Health and Human Services, HHS, and Education departments and related agencies. Truly the well being of so many Americans is affected by the funding levels set in these provisions. We owe it to our constituents young and old alike to ensure that their needs are addressed in this portion of the omnibus.

The economic prosperity of the 1990s fueled a drive to increase the levels of employment-based immigration. Both the Congress and the Federal Reserve Board expressed concern that a scarcity of labor could curtail the pace of economic growth. This resulted in an increase of the supply of foreign temporary professional workers through fiscal year 2003. The number of petitions approved for H–1B workers escalated in the late 1990s and peaked in fiscal year 2001 at 331,206 approvals. Since then, the H–1B annual numerical limit has reverted back to 65,000. That limit was reached on the first day of fiscal year 2005. The bill before us today includes provisions to address that problem. I want to thank Senator KENNEDY for his work on these provisions.

Before discussing these provisions, I want to emphasize that I believe American companies should hire American workers first. When they cannot meet their employment needs by hiring American workers, however, they should have access to foreign workers.

The H–1B provisions in this bill would exempt H–1B applicants with a masters or higher degree from a U.S. institution of higher education from the annual H–1B cap. This exemption would be limited to 20,000 per year. It also would strengthen labor protections under the H–1B program. It would reinstate and make permanent the attestation requirements for H–1B-dependent employers. Employers would be required to attest that they have not displaced a U.S. worker 90 days before or 90 days after the hiring of an H–1B worker. It would require an employer to pay 100 percent of the prevailing wage. Current law only requires 95 percent. It would require a governmental survey to determine the prevailing wage to provide at least four levels of wages commensurate with experience, education, and the level of supervision. Currently, only two wage levels are used.

I am pleased that we have provisions that would strengthen enforcement protections under the H1–B program. These provisions would authorize the Secretary of the Department of Labor, DOL, to conduct random investigations if the Secretary has reasonable cause to believe that an employer has committed a violation. It also would reinstate DOL's authority to investigate complaints alleging an employer's violation of the law.

We also have provisions that would increase H1–B visa fees from $1,000 to $1,500 for businesses with more than 25 employees. This would provide greatly needed additional funds for job training activities. It also would provide additional scholarships for computer science, technology, and science programs. I want to point out though that it is an empty victory if our American children are trained to do jobs and then are unable to find employment.

Finally, we obtained provisions that would provide needed strengthening of labor protections under the L Visa program to plug loopholes that are being used to bypass the cap restriction of the H1–B program. These provisions would prohibit the subcontracting of L–1 workers, and they would toughen eligibility restrictions by requiring L–1 workers to be continuously employed with the company for at least 1 year prior to obtaining an L visa.

While I am going to vote for this bill with these provisions in it, I remain concerned about the need to hire American workers first. We must work together to ensure that American companies make an effort to save American jobs for American workers. I received a letter from the American Engineering Association that I want to bring to your attention. According to the American Engineering Association, "American tech workers are facing record unemployment and losing their jobs to outsourcing." The Association claims also that, "Bringing in foreigners to take tech jobs undermines engineering as a profession and discourages young people from pursuing this path."

As I look forward to the 109th Congress, I envision a new approach to immigration reform. Instead of piecemeal reforms of our broken immigration system, such as this fix for some of the problems in the H–1B and L visa programs, we need bipartisan, bicameral support for comprehensive immigration reform. Effective immigration reform must provide a certain path to legalization for workers from around the world who are already living and working in the United States; repeal and replace employer sanctions with stiffer penalties for employers who take advantage of workers' immigration status to exploit them and undermine labor protections for all workers; reform, not expand, temporary worker programs; and reform the permanent immigration system so that those who play by the rules are not penalized by unconscionably long waiting periods. I intend to pursue such reform in the 109th Congress by reintroducing my Comprehensive Immigration Fairness Act.

Health and Human Services Programs are essential to all Americans and indeed to our Nation as a whole. I am satisfied that this agreement appropriates a total of $375.3 billion for the Health and Human Services Department, including $304.5 billion in fiscal year 2005 appropriations, $68.1 billion in advance fiscal year 2006 appropriations, and $2.8 billion from trust funds. We can never allow the well being of the people to be short changed, especially when we are addressing their health care needs.

Unfortunately, I am less than satisfied and in fact disturbed by the lack of total funding for education programs. The agreement appropriates a total of $59.7 billion for the Education Department, including $44.6 billion in fiscal year 2005 funds, and $15 billion in advance fiscal year 2005 funds. The agreement's total for the Education Department is $1.4 billion (2 percent more than the fiscal year 2004 appropriation but $306 million less than the administration's request. Not fully funding our children's education, which in my mind is already dramatically underfunded, is troubling. Too many children fall through the cracks of our educational system every year and instead of finding ways to support them, we instead choose to ignore them once again. I will always fight for the children of my district and in fact for all the children of America because their future is tied to ours and our present actions do not bode well for our Nation.

Again, I will admit that in any large Appropriation measure many programs will be left underfunded because it is impossible to fund everything we desire. But that cannot become a defense against short changing our Nation's priorities such as education, housing, and transportation. We all bear a responsibility to our constituents to take the proper time and consider all the options to ensure that their most vital needs are being met. We as a body may not always agree, but we do stand together on the principle of protecting the welfare of the American people, and I for one will stand in this Chamber for as long as is needed to ensure that honorable principle.

The fiscal year 2005 appropriations process was indeed a tough fight, but it is vitally important for Members to understand that portions of the tax revenue should be given back to the constituents. For Houston, TX, I am happy to report the following awards:

In the Labor, HHS portion of this bill, the Donald Watkins Memorial Foundation will receive $340,000. This is a 501(c)(3) nonprofit community-based organization established as a direct response to the rising number of persons living with HIV/AIDS, PLWHA.

The Houston Area Urban League will receive $300,000 to aid in its 35-years-old mission of assisting the poor and disenfranchised achieve social and economic equality with the Communities to Work program.

The Houston Independent School District will receive $770,000 to do its work in early-childhood education. These dollars will enable HISD to address the critical need of developing an infrastructure suitable for implementing and operating a program that will deliver an integrated continuum of services to young children and their families.

The Thurgood Marshall Scholarship will receive $400,000 to facilitate the following goals: developing student and faculty leadership; advancing the position of Public HBCUs by providing access to best practices in development and education; increasing technology, operations, communications and staff and student expertise; strengthening minority professional involvement with students in the areas of community service and career development; and targeting increased outreach activities of Public HBCUs historical service to disadvantaged students high school guidance counselors and students to assure that those in need are aware of and have access to the opportunities available at Public HBCUs.

The Center for Research on Minority Health at the University of Texas' M.D. Anderson

Cancer Center will receive $500,000 to aid in the focus on cancer and other health issues that disproportionately affect ethnic minorities and the medically underserved. While the CRMH currently works with minority and underserved populations in the Houston area, its activities will ultimately serve as a model for other communities nationwide.

Mr. Speaker, because these projects as well as the others that I received in the Transportation and the VA, HUD portions of the bill have been so severely cut as a result of the Republican tax cut scheme, I vote "yes" on passage with great reluctance.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would remind all Members that it is improper under the House rules to refer to Senators in either a positive or negative fashion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2005

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 866, I call up the joint resolution (H.J. Res. 114) making continuing appropriations for the fiscal year 2005, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 114 is as follows:

H.J. RES. 114

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 108-309 is amended by striking the date specified in section 107(c) and inserting the following: "December 3, 2004".

The SPEAKER pro tempore. Pursuant to House Resolution 866, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us, H.J. Res. 114, which I have already referred to during the final discussion on the omnibus appropriations bill, will extend the current CR until December 3. And it is a straight, clean CR, strictly for the purpose of allowing the House and the other body to go through the administrative process of enrolling the legislation, of transmitting it to the President, giving the President some time to look at it closely before he signs the bill, and that is the extent of it.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, no choice. I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Speaker HASTERT).

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Times like these, after we have been through a whole session of Congress and with our rules that after 6 years our chairman steps down, the gentleman that I have been through a lot of battles with, we have worked together on a lot of issues, trying to make sure that we meet the needs of the people of this country, the gentleman from Florida (Mr. YOUNG) has been an exemplary chairman. He has worked hard to make sure that all needs are met and sometimes in pretty tough situations. I think, by and large, he has been a person who has been able to reach across the aisle and work. That is a great personality plus. That is a great asset in this Chamber.

I think we all just want to say a heartfelt thank you for his service. He is going to be around here for a while. But as he steps down, this is his last bill as chairman, and from the bottom of our hearts, we want to thank him for his work and for his service and for making this institution part of what it is. I thank the gentleman and God bless him.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time

The SPEAKER pro tempore. All time for debate has expired.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 4818 on which further proceedings were postponed earlier today.

The Clerk read the title of the conference report.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 344, nays 51, answered "present" 1, not voting 37, as follows:

[Roll No. 542]

YEAS—344

Abercrombie
Aderholt
Alexander
Allen
Andrews
Baca
Baker
Baldwin
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Cooper
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeLauro
DeLay
Diaz Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Foley
Forbes
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Hill
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo

Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
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DeMint
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Filner
Flake
Ford
Fossella
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Garrett (NJ)
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Green (WI)
Grijalva
Hefley
Hensarling
Hoeffel
Hostettler
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Jefferson
Jones (NC)
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Lofgren
Majette
Markey
Paul
Payne
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Rohrabacher
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Ryan (WI)
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Stenholm
Tancredo
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NOT VOTING—37

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Gillmor
Graves
Hobson
John
Kind
Lipinski
McCarthy (NY)
McDermott
Meehan
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Musgrave
Norwood
Quinn
Rothman
Skelton
Smith (MI)
Toomey
Towns
Turner (TX)
Upton
Waters
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1604

Mr. AKIN and Mr. FORD changed their vote from "yea" to "nay."

Mr. HONDA, and Ms. LINDA T. SÁNCHEZ of California changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROTHMAN. Mr. Speaker, due to a family religious obligation, I will be absent from the House of Representatives on Friday, November 19, and any possible session on Saturday, November 20, 2004. Should H.R. 4818, the Foreign Operations Appropriations Conference Report, serving as the Omnibus vehicle, be considered, I would like the RECORD to reflect that I would have voted "yes" on this conference report.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, I am unable to be in Washington, DC today. Two weeks ago, I injured my leg and my physician prefers that I not put it through the stress of an airplane flight from my home in Seattle, WA to Washington, DC. Were I able to attend today's session in the House of Representatives, I would have voted to defeat H.R. 4818, H. Res. 866, H.R. 5382, and H. Res. 846.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, had I been present for rollcall votes 538, 539, 540, 541, and 542, I would have voted the following:

Rollcall No. 538: "Yea." (Waiving the requirement of clause 6(a) or Rule XIII with respect to the same day consideration of certain resolution).

Rollcall No. 539: "Yea." (Recognizing the Boy Scouts of America).

Rollcall No. 540: "Yea." (Waiving points of order against the conference report to accompany the Omnibus Spending Bill).

Rollcall No. 541: "Yea." (Commercial Space Launch Amendments Act).

Rollcall No. 542: "Yea." (On Agreeing to the Conference Report—Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2005—Omnibus Appropriations Bill).

PROVIDING FOR AN ADJOURNMENT OF THE TWO HOUSES

Mr. EHLERS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 529) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 529

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Saturday, November 20, 2004, it stand adjourned until 2 p.m. on Monday, December 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Saturday, November 20, 2004, it stand recessed or adjourned until noon on Monday, December 6, 2004, or Tuesday, December 7, 2004, or until such other time on either of those days as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO WEDNESDAY, NOVEMBER 24, 2004

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Wednesday, November 24, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 529, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HARMFUL ALGAL BLOOM AND HYPOXIA AMENDMENTS ACT OF 2004

Mr. EHLERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3014) to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. RANGEL. Mr. Speaker, reserving the right to object, I will not object.

Mr. Speaker, as we close this session, it just seems to me that there are a lot of things that we could have done that we have not done. One is the Virgin Islands bill which clearly came from the Senate. We had no hearings at all on the subject matter. It will adversely affect the economy of the Virgin Islands. We never had an opportunity to discuss it at all in the House. I think it is just wrong for Members not to be able to recognize that we should have a responsibility to at least discuss this issue.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3014

TITLE I—HARMFUL ALGAL BLOOM AND HYPOXIA AMENDMENTS ACT OF 2004

SEC. 101. SHORT TITLE.

This title may be cited as the "Harmful Algal Bloom and Hypoxia Amendments Act of 2004".

SEC. 102. RETENTION OF TASK FORCE.

Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 nt) is amended by striking subsection (e). In developing the assessments, reports, and plans under the amendments made by this title, the Task Force shall consult with the coastal States, Indian tribes, local governments, appropriate industries (including fisheries, agriculture, and fertilizer), academic institutions, and nongovernmental organizations with expertise in coastal zone science and management.

SEC. 103. PREDICTION AND RESPONSE REPORT.

Section 603 of such Act, as amended by section 102, is further amended by adding at the end the following:

"(d) REPORT TO CONGRESS ON HARMFUL ALGAL BLOOM IMPACTS.—

"(1) DEVELOPMENT.—Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004, the President, in consultation with the chief executive officers of the States, shall develop and submit to the Congress a report that describes and evaluates the effectiveness of measures described in paragraph (2) that may be utilized to protect environmental and public health from impacts of harmful algal blooms. In developing the report, the President shall consult with the Task Force, the coastal States, Indian tribes, local governments, appropriate industries (including fisheries, agriculture, and fertilizer), academic institutions, and nongovernmental organizations with expertise in coastal zone science and management, and also consider the scientific assessments developed under this Act.

"(2) REQUIREMENTS.—The report shall—

"(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for their development;

"(B) identify innovative research and development methods for the prevention, control, and mitigation of harmful algal blooms and provisions for their development; and

"(C) include incentive-based partnership approaches regarding subparagraphs (A) and (B) where practicable.

"(3) PUBLICATION AND OPPORTUNITY FOR COMMENT.—At least 90 days before submitting the report to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

"(4) FEDERAL ASSISTANCE.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments regarding the measures described in paragraph (2), as requested.".

SEC. 104. LOCAL AND REGIONAL SCIENTIFIC ASSESSMENTS.

Section 603 of such Act, as amended by section 103, is further amended by adding at the end the following:

"(e) LOCAL AND REGIONAL SCIENTIFIC ASSESSMENTS.—

"(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Task Force and appropriate State, Indian tribe, and local governments, to the extent of funds available, shall provide for local and regional scientific assessments of hypoxia and harmful algal blooms, as requested by States, Indian tribes, and local governments, or for affected areas as identified by the Secretary. If the Secretary receives multiple requests, the Secretary shall ensure, to the extent practicable, that assessments under this subsection cover geographically and ecologically diverse locations with significant ecological and economic impacts from hypoxia or harmful algal blooms. The Secretary shall establish a procedure for reviewing requests for local and regional assessments. The Secretary shall ensure, through consultation with Sea Grant Programs, that the findings of the assessments are communicated to the appropriate State, Indian tribe, and local governments, and to the general public.

"(2) PURPOSE.—Local and regional assessments shall examine—

"(A) the causes and ecological consequences, and the economic cost, of hypoxia or harmful algal blooms in that area;

"(B) potential methods to prevent, control, and mitigate hypoxia or harmful algal blooms in that area and the potential ecological and economic costs and benefits of such methods; and

"(C) other topics the Task Force considers appropriate.

"(f) SCIENTIFIC ASSESSMENT OF FRESHWATER HARMFUL ALGAL BLOOMS.—(1) Not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 the Task Force shall complete and submit to Congress a scientific assessment of current knowledge about harmful algal blooms in freshwater, such as the Great Lakes and upper reaches of estuaries, including a research plan for coordinating Federal efforts to better understand freshwater harmful algal blooms.

"(2) The freshwater harmful algal bloom scientific assessment shall—

"(A) examine the causes and ecological consequences, and the economic costs, of harmful algal blooms with significant effects on freshwater, including estimations of the frequency and occurrence of significant events;

"(B) establish priorities and guidelines for a competitive, peer-reviewed, merit-based interagency research program, as part of the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project, to better understand the causes, characteristics, and impacts of harmful algal blooms in freshwater locations; and

"(C) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms in freshwater locations.

"(g) SCIENTIFIC ASSESSMENTS OF HYPOXIA.—(1) Not less than once every 5 years the Task Force shall complete and submit to the Congress a scientific assessment of hypoxia in United States coastal waters including the Great Lakes. The first such assessment shall be completed not less than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004.

"(2) The assessments under this subsection shall—

"(A) examine the causes and ecological consequences, and the economic costs, of hypoxia;

"(B) describe the potential ecological and economic costs and benefits of possible policy and management actions for preventing, controlling, and mitigating hypoxia;

"(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of hypoxia, including recommendations of how to eliminate significant gaps in hypoxia modeling and monitoring data; and

"(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on hypoxia.

"(h) SCIENTIFIC ASSESSMENTS OF HARMFUL ALGAL BLOOMS.—(1) Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of harmful algal blooms in United States coastal waters. The first such assessment shall be completed not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 and shall consider only marine harmful algal blooms. All subsequent assessments shall examine both marine and freshwater harmful algal blooms, including those in the Great Lakes and upper reaches of estuaries.

"(2) The assessments under this subsection shall—

"(A) examine the causes and ecological consequences, and economic costs, of harmful algal blooms;

"(B) describe the potential ecological and economic costs and benefits of possible actions for preventing, controlling, and mitigating harmful algal blooms;

"(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of harmful algal blooms; and

"(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms.

"(i) NATIONAL SCIENTIFIC RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TECHNOLOGY TRANSFER PLAN ON REDUCING IMPACTS FROM HARMFUL ALGAL BLOOMS.—(1) Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004, the Task Force shall develop and submit to Congress a plan providing for a comprehensive and coordinated national research program to develop and demonstrate prevention, control, and mitigation methods to reduce the impacts of harmful algal blooms on coastal ecosystems (including the Great Lakes), public health, and the economy.

"(2) The plan shall—

"(A) establish priorities and guidelines for a competitive, peer reviewed, merit based interagency research, development, demonstration, and technology transfer program on methods for the prevention, control, and mitigation of harmful algal blooms;

"(B) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to the actions described in paragraph (1); and

"(C) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian Pacific Americans, and other underrepresented populations.

"(3) The Secretary of Commerce, in conjunction with other appropriate Federal agencies, shall establish a research, development, demonstration, and technology transfer program that meets the priorities and guidelines established under paragraph (2)(A). The Secretary shall ensure, through consultation with Sea Grant Programs, that the results and findings of the program are communicated to State, Indian tribe, and local governments, and to the general public.".

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 605 of such Act is amended—

(1) by striking "and" after "2000," in the first sentence and in the paragraphs (1), (2), (3), and (5);

(2) by inserting "$23,500,000 for fiscal year 2005, $24,500,000 for fiscal year 2006, $25,000,000 for fiscal year 2007, and $25,500,000 for fiscal year 2008," after "2001," in the first sentence;

(3) by inserting ", and $2,500,000 for each of fiscal years 2005 through 2008" after "2001" in paragraph (1);

(4) by inserting ", and $6,500,000, of which $1,000,000 shall be used for the research program described in section 603(f)(2)(B), for

each of fiscal years 2005 through 2008'' after ''2001'' in paragraph (2);

(5) by striking ''2001'' in paragraph (3) and inserting ''2001, and $3,000,000 for each of fiscal years 2005 through 2008'';

(6) by striking ''blooms;'' in paragraph (3) and inserting ''blooms and to carry out section 603(d);'';

(7) by striking ''and 2001'' in paragraph (4) and inserting ''2001, and $6,000,000 for each of fiscal years 2005 through 2008'';

(8) by striking ''and'' after the semicolon in paragraph (4);

(9) by striking ''2001'' in paragraph (5) and inserting ''2001, $4,000,000 for fiscal year 2005, $5,000,000 for fiscal year 2006, $5,500,000 for fiscal year 2007, and $6,000,000 for fiscal year 2008'';

(10) by striking ''Administration.'' in paragraph (5) and inserting ''Administration; and''; and

(11) by adding at the end the following:

''(6) $1,500,000 for each of fiscal years 2005 through 2008 to carry out section 603(e).''.

TITLE II—MISCELLANEOUS

SEC. 201. AVAILABILITY OF NOAA REAL PROPERTY ON VIRGINIA KEY, FLORIDA.

(a) In General.—The Secretary of Commerce may make available to the University of Miami real property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for development by the University of a Marine Life Science Center.

(b) Manner of Availability.—The Secretary may make property available under this section by easement, lease, license, or long-term agreement with the University.

(c) Authorized Uses by University.

(1) In general.—Property made available under this section may be used by the University (subject to paragraph (2)) to develop and operate facilities for multidisciplinary environmental and fisheries research, assessment, management, and educational activities.

(2) Agreement.—Property made available under this section may not be used by the University (including any affiliate of the University) except in accordance with an agreement with the Secretary that—

(A) specifies—

(i) the conditions for non-Federal use of the property; and

(ii) the retained Federal interests in the property, including interests in access to and egress from the property by Federal personnel and preservation of existing rights-of-way;

(B) establishes conditions for joint occupancy of buildings and other facilities on the property by the University and Federal agencies; and

(C) includes provisions that ensure—

(i) that there is no diminishment of existing National Oceanic and Atmospheric Administration programs and services at Virginia Key; and

(ii) the availability of the property for planning, development, and construction of future Federal buildings and facilities.

(3) Termination of Availability.—The availability of property under this section shall terminate immediately upon use of the property by the University—

(A) for any purpose other than as described in paragraph (1); or

(B) in violation of the agreement under paragraph (2).

(d) Use of Facilities by Secretary.—The Secretary may—

(1) subject to the availability of funding, enter into an agreement to occupy facilities constructed by the University on property made available under this section; and

(2) participate with the University in collaborative research at, or administered through, such facilities.

(e) No Conveyance of Title.—This section shall not be construed to convey or authorize conveyance of any interest of the United States in title to property made available under this section.

SEC. 202. CONVEYANCE OF NOAA VESSEL WHITING.

(a) In General.—The Secretary of Commerce shall convey to the Government of Mexico, without consideration, all right, title, and interest of the United States in and to the National Oceanic and Atmospheric Administration vessel WHITING—

(1) for use as a hydrographic survey platform in support of activities of the United States-Mexico Charting Advisors Committee; and

(2) to enhance coordination and cooperation between the United States and Mexico regarding hydrographic surveying and nautical charting activities in the border waters of both countries in the Gulf of Mexico and in the Pacific Ocean.

(b) Operation and Maintenance.—The Government of the United States shall not be responsible or liable for any remediation, maintenance, or operation of a vessel conveyed under this section after the date of the delivery of the vessel to the Government of Mexico.

(c) Deadline.—The Secretary shall seek to complete the conveyance by as soon as practicable after the date of the enactment of this Act.

(d) Delivery of Vessel.—The Secretary shall deliver the vessel WHITING pursuant to this section at the vessel's homeport location of Norfolk, Virginia, at no additional cost to the United States.

Mr. EHLERS. Mr. Speaker, I rise in strong support of the final version of the Harmful Algal Bloom and Hypoxia Amendments Act. This bill represents the final negotiated compromise between the House and Senate earlier versions of this bill.

Harmful algal blooms, also known as HABs, and hypoxia, are serious problems in coastal communications nationwide. This bill supports basic and applied research that will lead to new methods to predict, control and respond to HABs and hypoxia. I am especially pleased that we added the Great Lakes to the research categories in the bill.

I thank my colleague from Maryland, WAYNE GILCHREST of the Resources Committee, for his help in guiding this bill through the process. I also want to thank my Senate Colleagues, Senator MCCAIN, Senator SNOWE, Senator BREAUX and Senator VOINOVICH for their leadership on this issue. And finally, I thank my colleagues on the Science Committee, including Chairman BOEHLERT, and my friend from Washington, Mr. BAIRD who have provided useful input. I appreciate all of their help in reaching an agreement on this important bill.

The language before us today reflects a bipartisan, bicameral agreement and I urge all of my colleagues to support the Harmful Algal Bloom and Hypoxia Amendments Act. I reserve the balance of my time.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 3014.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MICROENTERPRISE RESULTS AND ACCOUNTABILITY ACT OF 2004

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3818) to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. RANGEL. Mr. Speaker, reserving the right to object, I will not object, but I just want to point out that the people in Haiti are suffering. We have this small trade bill that we wanted so badly to send some hope to these people. The House would not consider it because the Senate did not agree that they would accept it. The Senate said they could not accept what they have not seen, and here we leave today telling the people in Haiti that this small bill that certainly could not have hurt anybody in the textile industries here, could not offend the labors even though there was objection, but we were too busy to do this in the House.

Mr. Speaker, I will be fighting next year for the people in Haiti.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Microenterprise Results and Accountability Act of 2004''.

SEC. 2. FINDINGS AND POLICY.

Congress finds and declares the following:

(1) Congress has demonstrated its support for microenterprise development assistance programs through the enactment of two comprehensive microenterprise laws:

(A) The Microenterprise for Self-Reliance Act of 2000 (title I of Public Law 106–309; 114 Stat. 1082).

(B) Public Law 108–31 (an Act entitled ''An Act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance program under those Acts,

and for other purposes", approved June 17, 2003).

(2) The United States Agency for International Development, the agency responsible for implementing microenterprise development assistance programs authorized under sections 108 and 131 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f and 2152a), is not presently organized to adequately coordinate, implement, and monitor such programs, as evidenced by the late submission by the Agency of the report required by section 108 of the Microenterprise for Self-Reliance Act of 2000.

(3) The Comptroller General, in a report dated November 2003, found that the United States Agency for International Development has met some, but not all, of the key objectives of such microenterprise development assistance programs.

(4) The Comptroller General's report found, among other things, the following:

(A) Microenterprise development assistance generally can help alleviate some impacts of poverty, improve income levels and quality of life for borrowers and provide poor individuals, workers, and their families with an important coping mechanism.

(B) Although studies and academic analyses funded by the United States Agency for International Development have found that microenterprise activities generally serve the poor clustered around the poverty line, few loans appear to be reaching the very poor.

(C) Microenterprise development assistance programs of the United States Agency for International Development have encouraged women's participation in microfinance projects and, according to data of the Agency, women have comprised two-thirds or more of the micro-loan clients in Agency-funded microenterprise projects since 1997.

(5)(A) The Comptroller General's report recommends that the Administrator of the United States Agency for International Development review the Agency's "microenterprise results reporting" system with the goal of ensuring that its annual reporting is complete and accurate.

(B) Specifically, the Administrator should review and reconsider the methodologies used for the collection, analysis, and reporting of data on annual spending targets, outreach to the very poor, sustainability of microfinance institutions, and the contribution of Agency's funding to the institutions it supports.

SEC. 3. MICROENTERPRISE DEVELOPMENT ASSISTANCE.

Chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2166 et seq.) is amended by inserting after title V the following new title:

"TITLE VI—MICROENTERPRISE DEVELOPMENT ASSISTANCE

"SEC. 251. FINDINGS AND POLICY.

"Congress finds and declares the following:

"(1) Access to financial services and the development of microenterprise are vital factors in the stable growth of developing countries and in the development of free, open, and equitable international economic systems.

"(2) It is therefore in the best interest of the United States to facilitate access to financial services and assist the development of microenterprise in developing countries.

"(3) Access to financial services and the development of microenterprises can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial services.

"(4) Given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidence of poverty in rural areas and growing income inequality between rural and urban markets, microenterprise programs should target both rural and urban poor.

"(5) Microenteprise programs have been successful and should continue to empower vulnerable women in the developing world. Such programs should take into account the risks faced by women who are potential victims of severe forms of trafficking and the need for assistance for women who become victims of severe forms of trafficking, as provided for in section 106(a)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(a)(1); Public Law 106–386).

"(6) Given that microenterprise programs have been successful in empowering disenfranchised groups such as women, microenterprise programs should also target populations disenfranchised due to race or ethnicity in countries where a strong relationship between poverty and race or ethnicity has been demonstrated, such as countries in Latin America.

"SEC. 252. AUTHORIZATION; IMPLEMENTATION; TARGETED ASSISTANCE.

"(a) AUTHORIZATION.—The President is authorized to provide assistance on a grant basis for programs in developing countries to increase the availability of credit, savings, and other services to microenterprises lacking full access to capital, training, technical assistance, and business development services, through—

"(1) grants to microfinance institutions for the purpose of expanding the availability of credit, savings, and other financial services to microentreprise clients;

"(2) grants to microenterprise institutions for the purpose of training, technical assistance, and business development services for microenterprises to enable them to make better use of credit, to better manage their enterprises, to conduct market analysis and product development for expanding domestic and international sales, particularly to United States markets, and to increase their income and build their assets;

"(3) capacity-building for microenterprise institutions in order to enable them to better meet the credit, savings, and training needs of microentreprise clients; and

"(4) policy and regulatory programs at the country level that improve the environment for microentreprise clients and microenterprise institutions that serve the poor and very poor.

"(b) IMPLEMENTATION.—

"(1) OFFICE OF MICROENTERPRISE DEVELOPMENT.—

"(A) ESTABLISHMENT.—There is established within the Agency an Office of Microenterprise Development, which shall be headed by a Director who shall be appointed by the Administrator and who should possess technical expertise and ability to offer leadership in the field of microenterprise development.

"(B) DUTIES.—The Office shall coordinate and be responsible for the provision of assistance under this title.

"(2) ASSISTANCE THROUGH GRANTS TO ELIGIBLE ORGANIZATIONS.—Assistance under subsection (a) shall be provided through grants executed, approved, or reviewed by the Office to eligible implementing partner organizations that have a capacity to develop and implement microenterprise programs.

"(3) REVIEW AND APPROVAL.—With respect to assistance under subsection (a) that is furnished through field missions of the Agency, the Office shall be responsible for—

"(A) reviewing or approving each grant agreement prior to obligation of funds under the agreement in order to ensure that activities to be carried out using such funds are efficacious, technically sound, and suitable for the economic and security climate of the country or region where the activities will be conducted; and

"(B) approving microenterprise development components of strategic plans of missions, bureaus, and offices of the Agency.

"(c) TARGETED ASSISTANCE.—In carrying out sustainable poverty-focused programs under subsection (a), 50 percent of all microenterprise resources shall be targeted to very poor clients, defined as those individuals living in the bottom 50 percent below the poverty line as established by the national government of the country. Specifically, such resources shall be used for—

"(1) support of programs under this section through practitioner institutions that—

"(A) provide credit and other financial services to clients who are very poor, with loans in 1995 United States dollars of—

"(i) $1,000 or less in the Europe and Eurasia region;

"(ii) $400 or less in the Latin America region; and

"(iii) $300 or less in the rest of the world; and

"(B) can cover their costs in a reasonable time period; or

"(2) demand-driven business development programs that achieve reasonable cost recovery that are provided to clients holding poverty loans (as defined by the regional poverty loan limitations in paragraph (1)(A)), whether they are provided by microfinance institutions or by specialized business development services providers.

"(d) SUPPORT FOR CENTRAL MECHANISMS.—The Administrator should increase the use of central mechanisms through microenterprise, microfinance, and practitioner institutions in the implementation of this title.

"SEC. 253. MONITORING SYSTEM.

"(a) ESTABLISHMENT.—In order to maximize the sustainable development impact of assistance authorized under section 252(a), the Administrator of the Agency, acting through the Director of the Office, shall establish a monitoring system that meets the requirements of subsection (b).

"(b) REQUIREMENTS.—The requirements referred to in subsection (a) are the following:

"(1) The monitoring system establishes performance goals for the assistance and expresses such goals in an objective and quantifiable form, to the extent feasible.

"(2) The monitoring system establishes performance indicators to be used in measuring or assessing the achievement of the performance goals described in paragraph (1) and the objectives of the assistance authorized under section 252.

"(3) The monitoring system provides a basis for recommendations for adjustments to the assistance to enhance the sustainability and the impact of the assistance, particularly the impact of such assistance on the very poor, particularly poor women.

"(4) The monitoring system adopts the widespread use of proven and effective poverty assessment tools to successfully identify the very poor and ensure that they receive adequate access to microenterprise loans, savings, and assistance.

"SEC. 254. DEVELOPMENT AND CERTIFICATION OF POVERTY MEASUREMENT METHODS; APPLICATION OF METHODS.

"(a) DEVELOPMENT AND CERTIFICATION.—

"(1) IN GENERAL.—The Administrator of the Agency, in consultation with microenterprise institutions and other appropriate organizations, shall develop no fewer than two low-cost methods for eligible implementing partner organizations to use to assess the poverty levels of their current or prospective clients. The Administrator shall develop poverty indicators that correlate with the circumstances of the very poor.

"(2) FIELD TESTING.—The Administrator shall field-test the methods developed under paragraph (1). As part of the testing, institutions and programs may use the methods on a voluntary basis to demonstrate their ability to reach the very poor.

"(3) CERTIFICATION.—Not later than October 1, 2004, the Administrator shall, from among the low-cost poverty measurement methods developed under paragraph (1), certify no fewer than two such methods as approved methods for measuring the poverty levels of current or prospective clients of microenterprise institutions for purposes of assistance under section 252.

"(b) APPLICATION.—The Administrator shall require that, with reasonable exceptions, all eligible implementing partner organizations applying for microenterprise assistance under this title use one of the certified methods, beginning not later than October 1, 2005, to determine and report the poverty levels of current or prospective clients.

"SEC. 255. AUTHORIZATION OF APPROPRIATIONS; ADDITIONAL AUTHORITIES.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out this subtitle $200,000,000 for fiscal year 2005 and such sums as may be necessary for fiscal year 2006.

"(b) ADDITIONAL AUTHORITIES.—(1) Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

"(A) may be referred to as the 'Microenterprise Development Assistance Account';

"(B) shall be allocated to the Office, and upon approval by the Director of the Office, may be reallocated to field missions of the Agency in furtherance of the purposes of this title;

"(C) are authorized to remain available until expended; and

"(D) are in addition to amounts otherwise available for such purposes.

"(2) Notwithstanding any other provision of law, amounts made available for assistance for microenterprise development assistance under any provision of law other than this title may be provided to further the purposes of this title. To the extent assistance described in the preceding sentence is provided in accordance with such sentence, the Administrator of the Agency shall include, as part of the report required under section 258, a detailed description of such assistance and, to the extent applicable, the information required by paragraphs (1) through (10) of subsection (b) of such section with respect to such assistance.".

SEC. 4. MICROENTERPRISE DEVELOPMENT CREDITS.

(a) TRANSFER.—Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is hereby—

(1) transferred from chapter 1 of part I of the Foreign Assistance Act of 1961 to title VI of chapter 2 of part I of such Act (as added by section 3 of this Act); and

(2) inserted after section 255 of the Foreign Assistance Act of 1961.

(b) REDESIGNATION.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 108 (as added by subsection (a)) as section 256.

(c) CONFORMING AMENDMENTS.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by inserting after the title heading the following:

"Subtitle A—Grant Assistance";

(2) by inserting after section 255 the following:

"Subtitle B—Credit Assistance"; and

(3) in section 256 (as redesignated by subsection (b))—

(A) in the matter preceding paragraph (1) of subsection (c), by striking "Administrator of the agency primarily responsible for administering this part" and inserting "Administrator of the Agency"; and

(B) in subsection (f)(1)—

(i) by striking "section 131" and inserting "this part"; and

(ii) by striking "2001 through 2004" and inserting "2005 and 2006".

SEC. 5. UNITED STATES MICROFINANCE LOAN FACILITY.

(a) TRANSFER.—Section 132 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152b) is hereby—

(1) transferred from chapter 1 of part I of the Foreign Assistance Act of 1961 to title VI of chapter 2 of part I of such Act (as added by section 3 of this Act); and

(2) inserted after section 256 of the Foreign Assistance Act of 1961 (as added by section 4 of this Act).

(b) REDESIGNATION.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 132 (as added by subsection (a)) as section 257.

(c) CONFORMING AMENDMENTS.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by inserting after section 256 the following:

"Subtitle C—United States Microfinance Loan Facility"; and

(2) in section 257 (as redesignated by subsection (b))—

(A) in subsection (b)(3), by striking "2001 and 2002" and inserting "2005 and 2006";

(B) in the matter preceding subparagraph (A) of subsection (d)(1), by striking "the fiscal year 2001" and inserting "each of the fiscal years 2005 and 2006"; and

(C) by striking subsection (e).

SEC. 6. MISCELLANEOUS PROVISIONS.

Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (as added by section 3 of this Act and amended by sections 4 and 5 of this Act) is further amended by adding at the end the following new subtitle:

"Subtitle D—Miscellaneous Provisions

"SEC. 258. REPORT.

"(a) IN GENERAL.—Not later than December 31, 2005, and each December 31 thereafter, the Administrator of the Agency shall submit to the appropriate congressional committees a report that contains a detailed description of the implementation of this title for the previous fiscal year.

"(b) CONTENTS.—The report shall contain the following:

"(1) The number of grants provided under section 252, with a listing of—

"(A) the amount of each grant;

"(B) the name of each implementing partner organization; and

"(C) a listing of the number of countries receiving assistance authorized by sections 252.

"(2) The results of the monitoring system required under section 253.

"(3) The process of developing and applying poverty assessment procedures required under section 254.

"(4) The percentage of assistance furnished under section 252 that was allocated to the very poor based on the data collected using the certified methods required by section 254.

"(5) The absolute number of the very poor reached with assistance furnished under section 252.

"(6) The amount of assistance provided under section 252 through central mechanisms.

"(7) The name of each country that receives assistance under section 256 and the amount of such assistance.

"(8) An estimate of the percentage of beneficiaries of assistance under this title who are women, including, to the extent practicable, the percentage of these women who have been victims of sex trafficking, as well as information on efforts to provide assistance under this title to women who have been victims of severe forms of trafficking or who were previously involved in prostitution.

"(9) Any additional information relating to the provision of assistance authorized by this title, including the use of the poverty measurement tools required by section 254, or additional information on assistance provided by the United States to support microenterprise development under this title or any other provision of law.

"(10) An estimate of the percentage of beneficiaries of assistance under this title in countries where a strong relationship between poverty and race or ethnicity has been demonstrated.

"(c) LIMITATION.—The content of the report required by this section shall be produced by the Office established under section 252(b)(1), and shall be made available for free electronic distribution through such Office.

"SEC. 259. DEFINITIONS.

"In this title:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Agency.

"(2) AGENCY.—The term 'Agency' means the United States Agency for International Development.

"(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(4) BUSINESS DEVELOPMENT SERVICES.—The term 'business development services' means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other related services.

"(5) DIRECTOR.—The term 'Director' means the Director of the Office.

"(6) ELIGIBLE IMPLEMENTING PARTNER ORGANIZATION.—The term 'eligible implementing partner organization' means an entity eligible to receive assistance under this title which is—

"(A) a United States or an indigenous private voluntary organization;

"(B) a United States or an indigenous credit union;

"(C) a United States or an indigenous cooperative organization;

"(D) an indigenous governmental or nongovernmental organization;

"(E) a microenterprise institution;

"(F) a microfinance institution; or

"(G) a practitioner institution.

"(7) MICROENTERPRISE INSTITUTION.—The term 'microenterprise institution' means a not-for-profit entity that provides services, including microfinance, training, or business development services, for microentreprise clients in foreign countries.

"(8) MICROFINANCE INSTITUTION.—The term 'microfinance institution' means a not-for-profit entity or a regulated financial intermediary that directly provides, or works to expand, the availability of credit, savings, and other financial services to microentreprise clients in foreign countries.

"(9) MICROFINANCE NETWORK.—The term 'microfinance network' means an affiliated group of practitioner institutions that provides services to its members, including financing, technical assistance, and accreditation, for the purpose of promoting the financial sustainability and societal impact of microenterprise assistance.

"(10) OFFICE.—The term 'Office' means the Office of Microenterprise Development established under section 252(b)(1).

"(11) PRACTITIONER INSTITUTION.—The term 'practitioner institution' means a not-for-profit entity or a regulated financial intermediary, including a microfinance network, that provides services, including microfinance, training, or business development services, for microentreprise clients, or provides assistance to microenterprise institutions in foreign countries.

"(12) PRIVATE VOLUNTARY ORGANIZATION.—The term 'private voluntary organization' means a not-for-profit entity that—

"(A) engages in and supports activities of an economic or social development or humanitarian nature for citizens in foreign countries; and

"(B) is incorporated as such under the laws of the United States, including any of its states, territories or the District of Columbia, or of a foreign country.

"(13) UNITED STATES-SUPPORTED MICROFINANCE INSTITUTION.—The term 'United States-supported microfinance institution' means a financial intermediary that has received funds made available under this part for fiscal year 1980 or any subsequent fiscal year.

"(14) VERY POOR.—The term 'very poor' means those individuals—

"(A) living in the bottom 50 percent below the poverty line established by the national government of the country in which those individuals live; or

"(B) living on less than the equivalent of $1 per day.".

SEC. 7. REPEALS.

(a) FOREIGN ASSISTANCE ACT OF 1961.—Section 131 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a) is hereby repealed.

(b) PUBLIC LAW 108–31.—

(1) IN GENERAL.—Section 4 of Public Law 108–31 (22 U.S.C. 2151f note) is amended by striking subsection (b).

(2) CONFORMING AMENDMENT.—Section 4 of Public Law 108–31 is amended by striking "(a)" and all that follows through "Not later" and inserting "Not later".

SEC. 8. REFERENCES.

Any reference in a law, regulation, agreement, or other document of the United States to section 108, 131, or 132 of the Foreign Assistance Act of 1961 shall be deemed to be a reference to subtitle B of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, subtitle A of title VI of chapter 2 of part I of such Act, or subtitle C of title VI of chapter 2 of part I of such Act, respectively.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Speaker, I offer an amendment in the nature of a substitute in lieu of the amendment reported by the Committee on International Relations.

The SPEAKER pro tempore. The Clerk will report the amendment in lieu of the committee amendment.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SMITH of New Jersey:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Microenterprise Results and Accountability Act of 2004".

SEC. 2. FINDINGS AND POLICY.

Congress finds and declares the following:

(1) Congress has demonstrated its support for microenterprise development assistance programs through the enactment of two comprehensive microenterprise laws:

(A) The Microenterprise for Self-Reliance Act of 2000 (title I of Public Law 106–309; 114 Stat. 1082).

(B) Public Law 108–31 (an Act entitled "An Act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance program under those Acts, and for other purposes", approved June 17, 2003).

(2) The report on the effectiveness of the United States Agency for International Development's microfinance program, prepared by the Consultative Group to Assist the Poor, rated the Agency in the top tier of the 17 donors in this field.

(3) The Comptroller General, in a report dated November 2003, found that the United States Agency for International Development has met some, but not all, of the key objectives of such microenterprise development assistance programs.

(4) The Comptroller General's report found, among other things, the following:

(A) Microenterprise development assistance generally can help alleviate some impacts of poverty, improve income levels and quality of life for borrowers and provide poor individuals, workers, and their families with an important coping mechanism.

(B) Microenterprise development assistance programs of the United States Agency for International Development have encouraged women's participation in microfinance projects and, according to data of the Agency, women have comprised two-thirds or more of the micro-loan clients in Agency-funded microenterprise projects since 1997.

(5)(A) The Comptroller General's report recommends that the Administrator of the United States Agency for International Development review the Agency's "microenterprise results reporting" system with the goal of ensuring that its annual reporting is complete and accurate.

(B) Specifically, the Administrator should review and reconsider the methodologies used for the collection, analysis, and reporting of data on annual spending targets, outreach to the very poor, sustainability of microfinance institutions, and the contribution of Agency's funding to the institutions it supports.

SEC. 3. MICROENTERPRISE DEVELOPMENT ASSISTANCE.

Chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2166 et seq.) is amended by inserting after title V the following new title:

"TITLE VI—MICROENTERPRISE DEVELOPMENT ASSISTANCE

"SEC. 251. FINDINGS AND POLICY.

"Congress finds and declares the following:

"(1) Access to financial services and the development of microenterprise are vital factors in the stable growth of developing countries and in the development of free, open, and equitable international economic systems.

"(2) It is therefore in the best interest of the United States to facilitate access to financial services and assist the development of microenterprise in developing countries.

"(3) Access to financial services and the development of microenterprises can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial services.

"(4) Given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidence of poverty in rural areas and growing income inequality between rural and urban markets, microenterprise programs should target both rural and urban poor.

"(5) Microenterprise programs have been successful and should continue to empower vulnerable women in the developing world. The Agency should work to ensure that recipients of microenterprise and microfinance development assistance under this title communicate and work with nongovernmental organizations and government organizations to identify and assist victims of trafficking as provided for in section 106(a)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(a)(1); Public Law 106–386) and women who are victims of or susceptible to other forms of exploitation and violence.

"(6) Given that microenterprise programs have been successful in empowering disenfranchised groups such as women, microenterprise programs should also target populations disenfranchised due to race or ethnicity in countries where a strong relationship between poverty and race or ethnicity has been demonstrated, such as countries in Latin America.

"SEC. 252. AUTHORIZATION; IMPLEMENTATION; TARGETED ASSISTANCE.

"(a) AUTHORIZATION.—The President is authorized to provide assistance on a non-reimbursable basis for programs in developing countries to increase the availability of credit, savings, and other services to microfinance and microenterprise clients lacking full access to capital, training, technical assistance, and business development services, through—

"(1) assistance for the purpose of expanding the availability of credit, savings, and other financial and non-financial services to microfinance and microenterprise clients;

"(2) assistance for the purpose of training, technical assistance, and business development services for microenterprises to enable them to make better use of credit, to better manage their enterprises, to conduct market analysis and product development for expanding domestic and international sales, particularly to United States markets, and to increase their income and build their assets;

"(3) capacity-building for microfinance and microenterprise institutions in order to enable them to better meet the credit, savings, and training needs of microfinance and microenterprise clients; and

"(4) policy, regulatory programs, and research at the country level that improve the environment for microfinance and microenterprise clients and institutions that serve the poor and very poor.

"(b) IMPLEMENTATION.—

"(1) OFFICE OF MICROENTERPRISE DEVELOPMENT.—There is established within the Agency an office of microenterprise development, which shall be headed by a Director who shall be appointed by the Administrator and who should possess technical expertise and ability to offer leadership in the field of microenterprise development.

"(2) ADDITIONAL PROVISIONS.—

"(A) USE OF IMPLEMENTING PARTNER ORGANIZATIONS.—Assistance under this section shall emphasize the use of implementing partner organizations that best meet the requirements of subparagraph (C).

"(B) USE OF CENTRAL FUNDING MECHANISMS.—

"(i) PROGRAM.—In order to ensure that assistance under this title is distributed effectively and efficiently, the office shall also seek to implement a program of central funding under which assistance is administered directly by the office, including through targeted core support for microfinance and microenterprise networks and other practitioners.

"(ii) FUNDING.—Of the amount made available to carry out this subtitle for a fiscal year, not less than $25,000,000 should be made available to carry out clause (i).

"(C) EFFICIENCY AND COST-EFFECTIVENESS.—Assistance under this section shall meet high standards of efficiency, cost-effectiveness, and sustainability and shall especially provide the greatest possible resources to the poor and very poor. When administering assistance under this section, the Administrator shall—

"(i) take into consideration the percentage of funds a provider of assistance intends to expend on administrative costs;

"(ii) take all appropriate steps to ensure that the provider of assistance keeps administrative costs as low as practicable to ensure the maximum amount of funds are used for directly assisting microfinance and microenterprise clients, for establishing sustainable microfinance and microenterprise institutions, or for advancing the microenterprise development field; and

"(iii) give preference to proposals from providers of assistance that are the most technically competitive and have a reasonable allocation to overhead and administrative costs.

"(3) Approval of Strategic Plans.—With respect to assistance provided under this section, the office shall be responsible for concurring in the microenterprise development components of strategic plans of missions, bureaus, and other offices of the Agency and providing technical support to field missions to help the missions prepare such components.

"(c) Targeted Assistance.—In carrying out sustainable poverty-focused programs under subsection (a), 50 percent of all microenterprise resources shall be targeted to clients who are very poor. Specifically, until September 30, 2006, such resources shall be used for—

"(1) support of programs under this section through practitioner institutions that—

"(A) provide credit and other financial services to clients who are very poor, with loans in 1995 United States dollars of—

"(i) $1,000 or less in the Europe and Eurasia region;

"(ii) $400 or less in the Latin America region; and

"(iii) $300 or less in the rest of the world; and

"(B) can cover their costs in a reasonable time period; or

"(2) demand-driven business development programs that achieve reasonable cost recovery that are provided to clients holding poverty loans (as defined by the regional poverty loan limitations in paragraph (1)(A)), whether they are provided by microfinance institutions or by specialized business development services providers.

"SEC. 253. MONITORING SYSTEM.

"(a) In General.—In order to maximize the sustainable development impact of assistance authorized under section 252(a), the Administrator of the Agency, acting through the Director of the office, shall strengthen its monitoring system to meet the requirements of subsection (b).

"(b) Requirements.—The requirements referred to in subsection (a) are the following:

"(1) The monitoring system shall include performance goals for the assistance and expresses such goals in an objective and quantifiable form, to the extent feasible.

"(2) The monitoring system shall include performance indicators to be used in measuring or assessing the achievement of the performance goals described in paragraph (1) and the objectives of the assistance authorized under section 252.

"(3) The monitoring system provides a basis for recommendations for adjustments to the assistance to enhance the sustainability and the impact of the assistance, particularly the impact of such assistance on the very poor, particularly poor women.

"(4) The monitoring system adopts the widespread use of proven and effective poverty assessment tools to successfully identify the very poor and ensure that they receive adequate access to microenterprise loans, savings, and assistance.

"SEC. 254. DEVELOPMENT AND CERTIFICATION OF POVERTY MEASUREMENT METHODS; APPLICATION OF METHODS.

"(a) Development and Certification.—

"(1) In general.—The Administrator of the Agency, in consultation with microenterprise institutions and other appropriate organizations, shall develop no fewer than two low-cost methods for implementing partner organizations to use to assess the poverty levels of their current incoming or prospective clients. The Administrator shall develop poverty indicators that correlate with the circumstances of the very poor.

"(2) Field testing.—The Administrator shall field-test the methods developed under paragraph (1). As part of the testing, institutions and programs may use the methods on a voluntary basis to demonstrate their ability to reach the very poor.

"(3) Certification.—Not later than April 1, 2005, the Administrator shall, from among the low-cost poverty measurement methods developed under paragraph (1), certify no fewer than two such methods as approved methods for measuring the poverty levels of current, incoming, or prospective clients of microenterprise institutions for purposes of assistance under section 252.

"(b) Application.—The Administrator shall require that, with reasonable exceptions, all implementing partner organizations applying for microenterprise assistance under this title use one of the certified methods, beginning not later than October 1, 2006, to determine and report the poverty levels of current, incoming, or prospective clients.

"SEC. 255. ADDITIONAL AUTHORITIES.

"Notwithstanding any other provision of law, amounts made available for assistance for microenterprise development assistance under any provision of law other than this title may be provided to further the purposes of this title. To the extent assistance described in the preceding sentence is provided in accordance with such sentence, the Administrator of the Agency shall include, as part of the report required under section 258, a detailed description of such assistance and, to the extent applicable, the information required by paragraphs (1) through (11) of subsection (b) of such section with respect to such assistance.".

SEC. 4. MICROENTERPRISE DEVELOPMENT CREDITS.

(a) Transfer.—Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is hereby—

(1) transferred from chapter 1 of part I of the Foreign Assistance Act of 1961 to title VI of chapter 2 of part I of such Act (as added by section 3 of this Act); and

(2) inserted after section 255 of the Foreign Assistance Act of 1961.

(b) Redesignation.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 108 (as added by subsection (a)) as section 256.

(c) Conforming Amendments.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by inserting after the title heading the following:

"Subtitle A—Grant Assistance";

(2) by inserting after section 255 the following:

"Subtitle B—Credit Assistance"; and

(3) in section 256 (as redesignated by subsection (b))—

(A) in the matter preceding paragraph (1) of subsection (c), by striking "Administrator of the agency primarily responsible for administering this part" and inserting "Administrator of the Agency"; and

(B) in subsection (f)(1)—

(i) by striking "section 131" and inserting "this part"; and

(ii) by striking "$1,500,000 for each of fiscal years 2001 through 2004" and inserting "such sums as may be necessary for each of the fiscal years 2005 through 2009".

SEC. 5. UNITED STATES MICROFINANCE LOAN FACILITY.

(a) Transfer.—Section 132 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152b) is hereby—

(1) transferred from chapter 1 of part I of the Foreign Assistance Act of 1961 to title VI of chapter 2 of part I of such Act (as added by section 3 of this Act); and

(2) inserted after section 256 of the Foreign Assistance Act of 1961 (as added by section 4 of this Act).

(b) Redesignation.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 132 (as added by subsection (a)) as section 257.

(c) Conforming Amendments.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by inserting after section 256 the following:

"Subtitle C—United States Microfinance Loan Facility"; and

(2) in section 257 (as redesignated by subsection (b))—

(A) in subsection (b)(3), by striking "2001 and 2002" and inserting "2005 through 2009";

(B) in the matter preceding subparagraph (A) of subsection (d)(1), by striking "this part for the fiscal year 2001, up to $5,000,000" and inserting "this part for each of the fiscal years 2005 through 2009, such sums as may be necessary"; and

(C) by striking subsection (e).

SEC. 6. MISCELLANEOUS PROVISIONS.

Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (as added by section 3 of this Act and amended by sections 4 and 5 of this Act) is further amended by adding at the end the following new subtitle:

"Subtitle D—Miscellaneous Provisions

"SEC. 258. REPORT.

"(a) In General.—Not later than June 30, 2006, and each June 30 thereafter, the Administrator of the Agency, acting through the Director of the office, shall submit to the appropriate congressional committees a report that contains a detailed description of the implementation of this title for the previous fiscal year.

"(b) Contents.—The report shall contain the following:

"(1) The number of grants, cooperative agreements, contracts, contributions, or other form of assistance provided under section 252, with a listing of—

"(A) the amount of each grant, cooperative agreement, contract, contribution, or other form of assistance;

"(B) the name of each recipient and each developing country with respect to which projects or activities under the grant, cooperative agreement, contract, contribution, or other form of assistance were carried out; and

"(C) a listing of the number of countries receiving assistance authorized by section 252.

"(2) The results of the monitoring system required under section 253.

"(3) The process of developing and applying poverty assessment procedures required under section 254.

"(4) The percentage of assistance furnished under section 252 that was allocated to the very poor based on the data collected using the certified methods required by section 254.

"(5) The estimated number of the very poor reached with assistance provided under section 252.

"(6) The amount of assistance provided under section 252 through central mechanisms.

"(7) The name of each country that receives assistance under section 256 and the amount of such assistance.

"(8) Information on the efforts of the Agency to ensure that recipients of United States microenterprise and microfinance development assistance work closely with non-governmental organizations and foreign governments to identify and assist victims or potential victims of severe forms of trafficking in persons and women who are victims of or susceptible to other forms of exploitation and violence.

"(9) Any additional information relating to the provision of assistance authorized by this title, including the use of the poverty measurement tools required by section 251, or additional information on assistance provided by the United States to support microenterprise development under this title or any other provision of law.

"(10) An estimate of the percentage of beneficiaries of assistance under this title in countries where a strong relationship between poverty and race or ethnicity has been demonstrated.

"(11) The level of funding provided through contracts, the level of funding provided through grants, contracts, and cooperative agreements that is estimated to be subgranted or subcontracted, as the case may be, to direct service providers, and an analysis of the comparative cost-effectiveness and sustainability of projects carried out under these mechanisms.

"(c) Availability to Public.—The report required by this section shall be made available to the public on the Internet website of the Agency.

"SEC. 259. DEFINITIONS.

" In this title:

"(1) Administrator.—The term 'Administrator' means the Administrator of the Agency.

"(2) Agency.—The term 'Agency' means the United States Agency for International Development.

"(3) Appropriate congressional committees.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(4) Business development services.—The term 'business development services' means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other related services.

"(5) Director.—The term 'Director' means the Director of the office.

"(6) Implementing partner organization.—The term 'implementing partner organization' means an entity eligible to receive assistance under this title which is—

"(A) a United States or an indigenous private voluntary organization;

"(B) a United States or an indigenous credit union;

"(C) a United States or an indigenous cooperative organization;

"(D) an indigenous governmental or nongovernmental organization;

"(E) a microenterprise institution;

"(F) a microfinance institution; or

"(G) a practitioner institution.

"(7) Microenterprise institution.—The term 'microenterprise institution' means a not-for-profit entity that provides services, including microfinance, training, or business development services, for microenterprise clients in foreign countries.

"(8) Microfinance institution.—The term 'microfinance institution' means a not-for-profit entity or a regulated financial intermediary that directly provides, or works to expand, the availability of credit, savings, and other financial services to microfinance and microenterprise clients in foreign countries.

"(9) Microfinance network.—The term 'microfinance network' means an affiliated group of practitioner institutions that provides services to its members, including financing, technical assistance, and accreditation, for the purpose of promoting the financial sustainability and societal impact of microenterprise assistance.

"(10) Office.—The term 'office' means the office of microenterprise development established under section 252(b)(1).

"(11) Practitioner institution.—The term 'practitioner institution' means a not-for-profit entity or a regulated financial intermediary, including a microfinance network, that provides services, including microfinance, training, or business development services, for microfinance and microenterprise clients, or provides assistance to microenterprise institutions in foreign countries.

"(12) Private voluntary organization.—The term 'private voluntary organization' means a not-for-profit entity that—

"(A) engages in and supports activities of an economic or social development or humanitarian nature for citizens in foreign countries; and

"(B) is incorporated as such under the laws of the United States, including any of its states, territories or the District of Columbia, or of a foreign country.

"(13) United States-supported microfinance institution.—The term 'United States-supported microfinance institution' means a financial intermediary that has received funds made available under this part for fiscal year 1980 or any subsequent fiscal year.

"(14) Very poor.—The term 'very poor' means those individuals—

"(A) living in the bottom 50 percent below the poverty line established by the national government of the country in which those individuals live; or

"(B) living on less than the equivalent of $1 per day (as calculated using the purchasing power parity (PPP) exchange rate method).".

SEC. 7. SENSE OF CONGRESS.

It is the sense of Congress that, in carrying out title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (as added by section 3 of this Act and amended by sections 4 through 6 of this Act), the Administrator of the United States Agency for International Development—

(1) where applicable, should ensure that microenterprise development assistance provided under such title is matched by recipients with an equal amount of assistance from non-United States Government sources, including private donations, multilateral funding, commercial and concessional borrowing, savings, and program income;

(2) should include in the report required by section 258 of the Foreign Assistance Act of 1961 (as added by section 6 of this Act) a description of all matching assistance (as described in paragraph (1)) provided for the prior year by recipients of microenterprise development assistance under such title;

(3) should ensure that recipients of microenterprise development assistance under such title do not expend an unreasonably large percentage of such assistance on administrative costs;

(4) should not use recipients of microenterprise development assistance under such title to carry out critical management functions of the Agency, including functions such as strategy development or overall management of programs in a country; and

(5) should consult with the appropriate congressional committees with respect to the implementation of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 not later than 90 days after the date of the enactment of this Act.

SEC. 8. REPEALS.

(a) Foreign Assistance Act of 1961.—Section 131 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a) is hereby repealed.

(b) Public Law 108–31.—

(1) In general.—Section 4 of Public Law 108–31 (22 U.S.C. 2151f note) is amended by striking subsection (b).

(2) Conforming amendment.—Section 4 of Public Law 108–31 is amended by striking "(a)" and all that follows through "Not later" and inserting "Not later".

SEC. 9. REFERENCES.

Any reference in a law, regulation, agreement, or other document of the United States to section 108, 131, or 132 of the Foreign Assistance Act of 1961 shall be deemed to be a reference to subtitle B of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, subtitle A of title VI of chapter 2 of part I of such Act, or subtitle C of title VI of chapter 2 of part I of such Act, respectively.

Mr. SMITH of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The amendment in the nature of a substitute was agreed to.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in support of H.R. 3818, "The Microenterprise Results and Accountability Act of 2004." I introduced this bill at the beginning of the 108th Congress, and this final product represents the culmination of months of hard work and discussion by Republicans and Democrats in both the House and Senate, members of the microenterprise community, and USAID, to build upon one of our most progressive and successful foreign aid programs.

I would like to thank Mr. DeLay and our leadership for scheduling this bill. We know that the House has been considering numerous important pieces of foreign affairs legislation in recent months—from the Foreign Aid appropriations bill to legislation reorganizing our intelligence community and better securing our borders to fight the War on Terrorism—and I am grateful that our leadership took time to schedule this important measure.

I would like to thank Chairman Hyde, who has shown strong support for this bill every step of the way and moved it promptly at the beginning of this year. I would also like to thank Mr. Lantos, Mr. Weldon, and 81 other Members of Congress who cosponsored this legislation.

Mr. Speaker, this legislation is primarily about ensuring better results, not authorizing additional money. A comprehensive GAO report completed in November 2003 revealed that oversight and accountability of microenterprise programs administered by AID is weak, and that programs are not having the desired effect of reaching the very poor—those earning less than the equivalent of $1/day—to the greatest extent possible.

In response to those concerns, H.R. 3818 builds-in accountability through a focus on cost-effectiveness and efficiency. H.R. 3818 establishes a dedicated Microenterprise Office within USAID which will approve strategic plans of field missions, establish a monitoring system in order to maximize the impact of programs and measure results, and coordinate preparation of a yearly report to Congress. The legislation also ensures that more funds go to the "poorest of the poor" through the development and implementation of easy-to-use, cost-effective poverty assessment techniques. Identifying and targeting the poorest potential clients who would stand to benefit most from microenterprise loans has proven to be more difficult than originally anticipated. I am hopeful that once developed, these poverty assessment techniques may prove useful not only for microenterprise but also in other areas of our foreign aid.

This bill also stipulates that USAID should emphasize the use of global microfinance networks and other non-profit voluntary organizations in the implementation of microenterprise and microfinance programs. In the last two years, I am concerned that USAID has been shifting its focus away from non-profit organizations and networks to contractors in the implementation of the Agency's microenterprise program. While for-profit entities such as consulting firms are making excellent contributions in the areas of technical assistance, research and policy reform, global microfinance networks and non-profit voluntary organizations have the operational experience and track record in microenterprise and microfinance service delivery to poor people. These organizations are able to get resources directly to clients, and are well positioned to reach the very poorest economically active entrepreneurs in the countries where they work. Further, such networks have built self-sustaining microfinance institutions that now cover, on average, almost all of their operating costs. More than $150 million in earned revenue was captured by these institutions in 2002 to cover their operating costs, in addition to private donations that have added significant leverage to USAID's investments. These networks have excelled in rapidly developing microfinance institutions in volatile and risky situations, including during the early stages of a country's transition from war to peace. However, while H.R. 3818 also encourages the use of indigenous governmental organizations as implementing partners for microenterprise and microfinance programs, these governmental organizations should be used only when necessary, efficient and effective, and, in particular, only when they use the best practices in this field. Since the reforms in H.R. 3818 are so comprehensive, we expect USAID will work in close consultation with the appropriate Congressional committees and offices regarding this and other issues.

The term "foreign aid" often has a bad connotation—and there are some good reasons why, too. Many times in the past, foreign aid was sent in a "top-down" manner to corrupt governments and organizations where it never really reached the intended recipients.

Microenterprise, on the other hand, takes a totally different approach. It's a "trickle-up" approach that focuses on helping the poorest people on the planet build themselves up, little by little, into self-sufficiency. The success of microenterprise lending programs to empower entrepreneurs and borrowers in the developing world cannot be overstated.

Over two million clients are currently benefiting from USAID-assisted programs that provide the necessary capital through small loans, usually of a few hundred dollars or less, for entrepreneurs to start and expand their own small businesses. It is estimated that 97 percent of microenterprise loans are successfully repaid and 70 percent to women, who are often very vulnerable, subjected to abuse, and in need of economic opportunities in the developing world. Microenterprise is a key vehicle to assist victims of trafficking and to raise the social and economic status of women around the world.

Microenterprise also complements the principles President Bush has outlined for more effective foreign aid through the Millennium Challenge Account. Business owners assisted by micro-lending are not only able to increase their own incomes, but through their efforts, they create jobs and help economies grow.

Success stories from the beneficiaries of microenterprise are quite numerous. Take for example, Dorothy Eyiah (EYE-ee-ah) from Ghana. Dorothy was resourceful, but she had no idea how she was going to support her AIDS-stricken sister and family when she brought them into her home in Ghana. She used to support herself selling ice, but that wasn't going to pay for the food and medicines she now needed. She started praying. All doors seemed shut until Dorothy met some women within her village who were part of an Opportunity International Trust Bank. The Trust Bank could help her grow a small business—providing her with financing, training, support. Five loans later, Dorothy is the secretary of her Trust Bank and runs 3 businesses, employing 9 people from her village. She is content. Her sister is comfortable, all the children are in school, and their needs are being met. "God has been so good to me," she says.

Success stories such as this are what microfinance and H.R. 3818 are all about. By building the best possible microenterprise program, our goal is to reach the greatest possible number of poor people with services that truly have an impact on their lives. As we compare the effectiveness of various methods of implementation of funds, success will be measured by the ability to reach very poor people and other underserved populations, including women, and by the kind of impact these programs have on poor families. We are concerned not only with the efficient delivery of financial services, but also with the well-being of those who receive those services. We want to see poor people work their way out of poverty, increase their income, build their assets, and grow their businesses, and we also want to see them educate their children, achieve greater self-esteem, strengthen their families, and improve the quality of their lives.

When we provide micro loans for the developing world, we export values upon which our nation is based upon, including the ideal that if you work hard and dream big, you can succeed. Again, I thank my colleagues who have supported this legislation and I urge the rest of my colleagues to do the same.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3818.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

EXTENDING AUTHORITY OF U.S. DISTRICT COURT FOR SOUTHERN DISTRICT OF IOWA TO HOLD COURT IN ROCK ISLAND, ILLINOIS

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2873) to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOLDING OF COURT FOR THE SOUTHERN DISTRICT OF IOWA.

Section 11029 of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 95 note; Public Law 107-273; 116 Stat. 1836) is amended by striking "July 1, 2005" and inserting "July 1, 2006".

SEC. 2. HOLDING OF COURT AT CLEVELAND, MISSISSIPPI.

Section 104(a)(3) of title 28, United States Code, is amended in the second sentence by inserting "and Cleveland" after "Clarksdale".

SEC. 3. PLACE OF HOLDING COURT IN TEXARKANA, TEXAS, AND TEXARKANA, ARKANSAS.

Sections 83(b)(1) and 124(c)(5) of title 28, United States Code, are each amended by inserting after "held at Texarkana" the following: ", and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas".

SEC. 4. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF NEW YORK.

Section 112(a) of title 28, United States Code, is amended by striking "and Watertown" and inserting "Watertown, and Plattsburgh".

SEC. 5. PLACE OF HOLDING COURT IN THE DISTRICT OF COLORADO.

Section 85 of title 28, United States Code, is amended by inserting "Colorado Springs," after "Boulder,".

Mr. SENSENBRENNER. The other body has passed S. 2873, which contains five noncontroversial items that affect the operations of certain Federal courts. These provisions have been thoroughly scrubbed and will assist the affected judicial districts in their work. I urge the House to pass the measure.

Mr. Speaker, the contents of S. 2873 are as follows:

First, the bill designates Cleveland, Mississippi, as a place of holding federal court. This is necessary because Cleveland is the site for a local prison that houses Federal inmates who cannot be incarcerated elsewhere based on a shortage of Federal facilities in the area.

The provision will allow a federal judge who resides in Cleveland to process the Federal cases there rather than commute to Greenville along with the prisoners. There is no need for building construction or leased space.

Second, the bill designates Texarkana, Texas, and Texarkana Arkansas, as places of holding Federal court. The provision allows the Western District of Arkansas and the Eastern District of Texas to hold court anywhere within the Texarkana courthouse that straddles the border between the two States. This will allow the judges to coordinate their workloads and move their dockets more efficiently.

Third, the bill designates Plattsburgh, New York, as a place of holding court. This provision was part of H.R. 3632, an anticounterfeiting bill, that the House passed earlier this year by voice vote. The Plattsburgh designation will assist the U.S. Customs Service and the Department of Justice in prosecuting criminal activity on the Canadian border and Lake Champlain region.

Fourth, the bill designates Colorado Springs, Colorado, as a place of holding court. This was also part of H.R. 3632. Colorado Springs is home to a number of Federal prison facilities, including one which houses terrorists. The nearest Federal court is 70 miles away. The Marshals Service is especially concerned about transporting terrorists over this expanse.

And fifth, the bill extends an existing authorization to permit the Southern Judicial District of Iowa to hold court in Rock Island, Illinois. The courthouse in Iowa is undergoing renovations which are not yet completed, thereby necessitating the extension.

To conclude, I emphasize that the Administrative Office of the U.S. Courts endorses this legislation.

Mr. Speaker, the other body and our committee in a bipartisan fashion have reviewed these items and we find them meritorious. I urge my colleagues to support S. 2873.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2873.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDING AND EXTENDING IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT OF 1998

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2655) to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. AMENDMENT AND EXTENSION OF IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM.

(a) IRISH PEACE .PROCESS CULTURAL AND TRAINING PROGRAM ACT.—

(1) PROGRAM PARTICIPANT REQUIREMENTS.—Section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended by adding at the end the following:

"(5) PROGRAM PARTICIPANT REQUIREMENTS.—An alien entering the United States as a participant in the program shall satisfy the following requirements:

"(A) The alien shall be a citizen of the United Kingdom or the Republic of Ireland.

"(B) The alien shall be between 21 and 35 years of age on the date of departure for the United States.

"(C) The alien shall have resided continuously in a designated county for not less than 18 months before such date.

"(D) The alien shall have been continuously unemployed for not less than 12 months before such date.

"(E) The alien may not have a degree from an institution of higher education.".

(2) EXTENSION OF PROGRAM.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(A) in subsection (a)(3), by striking "the third program year and for the 4 subsequent years," and inserting "each program year,"; and

(B) by amending subsection (d) to read as follows:

"(d) SUNSET.—

"(1) Effective October 1, 2008, the Irish Peace Process Cultural and Training Program Act of 1998 is repealed.

"(2) Effective October 1, 2008, section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—

"(A) by striking 'or' at the end of clause (i);

"(B) by striking '(i)' after '(Q)'; and

"(C) by striking clause (ii).".

(3) COST-SHARING.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note), as amended by paragraph (2), is further amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b), the following new subsection:

"(c) COST-SHARING.—The Secretary of State shall verify that the United Kingdom and the Republic of Ireland continue to pay a reasonable share of the costs of the administration of the cultural and training programs carried out pursuant to this Act.".

(4) TECHNICAL AMENDMENTS.—The Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(A) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and

(B) by striking "Immigration and Naturalization Service" each place such term appears and inserting "Department of Homeland Security".

(b) IMMIGRATION AND NATIONALITY ACT.—

(1) REQUIREMENTS FOR NONIMMIGRANT STATUS.—Section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—

(A) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and

(B) in clause (ii)(I)—

(i) by striking "35 years of age or younger having a residence" and inserting "citizen of the United Kingdom or the Republic of Ireland, 21 to 35 years of age, unemployed for not less than 12 months, and having a residence for not less than 18 months"; and

(ii) by striking "36 months)" and inserting "24 months)".

(2) FOREIGN RESIDENCE REQUIREMENT.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(A) by redesignating the subsection (p) as added by section 1505(f) of Public Law 106–386 (114 Stat. 1526) as subsection (s); and

(B) by adding at the end the following:

"(t)(1) Except as provided in paragraph (2), no person admitted under section 101(a)(15)(Q)(ii)(I), or acquiring such status after admission, shall be eligible to apply for nonimmigrant status, an immigrant visa, or permanent residence under this Act until it is established that such person has resided and been physically present in the person's country of nationality or last residence for an aggregate of at least 2 years following departure from the United States.

"(2) The Secretary of Homeland Security may waive the requirement of such 2-year foreign residence abroad if the Secretary determines that—

"(A) departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or an alien lawfully admitted for permanent residence); or

"(B) the admission of the alien is in the public interest or the national interest of the United States.".

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, H.R. 2655 would extend the Irish Peace Process Cultural and Training Program for 2 years, from 2006 to 2008. It would also modify the provisions of the program to ensure that those aliens receiving visas are those the program was designed to benefit.

In 1998, Representative WALSH guided the Irish Peace Process Cultural and Training Program Act to enactment. The purpose of the program is to allow young adults who live in disadvantaged areas of Northern Ireland and designated border counties of Ireland that are suffering from sectarian violence and high unemployment to enter the United States to develop job skills and conflict resolution abilities in a diverse, cooperative, peaceful, and prosperous environment. They can then return to their homes better able to contribute toward economic regeneration and the Irish peace process. Up to 4,000 qualifying aliens (and their spouses and minor children) can be admitted each year and they can stay in the U.S. for up to 3 years.

Mr. WALSH's bill, H.R. 2655, would extend the program for another 2 years, until October 1, 2008. It would also make a number of changes to the program to ensure that the aliens granted admission are those truly economically disadvantaged young adults the program was designed to help. These changes include requirements that program participants not have degrees from institutions of higher education, that they be at least 21 years of age, that they be nationals of the United Kingdom or the Republic of Ireland, that they have been unemployed for at least one year and resident in Northern Ireland or the designated border counties for at least 18 months.

The bill would also make changes to the program to help ensure that the aliens return to Ireland to foster economic development and peace. For instance, it would also require that aliens admitted under the program return home for 2 years before they could apply for an immigrant visa, permanent residence, or another nonimmigrant visa.

I urge my colleagues to vote for H.R. 2655.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Wisconsin?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2655.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT (CREATE) ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2192) to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cooperative Research and Technology Enhancement (CREATE) Act of 2004".

SEC. 2. COLLABORATIVE EFFORTS ON CLAIMED INVENTIONS.

Section 103(c) of title 35, United States Code, is amended to read as follows:

"(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

"(2) For purposes of this subsection, subject matter developed by another person and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person if—

"(A) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made;

"(B) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

"(C) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

"(3) For purposes of paragraph (2), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by two or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply to any patent granted on or after the date of the enactment of this Act.

(b) SPECIAL RULE.—The amendments made by this Act shall not affect any final decision of a court or the United States Patent and Trademark Office rendered before the date of the enactment of this Act, and shall not affect the right of any party in any action pending before the United States Patent and Trademark Office or a court on the date of the enactment of this Act to have that party's rights determined on the basis of the provisions of title 35, United States Code, in effect on the day before the date of the enactment of this Act.

Mr. SENSENBRENNER. Mr. Speaker, S. 2192 will help to spur the development of new technologies by making it easier for collaborative inventors who represent more than one organization to obtain the protection of the U.S. patent system for their inventions.

Members should note that the text of S. 2192 is identical to that of H.R. 2391, which received approximately 2 years of process. The House passed H.R. 2391 by voice vote on March 10 of this year.

The bill achieves this goal by limiting the circumstances in which confidential information, which is voluntarily exchanged by individual research team members, may be asserted to bar the patenting of the team's new inventions.

Today, industries that rely on intellectual property, like pharmaceuticals, biotechnology, and nano-technology serve as key catalysts to the U.S. economy, employing tens of thousands of Americans. More often than not, the innovations they develop are not done solely by researchers "in-house" but rather, in concert with other researchers who may be located at universities, non-profit institutions, or other private enterprises.

Carl E. Gulbrandsen, the managing director of the Wisconsin Alumni Research Foundation, provided an assessment of the value of university research contributions when he testified before the Intellectual Property Subcommittee last Congress that:

> In 2000, non-profits and universities spent a record $28.1 billion on research and development much of which involved collaborations among private, public, and non-profit entities.

Sales of products developed from inventions transferred from these research centers resulted in revenues that approached $42 billion that year, a portion of which was then reinvested in additional research.

As significant as this research activity is, the tangible benefits of its application are also worth noting. Innovations like magnetic resonance imaging and the sequencing of the human genome through a process known as automated polymerase chain reaction technology were both made possible through collaborative research.

Mr. Speaker, in 1984, Congress acted to provide incentives for innovation by encouraging researchers within organizations to share information. That year, we amended the Patent Act to restrict the use of background scientific or technical information shared among researchers in an effort to deny a patent in instances where the subject matter and the claimed invention were under common ownership or control.

S. 2192 will provide a similar statutory "safe harbor" for inventions that result from the collaborative activities of private, public, and non-profit entities. In so doing, the bill responds to the 1997 OddzON Products, Inc. V. Just Toys, Inc. decision of the Federal Circuit Court of Appeals by clarifying that prior inventions of team members will not serve as an absolute bar to the patenting of the team's new invention when the parties conduct themselves in accordance with the terms of the bill.

In the future, research collaborations between academia and industry will be even more critical to the efforts of U.S. industry to maintain our technological preeminence. By enacting S. 2192, Congress will help to foster improved communication among researchers, provide additional certainty and structure for those who engage in collaborative research, reduce patent litigation incentives, and facilitate innovation and investment.

S. 2192 is the product of the collaborative efforts of a number of individuals and leading professional patent and research organizations. Among those who contributed substantially to the development of the bill are the USPTO, the Wisconsin Alumni Research Foundation, the American Council on Education, the American University Technology Managers, the Biotechnology Industry Organization, and the American Intellectual Property Law Association.

Mr. Speaker, S. 2192 will ensure that tomorrow's collaborative researchers can enjoy the full measure of the benefits of the patent law. I urge the Members to support the bill.

The Senate bill was ordered to be read a third time. was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2192.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ENSURING NEEDED HELP ARRIVES NEAR CALLERS EMPLOYING 911 ACT OF 2004

Mr. PICKERING. Mr. Speaker. I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 5419) to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services. to further upgrade Public Safety Answering Point capabilities and related functions in receiving E–911 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system: and to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I-E–911

SEC. 101. SHORT TITLE.

This title may be cited as the "Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004" or the "ENHANCE 911 Act of 2004".

SEC. 102. FINDINGS.

The Congress finds that—

(1) for the sake of our Nation's homeland security and public safety, a universal emergency telephone number (911) that is enhanced with the most modern and state-of-the-art telecommunications capabilities possible should be available to all citizens in all regions of the Nation;

(2) enhanced emergency communications require Federal, State, and local government resources and coordination;

(3) any funds that are collected from fees imposed on consumer bills for the purposes of funding 911 services or enhanced 911 should go only for the purposes for which the funds are collected; and

(4) enhanced 911 is a high national priority and it requires Federal leadership, working in cooperation with State and local governments and with the numerous organizations dedicated to delivering emergency communications services.

SEC. 103. PURPOSES.

The purposes of this title are—

(1) to coordinate 911 services and E-911 services, at the Federal, State, and local levels; and

(2) to ensure that funds collected on telecommunications bills for enhancing emergency 911 services are used only for the purposes for which the funds are being collected.

SEC. 104. COORDINATION OF E–911 IMPLEMENTATION.

Part C of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 158. COORDINATION OF E–911 IMPLEMENTATION.

"(a) E 911 Implementation Coordination Office.—

"(1) Establishment.—The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

"(A) establish a joint program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers. and telecommunications equipment manufacturers and vendors involved in the implementation of E–911 services; and

"(B) create an E-911 Implementation Coordination Office to implement the provisions of this section.

"(2) Management plan.—The Assistant Secretary and the Administrator shall jointly develop a management plan for the program established under this section. Such plan shall include the organizational structure and funding profiles for the 5–year duration of the program. The Assistant Secretary and the Administrator shall, within 90 days after the date of enactment of this Act, submit the management plan to the Committees on Energy and Commerce and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

"(3) Purpose of office.—The Office shall—

"(A) take actions, in concert with coordinators designated in accordance with subsection (b) (3) (A) (ii), to improve such coordination and communication:

"(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of E-911 services;

"(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b) (3) (A) (iii);

"(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

"(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

"(4) Reports.—The Assistant Secretary and the Administrator shall provide a. joint annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of E–911 services.

"(b) Phase II E–911 Implementation Grants.—

"(1) Matching grants.—The Assistant Secretary and the Administrator, after consultation with the Secretary of Homeland Security and the Chairman of the Federal Communications Commission, and acting through the Office, shall provide grants to eligible entities for the implementation and operation of Phase II E-911 services.

"(2) Matching requirement.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 50 percent. The non-Federal share of the cost shall be provided from non-Federal sources.

"(3) Coordination required.—In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

"(A) in the case of an eligible entity that is a State government, the entity—

"(i) has coordinated its application with the public safety answering points (as such term is defined in section 222(h)(4) of the Communications Act of 1934) located within the jurisdiction of such entity;

"(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of E911 services, except that such designation need not vest such coordinator with direct legal authority to implement E-911 services or manage emergency communications operations;

"(iii) has established a plan for the coordination and implementation of E-911 services; and

"(iv) has integrated telecommunications services involved in the implementation and delivery of phase II E-911 services; or

"(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied With clause (ii) of such subparagraph.

"(4) Criteria.—The Assistant Secretary and the Administrator shall jointly issue regulations within 90 days after the date of enactment of the ENHANCE 911 Act of 2004, after a public comment period of not less than 60 days, prescribing the criteria. for selection for grants under this section, and shall update such regulations as necessary. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section.

"(c) Diversion of E 911 Charges.—

"(1) Designated E–911 charges.—For the purposes of this subsection, the term 'designated E-911 charges' means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve E-911 services.

"(2) Certification.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated E–

911 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 1 SO days immediately. preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

"(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated E–911 charges for any purpose other than the purposes for which such charges are designated or presented, all of the funds from such grant shall be returned to the Office.

"(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (1) knowing that the information provided in the certification was false shall—

"(A) not be eligible to receive the grant under subsection (b);

"(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

"(C) not be eligible to receive any subsequent grants under subsection (b).

"(d) AUTHORIZATION; TERMINATION.—

"(1) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation, for the purposes of grants under the joint program operated under this section with the Department of Commerce, not more than $250,000,000 for each of the fiscal years 2005 through 2009, not more than 5 percent of which for any fiscal year may be obligated or expended for administrative costs.

"(2) TERMINATION.—The provisions of this section shall cease to be effective on October 1, 2009.

"(e) DEFINITIONS.—As used in this section:

"(1) OFFICE.—The term 'Office' means the E911 Implementation Coordination Office.

"(2) ADMINISTRATION.—The term 'Administrator' means the Administrator of the National Highway Traffic Safety Administration.

"(3) ELIGIBLE ENTITY.—

"(A) IN GENERAL.—The term 'eligible entity' means a State or local government or a tribal organization (as defined in section 4(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1))).

"(B) INSTRUMENTALITIES.—Such term includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to provide E–911 services.

"(C) EXCEPTION.—Such term does not include any entity that has failed to submit the most recently required certification under subsection (c) 'within 30 days after the date on which such certification is due.

"(4) E–911 SERVICES.—The term 'E–911 services' means both phase I and phase II enhanced 911 services, as described in section 20.18 of the Commission's regulations (47 C.F.R. 20.18), as in effect on the date of enactment of the ENHANCE 911 Act of 2004, or as subsequently revised by the Federal Communications Commission.

"(5) PHASE II E–911 SERVICES.—The term 'phase II E–911 services' means only phase II enhanced 911 services, as described in such section 20.18 (47 C.F.R. 20.18), as in effect on such date, or as subsequently revised by the Federal Communications Commission.

"(6) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States.".

SEC. 105. GAO STUDY OF STATE AND LOCAL USE OF 911 SERVICE CHARGES.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Comptroller General shall initiate a study of—

(1) the imposition of taxes, fees, or other charges imposed by States or political subdivisions of States that are designated or presented as dedicated to improve emergency communications services, including 911 services or enhanced 911 services, or related to emergency communications services operations or improvements; and

(2) the use of revenues derived from such taxes, fees, or charges.

(b) REPORT.—Within 18 months after initiating the study required by subsection (a), the Comptroller General shall transmit a report on the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce setting forth the findings, conclusions, and recommendations, if any, of the study, including—

(1) the identity of each State or political subdivision that imposes such taxes, fees, or other charges; and

(2) the amount of revenues obligated or expended by that State or political subdivision for any purpose other than the purposes for which such taxes, fees, or charges were designated or presented.

SEC. 106. REPORT ON THE DEPLOYMENT OF E–911 PHASE II SERVICES BY TIER III SERVICE PROVIDERS.

Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate detailing—

(1) the number of tier III commercial mobile service providers that are offering phase II E–911 services;

(2) the number of requests for waivers from compliance with the Commission's phase II E–911 service requirements received by the Commission from such tier III providers;

(3) the number of waivers granted or denied by the Commission to such tier III providers;

(4) how long each waiver request remained pending before it was granted or denied;

(5) how many waiver requests are pending at the time of the filing of the report;

(6) when the pending requests will be granted or denied;

(7) actions the Commission has taken to reduce the amount of time a waiver request remains pending; and

(8) the technologies that are the most effective in the deployment of phase II E–911 services by such tier III providers.

SEC. 107. FCC REQUIREMENTS FOR CERTAIN TIER III CARRIERS.

(a) IN GENERAL.—The Federal Communications Commission shall act on any petition filed by a qualified Tier III carrier requesting a waiver of compliance with the requirements of section 20.18(g)(1)(v) of the Commission's rules (47 C.F.R. 20.18(g)(1)(v)) Within 100 days after the Commission receives the petition. The Commission shall grant the waiver of compliance with the requirements of section 20.18(g)(1)(v) of the Commission's rules (47 C.F.R. 20.18(g)(1)(v)) requested by the petition if it determines that strict enforcement of the requirements of that section would result in consumers having decreased access to emergency services.

(b) QUALIFIED TIER III CARRIER DEFINED.—In this section, the term "qualified Tier III carrier" means a provider of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)) that had 500,000 or fewer subscribers as of December 31, 2001.

TITLE II—SPECTRUM RELOCATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Commercial Spectrum Enhancement Act".

SEC. 202. RELOCATION OF ELIGIBLE FEDERAL ENTITIES FOR THE REALLOCATION OF SPECTRUM FOR COMMERCIAL PURPOSES.

Section 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(8)) is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station assigned to a band of frequencies specified in paragraph (2) and that incurs relocation costs because of the reallocation of frequencies from Federal use to non-Federal use shall receive payment for such costs from the Spectrum Relocation Fund, in accordance with section 118 of this Act. For purposes of this paragraph, Federal power agencies exempted under subsection (c) (4) that choose to relocate from the frequencies identified for reallocation pursuant, to subsection (a), are eligible to receive payment under this paragraph.

"(2) ELIGIBLE FREQUENCIES.—The bands of eligible frequencies for purposes of this section are as follows:

"(A) the 216–220 megahertz band, the 1432–1435 megahertz band, the 1710–1755 megahertz band, and the 2385–2390 megahertz band of frequencies; and

"(B) any other band of frequencies reallocated from Federal use to non-Federal use after January 1, 2003, that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), except for bands of frequencies previously identified by the National Telecommunications and Information Administration in the Spectrum Reallocation Final Report, NTIA Special Publication 95–32 (1995).

"(3) DEFINITION OF RELOCATION COSTS.—For purposes of this subsection, the term 'relocation costs' means the costs incurred by a Federal entity to achieve comparable capability of systems, regardless of whether that capability is achieved by relocating to a. new frequency assignment or by utilizing an alternative technology. Such costs include—

"(A) the costs of any modification or replacement of equipment, software, facilities, operating manuals, training costs, or regulations that are attributable to relocation;

"(B) the costs of all engineering, equipment, software, site acquisition and construction costs, as well as any legitimate and prudent transaction expense, including outside consultants, and reasonable additional costs incurred by the Federal entity that are attributable to relocation, including increased recurring costs associated with the replacement facilities;

"(C) the costs of engineering studies, economic analyses, or other expenses reasonably incurred in calculating the estimated relocation costs that are provided to the Commission pursuant to paragraph (4) of this subsection;

"(D) the one-time costs of any modification of equipment reasonably necessary to accommodate commercial use of such frequencies prior to the termination of the Federal entity's primary, allocation or protected status, when the eligible frequencies as defined in paragraph (2) of this subsection are made available for private sector uses by competitive bidding and a Federal entity retains primary allocation or protected status in those frequencies for a period of time after the completion of the competitive bidding process; and

"(E) the costs associated With the accelerated replacement of systems and equipment if such acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment.

"(4) NOTICE TO COMMISSION OF ESTIMATED RELOCATION COSTS.—

"(A) The Commission shall notify the NTIA at least IS months prior to the commencement of any auction of eligible frequencies defined in paragraph (2). At least 6 months prior to the commencement of any such auction, the NTIA, on behalf of the Federal entities and after review by the Office of Management and Budget, shall notify- the Commission of estimated relocation costs and timelines for such relocation.

"(B) Upon timely request of a Federal entity, the NTIA shall provide such entity With information regarding an alternative frequency assignment or assignments to which their radio communications operations could be relocated for purposes of calculating the estimated relocation costs and timelines to be submitted to the Commission pursuant to subparagraph (A).

"(C) To the extent practicable and consistent with national security considerations, the NTIA shall provide the information required by subparagraphs (A) and (B) by the geographic location of the Federal entities' facilities or systems and the frequency bands used by such facilities or systems.

"(5) NOTICE TO CONGRESSIONAL COMMITTEES AND GAO.—The NTIA shall, at the time of providing an initial estimate of relocation costs to the Commission under paragraph (4)(A), submit to Committees on Appropriations and Energy and Commerce of the House of Representatives for approval, to the Committees on Appropriations and Commerce, Science, and Transportation of the Senate for approval, and to the Comptroller General a copy of such estimate and the timelines for relocation. Unless disapproved within 30 days, the estimate shall be approved. If disapproved, the NTIA may resubmit a revised initial estimate.

"(6) IMPLEMENTATION OF PROCEDURES.—The NTIA shall take such actions as necessary to ensure the timely, relocation of Federal entities' spectrum related operations from frequencies defined in paragraph (2) to frequencies or facilities of comparable capability. Upon a finding by the NTIA that a Federal entity, has achieved comparable capability of systems by relocating to a new frequency assignment or by utilizing an alternative technology, the NTIA shall terminate the entity's authorization and notify the Commission that the entity's relocation has been completed. The NTIA shall also terminate such entity's authorization if the NTIA determines that the entity, has unreasonably failed to comply with the timeline for relocation submitted by the Director of the Office of Management and Budget under section 118(d)(2)(B).".

SEC. 203. MINIMUM AUCTION RECEIPTS AND DISPOSITION OF PROCEEDS.

(a) AUCTION DESIGN.—Section 309(j)(3) of the Communications Act of 1934 (47 U.S.C. 309(j)(3)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) for any auction of eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)), the recovery of 110 percent of estimated relocation costs as provided to the Commission pursuant to section 113(g)(4) of such Act.".

(b) SPECIAL AUCTION PROVISIONS FOR ELIGIBLE FREQUENCIES.—Section 309(j) of such Act is further amended by adding at the end the following new paragraph:

"(15) SPECIAL AUCTION PROVISIONS FOR ELIGIBLE FREQUENCIES.—

"(A) SPECIAL REGULATIONS.—The Commission shall revise the regulations prescribed under paragraph (4)(F) of this subsection to prescribe methods by which the total cash proceeds from any auction of eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) shall at least equal 110 percent of the total estimated relocation costs provided to the Commission pursuant to section 113(g)(4) of such Act.

"(B) CONCLUSION OF AUCTIONS CONTINGENT ON MINIMUM PROCEEDS.—The Commission shall not conclude any auction of eligible frequencies described in section 113(g)(2) of such Act if the total cash proceeds attributable to such spectrum are less than 110 percent of the total estimated relocation costs provided to the Commission pursuant to section 113(g)(4) of such Act. If the Commission is unable to conclude an auction for the foregoing reason, the Commission shall cancel the auction, return within 45 days after the auction cancellation date any deposits from participating bidders held in escrow, and absolve such bidders from any obligation to the United States to bid in any subsequent reauction of such spectrum.

"(C) AUTHORITY TO ISSUE PRIOR TO DEAUTHORIZATION.—In any auction conducted under the regulations required by subparagraph (A), the Commission may grant a license assigned for the use of eligible frequencies prior to the termination of an eligible Federal entity's authorization. However, the Commission shall condition such license by requiring that the licensee cannot cause harmful interference to such Federal entity until such entity's authorization has been terminated by the National Telecommunications and Information Administration.".

(c) DEPOSIT OF PROCEEDS.—Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in subparagraph (A), by inserting "or subparagraph (D)" after "subparagraph (B)"; and

(2) by adding at the end the following new subparagraph:

"(D) DISPOSITION OF CASH PROCEEDS.—Cash proceeds attributable to the auction of any eligible frequencies described in section 113(8)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) shall be deposited in the Spectrum Relocation Fund established under section 118 of such Act, and shall be available in accordance with that section.".

SEC. 204. ESTABLISHMENT OF FUND AND PROCEDURES.

Part B of the National Telecommunications and Information Administration Organization Act is amended by adding after section 117 (47 U.S.C. 927) the following new section:

"SEC. 118. SPECTRUM RELOCATION FUND.

"(a) ESTABLISHMENT OF SPECTRUM RELOCATION FUND.—There is established on the books of the Treasury a separate fund to be known as the 'Spectrum Relocation Fund' (in this section referred to as the 'Fund'), which shall be administered by the Office of Management and Budget (in this section referred to as 'OMB'), in consultation with the NTIA.

"(b) CREDITING OF RECEIPTS.—The Fund shall be credited with the amounts specified in section 309(j)(8)(D) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)).

"(c) USED TO PAY RELOCATION COSTS.—The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation costs, as de fined in section 113(g)(3) of this Act, of an eligible Federal entity incurring such costs with respect to relocation from those frequencies.

"(d) FUND AVAILABILITY.—

"(1) APPROPRIATION.—There are hereby appropriated from the Fund such sums as are required to pay the relocation costs specified in subsection (c).

"(2) TRANSFER CONDITIONS.—None of the funds provided under this subsection may be transferred to any eligible Federal entity—

"(A) unless the Director of OMB has determined, in consultation with the NTIA, the appropriateness of such costs and the timeline for relocation; and

"(B) until 30 days after the Director of OMB has submitted to the Committees on Appropriations and Energy and Commerce of the House of Representatives for approval, to the Committees on Appropriations and Commerce, Science, and Transportation of the Senate for approval, and to the Comptroller General a detailed plan describing specifically how the sums transferred from the Fund xvill be used to pay, relocation costs in accordance with such subsection and the timeline for such relocation.

Unless disapproved within 30 days, the amounts in the Fund shall be available immediately. If the plan is disapproved, the Director may, resubmit a revised plan.

"(3) REVERSION OF UNUSED FUNDS.—Any auction proceeds in the Fund that are remaining after the payment of the relocation costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury not later than 8 years after the date of the deposit of such proceeds to the Fund.

"(e) TRANSFER TO ELIGIBLE FEDERAL ENTITIES.—

(1) TRANSFER.—

"(A) Amounts made available pursuant to subsection (d) shall be transferred to eligible Federal entities, as defined in section 113(g)(1) of this Act.

"(B) An eligible Federal entity may receive more than one such transfer, but if the sum of the subsequent transfer or transfers exceeds 10 percent of the original transfer—

"(i) such subsequent transfers are subject to prior approval by the Director of OMB as required by subsection (d)(2)(A);

"(ii) the notice to the committees containing the plan required by subsection (d)(2)(B) shall be not less than 45 days prior to the date of the transfer that causes such excess above 10 percent;

"(iii) such notice shall include, in addition to such plan, an explanation of need for such subsequent transfer or transfers; and

"(iv) the Comptroller General shall, within 30 days after receiving such plan, review such plan and submit to such committees an assessment of the explanation for the subsequent transfer or transfers.

"(C) Such transferred amounts shall be credited to the appropriations account, of the eligible Federal entity which has incurred, or will incur, such costs, and shall, subject to paragraph (2), remain available until expended.

"(2) RETRANSFER TO FUND.—An eligible Federal entity that has received such amounts shall report its expenditures to OMB and shall transfer any amounts in excess of actual relocation costs back to the Fund immediately after the NTIA has notified the Commission that the entity's relocation is complete, or has determined that such entity has unreasonably failed to complete such relocation in accordance with the timeline required by subsection (d)(2)(A).".

SEC. 205. TELECOMMUNICATIONS DEVELOPMENT FUND.

Section 714(f) of the Communications Act of 1934 (47 U.S.C. 614(f)) is amended to read as follows:

"(f) LENDING AND CREDIT OPERATIONS.—Loans or other extensions of credit from the Fund shall be made available to an eligible small business on the basis of—

"(1) the analysis of the business plan of the eligible small business;

"(2) the reasonable availability of collateral to secure the loan or credit extension;

"(3) the extent to which the loan or credit extension promotes the purposes of this section; and

"(4) other lending policies as defined by the Board.".

SEC. 206. CONSTRUCTION.

Nothing in this title is intended to modify section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65).

SEC. 207. ANNUAL REPORT.

The National Telecommunications and Information Administration shall submit an annual report to the Committees on Appropriations and Energy and Commerce of the House of Representatives, the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Comptroller General on—

(1) the progress made in adhering to the timelines applicable to relocation from eligible frequencies required under section 118(d)(2)(A) of the National Telecommunications and Information Administration Organization Act, separately stated on a communication system-by-system basis and on an auction-by-auction basis; and

(2) with respect to each relocated communication system and auction, a statement of the estimate of relocation costs required under section 113(8)(4) of such Act, the actual relocations costs incurred, and the amount of such costs paid from the Spectrum Relocation Fund.

SEC. 208. PRESERVATION OF AUTHORITY, NTIA REPORT REQUIRED.

(a) SPECTRUM MANAGEMENT AUTHORITY RETAINED.—Except as provided with respect to the bands of frequencies identified in section 113(g)(2)(A) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)(A)) as amended by this title, nothing in this title or the amendments made by this title shall be construed as limiting the Federal Communications Commission's authority to allocate bands of frequencies that are reallocated from Federal use to non-Federal use for unlicensed, public safety, shared, or noncommercial use.

(b) NTIA REPORT REQUIRED.—Within 1 year after the date of enactment of this Act, the Administrator of the National Telecommunications and Information Administration shall submit to the Energy and Commerce Committee of the House of Representatives and the Commerce, Science, and Transportation Committee of the Senate a report on various policy options to compensate Federal entities for relocation costs when such entities' frequencies are allocated by the Commission for unlicensed, public safety, shared, or non-commercial use.

SEC. 209. COMMERCIAL SPECTRUM LICENSE POLICY REVIEW.

(a) EXAMINATION.—The Comptroller General shall examine national commercial spectrum license policy as implemented by the Federal Communications Commission, and shall report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce Within 270 days.

(b) CONTENT.—The report shall address each of the following:

(1) An estimate of the respective proportions of electromagnetic spectrum capacity that have been assigned by the Federal Communications Commission—

(A) prior to enactment of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) providing to the Commission's competitive bidding authority,

(B) after enactment of that section using the Commission's competitive bidding authority, and

(C) by means other than competitive bidding,

and a description of the classes of licensees assigned under each method.

(2) The extent to which requiring entities to obtain licenses through competitive bidding places those entities at a competitive or financial disadvantage to offer services similar to entities that did not acquire licenses through competitive bidding.

(3) The effect, if any, of the use of competitive bidding and the resulting diversion of licensees' financial resources on the introduction of new services including the quality, pace, and scope of the offering of such services to the public.

(4) The effect, if any, of participation in competitive bidding by incumbent spectrum license holders as applicants or investors in an applicant, including a discussion of any additional effect if such applicant qualified for bidding credits as a designated entity.

(5) The effect on existing license holders and consumers of services offered by these providers of the Administration's Spectrum License User Fee proposal contained in the President's Budget of the United States Government for Fiscal Year 2004 (Budget, page 299; Appendix, page 1046), and an evaluation of whether the enactment of this proposal could address, either in part or in whole, any possible competitive disadvantages described in paragraph (2).

(c) FCC ASSISTANCE.—The Federal Communications Commission shall provide information and assistance, as necessary, to facilitate the completion of the examination required by subsection (a).

TITLE III—UNIVERSAL SERVICE

SEC. 301. SHORT TITLE.

This title may be cited as the "Universal Service Antideficiency Temporary Suspension Act".

SEC. 302. APPLICATION OF CERTAIN TITLE 31 PROVISIONS TO UNIVERSAL SERVICE FUND.

(a) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on December 31, 2005, section 1341 and subchapter II of chapter 15 of title 31, United States Code, do not apply—

(1) to any amount collected or received as Federal universal service contributions required by section 254 of the Communications Act of 1934 (47 U.S.C. 254), including any interest earned on such contributions; nor

(2) to the expenditure or obligation of amounts attributable to such contributions for universal service support programs established pursuant to that section.

(b) POST-2005 FULFILLMENT OF PROTECTED OBLIGATIONS.—Section 1341 and subchapter II of chapter 15 of title 31, United States Code, do not apply after December 31, 2005, to an expenditure or obligation described in subsection (a)(2) made or authorized during the period described in subsection (a).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5419.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

FAREWELL TO THE HOUSE

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, today I cast my last vote in this august Chamber, and today I spend my last day with my colleagues here with nearly 25 years of service on behalf of the third congressional district and the great people who live there in Louisiana, and I wanted to take a minute to say goodbye and to say a few words of thanks.

First, I want to thank the good Lord for giving me this week. Were it not for this lame duck session following a year of illness with cancer, I might not have had the chance to come back and spend this week with you where I could renew friendships and thank all of you on a personal level for the many acts of kindness and the extraordinary times we have had together over the last 25 years.

Secondly, I want to thank all of you on both sides of the aisle for the amazing amounts of friendship.

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One of our esteemed colleagues who we lost to a brain tumor, Mr. Mike Sarne of Oklahoma, one of my dearest friends, once said the only reason he kept running for reelection was the immense honor and privilege of serving with such an amazing group of men and women who come to this great capital and serve their country and their individual districts and the honor and privilege of getting to know them and to work side by side with them, and I feel that today after this nearly 25-year term of service.

I have served the people of the 3rd district of Louisiana longer than any other Congressman has served, and I have that enormous privilege, and I want to thank them in Louisiana who have shown such patience and such amazing amount of tolerance to put up with the likes of me for the last 25 years.

I have served them 15 years as a Democrat and almost 10 years now as a Republican. I do not know if any other district in America would tolerate a Congressman making those sorts of shifts and turns in a political career as well as the folks in Louisiana have tolerated me, but it has given me some insight, and I want to quickly share them with my colleagues.

Like few people in this Chamber, I have come to know the Members of this side of the aisle for over 15 years, not as partisan enemies, but as friends; and I have come to know now the people on this side of the aisle for the last 10 years, not as partisan enemies but as friends. I wish that all of my colleagues had that opportunity in this House. I wish they could somehow cross this aisle and get to know one another the way we used to know one another in this Chamber.

The politics and personal attacks and personal destruction have almost taken hold in this place in a way that we cannot reverse it, and we need to reverse it soon if this Nation and this institution are to survive.

This institution is a place for diversity, for great clashes of ideas, for great principles to come together and in a great crush of public debate so that it might redefine itself on a regular basis. It is not a place we ought to be constantly attacking each other and questioning one another's motives, but we have somehow gotten there.

I plead with my colleagues as I leave this place, this place that has been so important to me and the folks of Louisiana who have put their faith and trust in me in the last 25 years, please end this system and go back to a time and place where we can begin debating one another and recognizing we all come over here as patriots, as Americans first and as party members second.

I leave with a great fondness for my colleagues, a great amount of appreciation for all the days I have spent with you, and I want to say a fond farewell on behalf of the 650,000 people of Louisiana who have allowed me the chance to work with you. I want to wish you well in the upcoming sessions. I will try to be in touch and to stay close to you as we go forward. You have made for me a home in this Chamber that I shall not forget, and you have given me a most extraordinary honor and privilege of being a part of the greatest democratic institution on the face of the Earth, and I thank you for that and bid you farewell.

APPOINTMENT OF HON. FRANK R. WOLF OR HON. TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH DECEMBER 6, 2004

The SPEAKER pro tempore (Mr. OSE) laid before the House the following Communication from the Speaker:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 20, 2004.

I hereby appoint the Honorable FRANK R. WOLF or, if he is not available to perform this duty, the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through December 6, 2004.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
November 20, 2004.

The Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1012(c)(1) of the Medicare Prescription Drug Improvement, and Modernization Act of 2003 42 U.S.C. 242b note, I hereby appoint Dr. Simon P. Cohn, of Oakland, California to the Commission On Systemic Interoperability.

Best regards,

NANCY PELOSI.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

Mr. KIRK. Mr. Speaker, I ask unanimous consent to speak out of turn at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE HUNT FOR BIN LADEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Mr. Speaker, 3 years ago Osama bin Laden was able to run his al Qaeda network freely, thanks to the protection of the Taliban regime. Today, he is on the run, frequently crossing the border between Afghanistan and Pakistan to elude coalition forces.

Last January, I traveled to Pakistan and Afghanistan to determine how Osama bin Laden continues to avoid capture. When I traveled to the Kyber Agency, I was reminded that the State Department had run a very successful rewards program that had previously led to the arrest and capture of Mir Amal Kansi, a terrorist who had murdered two CIA employees and injured three others in a 1993 shooting outside CIA headquarters in Virginia. The promise of a significant monetary reward was enough for some Pakistanis to turn Kansi in to the proper authorities. The program worked before, and it could easily work again.

When I returned, I talked to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, and had help from the gentleman from California (Mr. LANTOS), the ranking Democratic member, and we introduced legislation to increase the maximum reward this program could offer from 25 to $50 million for some of the world's most dangerous terrorists. It made sense that we increase the reward for information leading to the capture of Osama bin Laden. Additionally, our bill allowed the State Department to use non-cash awards, and in a rural community, the provision of a truck or feed or farm animals can mean a lot in a rural community which could provide information leading to the arrest of Osama bin Laden.

I am pleased to report this legislation was included in the omnibus appropriations bill that was just passed by the House of Representatives. When the President signs this bill into law, he will give the State Department a new and powerful tool that can be used in the hunt for Osama bin Laden and his senior associates.

Bottom line, with passage of this bill the reward for the arrest of Osama bin Laden can rise to $50 million. The passage of this bill could not come at a more critical moment, as earlier this week both the United Nations and the White House issued their latest estimate for the Afghan poppy harvest for the year. The estimate did not contain good news.

This year, the crop yielded enough poppy to produce 4,950 metric tons of opium. This represented a 239 percent increase in the crop last year. Evidence suggests that Afghanistan is in danger of becoming a narcostate; and worse, we know that al Qaeda and the remnants of the Taliban are now primarily funded by the sale of heroin.

Following the September 11 attack, the U.S. targeted bin Laden's Afghan sanctuary. We destroyed the Taliban's bases and bin Laden abandoned his terrorist training camps and also abandoned his foreign fund-raising efforts; but in their place, he and the Taliban have turned to the sale of heroin to finance terrorism. It appears that bin Laden and his patron, Mullah Omar, plan to rely more heavily on heroin profits than ever before.

The international community wrongly praised the Taliban when Mullah Omar eradicated Afghanistan's poppy crop in 2001. They failed to see that the Taliban only destroyed poppies after it had stored tons of opium paste in its own warehouses. The purpose of Mullah Omar's touted eradication was an effort simply to corner the market on heroin for greater profits.

During my mission to Afghanistan earlier this year, the brave new antinarcotics minister for Afghanistan, Mirwais Yassini, noted that one Afghan drug kingpin, Haji Bashir Noorzai, delivered 2,000 kilograms of heroin every 8 weeks to al Qaeda operatives. At the market price in Pakistan, this one supply chain alone would yield Osama bin Laden $28 million a year. The 9/11 Commission estimated that the September 11 attack cost only $500,000.

Passage of this law shows that we are recognizing the growing connection between bin Laden's finances and the sale of heroin. During consideration of intelligence legislation, I offered an amendment calling for the administration to study the feasibility of bringing the Drug Enforcement Agency back in to the formal intelligence community. My amendment passed unanimously, underscoring how critical it is to recognize the connection between drug cartels and terrorism.

Mr. Speaker, Congress has turned up the heat on bin Laden today. Our new law raises the top award to $50 million. We also allow for rewards to help in the arrest of drug kingpins who finance terror. We also give greater flexibility to paying awards in commodities, such as a truck or grain, that can mean a great deal to a rural family.

I applaud the action of the Congress and urge the President to make full use of his new authority to offer a $50 million award for the arrest of Osama bin Laden.

CONCLUSION OF THE 108TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HASTERT) is recognized for 5 minutes.

Mr. HASTERT. Mr. Speaker, I rise today to offer my thoughts on the 108th Congress and the challenges that we face in the upcoming 109th Congress.

The 108th Congress has been dominated by concerns about security. Our constituents are worried about their personal security, and that is not surprising given the war on terror, but they are also concerned about economic security. They are worried about jobs. They are worried about health care, and they are worried about their families, about making this world a better place to live for their children and their grandchildren. They are also worried about the high costs of energy and especially gas and natural gas. This House has tried to address those concerns.

First and foremost, we supported our President as he led us in the fight against terrorism. We passed a war supplemental this spring that provided our troops with the critical equipment, the weapons, the ammunition and the training, to get the job done in Iraq and Afghanistan.

We have had notable success in Iraq and Afghanistan in the last year. In June, Hamid Karzai, the President of the new Afghanistan addressed a joint session of the Congress; and in September, President Allawi, the President of the new Iraq, also addressed the Congress.

Think about it. Instead of a Taliban regime that abused women and trained terrorists to attack America, we have a democratically elected pro-American President in Kabul. Instead of a brutal dictator who terrorized his own citizens, who intended to develop weapons of mass destruction and who actively supported and funded terrorist organizations in Baghdad, there is a new President of Iraq who is trying to build a democracy.

This is still a tough fight. The terrorists have flocked to Iraq because they know that if they are successful there we will have turned a corner in the war on terror, but we must not turn away now. We must see this to the end.

This is a two-pronged war on terror. As we win the war overseas, we must strengthen our defenses at home.

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The 9/11 Commission gave us an important roadmap to strengthening our homeland defenses by improving our intelligence agencies, bolstering our border security and strengthening our anti-terror laws.

The Congress has reacted quickly to this report. Our committees canceled their August break to hold hearings on the recommendations, and we came back in September to start the hard work of the legislation. It is easy to make recommendations, but it is a lot harder to make law.

And since the Commission made its recommendations, the Congress has worked around the clock to make a good law that will make this country safer. We hope to find consensus and to pass the bill before the end of this year.

I am proud of our efforts. Reforming the intelligence agencies is difficult. Our former colleague, Porter Goss, who is now the CIA Director, has found out how hard it is to get entrenched bureaucrats to change. He is doing an excellent job under very difficult circumstances.

The Congress took effective action in the 107th Congress to create a Department of Homeland Security. In the 108th Congress, we made this historic change in our committees to oversee that new department. We created a Select Committee on Homeland Security. We also created a Subcommittee on Homeland Security of the Committee on Appropriations, dedicated to funding our Homeland Security needs. I intend to make the Select Committee permanent in the next Congress. I hope my colleagues will join me in that effort.

As we did our part in the war on terror, we also fought hard to make America more secure on the domestic front. Job security was at the forefront of our efforts. We had an active agenda to spur job growth here in America. This fall, we passed the American Job Creation Act, and this bill cuts taxes for domestic manufacturers so that they can create jobs here.

We also passed the Working Families Tax Relief Act, aimed at helping families keep more of what they earn so they can spend more on their needs. These tax cut measures helped spur steady economic growth and job creation. More than 1.5 million jobs have been created over the last 12 months, thanks in no small part to our efforts here.

This Congress also grappled with health care security. I am proud of the Medicare Reform Act, which for the first time added prescription drug benefits to the Medicare program. Health Savings Accounts were included in that legislation, and now millions of Americans have a chance to use HSAs to get better health care for their own families. I like Health Savings Accounts because they put consumers in the driver's seat when it comes to controlling costs, not government bureaucrats.

Education remains an important part of our domestic agenda. In the 107th Congress, we reacted to the No Child Left Behind law, which greatly increased accountability and increased standards for our Nation's schools. Yesterday, we completed work on a reauthorization of a special education bill that will help free up resources for local schools. We have a responsibility to help all children in our society, and this bill does exactly that.

We also leave this Congress with some unfinished business. I am very disappointed we did not finish the highway bill. A first-class economy needs a first-class transportation system. And while we made great progress by passing the highway bill out of both Chambers, we could not finish the conference report. We will get this done early next year.

I was also disappointed we did not finish the energy conference report. Energy prices are too high, and we are too dependent on foreign sources. The energy conference report that passed the House would have given incentives to American companies to produce energy in America for Americans. Trial lawyers held this bill up. We must overcome their opposition and pass this common-sense approach to energy independence in the next Congress.

We need to pass medical liability reform. Trial lawyers, again, are driving OB/GYNs out of business, making it hard for women in many States to get the health care that they need. We passed it, but it was stopped in the other body. We will finish that job next year, also.

Other liability reform efforts are also important. Class action lawsuits are out of control. Asbestos legislation is killing jobs. And in this country we need to make some real changes so that we can create jobs and not force them overseas. Every time a court claim goes against an American manufacturer, nine times out of ten those jobs go overseas. Each consumer pays a tort tax that puts our products at a competitive disadvantage. We need to reform our tort laws if we are serious about reforming our economy next year.

Next year, we also have other big issues that we need to tackle. Social Security reform is on the agenda. The President campaigned on it. Many of our Members have talked about it. And if we do nothing, the system will go bankrupt. We can do this without raising taxes or cutting benefits for senior citizens. We can do it by giving younger Americans ownership of their retirement to help them get a better return on their investments.

We need to take a serious look at tax reform. Our Tax Code is too complex and too anti-competitive. It costs our citizens $250 billion every year just to prepare their taxes. This is ridiculous. If we want to keep jobs here in America, we need to simplify our tax system. There are a lot of ideas out there, and I hope that we can have a national debate on how best to do that.

We have a fiscal crisis that we must deal with. Our national debt is too high, and our budget deficit is too big. We need to cut spending first. We need to look closely at entitlement programs and spending. We need to reform the government. We need to make this government smaller and smarter. We can make it more efficient. We can weed out waste, fraud, and abuse, and we can get to balanced budgets again as soon as possible.

But as we look at reform in government and cutting the deficit, we should also resist the calls to raise taxes. Growing the economy is the best way to close a deficit. We lost $350 billion of revenue when the Internet bubble burst. Strong, sustained economic growth will bring back those revenues. But we will not get the growth if we raise taxes.

Looking back over this last session of Congress, I am concerned about the bitter partisanship that has engulfed this House. I am especially concerned that some might want to use the Committee on Standards of Official Conduct for partisan politics. Congressional ethics is important. We all have a duty to represent our constituents with the highest ethical standards, but an ethics committee is only as good as the will of its Members.

We should remember why we have this committee in the first place. The ethics process protects the reputations of all of us by investigating abuses by some of us. But when some seek to subvert that process for political gain, we all suffer. It is wrong to file frivolous and overly partisan ethics complaints.

The House is an interesting institution because it has rules that protect the rights of the minority and it guarantees that the will of the majority be carried out. Unlike in the other body, where the rules tend to encourage bipartisanship, our rules tend to encourage partisanship. In my opinion, we should do a better job of resisting that temptation towards partisanship and work for more bipartisanship.

All too often, both the majority and the minority in the House have retreated to their separate camps, drawing lines in the sand, refusing to negotiate, and the result has been partisanship. That is bitter and counterproductive. We will have fundamental disagreements on many issues. That is the beauty of the two-party system. But we ought to seek a way to bridge those disagreements whenever we can.

I pledge to work with my colleagues in the minority party who want to work with the majority to get good things done. I have great respect for Members like the gentleman from New York (Mr. RANGEL), the gentleman from Michigan (Mr. DINGELL), the gentleman from Wisconsin (Mr. OBEY), and many others. And I have a high regard for the minority leadership. I know that they want the best things for this country, even when I disagree with their approach. We all have a duty to our constituents to make this country as strong as possible. We work best when we work together.

I want to thank all the Members for their patience and for their perseverance. Public service in the Congress of the United States is not an easy vocation and especially hard on families. I want to thank to all the Members for their service to this Nation.

I would also like to thank the dedicated staff, especially the floor staff, legislative counsel, the clerks, and the pages who work long and hard to make this place work. Thank you for your fine service, and thank you from this Nation. God bless you.

WHERE TO FROM HERE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the election of 2004 is now history. It is time to ponder our next 4 years. Will our country becoming freer, richer, safer, and more peaceful? Or will we continue to suffer from lost civil liberties, a stagnant economy, terrorist threats, and an expanding war in the Middle East and Central Asia? Surely the significance of the election was reflected in its intensity and divisiveness.

More people voted for President Bush than any other Presidential candidate in our history. And because of the turnout, more people voted against an incumbent president than ever before. However, President Bush was reelected by the narrowest margin vote of any incumbent president since Woodrow Wilson in 1916. The numbers are important and measurable. The long-term results are less predictable.

The President and many others have said these results give the President a mandate. Exactly what that means and what it may lead to is of great importance to us all. Remember, the Nation elected a president in 1972 with a much bigger mandate who never got a chance to use his political capital.

The bitter campaign and the intensity with which both sides engaged each other implies that a great divide existed between two competing candidates with sharply different philosophies. There were plenty of perceived differences, obviously, or a heated emotional contest would not have materialized.

The biggest difference involved their views on moral and family values. It was evident that the views regarding gay marriage and abortion held by Senator KERRY did not sit well with the majority of American voters, who were then motivated to let their views be known through their support of President Bush. This contributed to the mandate the President received more than any other issue. But it begs the question: If the mandates given was motivated by views held on moral issues, does the President get carte blanche on all the other programs that are less conservative? It appears that the President and his neo-con advisers assume the answer is yes.

Ironically, the reason the family and moral values issues played such a big role in the election is that on other big issues little differences existed between the two candidates. Interestingly enough, both candidates graduated from Yale and both were members of the controversial and highly secretive Skull and Bones Society. This fact elicited no interest with the media in the campaign.

Both candidates supported the war in Iraq and the continuation of it. Both supported the PATRIOT Act and its controversial attack on personal privacy. Both supported the U.N. and the internationalization under UNESCO, IMF, World Bank, and the WTO. Both candidates agreed that a President can initiate a war without a declaration by Congress. Both supported foreign interventionism in general, foreign aid, and pursuing American interests by maintaining a worldwide American empire. Both supported our current monetary system, which permits the Federal Reserve to accommodate deficit spending by Congress through the dangerous process of debt monetization. Both supported expanding entitlements, including programs like the National Endowment for the Arts, medical benefits, and Federal housing programs. Both candidates supported deficit financing. Both candidates supported increased spending in almost all categories.

Though President Bush was more favorably inclined to tax cuts, this, in reality, has limited value if spending continues to grow. All spending must be paid for by a tax, even if it is the inflation tax, whereby printing press money pays the bills and the tax is paid through higher prices, especially by the poor and the middle class.

The immediate market reaction to the reelection of President Bush was interesting. The stock market rose significantly, led by certain segments thought to benefit from a friendly Republican administration, such as pharmaceuticals, HMOs, and the weapons industry. The Wall Street Journal summed up the election with a headline the following day: Winner is Big Business.

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The stock market rally following the election likely will be short-lived, however, as the fundamentals underlying the bear market that started in 2000 are still in place.

More important was the reaction of the international exchange markets immediately following the election. The dollar took a dive and gold rose. This indicated that holders of the trillion dollars slushing around the world interpreted the results to mean that, even with conservatives in charge, unbridled spending will not decrease and will actually grow. They also expect the current account deficit and our national debt to increase. This means the economic consequence of continuing our risky fiscal and monetary policy is something Congress should be a lot more concerned about.

One Merrill Lynch money manager responded to the election by saying, "Bush getting re-elected means a bigger deficit, a weaker dollar, and higher gold prices." Another broker added, "Four more years of Bush is a gift to the gold markets, more war and more deficits and more division."

During the Bush administration, gold surged 70 percent, and the dollar lost 30 percent of its value. A weakened currency is never beneficial, although it is argued it helps our exporters. People who work to earn and save dollars should never have the value of those dollars undermined and diminished by capricious manipulation of the money supply by our government officials.

The value of the dollar is a much more important issue than most realize in Washington. Our current account deficit of 6 percent of GDP and our total foreign indebtedness of over $3 trillion pose a threat to our standard of living. Unfortunately, when the crisis hits, our leaders will have little ability to stem the tide of price inflation and higher interest rates that will usher in a dangerous period of economic weakness.

Our dependency on foreign borrowing to finance our spendthrift habits is not sustainable. We borrow more than $1.8 billion a day. The solution involves changing our policy with regards to foreign commitments, foreign wars, empires overseas, and ever-growing entitlement system here at home. This change is highly unlikely without significant turmoil, and it is certainly not on the administration's agenda for the next 4 years. That is why the world is now betting against the dollar.

When the shift in sentiment comes regarding the U.S. dollar, dollars will come back home. They will be used to buy American assets, especially real property. In the late 1970s it annoyed many Americans when Japan, which was then in the driver's seat of the world economy, started "buying up America." This time a lot more dollars will be repatriated.

It's important to note that total future obligations of the United States government are estimated at well over $70 trillion. These obligations obviously cannot be met. This indebtedness equates to an average household share of the national debt of $474,000!

One cannot expect the needed changes to occur soon, considering that these options were not even considered or discussed in the campaign. But just because they weren't part of the campaign, and there was no disagreement between the two candidates on the major issues, doesn't distract from their significance nor disqualify these issues from being crucial in the years to come. My guess is that in the next 4 years little legislation will be offered dealing with family and moral issues. Foreign policy and domestic spending, along with the ballooning deficit, will be thrust into the forefront and will demand attention. The inability of our Congress and leaders to change direction, and their determination to pursue policies that require huge expenditures, will force a financial crisis upon us as the dollar is further challenged as the reserve currency of the world on international exchange markets.

There will be little resistance to spending and deficits because it will be claimed they are necessary to "fight terrorism." The irony is that PATRIOT Act-type regulations were all proposed before 9–11, and now becoming a costly burden to American businesses. I'm getting more calls every day from constituents who are being harassed by government bureaucrats for "infractions" of all kinds totally unrelated to national security. This immeasurable cost from the stepped-up activity of government bureaucrats will further burden our economy as it slips toward recession—and do little to enhance homeland security.

The only thing that allows our borrowing from foreigners to continue is the confidence they place in our economic system, our military might, and the dollar itself. This is all about to change. Confidence in us, with the continuous expansion of our military presence overseas and with a fiscal crisis starring us in the face, is already starting to erode. Besides, paper money—and that's all the U.S. dollar is—always fails when trust is lost. That's a fact of history, not someone's opinion. Be assured trust in paper money never lasts forever.

The problem the country faces is that social issues garnered intense interest and motivated many to vote both for and against the candidates, yet these issues are only a tiny fraction of the issues dealt with at the national level. And since the election has passed, the odds of new legislation dealing with social issues are slim. Getting a new Supreme Court that will overthrow Roe vs. Wade is a long shot despite the promises. Remember, we already have a Supreme Court where seven of the nine members were appointed by Republican presidents with little to show for it.

Though the recent election reflected the good instincts of many Americans concerned about moral values, abortion, and marriage, let's hope and pray this endorsement will not be used to justify more pre-emptive/unnecessary wars, expand welfare, ignore deficits, endorse the current monetary system, expand the domestic police state, and promote the American empire worldwide.

We're more likely to see entitlements and domestic spending continue to increase. There are zero plans for reigning in the Department of Education, Government medical care, farm subsidies, or Federal housing programs. Don't expect the National Endowment for the Arts to be challenged. One can be assured its budget will expand as it has for the last 4 years, with much of the tax money spent on "arts" ironically being used to attack family values.

Deficits never were much of a concern for Democrats, and the current Republican leadership has firmly accepted the supply-sider argument that "deficits don't matter," as Vice President CHENEY declared according to Former Secretary of the Treasury Paul O'Neill.

Expenditures for foreign adventurism, as advocated by the neo-cons who direct our foreign policy, have received a shot in the arm with the recent election. Plans have been in the workings for expanding our presence throughout the Middle East and central Asia. Iran is the agreed-on next target for those who orchestrated the Iraq invasion and occupation.

A casual attitude has emerged regarding civil liberties. The post 9–11 atmosphere has made it politically correct to sacrifice some of our personal liberties in the name of security, as evidenced by the PATRIOT Act.

No serious thoughts are expressed in Washington about the constitutional principal of local government. The notion of a loose-knit republican form of government is no longer a consideration. The consensus is that the federal government has responsibility for solving all of our problems, and even amending the Constitution to gain proper authority is no longer thought necessary.

President Eisenhower, not exactly a champion of a strict interpretation of the Constitution, made some interesting comments years ago when approached about more welfare benefits for the needy: "If all that Americans want is security, they can go to prison. They'll have enough to eat, a bed and a roof over their heads. But if an American wants to preserve his dignity and his equality as a human being, he must not bow his neck to any dictatorial government." Our country sure could use a little bit more of this sentiment, as Congress rushes to pass new laws relating to the fear of another terrorist attack.

There are even more reasons to believe the current government status quo is unsustainable. As a nation dependent on the willingness of foreigners to loan us the money to finance our extravagance, we now are consuming 80% of the world's savings. Though the Fed does its part in supplying funds by purchasing Treasury debt, foreign central banks and investors have loaned us nearly twice what the Fed has, to the tune of $1.3 trillion. The daily borrowing needed to support our spending habits cannot last. It can be argued that even the financing of the Iraq war cannot be accomplished without the willingness of countries like China and Japan to loan us the necessary funds. Any shift, even minor, in this sentiment will send chills through the world financial markets. It will not go unnoticed, and every American consumer will be affected.

The debt, both domestic and foreign, is difficult to comprehend. Our national debt is $7.4 trillion, and this limit will be raised in the lame duck session. This plus our U.S. foreign debt breaks all records, and is a threat to sustained economic growth. The amazing thing is that deficits and increases in the debt limit no longer have a stigma attached to them. Some demagoguery takes place, but the limit is easily raised. With stronger partisan control over Congress, the President will have even less difficulty in raising the limit as necessary. It is now acceptable policy to spend excessively without worrying about debt limits. It may be a sign of the times, but the laws of economics cannot be repealed and eventually a price will be paid for this extravagance.

Few in Washington comprehend the nature of the crisis. But liberal Lawrence Summers, Clinton's Secretary of the Treasury and now president of Harvard, perceptively warns of the danger that is fast approaching. He talks of, "A kind of global balance of financial terror" that we should be concerned about. He goes on to say: "there is surely something off about the world's greatest power being the world's greatest debtor. In order to finance prevailing levels of consumption and investment, must the United States be as dependent as it is on the discretionary acts of what are inevitably political entities in other countries?" An economist from the American Enterprise Institute also expressed concern by saying that foreign central banks "now have considerable ability to disrupt U.S. financial markets by simply deciding to refrain from buying further U.S. government paper."

We must remember the Soviet system was not destroyed from without by military confrontation; it succumbed to the laws of economics that dictated communism a failure, and it was unable to finance its empire. Deficit-financed welfarism, corporatism, Keynesianism, inflationism, and Empire, American style, are no more economically sound than the more authoritarian approach of the Soviets. If one is concerned with the Red/Blue division in this country and the strong feelings that exist already, an economic crisis will make the conflict much more intense.

THE CRUCIAL MORAL ISSUE—RESPECT FOR LIFE

It has been said that a society is defined by how it treats its elderly, its infirm, its weak, its small, its defenseless, and its unborn.

The moral issue surrounding abortion and the right to life is likely the most important issue of our age. It is imperative that we resolve the delimma of why it's proper to financially reward an abortionist who acts one minute before birth, yet we arrest and prosecute a new mother who throws her child into a garbage bin one minute after birth. This moral dilemma, seldom considered, is the source of great friction in today's society as we witnessed in the recent election.

This is a reflection of personal moral values and society's acceptance of abortion more than a reflection of a particular law or court ruling. In the 1960s, as part of the new age of permissiveness, people's attitudes changed regarding abortion. This led to a change in the law as reflected in court rulings—especially Roe vs. Wade. The people's moral standards changed first, followed by the laws. It was not the law or the Supreme Court that brought on the age of abortion.

I've wondered if our casual acceptance of the deaths inflicted on both sides in the Vietnam War, and its association with the drug culture that many used to blot out the tragic human losses, contributed to the cheapening of pre-born human life and the acceptance of abortion as a routine and acceptable practice. Though abortion is now an ingrained part of our society, the moral conflict over the issue continues to rage with no end in sight.

The 1973 Roe vs. Wade ruling caused great harm in two distinct ways. First, it legalized abortion at any stage, establishing clearly that the Supreme Court and the government condoned the cheapening of human life. Second, it firmly placed this crucial issue in the hands of the federal courts and national government. The federalization of abortion was endorsed even by those who opposed abortion. Instead of looking for State-by-State solutions and limiting Federal court jurisdiction, those anxious to protect life came to rely on Federal laws, eroding the constitutional process. The authors of the Constitution intended for criminal matters and acts of violence, except for a few rare exceptions, to be dealt with at the state level. Now, however, conservatives as well as liberals find it acceptable to nationalize issues such as abortion, marriage, prayer, and personal sexual matters—with more federal legislation offered as the only solution. This trend of transferring power from the States to the Federal Government compounds our problems—for when we lose, it affects all 50 States, and overriding Congress or the Supreme Court becomes far more difficult than dealing with a single State.

The issue of moral values and the mandate that has been claimed after the election raises serious questions. The architects of the Iraq invasion claim a stamp of approval from the same people who voted for moral values by voting against abortion and gay marriage. The question must be asked whether or not the promotion of pre-emptive war and a foreign policy of intervention deserve the same acceptance as the pro-life position by those who supported moral values. The two seem incompatible: being pro-life yet pro-war, with a callous disregard for the innocent deaths of thousands. The minister who preaches this mixed message of protecting life for some while promoting death for others deserves close scrutiny. Too often the message from some of our national Christian leaders sounds hateful and decidedly un-Christian in tone. They preach the need for vengence and war against a country that never attacked nor posed a threat to us. It's just as important to resolve this dilemma as the one involving the abortionist who is paid to kill the unborn while the mother is put in prison for killing her newborn.

To argue the invasion and occupation of Iraq is pro-life and pro-moral values is too much of a stretch for thinking Americans, expecially conservative Christians.

One cannot know the true intention of the war promoters, but the policy and its disastrous results require out attention and criticism. Pre-emptive war, especially when based on erroneous assumptions, cannot be ignored—nor can we ignore the cost in life and limb, the financial costs, ant the lost liberties.

Being more attuned to our Constitution and having a different understanting of morality would go a long way toward preventing unnecessary and dangerous wars. I'd like to make a few points about this different understanding:

First: The United States should never go to war without an express Declaration by Congress. If we had followed this crucial but long-forgotten rule the lives lost in Korea, Vietnam, the Persian Gulf, and Iraq might have been prevented. And Instead of making us less secure, this process would make us more secure. Absent our foreign occupations and support for certain governments in the Middle East and central Asia over the past fifty years, the 9–11 attack would have been far less likely to happen.

Second: A defensive war is normally permissable and justified, even required. Just as a criminal who invades our house and threatens our family deserves to be shot on the spot, so too does a nation have the moral duty to defend against invasion or an imminent threat. For centuries the Christian definition of a just war has guided many nations in making this decision.

Third: The best test (a test the chicken hawks who promoted the war refused to take) for those who are so eager to send our troops to die in no-win wars is this: "Am I willing to go; am I willing to be shot; am I willing to die for this cause; am I willing to sacrifice my children and grandchildren for this effort?" The bottom line: Is this Iraq war worth the loss of more than 1,200 dead Americans, and thousands of severe casualties, with no end in sight, likely lasting for years and motivating even more suicidal attacks on innocent Americans here at home?

Fourth: Can we as a moral people continue to ignore the loss of innocent life on the other side? Can we as a nation accept the callousness of the war proponents regarding the estimated 100,000 Iraqi civilian deaths? Can we believe these deaths are a mere consequence of our worthy effort to impse our will on an alien culture? Is it really our duty to sacrifice so much to pursue a questionable policy of dictating to others what we think is best for them? Can these deaths be dismissed as nothing more than "collateral damage," and even applauded as proof of the professed progress we are making in our effort to democratize the Middle East? By ignoring the human costs of the conflict we invite problems, and the consequence of our actions will come back to haunt us.

Fifth: Arguing that the war in Iraq is necessary for our national security is pure fiction; that has something to do with the 9–11 attack or WMDs is nonsense. Our meddling in the Middle East and the rest of the World actually increases the odds of us being attacked again by suicidal guerrillas here at home. Tragically, this is something the neo-cons will never admit.

Sixth: What kind of satisfaction can we achieve from the civil was we have instigated? A significant portion of the killing in Iraq now occurs amongst Iraqis themselves, at our urging. The country is in chaos, despite the assurances of our leaders. Even under the thug Saddam Hussein, Christians at least were protected by the government—whereas today their churches are bombed and many are struggling to escape the violence by fleeing to Syria. There is no evidence that our efforts in the Middle East have promoted life and peace. Tragically, no one expects the death and destruction in Iraq to end anytime soon.

To not be repulsed and outraged over our failed policy undermines our commitment to pro-life and moral values. Of course it's hard for many Americans to be outraged since so few know or even care about cities like Fallujah. The propaganda machine has achieved its goal of ignorance and denial for most of our citizens.

Main Street America will rise up in indignation only after conditionsin the Persian Gulf deteriorate further, many more Americans lives are lost, and the cost becomes obvious and prohibitive. It's sad, but only then will we consider changing our policy. The losses likely to occur between now and then will be tragic indeed.

Though the election did not reflect a desire for us to withdraw from Iraq, it will be a serious mistake for those who want to expand the war into Syria or Iran to claim the election results were an endorsement of the policy of preemptive war. Yet that's exactly what may happen if no one speaks out against our aggressive policy of foreign intervention and occupation.

What can't be ignored is that our activities in the Middle East have stirred up Russian and Chinese animosity. Their concern for their own security may force us to confront much greater resistance that we have met so far in Afghanistan and Iraq.

A Chinese news agency recently reported that the Chinese government made a $70 billion investment commitment in Iran for the development of natural gas resources. This kind of investment by a neighbor of Iran will be of great significance if the neo-cons have their way and we drag Iran into the Afghanistan and Iraqi quagmire. The close alliance between Iranian Shias and their allies in Iraq makes a confrontation with Iran likely, as the neocons stoke the fire of war in the region.

By failing to understand the history of the region and the nature of tribal culture, we have made victory virtually impossible. Tribal customs and religious beliefs that have existed for thousands of years instruct that family honor requires reciprocal killing for every member of the family killed by infidels/Americans. For each of the possible 100,000 Iraqis killed, there's a family that feels a moral obligation to get revenge by killing an American, any American if possible.

Ronald Reagan learned this lesson the hard way in coming to understand attitudes in Lebanon. Reagon spoke boldly that he would not turn tail and run no matter how difficult the task when he sent Marines to support the Israeli/Christian side of the Lebanese civil war in 1983. But he changed his tune after 241 Marines were killed. He wrote about the incident in his autobiography: "Perhaps we didn't appreciate fully enough the depth of the hatred and complexity of the problems that made the Middle East such a jungle. Perhaps the idea of a suicide car bomber committing mass murder to gain instant entry to Paradise was so foreign to our own values and consciousness that it did not create in us the concern for the Marines' safety that it should have . . . In the weeks immediately after the bombing, I believed the last thing we should do was turn tail and leave . . . Yet, the irrationality of Middle Eastern politics forced us to re-think our policy there." Shortly thereafter Reagan withdrew the Marines from Lebanon, and no more Americans were killed in that fruitless venture.

Too bad our current foreign policy experts don't understand the "irrationality of Middle Eastern politics." By leaving Lebanon, Reagan saved lives and proved our intervention in the Lebanese war was of no benefit to Lebanon or the United States.

Reagan's willingness to admit error and withdraw from Lebanon was heroic, and proved to be life-saving. True to form, many neo-cons with their love of war exude contempt for Reagan's decision. To them, force and violence are heroic, not reassessing a bad situation and changing policy accordingly.

One of the great obstacles to our efforts in Iraq is pretending we're fighting a country. We wrongly expect occupation and "democratization" to solve our problems. The notion that the Iraq war is part of our retaliation for the 9–11 attacks is a serious error that must be corrected if we are to achieve peace and stability in the Middle East and security here at home.

We must come to realize that we're fighting an ideology that is totally alien to us. Within that ideology the radical Islamists and the traditional tribal customs are in conflict with more moderate and secular Muslims. We're seen as intruding in this family feud, and thus serve the interests of the radicals as we provide evidence that they are under attack by Western crusaders. With each act of violence the hatred between the two is ratcheted upward, as fighting spreads throughout the entire Muslim world.

Ironically, this fight over religious values and interpretations in the Middle East encourages a similar conflict here at home among Christians. The conservative Christian community too often sounds militantly pro-war. Too many have totally forgotten the admonition "blessed are the peacemakers." This contrasts with the views of some Christians, who find pre-emptive war decidedly un-Christian. Though civil, the two Christian views are being more hotly contested every day.

A policy that uses the religious civil war within the Muslim faith as an excuse for remaking the entire Middle East by force makes little sense and will not end well. The more we fight and the more we kill the greater the animosity of those who want us out of their family feud—and out of their countries.

It's clear the Christian conservative turnout was critical to the President's re-election. Though many may well have voted for the family/moral values touted by the President and mishandled by Senator KERRY, most agree with the Christian Right that our policy of pre-emptive war in the Middle East is not in conflict with pro-family and pro-life values. This seems strange indeed, since a strong case can be made that the conservation Christian Right, those most interested in the pro-life issue, ought to be the strongest defenders of peace and reject unnecessary pre-emptive war.

Here are a few reasons why conservatives ought to reject the current policy of pre-emptive war:

1. The Constitution is on the side of peace. Under the Constitution—the law of the land—only Congress can declare war. The President is prohibited from taking us to war on his own.

2. The Founders and all the early presidents argued the case for non-intervention overseas, with the precise goals of avoiding entangling alliances and not involving our people in foreign wars unrelated to our security.

3. The American tradition and sense of morality for almost all our history rejected the notion that we would ever deliberately start a war, even with noble intentions.

4. The Christian concept of just war rejects all the excuses given for marching off to Iraq with the intention of changing the whole region into a western-style democracy by force, with little regard for the cost in life and limb and the economic consequences here at home.

5. America faces a $7.5 trillion national debt that is increasing by $600 billion per year. Fiscal conservatives cannot dismiss this, even as they clamor for wars we cannot afford.

6. History shows the size of the state always grows when we're at war. Under conditions of war, civil liberties are always sacrificed—thus begging the point. We go hither and yon to spread our message of freedom, while sacrificing our freedoms here at home and eating away at the wealth of the country.

7. Those who understand the most important function of our national government is to provide strong national defense should realize that having troops in over 100 countries hardly helps us protect America, secure our borders, or avoid alienating our allies and potential enemies.

8. The best way to prevent terrorism is to change our policies, stop playing crusader, and stop picking sides in religious civil wars or

any other civil wars. "Blowback" from our policies is not imaginary.

9. Promoting true free trade and promoting prosperity through low taxes and less regulation sends a strong message to the world and those interested in peace and commerce.

10. A policy of free exchange with other nations avoids the trappings of the new isolationists, who influence our foreign policy with the generous use of sanctions, trade barriers, and competitive currency devaluations. They are only too willing to defer to the World Trade Organization and allow it to dictate our trade and tax policies.

Conservatives who profess to uphold the principle of right-to-life should have little trouble supporting the position of the Founders and the Constitution: a foreign policy of "peace and commerce with those who choose and no entangling alliances."

108TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, the 108th Congress is coming to a close. The Congress has essentially finished its work, although we may reconvene, hope springs eternal, and move an intelligence reform bill before Christmas arrives. But, in essence, we are done with much of what we have come to do.

Before we adjourn for rest and reflection with family and friends on Thanksgiving, I thought it would be helpful to reflect on what we have to be thankful for in the 108th Congress, and it is much.

I begin my remarks with two ancient references, one from the sacred texts of the Bible where one generation spoke to another, words of admonition in leadership with these words, "be strong and courageous and do the work." The Founders of this country in 1787 in that summer in Philadelphia crafted these words that are essentially a mission statement for the government of the United States, stating that we the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide the common defense, promote the general welfare and secure the blessings of liberty to ourselves in our prosperity, do ordain and establish this Constitution.

Mr. Speaker, I would argue, against both of those timeless standards, the 108th Congress has excelled. We have been strong and courageous and done the work. We have provided for the common defense. We have promoted the general welfare, and we have secured the blessings of the liberty for ourselves in our posterity.

In the area of providing for the common defense, it scarcely seems that it was just 2 years ago, but in this Congress, following on the heels of having given the President the authority to confront the menacing dictatorship in Iraq, Operation Iraqi Freedom was launched, and Congress was there to support our troops, provide the resources they needed to get the job done in a stunning victory in the spring of last year, but also financing reconstruction in the War Supplemental Appropriations Act and providing our troops the resources that they need to finish the hard work of liberty in the streets of Baghdad and Fallujah.

We have also seen freedom come to other countries like Afghanistan, that elected its first national leader in its 5,000 year history of the region.

We saw daylight come to the regime of Mohammar Khadafi, who responded to U.S. and coalition action in other theaters in the Middle East to give up his weapons of mass destruction program, and in a multilateral way we supported the administration efforts to confront North Korea's head-long effort to expand its own weapons of mass destruction program.

We have stood by our ally Israel, defending her right of self-defense in construction of the security fence, and we condemned the United Nations' World Court for similarly condemning Israel.

In short, we have in so many ways provided for the common defense and stood by our allies. We have been not only a beacon of freedom but we have been the arsenal of democracy that America calls us to be. This Congress did that.

We have also promoted the general welfare by cutting taxes on working families, small businesses and family farms and extending the tax relief previously effected in the 107th Congress. The 108th Congress pursued economic policies, both in tax relief and in trade, that caused the creation of nearly 2 million jobs in the last year.

Our economy is expanding. Our economy in the world is expanding with new trade agreements in Morocco and in Australia. And even just today, we managed to complete our work on a budget. Beyond spending on national defense and homeland security, even the omnibus spending bill we passed today represents a freeze in nondefense discretionary spending. It is a small return to fiscal discipline on Capitol Hill, but it is a beginning and I applaud it.

We have also secured the blessings of liberty for ourselves and our posterity. And what are the blessings of the liberty, but the faith and family values that make this Nation great. We have stood by the right of Americans to refer to the Creator God in our Pledge of Allegiance. We have passed legislation banning the moral abomination known as partial birth abortion. We have passed the Unborn Victims of Violence Act, reaffirming our belief in the sanctity of unborn human life.

Mr. Speaker, the list goes on, most notably passing on this floor by a majority a constitutional amendment to defend marriage. We have done our work, and we have been strong and courageous, and I rise to commend the 108th Congress of which it has been my privilege to be a part.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Ms. PELOSI) for today on account of the funeral for former Representative Thomas Foglietta.

Mr. TURNER of Texas (at the request of Ms. PELOSI) for today after 2:00 p.m. on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. SANDLIN) to revise and extend their remarks and include extraneous material:

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:

Mr. HASTERT, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. KIRK, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 519. An act to determine the feasibility of establishing an Indian Tribal Development Corporation; to the Committee on Resources.

S. 1438. An act to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Resources.

S. 1530. An act to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Resources.

S. 1996. An act to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program; to the Committee on Resources.

S. 2154. An act to establish a National sex offender registration database, and for other purposes; to the Committee on the Judiciary.

S. 2605. An act to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1047. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.R. 1630. An act to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

H.R. 2912. An act to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government.

H.J. Res. 110. Joint Resolution recognizing the 60th anniversary of the Battle of the Bulge during World War II.

H.J. Res. 111. Joint Resolution appointing the day for the convening of the first session of the One Hundred Ninth Congress.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 19, 2004 he presented to the President of the United States, for his approval, the following bills.

H.R. 1284. To amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

H.R. 4794. To amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes.

H.R. 5163. To amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology, and for other purposes.

H.R. 5213. To expand research information regarding multidisciplinary research projects and epidemiolgical studies.

H.R. 5245. To extend the liability indemnification regime for the commercial space transportation industry.

ADJOURNMENT

Mr. PENCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Wednesday, November 24, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 529, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon, (at 4 o'clock and 55 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Wednesday, November 24, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 529, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11175. A communication from the President of the United States, transmitting a request for a FY 2005 budget amendment for the Low Income Home Energy Assistance Program in the Department of Health and Human Services; (H. Doc. No. 108-236); to the Committee on Appropriations and ordered to be printed.

11176. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Paul T. Mikolashek, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

11177. A letter from the General Counsel FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7851] received November 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11178. A letter from the Assistant General Counsel for Legislative and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards for Commercial Warm Air Furnaces; General Provisions for Commercial Heating, Air Conditioning and Water Heating Equipment; Energy Efficiency Provisions for Electric Motors [Docket No. EE-RM/TP-99-450] (RIN: 1904-AA96) received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11179. A letter from the Assistant General Counsel for Legislative and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Efficient Program for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards for Commercial Packaged Boilers [Docket No. EE-RM/TP-99-470] (RIN: 1904-AB02) received November 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11180. A letter from the Assistant General Counsel for Legislative and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Efficiency Program for Certain Commercial and Industrial Equipment; Test Procedures and Efficiency Standards for Commercial Air Conditioners and Heat Pumps [Docket No. EE-RM/TP-99-460] (RIN: 1904-AA97) received November 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11181. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Change of Names and Addresses; Technical Amendment; Correction [Docket No. 2004N-0287] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11182. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for India (Transmittal No. 0A-05), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on International Relations.

11183. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with the United Arab Emirates (Transmittal No. DDTC 059-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11184. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Kuwait (Transmittal No. DDTC 089-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11185. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Columbia (Transmittal No. DDTC 092-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11186. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Italy (Transmittal No. DDTC 084-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

11187. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services to Japan (Transmittal No. DDTC 088-04), pursuant to 22 U.S.C. 2776(c-d); to the Committee on International Relations.

11188. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and license for the export of defense articles or defense services sold commercially to Italy (Transmittal No. DDTC 090-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

11189. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Mexico, Greece, and France (Transmittal No. DDTC 094-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11190. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 095-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11191. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada (Transmittal No. DDTC 091-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11192. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Mexico (Transmittal No. DDTC 081-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11193. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India (Transmittal No. DDTC 093-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11194. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11195. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on International Relations.

11196. A letter from the Assistant Director for Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11197. A letter from the Assistant Director for Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11198. A letter from the Assistant Director for Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11199. A letter from the Assistant Director for Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to, the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11200. A letter from the Assistant Director for Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11201. A letter from the White House Liason, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11202. A letter from the White House Liason, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11203. A letter from the White House Liason, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11204. A letter from the White House Liason, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11205. A letter from the White House Liason, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11206. A letter from the Assistant Director for Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11207. A letter from the Asst. Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11208. A letter from the Asst. Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11209. A letter from the Director, Office of Human Resources Mgmt., Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11210. A letter from the Attorney Advisor, Research and Special Programs Administration, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11211. A letter from the Counsel to the Inspector General, General Services Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11212. A letter from the Director, Office of Personnel Management, transmitting the Office's Fiscal Year 2004 Performance and Accountability Report, pursuant to the Reports Consolidation Act of 2000, the Federal Financial Management Improvement Act, and the Federal Managers Financial Integrity Act; to the Committee on Government Reform.

11213. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Political Committee Status, Definition of Contribution, and Allocation for Separate Segregated Funds and Nonconnected Committees [Notice 2004-15] received November 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

11214. A letter from the Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule — Coordinated and Independent Expeditures by Party Committees [Notice 2004-14] received November 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

11215. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Areas of the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287-4060-02; I.D. 090204B] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11216. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 092004B] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11217. A letter from the Director of Finance, U.S. Capitol Historical Society, transmitting the audited financial statements of the United States Capitol Historical Society for the year ended January 31, 2004, pursuant to 36 U.S.C. 1103, 1213, and 40 U.S.C. 193m–1; to the Committee on the Judiciary.

11218. A letter from the Secretary, Department of Homeland Security, transmitting a report on the progress of activities regarding a housing demonstration project on or near the Coast Guard installation at Kodiak, Alaska, dated September 2004, pursuant to 14 U.S.C. 687(g)(4); to the Committee on Transportation and Infrastructure.

11219. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30418; Amdt. No. 3100] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11220. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals (RIN: 3245-AE92) received November 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

11221. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2004-69) received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11222. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2004-70) received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11223. A letter from the Inspector General, Coalition Provisional Authority, transmitting the combined Quarterly Report and Semiannual Report to the U.S. Congress by the Inspector General of the Coalition Provisional Authority (CPA-IG), responding to the requirements of Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriation for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106) and pursuant to the Inspector General Act of 1978 (Pub. L. 95-452); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 885. A bill to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes; with an amendment (Rept. 108-793). Referred to the Committee of the Whole House on the State of the Union.

Mr. PUTNAM: Committee on Rules. House Resolution 866. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, and providing for consideration of the joint resolution (H.J. Res. 114) making further continuing appropriations for the fiscal year 2005, and for other purposes (Rept. 108-794). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. UPTON:

H.R. 5419. A bill to amend the National Telecommunications and Information Adminstration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E-911 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system; and to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time; to the Committee on Energy and Commerce. considered and passed.

By Mr. MARKEY:

H.R. 5420. A bill to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time; to the Committee on Energy and Commerce.

By Mr. STUPAK:

H.R. 5421. A bill to prohibit the Administrator of the Environmental Protection Agency from taking certain actions that would allow a publicly-owned treatment works to divert flows to bypass a portion of its treatment facility; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Florida:

H. Con. Res. 528. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 4818 considered and agreed to.

By Mr. EHLERS:

H. Con. Res. 529. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. PRICE of North Carolina (for himself, Mr. BILIRAKIS, Mrs. MALONEY, Mrs. EMERSON, Ms. LEE, Mr. EHLERS, Mr. MCGOVERN, Mr. ANDREWS, Ms. ROS-LEHTINEN, Mr. WEINER, Mr. SCOTT of Virginia, Mr. BRADLEY of New Hampshire, Mr. VAN HOLLEN, Mr. PAYNE, Mr. SHIMKUS, Mr. MILLER of North Carolina, Mr. ETHERIDGE, Mr. TANNER, Mr. MOORE, Mrs. TAUSCHER, and Mr. UDALL of New Mexico):

H. Con. Res. 530. Concurrent resolution encouraging The Former Yugoslav Republic of Macedonia (FYROM) and Greece to continue negotiations to determine a mutually acceptable official name for the FYROM, and for other purposes; to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. HYDE, Mr. BALLENGER, Mr. BERMAN, and Mr. GALLEGLY):

H. Res. 867. A resolution expressing support for the work of the National Endowment for Democracy in Venezuela; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. DUNCAN.

H.R. 235: Mr. ALEXANDER and Mr. ROGERS of Kentucky.

H.R. 2068: Mr. CUNNINGHAM.

H.R. 2442: Mrs. DAVIS of California, Mrs. JO ANN DAVIS of Virginia, Mr. WATT, Mr. RANGEL, and Mr. UDALL of Colorado.

H.R. 3341: Mr. DAVIS of Alabama.

H.R. 3729: Mr. KENNEDY of Rhode Island and Mr. HASTINGS of Florida.

H.R. 3758: Mr. HASTINGS of Florida and Mr. MORAN of Virginia.

H.R. 3965: Mr. ANDREWS.

H.R. 4006: Ms. HERSETH.

H.R. 4156: Mr. JOHNSON of Illinois.

H.R. 4367: Mr. HASTINGS of Florida.

H.R. 4830: Mr. HONDA.

H.R. 4910: Mr. HASTINGS of Florida.

H.R. 5193: Mr. MARIO DIAZ-BALART of Florida, Mr. NORWOOD, Mr. SAXTON, Mr. FOLEY, Mrs. BIGGERT, Mr. SOUDER, Mr. PLATTS, Mr. ROTHMAN, Mr. ISRAEL, Mr. ANDREWS, Mr. BLUNT, Mr. BELL, Mr. BOEHLERT, Mr. SHIMKUS, Mr. SULLIVAN, Mr. MICA, Mr. JOHNSON of Illinois, Mr. BACHUS, Mr. NUNES, and Mr. MENENDEZ.

H.R. 5342: Mr. PALLONE.

H.R. 5374: Ms. HARMAN.

H.R. 5384: Mr. FEENEY.

H. Con. Res. 276: Mr. KUCINICH and Mr. NADLER.

H. Con. Res. 392: Ms. MILLENDER-MCDONALD.

H. Con. Res. 468: Mr. MOORE.

H. Con. Res. 517: Mr. CAPUANO, Mr. MCDERMOTT, Mr. FROST, Ms. LEE, and Mr. RODRIGUEZ.

H. Res. 45: Mr. STRICKLAND, Mr. RYAN of Ohio, Mr. UDALL of New Mexico, and Ms. HERSETH.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Ms. LEE on House Resolution 748: Jerry F. Costello and Rob Simmons.

SENATE—*Saturday, November 20, 2004*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our God, You are the fountain of all wisdom. We will praise Your mighty deeds and Your power to save. Teach us how to trust You completely, for You are our mighty protector. Help us to see that You know our hearts and plan to prosper us and to give us abundant life. Guide us along right paths, so that we depend upon Your providence and follow Your precepts. Make us a nation that acknowledges Your sovereignty and seeks You in all of life's seasons.

Today, strengthen the Members of this body. May people be attracted by the strength and beauty of their lives. Let those who watch their deliberations be impressed by their impartiality and by their desire to always do right. Empower them to administer the affairs of this Nation faithfully and wisely. We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we are convening for this unusual Saturday session with the hope of finishing our work and adjourning the 108th Congress. We anticipate the omnibus conference report will arrive from the House of Representatives today. In all likelihood that would be early to midafternoon. I hope we will be able to have a short period of debate and then proceed to a vote on adoption of that conference report.

Once the report arrives officially from the House of Representatives—again, I think it is going to be early to midafternoon, possibly around 2 o'clock—we would like to go to that bill at that point in time. As you can see before me, we have the copies, both here and each of the cloakrooms have several copies at this point in time. I know people have been interested and have been looking through the copies of that report. But we will be prepared to go to it this afternoon.

One of the issues we will be checking with also, over the course of the rest of the morning and early afternoon, is to ask Members how much time they do want to spend on debate and how much debate time will be necessary in order that we can advise our colleagues with regard to their schedules.

In addition, over the night—which was a long night for many people, both staff as well as Members, in bringing to a close the 108th Congress—there was a lot of work on the intelligence reform bill, the 9/11 intelligence reform bill. Huge progress has been made over the last 24 hours under the leadership, from the Senate side, of Senator COLLINS, joined by Senator LIEBERMAN and, indeed, they have done yeoman's work in bringing us to this point. So if that conference report becomes available, we may also be considering intelligence reform over the course of the day.

A third issue that we have spent a lot of time with yesterday and through last night and over the course of the morning is the nominations. People do not realize that in our calendar right now there are over 200 nominations pending that we either need to wrap up today or it will be in the next Congress. It is not 10 or 20 or 50 or 100; it is almost 200 nominations that have been held up for various reasons. But they made it to the calendar and I am very hopeful that over the course of the next several hours we can reach an agreement to address all 200 or so of those pending nominations. Many people are working on that. I just encourage our Members to continue to work on that.

These individuals have accepted the call to public service in many different capacities. Yet because of inactivity on the floor of the Senate, they are going to be just a name in that book where if we can act on that, they will be allowed to proceed. They have gone through the entire process. I know it is incumbent upon us to act. We just have to find a way to confirm these noncontroversial executive nominations before we finish our work.

MIDDLE EAST PEACE

I want to comment on two things. First is a resolution we passed yesterday, last night, in support of democracy in the Middle East. On November 12, the President of the United States and the Prime Minister of England articulated their joint resolve to press for a peaceful resolution to the Palestinian-Israeli conflict. Specifically, they support the creation of a Palestinian State that is peaceful, that is democratic, that is free, and that is based and grounded on the rule of law, that will include free press and free speech and an open political process and religious tolerance.

Last night, here in the Senate, we voted unanimously to ratify this vision. It is our hope that both parties to the roadmap will follow it to a peaceful resolution. With courage and determination on both sides, we believe, in fact we know, that peace can be achieved.

POLITICS OF DECENCY

One final issue I want to spend a few minutes talking about is the people's expectation of how this body should function as we come together after what we know have been tough, competitive elections. Two days ago I had the opportunity to travel with Senator DASCHLE and a number of Senators and House Members to the opening of the Clinton Library, and it was remarkable, while I was there, the number of people from other countries—there was a huge delegation from other countries—who came forward and spoke about the remarkable flexibility, pliability, resilience of America in coming together after tough elections, aggressive elections. Within a week or 2 weeks, we come together. That is what the American people expect and that is characteristic of America.

To accomplish the people's work, the Senate and Senators, the Members of this body, must work together and do work together. They must work toward consensus. They must conduct their affairs with respect for each other and with civility. They must practice those politics of decency.

In my office, just down the hall, one of my predecessor Republican leaders, Everett Dirksen, has a portrait on the wall there. It reminds me that he was often an ardent antagonist of Democratic administrations. He broke with some in his party to lead the Nation's Republicans in support of the laws that ended legal racial discrimination in this country. He acted because he knew he was doing the right thing and the reasonable thing and the moral thing. He acted because the Nation needed, the Nation deserved, racial equality, and in acting he had to work with members of the other party. Indeed, he did, and he could. He had strong personal relationships with President Lyndon Johnson and the Democratic

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

leader, Mike Mansfield. He worked alongside them to pass the historic 1964 Civil Rights Act and the groundbreaking 1965 Voting Rights Act. But without his will to cooperate, in all likelihood, neither would have become law.

And Dirksen cared about keeping a civil atmosphere in Washington, DC. In 1969, he even rode in that Presidential inauguration with President-elect Nixon and President Johnson in an effort to smooth the troubled relationship between those two statesmen.

In the last 4 years, with civility and the will to work together, we set tough new standards in fields such as education, with No Child Left Behind. We created the Department of Homeland Security, again coming together and working on the issue with great civility. I have been proud to work with numerous colleagues on issues important to me—with Senator KERRY aggressively, over a period of about a year, on issues surrounding AIDS and malaria and tuberculosis. I was deeply proud to work with my distinguished colleague from Louisiana, JOHN BREAUX, as we fashioned over the last several years, culminating last year, a Medicare modernization package that extended, for the first time in the history of Medicare, prescription drug coverage to seniors; and with Senator RON WYDEN on flexibility and accountability in education, and Senator KENNEDY on issues surrounding public health and bioterrorism.

Throughout our history, indeed, America has been governed best when the women and men of the Senate—and I should also add the House of Representatives—and the Executive have treated each other with respect and with civility and with decency. A lot of it comes down to personal relationships, which a lot of people don't see but really is the heart of this body. Rule XIX says—I don't need to remind my colleagues of the clear message of rule XIX of this body:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to Senators any conduct or motive unworthy or unbecoming a Senator.

The American people have sent us a clear message as well. They want to move America forward, but they want to make sure we do it in a way that shows respect for one another. They reelected a Republican President, chose significant Republican majorities in both the House of Representatives and the Senate, but regardless of whether we are Republicans or whether we are Democrats, we all take the same pledge, which our new Senators will be doing in early January, to defend the same Constitution. It is our duty to represent all Americans. The American people expect us to work together, the American people want us to work together, and they deserve to have us work together.

I know that all of my colleagues on both sides of the aisle share the same ultimate goal of a safer America, a more prosperous America, and a healthier America, and that none of us want to be thought of as blanket obstructionists to accomplishing this goal. We want to move with civility, with cooperation, working toward consensus. But all too often, as we all know—we have seen it in this body and outside the body and in committees—people tend to lean to partisan bickering. We need to move away from that because we have all seen that it does get in the way of our genuine, our shared desire to move America forward.

Many believe things have worsened over time here in comparison to the way it may have been 15 years ago or 30 years ago. It is true that Senators of different parties rarely get together, or clearly don't get together as much as they did in more distant times. We come together for floor votes and we come together for occasional Senate dinners and we come together for weekly prayer breakfasts, many of us, but clearly we haven't generated those opportunities nearly as much as they were in the past.

Every year, more and more people are commenting on the partisan divide and the bickering and the sniping back and forth. As my distinguished colleague, Senator DASCHLE, has said, it is not enough to say that society has become divided and throw up your hands. We have a higher responsibility, he says, and I quote his words, "to try to bridge the divide, not simply mirror or exploit it." I simply could not agree with that more.

At the Clinton Library opening 2 days ago we had the opportunity to spend a couple of hours together. It was a tremendous ceremony, the opening of that library. But as we sat there, we very specifically talked about how best this institution can be served by moving toward greater civility, more opportunities for us to come together. Civility in this body has eroded over time, and it will take time and a renewed commitment, maybe a new commitment for many, but a renewed commitment to regain it. But we have got to begin.

I think we have a great opportunity to begin in the coming weeks. We have had other Members of this Chamber who have already begun much of this task. I want to highlight the recent bipartisan orientation sessions that the Senator from Delaware, Mr. CARPER, along with my colleague from Tennessee, Senator ALEXANDER, along with Senator MARK PRYOR and Senator GEORGE VOINOVICH, put together. When they first brought this idea to us, both Senator DASCHLE and I said: Yes, absolutely, let's do it. Indeed, over 4 days this past week, starting Sunday, Monday, Tuesday, Wednesday, the nine newly elected Senators from both parties were together for the better part of each and every one of those days addressing how they can best serve their constituents and, indeed, the American people. They were joined by their spouses. They had lively discussions. They had meals together. They had dinner and conversation well into the night each of these evenings. I think it is a tremendous foundation for what we all need to make a renewed commitment to do in the coming weeks and months in this body.

Tip O'Neill, who would sit and swap stories with President Reagan after hard days fighting on everything from appropriations to welfare reform, liked saying, in a quotation we all hear again and again, "We should all be friends after 6 p.m."

At the same time, we all know that in this body, we have two parties and we have two very different views of how to get to that common goal. So we don't expect Senators to compromise their principles in any way. We don't expect Republicans to stop being Republicans or Democrats to stop being Democrats, and it takes effective spokesmen on both sides of the aisle to articulate those principles. The principles we stand for both as parties and as caucuses do reflect some very different visions. In some cases, they can be serious and in some ways quite fundamental, but when it comes to the details of policy, we can and should move together and have discussions with civility to move toward consensus.

We face an imperative to reduce the deficit by keeping spending in check, but without raising taxes and stifling job growth.

We must transform our health care system into one that puts people and their doctors first and puts the doctor-patient relationship in charge.

We do need to confirm judges who justly and independently interpret the law.

We can't move America forward unless we do these things, and we can't do these things unless we do work together. Doing this and improving the environment and the tenor of this body is going to require a lot of hard work. We will need more good ideas devised by Senators ALEXANDER, CARPER, PRYOR, and VOINOVICH.

We should give strong consideration to the proposals my colleague Senator DASCHLE made several months ago such as all-Senate policy forums to discuss the issues of the day, and bipartisan leadership meetings which bring leadership together. These are all great suggestions, fruitful suggestions, and great starting points and productive ideas.

Senator REID and I have already begun to discuss ideas on how to achieve this, again working together to make my ideas and his ideas a reality.

Senators on both sides of the aisle should know that as we approach these issues, accomplish this, and their ideas we ask them to bring forward.

In closing, the traditions, rules, and customs of the Senate rest on a foundation of civility. That is why we have rules that are in print, a body of rules. Then we have this whole element of tradition and precedent which is so important to this body.

We have essential work ahead of us as we all begin to plan and look at the next Congress. We are stewards of rich Senate traditions and stewards of constitutional principles that simply must not be undone. We are leaders elected by the American people for one simple purpose; that is, to move America forward. Doing it is going to require a lot of work. It will require a lot of consensus building, and above all it will require civility.

I look forward to working with our leadership and working jointly with the Democratic leadership to make that our goal and to implement and incorporate whatever we need to do in this body so we indeed can achieve that goal.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Ms. MURKOWSKI). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period of morning business with Senators permitted to speak for up to 10 minutes each.

ORDER OF PROCEDURE

Mrs. HUTCHISON. Madam President, I wanted to ask if we could put an order in place, that Senator ALLARD speak first, then myself, and Senator ALLEN. I would like to protect our places, if that would be possible. I ask unanimous consent that Senator ALLARD be recognized, after which I would be recognized, after which Senator BOND would be recognized, then Senator ALLEN and Senator STEVENS.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Colorado.

COMMENDING THE MAJORITY LEADER

Mr. ALLARD. Madam President, first of all I would like to recognize the strong leadership that we receive from the majority leader. I think he needs to be complimented for his inclusive leadership. We have accomplished a lot this session because of his efforts.

TRIBUTES TO RETIRING SENATORS

BEN NIGHTHORSE CAMPBELL

Mr. ALLARD. Madam President, I take a moment to talk about 4 colleagues whom I have had an opportunity to serve with in the Senate.

First of all, I want to talk about my colleague from the State of Colorado, who is not going to be with us as we go into the waning days of the 108th Congress.

I had an opportunity to get to know BEN CAMPBELL in the Colorado General Assembly. In 1982, he was elected to the State house and I was elected to the State senate. It was not long before the buzz in the Capitol was all about this great Native American whom we had serving in the State house who brought to the Capitol some common sense from western Colorado, an individual who in his own right had already gained some national notoriety.

Senator CAMPBELL came from a family that was somewhat dysfunctional. It was a poor family. He joined the Air Force. While he was serving in the Air Force, he had an opportunity to get his GED. He served in Korea. While serving in the Air Force, he also spent some time in Japan where he received some judo training. He became a member of the first Olympic judo team representing the United States. He had the distinction of carrying the flag representing the whole United States entourage that was there participating in the Olympics.

This individual brought a considerable amount of national notoriety to the Colorado General Assembly. But he became even more respected because of his firm conviction, his hard work, and his commitment to small business, and to water issues of the western slope in the State house district he represented. In fact, having finished his first term, he was recognized as one of the 10 best legislators in the Colorado General Assembly. He had an opportunity to serve for about three terms and took on an incumbent congressman. He won that particular race and ended up in the U.S. House of Representatives in 1986; then got elected to the U.S. Senate in 1992, and reelected in 1998.

During this period of time, I had an opportunity to be able to establish a personal relationship with Senator CAMPBELL in the State legislature. I respect a lot of the values he brought to the legislature. I had an opportunity to work with him for a short period of time in the U.S. House of Representatives. He certainly was a team player and somebody whom I felt I could work with. I looked forward to the opportunity when I could serve with him in the Senate. While serving here in the Senate, we became known as a team representing the interests of Colorado, which has been pretty effective. A lot of the issues that are important to the State of Colorado we were able to accomplish. A lot of it was because he was willing to take on the responsibilities of the Appropriations Committee. Representatives from Colorado ordinarily didn't seek out these committees, but he made a big difference.

I consider it a great pleasure to be able to serve with him. I consider him family. Not only are we close friends, but my niece married his son. I have the greatest respect for the Campbell family. They are great Americans and I am pleased to be considered part of his family.

DON NICKLES

Mr. ALLARD. Madam President, I also want to take a moment to talk about another colleague, DON NICKLES, who has had a long and distinguished career as we move into the waning days of the 108th Congress.

He brought to this Congress a perspective from the private sector. I am a small businessman. I grew up in the private sector. In my view, too few of us have had to meet the challenges and meet a payroll. I think it affects how you view rules and regulations and taxes.

Senator NICKLES from Oklahoma became a strong advocate of small business issues and worked hard to hold down the tax burden and regulatory burden.

I had an opportunity to serve with him when he was chairman of the Budget Committee, and I very much appreciated his leadership on that committee.

I also appreciated the opportunity to be able to work with him in holding down and actually eliminating the death tax which has such devastating effects on small business.

During his many years here in the Congress, he has been an individual who maintained integrity in the process.

PETER FITZGERALD

Mr. ALLARD. Madam President, I want to express my appreciation for the hard work of PETER FITZGERALD. I am disappointed he is only serving one term in the Senate. It is a voluntary decision that he made to step down after one term.

His family has business interests in Colorado. I have enjoyed working with him, particularly when we served on the Agriculture Committee, and I began to respect his values as well as his work ethic.

ZELL MILLER

Mr. ALLARD. Madam President, I wish to take a moment to recognize ZELL MILLER, who replaced Paul Coverdell. He is someone I have grown to admire during my service here in the Senate. He is a principled individual and truly represents his great State of Georgia.

With each day of this session, I continue to admire his strength and tenacity and ability to stand up for what he believes is right.

I view these four individuals as four individuals who have distinguished themselves in my mind and four individuals whom I have appreciated having the opportunity to serve with in the Senate and whom I hold in great esteem. I wish them the very best as they pursue life's journey, having served in a distinguished way in the Senate. I wish them the very best and Godspeed.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to say goodbye to several of my colleagues, dear friends and colleagues with whom I have had the pleasure to work in the Senate.

DON NICKLES

I start with Senator DON NICKLES. We say goodbye to DON NICKLES of Oklahoma who leaves after spending 24 years in the Senate, but not spending much else. As chairman of the Budget Committee, his philosophy of smaller government and fiscal prudence often reminded this Chamber of our duty to be good stewards of the taxpayer dollars. DON did not back down but always held his ground, demonstrating his perseverance and conviction.

He was first chosen by his colleagues for a leadership position in 1988 as the chairman of the National Republican Senatorial Committee. He was next elected to the first of three terms as chairman of the Republican Policy Committee, and in 1996, 1998, and 2000, he was elected unanimously to be assistant Republican leader.

He was the principal sponsor of the 2003 economic growth package which cut the tax on dividends, reduced the capital gains rate, raised the child tax credit to $1,000 per child, and reduced the marriage penalty. My friend also led efforts to reform the Internal Revenue Service. He helped enact the Nation's first balanced budget in three decades and passed laws to make Members of Congress accountable to the same laws as everyone else.

On a personal note, he worked with me on the marriage penalty. I could not have passed my bill to reduce the marriage penalty on married couples in our country without DON NICKLES' strong backing and leadership.

I will never forget the first time I met DON. It was at the Republican National Convention in Dallas, TX. DON was a young man and he had just been elected to the Senate, and everyone was referring to him as Senator. I assumed, because he was so young, that he must be a State senator. As I left, I said to him, you must have a long and great career ahead of you. I am sure you will run for higher office some day, thinking he was a State senator. But, in fact, he was a U.S. Senator already and was the youngest Member at the time.

He is the gold standard for principled conservatives who stand tall for their beliefs and work hard for their constituents.

As a Texan I may say there are times I am not fond of certain Oklahoma college football teams, I have always been proud of Oklahoma's DON NICKLES and honored to call him a neighbor.

BEN NIGHTHORSE CAMPBELL

Senator BEN NIGHTHORSE CAMPBELL is one of the best friends I have in the Senate. I am particularly going to miss him. He commands more attention than a Harley Davidson with straight pipes.

He brought a wealth of experience and perspective to the Senate that enriched all of our deliberations. Let me list, in no particular order, some of these experiences. He was a fruit picker, a deputy sheriff, the captain of the U.S. judo team in the 1964 Tokyo Olympics. He is a horse trainer, a rancher, a fabulous jewelry artist, and chief of the Northern Cheyenne tribe.

He also has served the people of Colorado as their Senator, both as a Democrat and a Republican. He is a renaissance man in every sense of the word. He can ride a Harley Davidson like a genuine biker because he is the real thing. On his motorcycle or on the Senate floor in his pony tail and sunglasses or in his business suit, he has unabashedly defended the values and interests of Americans of all incomes and backgrounds. This stems from his pride in our great country.

I remember when he decided it was time for the Capitol Police to buy American and trade in their Japanese-made motorcycles for Harleys. He said in his typical upfront style that the Japanese bikes made the police look like "pizza delivery boys" and they are not fast enough to catch crooks. Needless to say, the Capitol Hill motorcycle police are now equipped with Harleys.

One of BEN's most prominent contributions is now visible on our mall, the National Museum of the American Indian. He initiated the legislation to found this museum within the Smithsonian, and the beautiful building housing priceless collections of American Indian artifacts and art work is a tremendous legacy of BEN NIGHTHORSE CAMPBELL: my friend, my colleague, and biker buddy.

PETER FITZGERALD

It is often an uphill battle for a freshman Senator to make an impact, but Senator PETER FITZGERALD, a former commercial banking attorney, has chaired or led investigations of corporate accounting fraud, mutual fund industry abuses, chronic underfunding of employee pensions and waste, fraud and mismanagement in Federal agencies.

In 2004, he proposed comprehensive, bipartisan mutual fund reform legislation to protect the household, college, and retirement savings of 95 million Americans. This bill, endorsed by consumer groups and reform-minded industry leaders, points the way for future legislation on this subject.

The Senator also focused on consumer safety issues. In 2000 he led a successful drive to modernize outdated Federal testing and safety standards for child car seats. In 2002, he drafted and President Bush signed into law a followup measure known as Anton's Law, to upgrade Federal testing and standards for child booster seats and to require automakers to improve car safety features.

I wish him well in his future endeavors.

TOM DASCHLE

I wish Senator TOM DASCHLE well as he moves on to new challenges. As his party's leader in the Senate he was smart and determined. TOM is an exemplar of the American story. He grew up as the eldest of four brothers and became the first in his family to graduate from college, with a political science degree from South Dakota State University.

He then served 3 years as an intelligence officer for the U.S. Air Force Strategic Air Command.

He secured a job as an aide to South Dakota Senator James Abourezk. From there, he rose to the highest job in the Senate, Senate majority leader.

TOM DASCHLE married Linda Hall and they are the parents of three children. He is proof that hard-working Americans can make a difference.

FRITZ HOLLINGS

From the day I first arrived in the Senate, until today, Senator HOLLINGS has been a force in the Senate. His institutional memory, his command of the issues, and his speaking style are recognized from both sides of the aisle.

He has been a tireless advocate of his State and his political beliefs, earning him a role as one of the Senate's elder statesmen.

Senator HOLLINGS fought in World War II, won his first election at age 26, served as the youngest Governor of his State, and was elected to seven terms in the Senate. Incredibly, FRITZ HOLLINGS was in public service since 1948 and somehow managed to be his State's junior Senator until 2 years ago. It must be something in the water in South Carolina.

During his career, Senator HOLLINGS has had an impact on a wide range of legislation, including measures to protect the environment, balance the budget, and update telecommunications law.

I am very appreciative of his initiation of a nationwide effort to combat breast and cervical cancer by utilizing his seat on the Appropriations Committee to secure funding for a pilot screening program. This will be one of the many lasting legacies of FRITZ HOLLINGS.

BOB GRAHAM

Senator BOB GRAHAM, a former two-term Governor of the sunshine State, has compiled a record of achievement in the Senate which included portions of the PATRIOT Act. When it comes to environmental, tax, energy, and education issues, he has been a strong voice in Congress.

One of the greatest legacies of Senator GRAHAM is the Florida Everglades. The rich flora and fauna of the Everglades were threatened by development, but then-Governor GRAHAM pushed through legislation to protect it. Future generations of Americans who visit the Everglades should remember his contribution to saving this national heritage.

JOHN BREAUX

Madam President, Senator JOHN BREAUX is a voice of moderation and bipartisanship. He helped pass landmark welfare reform under a previous administration, and has consistently been able to work with Members of the other side of the aisle whether his party has been in the majority or minority.

His commonsense approach to energy legislation and many other issues will certainly be missed. He helped defeat the Btu tax which was so injurious to the energy industry in both my State of Texas and his State of Louisiana.

Senator BREAUX was the youngest Member of the House of Representatives when he was elected, at age 28, in 1972. He served in the House for 14 years before being elected to fill the legendary Senator Russell Long seat in 1986. You would think Washington would change someone after all that time, but John is still a Cajun through and through and sees the world with a sense of humor that keeps everything in perspective.

I will miss JOHN BREAUX. He was often an ally on transportation, energy, and telecommunications issues. Even when we were on opposite sides in a debate, he brought wisdom, experience, and a willingness to work in a bipartisan fashion to the Senate.

And no, JOHN, Louisiana cannot annex Texas.

JOHN EDWARDS

Madam President, we must also say farewell to a freshman Senator who is now a household name in the United States. No one who has met JOHN EDWARDS can fail to like him and respect him.

Senator EDWARDS rose from humble beginnings to come close to being elected Vice President of the United States. The first member of his family to gain a college education, he went on to earn a law degree from the University of North Carolina at Chapel Hill. He built a hugely successful law practice before he entered public service.

Senator EDWARDS was a chief sponsor of the bipartisan Patient Protection Act, strong and far-reaching patient protection legislation that passed the Senate in 2001. He has a long career ahead of him and will do well on whatever path he takes.

Finally, I want to let Senator EDWARDS know that he and his wife Elizabeth are in my prayers every day.

ZELL MILLER

Madam President, it is hard to say how much I appreciate ZELL MILLER, a proud Democrat and a great American. Senator MILLER's early life was not easy. He grew up in the hills of Georgia where people may not have had much but they worked hard and had strong families and solid values. He pulled a stint in the U.S. Marines, which he said put him on the right path in life. His colorful career in Georgia politics included two terms as Governor. When U.S. Senator Paul Coverdell, my great friend, died unexpectedly, ZELL MILLER was appointed until a special election could be held, which he won handily.

After he arrived in Washington, Senator MILLER was one of the few who not only talked the talk of bipartisanship but walked the walk. During the war on terror, he advised bipartisan action on the Homeland Security bill. He called for bipartisan support for traditional American values, a lower tax burden, and a strong American defense.

I think the verdict on Senator MILLER's stand for old-time Democratic values has been vindicated, first in the 2002 elections and lastly in the 2004 elections. Someone who is being friendly tells you things you want to hear, but a true friend is one who tells you things he thinks you should hear. ZELL MILLER is that kind of friend to both Democrats and Republicans. He will be missed in this August body, as one of those who told it like it is, straight from the heart.

Madam President, I will miss all of my colleagues. As we take the opportunity to go forward in a new Congress, we will make new friends, but we will never forget the old ones.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Mr. BOND. Madam President, I begin today on a happy note to say, after a lot of hard work in the Health, Education, Labor, and Pensions Committee, we have brought forth an excellent product. Thanks to the leadership of Senator GREGG and Senator KENNEDY, we have produced a solid, bipartisan conference report which protects the educational rights of children with special needs while at the same time making the Individuals With Disabilities Education Act more workable for parents, teachers, school administrators, and school districts.

While IDEA, as the bill is known, has helped to open the doors to many children with special needs since it was enacted in 1975, there is no question about problems existing.

Over the last half dozen years, I have traveled around the State of Missouri and met, in over 50 different communities, with teachers, school principals, school board members, and parents to find out what the challenges are in education. No surprise that you would come to hear that it is not just that they want more Federal money, they want sense in the Federal regulations. They told me horror stories about the regulatory hurdles they had to overcome to administer some of the Federal programs, especially IDEA. The IDEA was more focused on complex rules than on producing the results that children with disabilities and their families deserve.

I have heard story after story about frustrated special education teachers just throwing up their hands and saying: I can't take it anymore. I came to serve special needs children, not a bureaucracy, and not to be involved in litigation all the time. I have hared about crushing paperwork burdens, children misidentified for special education, that the Federal Government is not paying its fair share of the cost.

The conference report we adopted yesterday is a very important step to address these concerns, to strengthen and improve IDEA for both children and the educational system. We believe it will strengthen the accountability and results for children with disabilities, reduce IDEA paperwork burdens, provide greater flexibility for school districts, reduce the number of children wrongly placed in special education classes, reduce litigation, and restore trust between parents and school districts.

I am particularly pleased to tell you that many of the ideas contained in this legislation were developed in Missouri. When I heard the complaints of Missouri educators, I met and talked with the Missouri School Board Association, which put together a multimonth planning conference with representatives of the teachers, of the special needs community, and others to come up with specific ideas and reforms. The Missouri School Board Association's Special Education Advocacy Council and the Missouri Council of Administrators of Special Education came forward with proposals that I took to the committee, and the committee was able to include most, if not all, of those in the final legislation. So once again, the best ideas we get here come from home. I thank all of the committed education professionals and friends of special education who worked on it.

I am particularly pleased with the significant reforms which will focus special education on educating children with special needs, not simply complying with a system composed of intricate and complex regulatory and mountainous paperwork burdens.

Special education teachers, as I indicated, are leaving the profession out of frustration because of the unnecessary burden, and that is causing a chronic shortage. More time on paperwork means less time spent with students or preparing lessons for students. It is as simple as that. The numerous reforms in the bill will go a long way to free our time of special educators.

Again, my thanks to Senator GREGG and Senator KENNEDY, and on my on staff, Kara Vlasaty and Julie Jolly for helping us come up with an excellent product.

TRIBUTE TO KOMNINOS "GUS" KARELLAS

Mr. BOND. Mr. President, the other matter I need to speak to today is a very sad note. There is a funeral going on in my hometown of Mexico, MO, today, as we speak, for a very good friend of mine, Komninos "Gus" Karellas. There is a celebration of his life in a community which has mourned him in the last several days.

You heard on the floor from my colleague, Senator TALENT, words about Gus, a tremendous American success story. He was an immigrant from Greece. He came here with nothing 40 years ago. He started out working for others. He started out in California, came to Iowa, then Columbia, MO, and then moved with his wife to Mexico, MO, in 1970, to work in a steakhouse. A year later, they bought that steakhouse.

For the last 33 years, Gus Karellas's G&D Steakhouse has been the place to go for good steaks. I know it because I have been one of the frequent visitors there.

I came to know Gus as the community of Mexico, MO, came to know Gus. What a warm, genuine human being Gus Karellas was. He was a leader in his community. He helped charities like Boys Town. But he also did a wonderful thing in the community because he reached out to young people with difficulties, gave them opportunities as busboys and other jobs in his restaurant.

Unfortunately, the allegation in the police report was that it was one of those, or maybe several of those, who murdered him several nights ago to take the receipts from his business. We do not know what was in their troubled minds, but I can tell you that the community has lost a man of great dedication, great service.

Gus was a wonderful father. One of his sons, Nick Karellas, serves as a legislative assistant in my office. Another son, Andy, serves as a legislative assistant to Senator TALENT. JIM TALENT and I see every day the work ethic, the commitment, the dedication that Gus instilled in his children. He is a man who has left a very large mark on his community, and he has left a legacy that all of us can admire and recognize.

In the Omnibus appropriations bill that we will be passing today, there is a grant for a trail at Lakeview Park in Missouri. I suggest that the city fathers of my hometown consider naming that in honor of Gus Karellas to recognize not only his accomplishments but his contributions to the community and to his family.

I can only say that our thoughts and prayers are with the Karellas family. We join with the community in saluting his life, the great role model he was, the good he did for the community, and we will miss him sorely. They will also be in our thoughts and prayers.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak in morning business for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

Mr. ALLEN. Mr. President, I want to share my views, as did Senator HUTCHISON and others, about our colleagues who are leaving for new adventures in life.

I wish all the best to Senator HOLLINGS. We will miss his booming voice. We will miss Senator EDWARDS, Senator GRAHAM of Florida, and Senator DASCHLE. We will also miss JOHN BREAUX, a man we know will enjoy life with his good common sense and sense of humor. He is a good friend.

I want to speak about four others, though, including PETER FITZGERALD, whom I will miss. He will always be known for two ideas and principles of life—honesty and integrity. He has certainly fought hard for what he believed was right, and you can always trust his word.

BEN NIGHTHORSE CAMPBELL is a unique, proud leader of heritage. He is a man of principle. I look at BEN NIGHTHORSE CAMPBELL as one who runs on his own gear ratio. He is a character with character, whom I will certainly miss.

DON NICKLES—gosh, what a smart, principled leader. He will be missed. He is a taxpayer's hero. Last night, my wife and I enjoyed the Allen Jackson concert in DC. And that makes me think of country music. DON NICKLES is one of the reasons God made Oklahoma. We will miss DON NICKLES.

ZELL MILLER is probably the colleague that I have known the longest. He and I served at the same time as Governors of our respective States. He was always one of my role models. We got to know each other very well in the Southern Governors Association. Before I came to the Senate, one of the people who motivated me to go to the Senate was Paul Coverdell. ZELL took his seat and his office. When I came in, ZELL gave up that office, and now I am in ZELL MILLER's and Paul Coverdell's former office. I will think of ZELL a lot in the future. Two years ago, when ZELL announced his retirement, or that he was not going to run again, some were saying ZELL MILLER is a lame duck. Well, on this floor, at our convention in New York City, and throughout this fall, ZELL MILLER was anything but a lame duck. ZELL MILLER leaves office as a "mighty duck." We are going to certainly miss ZELL. We know he will stay active.

TELECOMMUNICATIONS REFORM

Mr. ALLEN. Mr. President, I want to discuss two important ideas and issues that are essential, I think, for America's future and our opportunities. First, I thank my colleagues in the House and the Senate for support of S. 150, the Internet Tax Nondiscrimination Act.

Second, I want to discuss the significant advances in broadband Internet technologies over the past 8 years, particularly since the passage of the 1996 Telecommunications Act.

I thank the chairman of the Commerce Committee, Senator MCCAIN, and the Senator from Oregon, Mr. WYDEN, for their continued leadership on the Internet tax moratorium. I have enjoyed working both with Chairman MCCAIN and Senator WYDEN over the years on numerous technology-related projects, such as nanotechnology, WiFi, unsolicited commercial e-mail, or SPAM and SPYWARE. They are great teammates on these telecommunications and technology issues, and I thank them.

Yesterday afternoon, the House of Representatives passed S. 150, the Internet Tax Nondiscrimination Act, which cleared this important legislation for the President's signature later this year. As colleagues have heard me say on many occasions, the moratorium on Internet taxation has been one of my top legislative priorities since coming to the Senate. I have held this position since 1997, in my days as Governor of Virginia, when I was one of only four Governors to share the view in support of the visionary leadership of Congressman CHRIS COX and Senator WYDEN on this issue of Internet taxation.

I have consistently advocated policies and ideas that promote freedom and opportunity for all Americans. This legislation, S. 150, authored with Senator WYDEN, protects every American from harmful, regressive taxes on Internet access, as well as from duplicative and predatory taxes on Internet transactions.

Today, the winners are the American people. I am very pleased to see that this measure was a victory for those of us who stand for freedom, opportunity, and prosperity, rather than more taxation and burdensome regulations of the Internet. This legislation is a real victory for American consumers, small businesses, rural Americans and, most important, low-income families. It is the result of a hard-fought success that extends the tax moratorium for another 4 years, from the time the last one expired until October 31, 2007.

Additionally, this legislation updates the previous moratorium to protect all types of Internet access platforms, including dial-up, satellite, cable modem service, DSL, wireless technology, and even next generation broadband networks, such as broadband over power lines.

Basic economics indicate that for every dollar of taxation added to the cost of Internet access, we can expect to see lost utilization of opportunities for the Internet for thousands of American families, especially those in rural areas and those of lower income.

With clear tax protection at the Federal level, S. 150 ensures that a complex, costly, and outdated telephone-like tax regime, which averages about 15 percent to 18 percent nationally, will not be imposed on Internet consumers. The guiding principle of the Internet tax moratorium has always been that the Internet should remain as accessible as possible to all people in all parts of the country forever. The Internet is one of our country's greatest innovations for individual empowerment, economic growth, and jobs.

So extending the tax moratorium and protecting all types of broadband technology platforms puts this country one step closer to closing the economic digital divide. The fact of the matter is—there are more Americans empowered by the Internet today, primarily because the Federal policy of the United States has consciously allowed Internet innovators, entrepreneurs, and consumers to remain free from burdensome, onerous taxation and unnecessary regulation.

I am honored that the majority of my colleagues in the Senate and the House have agreed to preserve this policy for another 4 years with the passage of S. 150. I thank all for their support.

BROADBAND AND TELECOMMUNICATIONS REFORM

Mr. ALLEN. Mr. President, I would now like to discuss the exciting changes that have taken place over the last 8 years in the telecommunications industry, in particular with regard to broadband Internet technologies.

As many of us know, the 1996 Telecommunications Act was the first major overhaul of the communications policy in over 60 years. Since the passage of that law, remarkable changes have occurred in the technologies used to deliver telecommunications services. Some of these changes may be products of the 1996 act. However, many are due to the tremendous explosion of new and advanced broadband technologies.

Specifically, the Internet or digital technologies are replacing the slower legacy communications networks with multiple high-speed broadband platforms. For example, DSL, cable modems, 3G wireless, WiFi, ultrawide band, satellites, broadband over power lines, are all advanced communications networks delivering the same services and many more services, not just data, not just voice, but also video.

Broadband is widely considered the future of communications because it enhances the consumers' experience on the Internet and will have a tremendous impact on our country's economy.

By 2006, economists at the Brookings Institution estimate that widespread high-speed broadband Internet access would increase our national gross domestic product by $500 billion annually.

The Internet and the broadband revolution are opening up a whole new world of opportunity that did not exist prior to the Telecommunications Act of 1996. By almost any measure, consumers are better off and have more choices now than ever before. These advancements have actually outpaced the laws and especially outpaced the economic regulations governing the communications industry because new Internet-enabled services do not easily fit into the stovepipe regulatory model of the 1996 act.

Unfortunately, the regulatory treatment of a given broadband provider depends on the particular platform that provider uses to offer their service. DSL providers are regulated entirely different from wireless broadband providers or cable modem service providers. All of these platforms deliver the same service—broadband Internet access. Yet all are regulated completely different from the other.

This type of regulatory regime picks technology winners and losers, creating, in my view, a competitive advantage for certain technology platforms over others. A number of my colleagues have called to revisit and potentially rewrite the telecommunications law, and I commend them for their leadership on these issues.

I believe any rewrite of the telecommunications law must take into account the transformative and positive impact broadband technologies have on the future of communications.

In considering what the next Telecommunications Act should look like, I am guided by a few foundational principles.

First, we should favor innovation and freedom over regulation. I call myself a commonsense Jeffersonian conservative. I trust free people, free enterprise, and free markets to allow them to innovate and create opportunities for all Americans to advance, compete, and succeed. Nowhere is this more true than with the Internet.

Restraining from regulating the economics of Internet applications has served consumers well with the advances in the Internet technologies, such as voice-over-IP or voice-over-Internet protocols. Entrepreneurs are a Web site away from offering phone services better than those offered by traditional telephone providers.

Virtually every consumer with broadband Internet access can now choose among potentially hundreds of telephone service providers. Internet applications are bringing new competition to old markets which means more innovation, lower prices, and higher quality of service for consumers who also can easily move to any other vendor if they get dissatisfied with any of those providers.

As elected leaders, we should ensure that our policies embrace and encourage this type of innovation and continued advancement.

Second principle: Support a competitive level playing field over fragmentation and ditches. As a former Governor of Virginia, I am an ardent supporter and believer in the principles of federalism. Our Founders, though, wisely realized, when constructing our Constitution, the importance of a coherent national policy regarding matters affecting interstate commerce.

Certainly, one of the great attributes of the Internet is that it is not limited by the boundaries of States or local governments. It is actually not even limited by the boundaries of countries. By its structure and unique architecture, it is clearly, though, interstate commerce and, indeed, international commerce.

I am reluctant to support policies that encourage the fragmentation of telecommunications regulation to State and local authorities, especially as communications transition to a digital format.

Third, and last, let's make sure we keep it clear and keep it certain. One of my biggest concerns with the 1996 Telecommunications Act is that it has brought forward a tremendous amount of litigation and legal uncertainty. This ongoing litigation and regulatory uncertainty has slowed the deployment and potentially stifled the advancement of future high-speed broadband networks. Any revision to the 1996 Telecommunications Act should contain clear, simple, coherent legislative principles that provide legal certainty and regulatory clarity for business models and also for the capital investment decisionmakers.

It has been the policy of the United States to promote the continued development and deployment of the Internet. The broadband revolution is bringing tomorrow's communications and commerce tools to more and more Americans every day. These new opportunities for consumers are also providing new opportunities for our Nation's economy in terms of job creation, productivity gains, and innovation.

It is my great hope that as the Senate considers these important issues and potential telecommunications reform next year, we do so mindful that consumers are enjoying more choices, better value, and more personalized products in the Internet age than ever before, primarily due to the advances of broadband technologies.

I ask my colleagues to stand strong for freedom, for clarity of purpose, and we will see more investment and more jobs. I look forward to working with my colleagues for these exciting advancements in the future. We must keep adapting, keep innovating, and keep improving for the competitive benefit of the American people.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I salute the Senator from Virginia for his leadership on telecommunications policy. Over the last 2 years, I do not know any Senator in the Chamber, other than the Senator from Virginia, who has been more active, who has been better informed, and who has been more vigorous on the principles in which he believes. He was the leading Senator in advancing a compromise. It was his legislation, S. 150, which a number of us cosponsored, which the House has accepted, which has taken the next step in how we deal with the so-called Internet tax moratorium.

I was glad to have a chance to hear his remarks today as he talked about that and as he looks to the future, and I would like to add my own thoughts because during this past 2 years we have had pretty vigorous debate as we have made our way toward a compromise. It has been a debate in the best traditions of the Senate. We have had it on the floor. On one occasion the Senator from Virginia and I took our points of view to a forum off campus, so to speak, went over to the Heritage Foundation and had a debate. In that debate, we actually learned some things from each other, which shows that when Senators debate and speak, we find some points of common agreement. I think that debate itself helped lead toward the compromise we have made.

I believe the compromise, S. 150, of which Senator ALLEN is the principle sponsor, is important. No. 1, it is temporary, not permanent. This is a fast-moving technology and field. As Senator ALLEN pointed out in his remarks, the 1996 Telecommunications Act in some ways is obsolete today because high-speed Internet access, or broadband as we call it, was barely even known in 1996. It is no insult to the Members of the Senate to say I doubt if many Senators ever heard of it in 1996, because most Americans had not heard of high-speed Internet access. Very few people were using it.

So the legislation did not contemplate this rapidly growing new technology we have. That is one reason why I felt in the debate that it was good to have a temporary, rather than a permanent, moratorium on what States may do about applying their taxes to Internet access so that the Commerce Committee of the Congress could consider a long-range permanent policy.

S. 150, which has passed this year, this compromise, as the Senator from Virginia said, allows States to continue collecting taxes on the Internet and to continue to do so for 2 to 4 years, depending on the type of access.

One other important thing it does is it makes clear that State and local governments can continue to collect taxes on telephone services even if telephone calls are made over the Internet.

Now, that is a very important development. Most observers believe that certainly most businesses—and maybe most all of us—will soon be making our telephone calls over the Internet. That is a wonderful opportunity and a great advance. I believe there is general consensus among all of us who debated this issue over the last 2 years that in order to make sure that happens, the Government needs as much as possible to get out of the way. That means a different kind of regulation than we now have for what we call traditional telephone services, the plain old telephone.

Where I was concerned about the legislation that was going through the Congress was not about whether we should lighten up on regulation—I believe we should—the question was whether from Washington, DC, we should tell State and local governments that they may not apply the same sales taxes and other use taxes to telephone calls made over the Internet that they apply to other telephone services. We did not change that with the temporary legislation we passed this year, but it is bound to be a big subject of discussion in the new Congress.

Now here is why it is so important: I believe gradually we are making it more difficult for State and local governments to do the things we want them to do. The Senator from Virginia and I are both former Governors. We know many of the things Americans want most from their government, they want from their State and local government. They do not want decisions made up here. So one of my goals is to make sure we do no harm to State and local governments while at the same time we are trying to make sure we do no harm to this exciting new technology, broadband, high-speed Internet access.

My fear was we might unwittingly in this legislation stop Texas, Tennessee, or Florida, for example, States that have no State income tax, from using their sales tax on telecommunications services. Last year, Texas collected $1 billion on sales tax on telecommunications services. Florida collected about $1 billion. Tennessee, according to the Department of Revenue, collected $361 million on sales taxes on telecommunications services.

Now, not all of that is threatened by telephone calls over the Internet that might not be subject to the same taxation, but gradually, and it may come very rapidly—actually, we hope it comes rapidly—and if people move to this new technology, make their telephone calls over the Internet, and suddenly the Texas State budget has a $1 billion hole in it or a $750 million hole or a $500 million hole, what do they do about it? Well, they raise tuitions at the University of Texas or University of Tennessee, they reduce services, or they raise other taxes.

So my primary reason for becoming involved in the Internet tax debate, so-called, was to try to make sure we did not do here what I never did like when I was a Governor, which was to look up to Washington and see Members of Congress coming up with a good idea, passing it, taking credit for it, and sending the bill to me when I was Governor. I did not like that.

My whole point was if we are going to stop States from collecting a source of revenue they are now collecting, then we should pay the bill from Washington. In other words, that is an unfunded Federal mandate, in my opinion. We did not get to that problem because we reached a compromise for now, but that is the debate coming up in the future.

Will we take some action in the name of making it easier for high-speed Internet access that does real, serious harm to State and local governments by depriving them of billions of dollars of revenue, which in turn could cause the sales tax in Blunt County, TN, to go up, or the property tax to go up or, heaven forbid, Florida, Texas, or Tennessee to have to put in a new State income tax because Washington has told us we cannot have a sales tax on telecommunications services and we still like to have universities, parks, roads, and the other services States are supposed to provide.

So now how do we go from where we are today, which Senator ALLEN has helped to craft a compromise we have all supported, and which is a very excellent piece of legislative work by him and by others, and what is the next step? He has offered a few suggestions about telecommunications in general. Let me reiterate a single suggestion I have about this specific issue about whether State and local governments will be permitted to tax telephone calls made over the Internet.

I would like once more to encourage the Governors, the mayors, and the county executives to meet with the telecommunications industry and suggest to us in the Congress a way to do this. This is a highly technical subject. It has many moving parts. This is not the best place to come up with a complex reaction to a complex problem. We would like to see some options, or at least I would.

The option I would like to see would have basically two parts. One would be lighten up the regulation on high-speed Internet access. There is a broad consensus about that. But do it in a way that does no harm to State and local governments, that does not have Senator FEINSTEIN from California standing up in the back with letters from 130 cities and counties saying this could take away 5 to 15 percent of their local tax base. I do not think we need to go through that again. I think we need to find a way to do no harm to high-speed Internet access. Let it flourish. Let it grow. Let it move. And do no harm to State and local governments. Those are the principles.

I understand there may be some discussions already beginning to go on and I want to encourage those, and I pledge I will work with Senator ALLEN and others in this Chamber and State and local governments and the telecommunications industry to try to get a commonsense exclusion so the technology can grow and so States can continue to have an adequate tax base to support universities, schools, and the other things we expect from State and local governments.

The guidelines that I suggest for this discussion that I hope is being held outside the Halls of the Senate are, No. 1, separate the issue of taxation and regulation. Let's go ahead and figure out a way to lighten up regulation of high-speed Internet access. I think there is a broad consensus for that. Separate the issue of what do we do about the fact that States and local governments are depending on these revenues. What do we do about that? Second, I agree with the Senator from Virginia that our goal should be simplicity, simplicity both in regulation and in any rules about taxation.

Finally, I believe that a goal should be, in addition to simplicity—certainty. If you are in business, you want some certainty. If you are a State treasurer, you want some certainty. You have budgets to make up. So we need some certainty. We do not need a situation where thousands and thousands of local jurisdictions tax new telecommunications technology in such a confusing way that it creates uncertainty, litigation, and lots of paperwork and slows down the economy. We fail if we have that. In searching for simplicity, there is no need for us to create an unfunded Federal mandate that tells State and local governments they have to give up part of their tax base without reimbursing them for it.

While we can debate it at another day, I do not believe that high-speed Internet access needs a Federal subsidy or State subsidy. It is the fastest growing new technology we have seen. It is growing faster than the cell phone did at this stage of its development.

We are talking about an exciting new technology. We are talking about real dollars. We are talking about a bipartisan disagreement and a bipartisan consensus that we have been able to come to this year about what to do, at least temporarily. For those who say the Senate is not capable of working in a bipartisan way, I think they are wrong because we have had bipartisan agreement and we have disagreement, and we have had some bipartisan agreement.

I see the Senator from New Hampshire is also in the Chamber, and the Senator from Delaware. I have some other remarks I would like to make, but I imagine they both would like to say something about this same subject.

My further remarks have to do with other legislation. What I would like to do at this stage is to yield the floor in just a minute and listen to what they have to say, in the hopes that we may be advancing toward some consensus. Now that we have a consensus about what to do for the next 2 to 4 years, maybe we can take some steps about advancing toward a consensus about the future.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from New Hampshire is recognized.

Mr. SUNUNU. Mr. President, I want to begin by thanking Senator ALEXANDER, as well as Senators WYDEN and ALLEN, who have worked on the consensus legislation that was touched on in earlier remarks, a final piece of the legislation necessary to ensure that we do not tax Internet access.

The reason we do this, the reason we think this legislation is so important is, first and foremost, because these are national and global broadband networks. They are interstate and global in nature. I believe the responsibility for both determining the tax status and the regulatory status of these networks falls on the Federal Government. I do believe taxation is merely an extension of regulatory power, in that it has the ability to shape the playing field, to weight the competition among ideas or technology in one direction or another. As was said many years ago, when you tax something, you get less of it. If that is not a form of regulation, I don't know what is.

The issue of broadband voice, of Internet protocol voice services was also mentioned. I do want to be clear, at least in expressing an opinion if not declaring it absolute fact: The Internet tax legislation that we passed was silent on this issue. It doesn't allow or disallow, per se, the taxation on Internet protocol, IP voice service, or broadband voice service. But what it does is protect Internet access, access to that broadband pipe from taxation.

We will discuss and debate in greater detail in the coming year the nature of these broadband voice services—broadband access, spectrum regulations—as we develop telecom legislation in 2005, beginning with hearings and work in the Commerce Committee. I think in many ways the FCC has already set the direction for this process in a recent ruling that they made, which was to say that broadband voice services using the Internet protocol are interstate in nature and that they should be regulated on a national level for many of the reasons that Senator ALEXANDER has outlined. We want clarity; we want consistency; we don't want it weighted toward one technology or another.

There are lots of ways to get access to these national and global broadband networks. You can get them through wireless systems, DSL, cable. You can get them even through satellite. And there are probably more technologies that will come to give customers and consumers access. We want to be careful that we do not distort the marketplace of ideas, either through subsidies for one form of technology relative to another—which was mentioned by Senator ALEXANDER—or regulatory regimes on one form of broadband network relative to another.

It will be a challenging debate. I think Senator ALEXANDER has been very helpful in this debate in bringing the perspective of a Governor. I think we do need to be very sensitive to the rights and the powers of the States. But where we have something that is interstate, national, or global in nature, then I think it does make sense to try to find a light regulatory touch, as Senator ALEXANDER has described, but one that is clearly defined and that will keep the competitive playing field as open and vigorous as possible. If we have a strong economy, then I think the governments at the local level, the State level, and the Federal level will do fine so far as revenue collection is concerned.

I look forward to participating in this debate with other members on the Commerce Committee and all of the Members in the Senate in order to make sure that we have a regulatory system that is designed for, so to speak, the 21st century, these new technologies, and not just take a regulatory system that was designed for a copper circuit switch phone system, invented by Alexander Graham Bell—

don't take that regulatory system and try to force it on emerging technologies for the future.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Delaware is recognized.

Mr. CARPER. Mr. President, while my colleagues, Senator ALEXANDER and Senator ALLEN, are still in the Chamber, I want to express to each of them my own gratitude for their hard work to try to forge a compromise on an issue upon which some folks said we were not going to find common ground. But ultimately we did. They are to be commended for that.

I see we have been joined by Senator BURNS from Montana. I would say to him, thank you as well.

Several people who are not here have been very much involved in this issue, including Senator WYDEN of Oregon and a handful of other former Governors who serve now in the Senate—among them, Senator VOINOVICH of Ohio and Senator BOB GRAHAM. A couple of former mayors who serve here as well worked on this issue, and this includes the former mayor from California, Senator FEINSTEIN, and a former mayor from a little town called Gillette, WY, a fellow named ENZI, who have all been involved in this, along with Senator BYRON DORGAN of North Dakota.

We shared goals and we shared a number of the same objectives. None of us were interested in taxing access to the Internet. None of us wanted to inhibit its growth. But at the same time, none of us were interested in undercutting the ability of State and local governments to raise revenues to fund their own programs.

As a former Governor, as a former chairman of the National Governors Association, as are Senators ALEXANDER and VOINOVICH, I never liked it very much when the Federal Government would tell my State or any other State what to do but not to provide the revenue, the wherewithal to do that thing that was being ordered.

I never liked it when the Federal Government undercut my State or any State's ability to raise revenues to pay for programs that we deemed necessary and not provide the revenues to offset that loss.

I think in the end we have come out with a compromise that is not everything that those of us who are former Governors and mayors who worked with Senator ALEXANDER and myself wanted, and certainly all that was sought by Senators ALLEN and WYDEN. Having said that, I believe we have ended up in a very good place. Senator MCCAIN is not here today, at least in the Chamber at this moment, and I thank him for bringing us to common ground on this issue.

We have passed a compromise that I think sends a good message, that may have applicability to other issues. And there are a whole lot of issues that we have considered this year, certainly that we will be considering next year, where we generally share the same goals, but for some reason we do not and maybe it is the lack of trust, the lack of interpersonal relationships to be able to work through our differences to get fairly close to, at the end, the goals that we share, to legislation that reflects the goals that we share. In this case we did it. And for all who have had a hand in fashioning what I think is a most acceptable compromise and a good ending. I just want to say well done.

The Commerce Committee will now move to new leadership beginning in January. I presume the leader, the chairman, will be Senator STEVENS, and the ranking Democrat will be Senator INOUYE. They have as close a personal bond as I think any two Senators across the aisle who serve in the Senate. I think that bodes well as they and their committee look down the road to what further changes we need to make, again, to deny the ability to have access to the Internet, make sure we don't inhibit the growth of the Internet and all it can do for our economy, and finally making sure we are fair to State and local governments. It is not an easy thing to do, but in this instance I think we have done quite well for State and local governments, and industry hasn't fared too badly either.

With that having been said, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. The Senator should advise that we are in morning business.

Mr. DURBIN. I thank the Chair.

GLOBAL AIDS FUNDING

Mr. DURBIN. Mr. President, last Saturday, just 7 days ago, I was in Cape Town, South Africa, for a conference sponsored by the Chicago Council on Foreign Relations. With me were my colleagues, Senator SUSAN COLLINS, Congresswoman BARBARA LEE from the State of California, and we had an opportunity to visit an AIDS clinic, a clinic that is funded by the Global Fund. It is an area known as West Cape, and it is an extremely poor area. Many people are infected.

South Africa may be the most devastated country on that continent when it comes to the disease of AIDS. To think that 25 percent of the men and women in the South African military are infected with AIDS, to think that most of the major employers in companies find that at least one-fourth of their workforce is infected, is an indication of the reach of this terrible disease.

We went to this clinic because something historic was happening there. Because of the Global Fund and because of contributions from countries such as the United States, for the first time we are providing AIDS pills, ARV therapies to people who are infected. What that means is that for some of the poorest people on Earth, they will receive a few pills which, if they take them dutifully each day, they can live. And if they do not receive the pills, or don't take them, they will surely die. Think about that moment when they first heard of the possibility that they might be on the list to be saved with these drugs.

So we went to this clinic where they are measuring the rate of the infection of these poor people, and if they are far enough along with their infection, where their life is threatened, they qualify. They waited on benches in a crowded room silently for hours, literally for hours for a chance to be examined in the hopes that they would receive these pills.

Outside this clinic was a little dirt playground, just the most basic thing, filled with children. The kids were playing with everything they could find, stones and sticks and old rubber tires, just trying to while away the time together while they waited for their parents who were listening and waiting to be counseled to find out if they would be allowed to live or die. The children had no idea what was going on. They are just little kids. Some of them may be HIV-positive, too. But we walked by this playground, and the kids looked up at this delegation in their suits and ties walking through, and they looked at us and they waved, and we waved back, and I thought: I am going to go over and say hi to the kids.

I no sooner took two steps toward these children when they left the playground, 30 or 40 of them, and gathered around me hugging me. And then, as they were hugging me, these little toddlers, these kids, spontaneously started singing the African national anthem. You could not script that. It sounds like a scene from a movie. It is real life. It happened a week ago. And in this clinic in West Cape, a miracle is occurring. The United States, because of its caring and compassion, has reached out through the Global Fund to give these children the chance that they will grow up with a parent. And for many children in Africa there is no chance 12 million AIDS orphans on that continent, more infections on the continent of Africa than any other place on Earth.

We know how bad it is. We know it is getting worse. Take any minute that I speak in the Chamber, and in that 1-minute period of time, across the world 6 people will die from AIDS, and 10 more will become infected. So no matter what we are doing, as good as it is, we are approaching this with steady steps going after this disease and epidemic while it races away from us infecting more people than we can possibly save with the resources we are putting into it. Stephen Lewis is a special envoy for the United Nations for HIV/AIDS in Africa, and he said, "Never in human history have so many died for so little reason." Then he went on to say, speaking to me and to all of us, "You have a chance to alter the course of that history. Can there be any task more noble?" This is the moral challenge of our generation.

Mr. President, 60 years from now, 100 years from now, people will look back and judge us by what we have done with the global AIDS epidemic. Questions have been asked for almost six decades about what the world did in response to the Holocaust. We will be asked by future generations: What did you do about this epidemic reaching Holocaust proportions and beyond? In 2002, the countries that came together to form the Global Fund said we are going to fight AIDS and malaria and tuberculosis, and all the countries committed some $3 billion to almost 300 programs to go after those diseases in nearly 130 different countries. Since the beginning, the United States has been involved and we have said for every dollar that we contribute, we want $2 from the rest of the world.

In some years we have fallen short. In some years the rest of the world has fallen short. But we need to continue to make a contribution.

Now, what troubles me is this: Last year, as a nation, we contributed $547 million to the Global Fund. This year we will contribute less. The disease is not under control. The disease is growing faster than our contributions toward ending it. This year if we are lucky we will contribute $438 million—far short of last year's contribution. And the Global Fund tells us that they need $551 million from the United States. They will find matching funds 2 to 1 from around the world, and they have plenty of projects just like the one I described to you.

In that West Cape clinic right now 550 victims of HIV/AIDS are receiving the therapy that keeps them alive every day—550.

The universe of those who are eligible is 4,000, to give you an idea. As we contribute to the Global Fund, we are scratching the surface of what this disease is doing to the world around us. As we reduce our contributions to this Global Fund, it limits our ability to save people.

I have spoken, of course, about HIV/AIDS. The challenge of malaria is just as alarming. The Global Fund has been financing the treatment of over 30 million people for over 5 years, a huge increase from the 10,000 people currently treated with new drugs. They need money to do it. People die from malaria as they do from so many other things.

In addition, we have to understand that the fight against tuberculosis is one we can win but one we must assume our responsibility for.

We need to make certain when the supplemental appropriations bills come before Congress, as they are likely to in the next several months, that we revisit our contribution to the Global Fund, not just for those kids in Africa but for ourselves. That life lost in Africa may seem so distant and removed from our own lives but in some ways we are connected. We are all God's children. We all believe this Creator put us on Earth for a purpose, and that purpose is to care for the less fortunate of our brethren.

At the International AIDS Conference in Bangkok last July, Nelson Mandela, who is probably one of the greatest living people, declared:

> History will surely judge us harshly if we do not respond with all the energy and resources that we can bring to bear in the fight against HIV/AIDS.

Nelson Mandela is right. History will stand in judgment of the bill we pass today, the supplemental bill that will come, and the resolve of this Congress and this administration to make sure that we continue to lead the world in this historic humanitarian effort.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Tennessee is recognized.

IDEA CONFERENCE REPORT RATIFICATION

Mr. ALEXANDER. Mr. President, I say a few words about the legislation passed last night that we call IDEA, to help children with disabilities.

The Individuals with Disabilities Education Act (IDEA) which we have enacted is critical for the approximately 6.5 million children with special needs across the country, 125,000 of which I've in my home state of Tennessee.

The bill makes a number of substantial reforms. I would like to highlight two that I think are particularly important:

No. 1, the bill clarifies the definition of a highly qualified teacher, and

No. 2, the bill also creates a seamless early childhood program for children from birth until school age.

Research has shown that students taught by effective teachers greatly outperform those taught by ineffective teachers. That's why it is a priority for me to ensure that students have a highly qualified teacher in their classroom, especially special education students.

I am grateful language was included to clarify for schools what the definition of a highly qualified teacher means. This is particularly important for the 6,037 Certified Special Education teachers employed by Tennessee's public schools, especially for middle and high school teachers.

After the passage of No Child Left Behind, many middle and high school special ed teachers were concerned that they would have to become highly qualified in every subject—reading, math, history, science. The language in the Conference Report allows states to develop a Highly Objective Uniform State System of Evaluation, HOUSSE, for special ed teachers teaching multiple core subjects. Teachers can also be deemed highly qualified if they meet the educational requirements for each subject under NCLB test or degree. This important flexibility gives states more options to determine what makes a special education highly qualified so that we can keep veteran teachers in these classrooms and enable new teachers to become highly qualified and dedicate their careers to these special children.

I am a strong supporter of early intervention to help children with special needs before they reach school age, so that when they enter school they can succeed. I'm pleased by the changes to the Part C early intervention program included in the conference report. This program has enabled millions of infants and toddlers with disabilities to enter school with the skills they need to learn, grow and prosper. The bill before us today makes two needed changes to Part C.

First, it allows States to give parents the option of either (a) keeping a child in the Part C program until reaching school age, or (b) having their child transferred to the pre-school program at age three. This provides a comprehensive and fluid system of services for special needs children from birth to school age.

Second, it provides incentive grants to States that choose to give parents that option. Under the conference report, 15% of appropriated funds in excess of $460 million for Part C will be dedicated to these incentive grants.

In Tennessee, about 5,730 children participate in the Part C program. One of these children is Kaylie, a little girl who was born with Down Syndrome. The hospital referred her family to the Kiwanis Center for Child Development for services as part of the Part C early childhood program. At the Kiwanis Center, Kaylie receives physical, occupational, and speech therapy—there is even a therapeutic pool. She is provided with child care where she interacts with other children her age. All these services are provided through various federal and state programs, but the Part C program was the critical link that coordinated these programs so she can receive them all at one site. Kaylie was only 8 months old when I told this story at our Senate HELP Committee mark-up of this bill; today she's about two years old. Under the current Part C system, when Kaylie turns 3 she will no longer be able to continue to receive this seamless system of services at Kiwanis. She will have to attend the half-day pre-school program at the local elementary school. That date is fast approaching. But the changes included in this Conference Report, that we are about to ratify, will allow the state of Tennessee to give Kaylie's family the option to stay in the Part C program and continue receiving services at the Kiwanis Center until she goes to Kindergarten. Any fees that Kaylie's family currently pays they will continue to pay. If Kaylie's family would like her to attend the local public school for pre-school they still will have the opportunity to send her. We ought to give her parents that choice, and I'm grateful we're acting in time to make that possible.

This is one more example of the Senate working in a bipartisan way.

This is a complex bill. It affected 6.5 million children with special needs across this country, and 125,000 of them were in Tennessee.

Again, I want to focus on two aspects of it, especially how it affects teachers and children and families all across the country.

First, it clarifies the definition of a highly qualified teacher. That is important because of the No Child Left Behind Act.

Second, it allows children with special needs who are receiving services in the community to continue to do that after age 3 all the way up to the time they enter school. Today, those children may be provided one service here and one service here and one service here. When they get to age 3, they suddenly have to go into a certain preschool program. This gives more parents more choices, more flexibility, and it is a great advantage.

One very important aspect of the bill—it is the first thing I mentioned—is the definition of highly qualified teacher. This may not sound very important to people who aren't teachers with special needs children, but this has been a source of a lot of anxiety for teachers.

In elementary schools, in early grades, teachers teach a lot of subjects. If you are certified to be an elementary school special needs teacher, then you can be a highly qualified teacher. But when you get to the middle school and high school level, you will be teaching special needs children in math, science, English, history, and geography. The original legislation said a special needs teacher in Shawnee, KS, or Fort Dodge, KS would have to be qualified in special needs in English, in math, in science, history, and geography. That is quite a burden for a special needs teacher in high school in some districts. This legislation creates some flexibility. It creates a way for States to look at this in a practical way, and says in middle schools and high schools across this country when teachers are teaching special needs children, we are going to come up with a commonsense way to make sure they are highly qualified because these children deserve that, too, but to take into account the reality. We are talking about maybe 100,000 teachers in the middle and high schools, maybe 15,000 or 20,000 schools.

We have to be careful when we write a sentence about elementary and secondary education in America. We are not the national school board, or at least we shouldn't be. We need to make sure it is practical and realistic and gives as much flexibility as possible to communities and States to come up with what actually works with an individual child in an individual classroom. This is one disappointment I have with the bill.

Senator SESSIONS from Alabama and I tried to change the effective date of the definition of a highly qualified teacher for middle and high school. We said it ought to be a year from now. But the majority felt this new requirement should go into effect in August of next year, which is 6 or 7 months from now. I think that is a mistake.

What has to happen is the President has to sign this bill in December. Then the U.S. Department of Education has to interpret its regulations—that is January or February. Then the States have to come up with their new, flexible ways of determining what "highly qualified teacher" is. Then the teachers have to read it. They have to perhaps do some professional development. They have to become certified. And all of this has to be done by July or August.

This is the kind of thing that does not build support for the No Child Left Behind Act. I think it very important that we remember while we may have a very good idea, we are not a national school board of the small school districts. This is a massive country with many different parts to it. We are dealing in this case with probably 100,000 teachers.

Overall, this is a very important bill and I am delighted to be a part of it. I commend especially Senators GREGG and KENNEDY for their leadership.

THE AMERICAN HISTORY AND CIVICS EDUCATION ACT OF 2004

Mr. ALEXANDER. Mr. President, I wish to discuss H.R. 5360, the American History and Civics Act of 2004.

I support H.R. 5360, the American History and Civics Education Act of 2004. The bill represents an important step forward in the teaching of these critical subjects. The Senate acted last year on an earlier version of this bill that I sponsored along with the Senator from Nevada, Mr. REID. I introduced that bill in my Maiden Speech before the Senate, and we later voted 90–0 in support of its passage. The House has now passed its version of the bill, under the leadership of Congressman ROGER WICKER from Mississippi. Senate passage of the bill today will be the culmination of nearly two years of work on this important piece of legislation.

National exams show that three-quarters of the nation's 4th, 8th and 12th graders are not proficient in civics knowledge and one-third does not even have basic knowledge, making them "civic illiterates."

Children are not learning about American history and civics because they are not being taught it. American history has been watered down, and civics is too often dropped from the curriculum entirely.

It is time to put the teaching of American history and civics back in its rightful place in our schools so our children can grow up learning what it means to be an American. This act does precisely that. It establishes Presidential Academies for Teachers of American History and Civics and Congressional Academies for Students of American History and Civics. Their purpose would be to inspire better teaching and more learning of our history and way of government. The Secretary of Education is authorized to provide grants to universities, libraries, museums, or other non-profits that demonstrate expertise in the core subjects of history and civics and government. For example, the Mount Vernon Ladies' Association, which operates and maintains the home of our first President, might apply to host an academy at their historical site, focusing on the history of the founding of our nation and the principles upon which it was founded.

Additionally, the bill allows the Secretary of Education to provide grants to the National History Day program, a year-long national program that trains teachers and sponsors a national competition among junior high and high school students, who produce dramatic performances, imaginative exhibits, multimedia documentaries and research papers based on research related to an annual theme.

I want to extend my gratitude to the Senators who have supported the bill here in the Senate: Senators FRIST, REID, GREGG, KENNEDY, STEVENS, and BYRD, among many others. And I want to thank our colleagues in the House who worked so hard on the bill, including Congressmen BOEHNER, MILLER, CASTLE, WOOLSEY, BLACKBURN, and especially Congressman WICKER who was the lead sponsor.

A strong, bipartisan team of players stood up for the future of our children and this nation by working on this legislation. With Senate passage, today is a great victory for everyone working to improve the teaching of American history and civics so our children can grow up learning what it means to be an American.

This bill will be coming, hopefully, before the Senate later today. It passed the Senate unanimously last year. Now it has passed the House and is coming back in an amended and improved version. I believe it has full support. The lead sponsor is the new Democratic leader of the Senate, HARRY REID. It is also sponsored by Senator KENNEDY and Senator BYRD, who testified for the bill. Most of the Republican Senators have cosponsored it.

This is a bill very simply to put teaching of American history and civics back into its rightful place—in schools where our children can grow up learning what it means to become an American.

It takes a modest step to establish Presidential Academies for Teachers of American History and Civics in the summer and the Congressional Academies for Students of American History and Civics. They are modeled after the very successful Governor's Schools that are in many States across the country where students and sometimes teachers go for 2 weeks or 4 weeks to learn particular subjects.

The reason for it is that high school seniors in the United States make the lowest scores of any subject on U.S. history. The lowest scores of any subject, according to the National Assessment for Educational Progress of America, for high school seniors are on U.S. history. That is absolutely disgraceful.

Here we are a nation at war, our principles are being attacked, and we are not teaching our children those principles. Here we are a nation that celebrates itself for being one for many with more new Americans coming than ever in our history, and we are not teaching what it means to be an American.

You don't get to be an American by the color of your skin or where you come from. You get to be an American by understanding what we believe in. The common school itself was created 150 years ago, according to the late president of the American Federation of Teachers, Albert Shanker. He said the public school was created to help immigrant children learn the three Rs, and what it means to be an American, with a hope they would go home and teach their parents. The civic purpose of the public school is being fundamentally ignored in many parts of our country and this is one small step in that direction.

I am delighted that a bipartisan group of Senators and House Members—Mr. BOEHNER, Mr. MILLER, Representative BLACKBURN from Tennessee, and the principal sponsor, ROGER WICKER of Mississippi—played a role. I thank them for that.

AMERICAN BALD EAGLE COMMEMORATIVE COIN ACT

Mr. ALEXANDER. Mr. President, I mention one other piece of legislation that may have a chance of passing. At least I can report there are now 68 U.S. Senators who have agreed to sponsor S. 2889 which will celebrate the recovery and restoration of the American bald eagle by making $5- and $10- and 50-cent commemorative coins.

Very often these so called coin bills are especially parochial. That is why we are required to have 67 Senators agree before we do one; usually by practice, nearly 300 House Members. Well, 300 House Members have agreed and nearly 70 Senators. That is because in 1782 the Founding Fathers established the bald eagle as the national emblem of the United States. Since then, the bald eagle has come to represent the spirit of American freedom, democracy, and strength.

It is my hope before we finish our business today we will honor and protect the symbol of America and cosponsor and enact the American Bald Eagle Commemorative Coin Act.

One reason Senators have signed on is that the eagle has been roaming the Halls with its handler, going into different offices. A number of Senators have called me from their office with the eagle perched in front of them. The eagle is a very successful lobbyist for himself.

If we cannot get the commemorative coin enacted today before we adjourn, I am sure we will be able to do so early next year.

I thank the Senator from Minnesota and the Senator from Ohio for giving me an opportunity to conclude my remarks.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Minnesota is recognized on this glorious Saturday afternoon.

HELPING A VETERAN FAMILY WITH AIDS

Mr. COLEMAN. Mr. President, I had the great pleasure of sitting in the Presiding Officer's chair yesterday when one of our colleagues said goodbye, the distinguished minority leader. It was a very stirring and moving speech about what this institution is all about.

I sat in the Senate when the senior Senator from Oklahoma said goodbye after 20-something years in this institution. I was in the chair when the candidate for the Vice President of the United States said goodbye after serving one term in this institution.

It is pretty humbling, to understand how incredible it is to be part of this body and all the things that one can do.

I am standing right now to say thank you to a Member who is still serving, who I hope will serve for a long time, the Senator from Missouri, Mr. BOND. Sometimes we wait until folks leave until we express our deep appreciation for all they do and all they have accomplished. For me, I feel moved to do this for a little act of kindness, of help he gave some constituents of mine.

In the Omnibus bill we will vote on, hopefully, sometime this afternoon, there is $388 billion laid out to be spent in that bill. The very last item of the 133 pages of the section that appropriates funds for the Veterans Administration and HUD, had to do with two individuals from Minnesota, Brian and Eric Simon, to receive $200,000, to be split between them. That constitutes 1/20,000th of 1 percent of the allocations in that bill, but to those young men it is so important. Let me tell a little story about why it is important and who these young men are.

In 1983, Douglas Simon, the father of Brian and Eric Simon, served in the Army National Guard at Fort Benning, GA. He was injured. He required emergency medical surgery. Mr. Simon's surgery was performed at Fort Benning, GA. As part of the surgery, a blood transfusion of nine units was required. The blood he received was not screened and contained the AIDS/HIV virus.

In 1984, Mr. Simon married Nancy and they had three children together, Brian, Eric, and Candace. Before the virus took their lives, and ultimately the lives of Candace, the daughter, and the mom Nancy, the Simons were a smalltown American family: hopeful, conventional, meat and potatoes, church every Sunday, Roman Catholic family with a Virgin Mary statute in the front yard. Old Glory hung on the flagpole every clement day.

I am reading from and reflecting on an article written in 1994 about the Simons.

Doug and Nancy had met in high school. They got married after they graduated. He joined the Minnesota Army National Guard out of high school. He had an accident and underwent surgery. Nancy was older than a year by Doug and grew up close by, a place called New Prague, MN, 1 of 11 children. She was quiet, timid.

When she and Doug first got married, they dreamed of having lots of kids. The oldest son is Brian. He was 10 in 1994 and he is 19 now. I got to know him. He was born before Doug and Nancy were infected. Eric escaped the virus, although he was born after Nancy had been infected.

They were just regular kids, lived a regular life, with a mom and a dad. They had a young sister, Candy. Candy was diagnosed with AIDS when she was 18 months old, in 1989. The doctors had treated her for a number of conditions. She had persistent diarrhea. She failed to thrive. She had countless CAT scans and blood tests. She learned how to push the plunger of a syringe as the myriad of medications increased. She went through a lot. She was, as her brothers tell me, a mischievous little girl, hamming it up, wearing Elton John-like oversized sunglasses, or a poster-child angel, always a mommy's girl.

Three months before preschool started, she complained about stomach pains. You know why it hurts? Because I have a bad tummy.

For her doctors, it was a little more puzzling than that, and x rays revealed spots on her colon the size of chicken pox. She suffered greatly. She suffered greatly. I almost tear up as I reflect on what this young girl went through. She died on June 25, wrapped in her mom's arms. She was a couple days shy of her sixth birthday. The mother also contracted AIDS and went through great pain and great suffering. Mom ultimately died of AIDS.

I got to know the family. My predecessor, Senator Wellstone, worked in trying to do something for them.

The VA provides health care to some 2,800 veterans who have contracted AIDS in the manner that Mr. Simon contracted AIDS. They provide disability compensation to veterans with AIDS and death and education benefits to the families of veterans who have succumbed to AIDS. In this respect, the VA treats AIDS like other service-connected health conditions.

But in an important way, AIDS is different. It is not like other connected services; it can be transmitted to the spouses and unborn children of servicemen. That is what happened here with Doug Simon. By law, the VA cannot provide any sort of benefits for illnesses contracted by these family members.

Last year, I introduced S. 1509, the Eric and Brian Simon Act. I thought it was a starting point to give a fair deal to veterans and their families with AIDS to provide a one-time $100,000 benefit to veterans who receive AIDS as a result of a blood transfusion from the service-related injury. For spouses who contracted AIDS from contact with the infected veteran, and offspring of the veteran or spouse infected with AIDS at birth, in the event that the veteran or family member has already succumbed, compensation would be given to survivors.

That is what has happened here. Douglas Simon is still alive. He is wheelchair-bound, and he suffers from AIDS and AIDS-related conditions, but mom and Candy are gone.

We could not get the bill through. We worked hard. I went to my friend and colleague. We actually had a hearing on this, thanks to the goodness and magnificence of Senator SPECTER. It was an opportunity for Mr. Simon and the boys to come forward and explain what happened. We were not able to move the bill forward, but I met with my friend, Senator BOND, champion of the VA HUD appropriations committees and laid out this story, this great tragedy of two young men whose lives have been just so excruciatingly painful but not as painful as what their little sister suffered, not as painful as what their mom suffered. Why I am so moved by this issue is perhaps because I have a sister who died from AIDS. I know what this is about, and I know the great pain.

So my colleague, Senator BOND, said: We have to try to figure out a way to help. So in the very last portion of the $388 billion bill, there is a provision to provide this $100,000 benefit for these two individuals.

In terms of the scope of this bill, this is a little nothing. But in terms of two kids from Minnesota, who have been through so much, whose dad served this country and suffered such great pain, this is something.

We work on a lot of things in this body. We deal at times with millions and billions of dollars. I have sat with my colleague, Senator TALENT, to my right, and at different points we talk about millions or tens of millions of dollars, and it gets almost abstract. It gets almost so impersonal at times. But the ability to help one family, to touch that one life, to make a difference in that life, to put a smile on their face, to say we are doing our best to correct an injustice, something that went wrong, to be able to deliver on that is very meaningful. It is very special.

As I look at what has come out of that Omnibus bill, and with this provision, it certainly has made we very proud to serve in this body. It has made me appreciative of the kindness and the consideration of my senior colleagues, such as Senator BOND, and I must say his staff member, Jon Kamarck, who worked on this legislation.

We often wait until folks say their goodbye, and we hear very moving and very stunning reflections on lives of service and what it means to be a part of this magnificent institution, the greatest deliberative body in the world, the U.S. Senate. I am humbled to be here. I am thankful to be here, and I am deeply appreciative of the actions and the conscience and the heart and the ability of my colleagues, and in this particular case of the chairman of the Appropriations VA–HUD subcommittee, the senior Senator from Missouri.

I just wanted to take this time to say thanks, to say it on the RECORD, to say it very loud and clear, to speak for two young Minnesota men who will be getting a little something back. You cannot take away and compensate for all the pain and all the suffering, but you can show that we care, and in this body we do care. I am honored to be part of this body.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Ohio.

INTERNET TAX MORATORIUM

Mr. VOINOVICH. Mr. President, on Wednesday of this week, by unanimous consent, the Senate adopted S. Con. Res. 146, which made slight modifications to S. 150, the Internet Tax Non-Discrimination Act.

I am pleased that the House passed S. 150 with the Senate changes, thereby clearing the legislation for President Bush's signature. It is long overdue.

This action ensures that Internet access will remain free from taxation, a policy that has existed since 1998, when, as Governor of Ohio and president of the National Governors Association, I helped negotiate the first moratorium.

I rise to commend my colleagues in the House and the Senate for resolving this issue in a bipartisan manner. Just over a year ago, the Senate became engaged in a spirited debate over the future of the Internet tax moratorium.

The sponsors of S. 150 argued that an expanded and permanent Internet tax moratorium was necessary to facilitate the growth of broadband Internet technologies.

On the surface, this sounded like a very reasonable position. In fact, after studying this issue, I realized that not all Internet technologies were being treated equally. For instance, some States treated digital subscriber line, DSL, service, which uses phone lines to provide high-speed Internet access, as a "telecommunications service" and therefore taxed it. Other States treated DSL Internet access as an "information service" exempt from taxation. The inconsistent treatment of DSL service created a competitive disadvantage for some Internet service providers, and I was willing to help level the playing field. However, several of my colleagues and I, including Senators ALEXANDER, CARPER, FEINSTEIN, and BOB GRAHAM of Florida, had more serious concerns with S. 150.

Specifically, the CBO stated that the new and expanded definition of "Internet access" in S. 150 was an unfunded mandate. Therefore, it was believed that S. 150 would cause significant revenue losses for our State and local governments at a time when they were facing their worst economic crisis in a generation.

In fact, the State of Ohio projected revenue losses of up to $350 million per year if the Commerce Committee's version of S. 150 passed the Senate. As a former mayor and Governor, I knew my State could not afford to lose $350 million per year.

Fortunately, the debate on S. 150 was taken off the floor, where Members and staff could try to close the chasm that separated the two sides. From November 2003 to April 2004, Members and staff worked feverishly to find common ground. Both sides listened and worked in good faith. Although it took a few months. I was pleased with the end result.

The final bill, which passed the Senate on April 29, 2004, by a vote of 93 to 3, created a level playing field for Internet service providers sought by the bill's sponsors, while at the same time protected State and local governments from any immediate financial harm.

I was pleased that the original grandfather clause was extended for the length of the moratorium because it provided protections to States, including Ohio, from losing further revenue.

Finally, the negotiated 4-year term of this legislation provides Congress with the necessary time to examine and understand how the new and expanded definition of "Internet access" affects both the growth of broadband Internet service and the revenue base of State and local governments. There has to be some balance.

Senator STEVENS assures me that the Commerce Committee will closely reexamine these issues next Congress. In fact, we just talked about it 10 minutes ago, about the fact he wants to move forward very expeditiously to tackle this very complicated subject.

I commend the Presiding Officer, Senator ALLEN, and Senator WYDEN for their leadership and commitment to this issue. Certainly, no two Members of the Senate have spent more time on it. I also thank Senator MCCAIN for his patience and perseverance and willingness to offer a reasonable compromise upon which both sides could agree.

Additionally, I offer my thanks to Senators ALEXANDER and CARPER. Their vision and steadfast determination to protect State and local governments is commendable, and I was proud to work so closely with my colleagues and former Governors on this issue.

Finally, I would be remiss if I did not thank the staff of the Presiding Officer and the staff of other Senators for their hard work and dedication. They really rolled up their sleeves and went to work. They spent hours, countless hours, negotiating subtle yet important nuances in the legislative language in order to reach a compromise. Some of those nuances I had a very difficult time understanding, but they understood them, thank God. The debate and end result of the Internet tax moratorium proves we can work through difficult and highly technical issues in a bipartisan manner.

As the 108th Congress comes to a close, it is my sincere hope that the same type of bipartisan spirit can be extended into the 109th Congress. It is vital that Members of this body work together to find common ground on issues that are important to our citizens, our States, our country, and, in some instances, the world.

I, for one, am looking forward to the challenges we face and am confident we can solve the difficult issues for our day and leave a lasting legacy for our children, grandchildren, and future generations.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING CHAIRMAN STEVENS

Mr. COLEMAN. Mr. President, I got up here about an hour ago to pay homage, to pay tribute to the senior Senator from Missouri, the chairman of the VA/HUD Appropriations Committee, for his help in finding a way to compensate two young men from Minnesota who have suffered great personal tragedy. I must confess to a rookie mistake in not recognizing at the same time a person without whose help, approval, and guidance this never would have happened, and that, of course, is the chairman of the Appropriations Committee, Senator STEVENS from Alaska. I know he was personally involved in this. In fact, he commented to me this is one of the worst, most terrible circumstances, and we need to address it. He has pledged on a longer term basis, even next year, to look at other situations like this so that we do the right thing.

I want to say on the record to my friend, the chairman of the Appropriations Committee, how appreciative I am, how thankful I am, how grateful I am for all he does, for his guidance in putting together a huge package that deals with big things but doesn't forget little things. Sometimes the little things are big things. In this case, this somewhat little thing—little in the scope of a $388 billion bill, but big for two young men who have suffered so much—would not have happened without the help and the direction of the chairman of the Appropriations Committee. I wanted to make that clear on the record my deep appreciation for his big heart, for his guidance and mentorship, his concern, and ultimately his ability to get things done.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

CONTINUING SAGA OF BOSTON'S BIG DIG

Mr. MCCAIN. Mr. President, I come to the floor to discuss the continuing saga of Boston's big dig, an issue I have been involved in now for many years. As usual, the news is not good.

As most of my colleagues know, the Central Artery/Ted Williams Tunnel Project in Boston, more commonly known as the big dig, apparently has sprung a leak or, more accurately, hundreds of leaks.

The two independent engineers brought in by the Massachusetts Turnpike Authority are still assessing the extent of the problem. But so far, over 400 leaks have been identified that they say could take a decade—and millions of dollars—to fix. And on Wednesday, the Boston Globe reported that documents obtained by the newspaper indicate there are "thousands of ceiling and wall fissures, water damage to steel supports and fireproofing systems, and overloaded drainage equipment".

It comes as no surprise that all of the parties involved in this latest scandal are holding each other, but not themselves, accountable. Modern Continental Construction Company, which performed the work where the 8-inch "blow out" leak occurred in the northbound section of the I-93 tunnel in September, believes the project's engineer, and joint venture of Bechtel Corporation and Parsons Brinckerhoff, is responsible because of faulty design work. The Turnpike Authority insists that even though a senior agency official was notified of the leak problem in 2001, the contractors and the project engineer are the responsible parties. The Governor believes that Turnpike Authority bears responsibility and has asked for Chairman Amorello's resignation. With all the finger-pointing, I am concerned that the taxpayers could end up footing at least part of the bill for repairs.

I do not intend to allow this to happen. The newly-discovered leaks are just another in a long list of costly failures in the continuing saga of the bid dig.

The Central Artery Tunnel Project was conceived in 1981 and received initial approval in 1985. Construction began in 1991 with a target completion date of December 1998. I repeat, the target completion date of the Central Artery Tunnel Project, known as the big dig, was December 1998. As I calculate, it is now 6 years later. Over the intervening years, the completion date slipped nearly 7 years. The current forecast is for the project to be completed between May and November of 2005.

As delays for the project mounted over the years, the costs of the project spiraled out of control. According to this chart, it was estimated in 1985 that the big dig would cost $2.6 billion.

When the project is finally completed next year, the total cost is projected to be $14.6 billion, roughly 5.5 times the original estimate. That does not count the newly discovered leaks and the repairs which, in the view of some, would take 10 years to fix.

We now know that billions of the cost overruns are attributable to mistakes and deliberate mis-statements by the project managers. We have had over 20 reports from the Department of Transportation Inspector General which has tracked this very carefully. There have been deliberate misstatements by the project managers, made not only to the people of Massachusetts but also to the Congress of the United States. Several years of low-ball cost estimates finally caught up with the big dig in the year 2000.

In January of that year, the Turnpike Authority submitted its annual financial plan, estimating the cost of the big dig at $10.8 billion.

The following month, on the same day the Federal Railroad Administration accepted the plan as valid, the Turnpike Authority announced the project would cost $12.2 billion, or an estimated additional $1.4 billion.

Bechtel/Parsons Brinckerhoff blamed the increase on unforeseen cost increases and shortening the construction schedule by 2 years. But a series of articles by the Boston Globe concluded that the majority of the $1.4 billion cost overrun was due to design errors by Bechtel/Parsons Brinckerhoff. In one instance, the engineering firms failed to include the FleetCenter, the sports center home to the Boston Bruins and Boston Celtics, in the designs for the project. Months of construction took place before the design flaw was detected. This mistake alone cost taxpayers $991,000.

The Department of Transportation Inspector General and all members of the Commerce Committee are aware of the incredible work the Department of Transportation Inspector General has done, which issued 20 reports on the big dig, and was highly skeptical of the project managers' cost projections, and concluded in May 2000 that the project's managers were "well aware that costs were increasing significantly" and "deliberately withheld" information about cost increases in the 1998 and 1999 financial plans.

That statement by the Department of Transportation Inspector General bears repeating. It concludes that the project's managers were well aware that costs were increasing significantly and deliberately withheld information—that includes the Congress of the United States—about cost increases in the 1998 and 1999 financial plans.

Last year, the Securities and Exchange Commission determined the Turnpike Authority and its former chairman, James Kerasiotes, had violated the securities laws by failing to disclose to investors during the 1999 bond offerings that they knew of the more than $1 billion in cost overruns related to the project. The Securities and Exchange Commission order noted:

> Reasonable investors would have considered project cost increases in excess of $1 billion to be an important factor in the investment decisionmaking process . . . In addition to being a substantial amount in absolute terms, the cost increases equal to approximately 3% of the total revenues of the Commonwealth estimated for fiscal year 2000 and 2001 . . . and 9% of the total Commonwealth debt load as of January 1, 1991, and exceeded the amount of the Commonwealth's rainy day fund.

After the revelations in 2000 about the rising cost of the project, I sought and achieved an overall Federal cap for the big dig of $8.549 billion in fiscal year 2001 transportation appropriations legislation. The cap was also incorporated in a project partnership-agreement entered into June 22, 2000, by the Federal Railroad Administration and the Commonwealth to improve management and oversight of the big dig.

As a result of the cap, the Federal taxpayers should be protected from additional project costs. Without the cap, the Federal share of the big dig could have been as much as $12 to $13 billion.

Efforts are underway to recover project costs associated with change orders, led by retired probate judge Edward M. Ginsburg at the Turnpike Authority. The cost recovery team, as of March 2004, identified 634 potential cost recovery items valued at over $744 million, but today the team has only recovered $3.5 million from one design consultant and none has been refunded from Bechtel/Parsons Brinckerhoff, although the Turnpike Authority and the Commonwealth have filed suit against the joint venture, seeking $146 million in damages. Eventually, perhaps, the taxpayers will recoup some modest portion of the costly mistakes.

Since Federal oversight of the big dig by the Department of Transportation Inspector General and the Federal Railroad Administration was strengthened in 2000, the big dig has submitted realistic financial plans and construction has preceded relatively on schedule. Even as portions of the project were being completed, taxpayer dollars were being improperly spent. In 2002, the Turnpike Authority spent $373,000 to host walking tours of the bridge and the I 93 tunnel. Later that year, the Turnpike Authority threw a $1 million party to celebrate the opening of the Leonard P. Zaim Bunker Hill Bridge. Nearly half the expenses, $450,000, were paid for with public funds.

In December 2003, Chairman Amorello's plans to celebrate the opening of the southbound I–93 tunnel with a concert by the Boston Pops for 2,000 invited guests caused an uproar. While the $250,000 cost of the concert could have been donated by Citizens Bank, Chairman Amorello reportedly planned to use up to $200,000 in public funds for security and site preparation. Ultimately, the event was cancelled, but only after Citizens Bank, a major sponsor of the event, complained about diverting highway beautification funds to help pay for the event.

It is also the matter of the big dig's headquarters building. In 1992, they purchased their headquarters building for $29 million, $26 million of which was financed with Federal highway funds. The Commonwealth now plans to sell the building and expects to see $97 million net of transaction costs. The Federal Railroad Administration has concluded that Massachusetts may treat the proceeds from the sale as State funds, even though the Federal Government funded 90 percent of the purchase. And the Government Accountability Office has concluded that the Federal share of the proceeds from the sale of the headquarters building does not count against the statutory Federal cap.

I remain firmly committed to protecting Federal taxpayers from incurring any additional expenditure for the big dig, including costs associated with the sale of property, fixing hundreds of leaks in the tunnels, or celebrating the completion of a project not well done.

Mr. President, I ask unanimous consent that articles from the Boston Globe and the Boston Herald be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Boston Herald, Nov. 14, 2004]

WITH TUNNEL ALL WET, BUILDER DRAINS STATE

(By Casey Ross)

A confidential agreement that paid the Big Dig's lead contractor for additional work on a defective section of the Interstate 93 tunnel also included a hefty cash advance and money for the leaky Fort Point Channel tunnel, according to court documents and a former state official.

The agreement, a $59 million payout authorized by top Massachusetts Turnpike Authority officials in 2002, paid Modern Continental without demanding compensation for its faulty work, the court papers say.

"The Authority cannot protect (Modern Continental) from itself or place the interests of the (contractor) before the interests of . . . the commonwealth and its taxpayers," former Turnpike board member Christy Mihos said in a 2002 letter to Chairman Matthew Amorello.

The payout is significant because top Turnpike Authority officials knew of Modern's faulty work—both in the Fort Point Channel and the Interstate 93 tunnel—and did nothing to hold the contractor accountable, former officials say.

The payout also could jeopardize the state's efforts to recover costs for repairs to hundreds of leaks in the tunnels—an assertion Turnpike Authority officials deny because of contract language they say gives them broad collection powers.

In court papers responding to a lawsuit filed by Mihos—the suit alleges Amorello and a Turnpike lawyer refused to give him access to records—Turnpike officials say the $59 million agreement was necessary to allow financially troubled Modem Continental to finish its work.

Lawyers for the Turnpike also say Mihos was twice given an opportunity to review the agreement.

Money that was paid for the Fort Point Channel tunnel, which sprung a massive leak in September 2001, capped the amount spent on that contract at $417 million, a 39 percent increase over its original price.

Before reaching that agreement, Pike officials launched a complaint investigated by the Attorney General's office that Modern Continental had filed false monetary claims for tunnel work.

But Mihos said top Turnpike Authority officials, by authorizing a payout in 2002 that paid for work not yet performed, did little to hold the contractor accountable.

"We do not work for (Modern Continental), they work for us," Mihos wrote to Amorello. ". . . We cannot and must not place the (Big Dig) or its funds in jeopardy."

[From The Boston Globe, Sept. 16, 2004]

ARTERY TUNNEL SPRINGS LEAK, TRAFFIC SNARLED; BIG DIG CLOSES LANES, SEEKS CAUSE, AIMS FOR FULL REOPENING

(By David Abel and Mac Daniel)

Water gushed into the Central Artery's northbound tunnel for hours yesterday from a small breach in the eastern wall, backing up afternoon rush-hour traffic for miles and leaving Big Dig officials at a loss to explain where the water was coming from and what had caused the leak.

In the first couple of hours after the leak was reported, about 1:45 p.m., officials closed two lanes in the northbound tunnel and all onramps from the Massachusetts Turnpike. Traffic on the Southeast Expressway backed up to Quincy, and there were long delays on the turnpike approaching the interchange.

Big Dig officials said at a late afternoon press conference that they hoped to reopen all the tunnel's northbound lanes by this morning's commute. But they said they did not know how long it would take to find the source of the leak and repair the damage, and they could not guarantee that work would be finished in time.

By late afternoon, officials could not provide an estimate of how much water had flowed into the tunnel. For safety and to soak up the water, highway workers piled sandbags along the eastern wall and poured sand in the right lane.

Officials and engineers were so uncertain about the origin of the water that some tasted it. The likely source, they said, was groundwater, because that portion of the tunnel sits 110 feet underground.

One theory for the leak was that sand or clay got into the poured concrete in the tunnel's slurry wall during construction, said Sean O'Neill, a spokesman for the Massachusetts Turnpike Authority, which oversees the $14.6 billion Big Dig project.

O'Neill said it is possible that groundwater ate away at the sand and carved a small leak in the wall.

During construction of the Big Dig, engineers and workers built the slurry walls by first digging a series of deep trenches, which were filled with a clay substance. Concrete was then pumped underneath, displacing the clay and forming the tunnel's concrete walls.

Keith Sibley, director of construction for Bechtel/Parsons Brinckerhoff, the consortium responsible for major portions of the Big Dig, sought during the press conference to reassure drivers and state officials that there were no safety concerns.

"Structurally, there's no problem with the tunnel at all," he said.

But state officials said they would hold the consortium responsible for all costs of sealing the leak and repairing the wall.

"Believe me, as a customer of the product we constructed, I'm not happy right now," said Matthew J. Amorello, chairman of the Massachusetts Turnpike Authority, which oversees the $14.6 billion Big Dig project. "It's unacceptable, and we're going to deal with it."

Bechtel/Parsons officials said last night that Modern Continental, the contractor that built the tunnel's slurry walls 10 years ago, would pay for the repairs.

"Modern Continental has accepted responsibility and will make all the repairs as quickly as possible," said Andrew Paven, a Bechtel/Parsons spokesman.

But last night, a spokeswoman for Modern Continental said that no such agreement had been reached. "The cause of the leak has not been determined, and no conversation about the cost of the repairs has taken place," said the spokeswoman, Lorraine Marino.

About 7 last night, Big Dig engineers met in a office at the project's headquarters on Kneeland Street to figure out how to plug the hole without making the problem worse. The engineers said that removing tiles along the wall could expand the leak.

Officials were notified about the leak when motorists began reporting water seeping through Jersey barriers along the northbound tunnel's eastern wall.

Shortly after those reports, with the water flow at its heaviest, officials closed two lanes of the northbound tunnel, which produced the miles-long backup.

To ease congestion, officials opened the Haul Road off Interstate 93 north at 3:30 p.m., a road normally limited to commercial traffic. At the same time, they closed the entrance into the tunnel from Congress Street. And 15 minutes later, officials closed all onramps from the turnpike leading to northbound tunnel.

By early evening, the closing was reduced to one lane, and traffic was flowing. So was the water, which continued to form a small pool in the right lane of the tunnel about a quarter mile south of Exit 23 to Government Center.

A stream of water trickled between sandbags and rippled in a puddle about 5 inches deep and two cars long in the right lane.

Officials said they found an 8 inch hole in the slurry wall, one of the Big Dig's signature innovations, and sent a special team of construction workers to inspect whether the damage was more extensive.

Officials said there was no connection between yesterday's leak and a water leak last winter, when ice formed on the road surface in the northbound and southbound tunnels. The ice was blamed on the presence old steel footings from the elevated Central Artery, which allowed rainwater to seep into the tunnel.

While construction of the Big Dig is nearing an end, the process for determining who should pay for the cost overruns in the project is ongoing.

In February 2003, Amorello appointed Edward M. Ginsburg, a retired state judge, to lead a review of the project with an eye to holding contractors responsible for mistakes. To date, Ginsburg's team of lawyers and engineers has identified more than 700 construction issues and has recovered $3.5 million from a design firm.

The Ginsburg team has filed several lawsuits against other design firms, including one seeking $150 million from Bechtel/Parsons Brinckerhoff, the project's overall manager.

Last night, Ginsburg said he could not comment on the leak, but promised an aggressive investigation on behalf of taxpayers.

"We will definitely get all the preliminary reports and send our people in to look at this," he said. "This shouldn't happen, and somebody has got to make an explanation, and I can assure you it is not going to get by us. We will look at this, absolutely."

[From the Boston Globe, Nov. 17, 2004]

LIST OF TUNNEL TROUBLES GROWS LONGER, MORE LEAKS, DAMAGE FOUND

(By Raphael Lewis and Sean P. Murphy)

The Big Dig's tunnel leak problem is far more costly and extensive than Massachusetts Turnpike officials and private contractors have acknowledged, involving thousands of ceiling and wall fissures, water damage to steel supports and fireproofing systems, and overloaded drainage equipment, according to documents obtained by the Globe.

Turnpike officials and private-sector managers Bechtel/Parsons Brinckerhoff have together signed off on at least $10 million in cost overruns to repair the leaks and water damage since early 2001, the records show, and the problem persists.

Turnpike officials did not acknowledge the leak problem until it was revealed in the Globe last week.

All this occurred while engineers worked frantically to come up with a permanent solution for waterproofing the tunnels, an effort that continues today, according to project documents.

The problem stems in part from an apparent projectwide failure in the original design of the waterproofing system, a critical feature of a tunnel that sits almost entirely beneath the salty water table of downtown Boston. In a confidential report commissioned by the Turnpike in 2001 by the auditing firm Deloitte & Touche, project officials acknowledged that "the original design provided insufficient protection against leaking" at the top of tunnel walls.

With construction of the tunnels well underway and with water seeping in through joints between the roof and tunnel walls and between panels, Bechtel/Parsons Brinckerhoff abandoned its initial waterproofing system, a membrane applied to the roof and walls that had proved incapable of stopping water. Contractors were ordered to apply a spray-on application instead.

Doug Hanchett spokesman for the Massachusetts Turnpike Authority, which oversees the Big Dig said that the agency has made progress in controlling the leak problem and that the authority is working to recoup costs from contractors.

"This issue is something that will resolve itself through the construction process, and we fully expect that the contractors will perform the waterproofing work, as required in their contracts," Hanchett said.

Earlier this month, a team of independent engineers hired to investigate a massive leak that erupted in September said the project was riddled with more than 400 leaks throughout the tunnel system.

However, the documents obtained by the Globe show nearly 700 leaks in just one 1,000-foot section of the Interstate 93 tunnels beneath South Station. The documents include memorandums, diagrams, photographs, and correspondence pertaining to the Central Artery tunnels.

According to documents detailing modification to tunnel finishing contracts, which were obtained by the Globe, the Turnpike Authority and Bechtel/Parsons Brinckerhoff established a Leak Task Force in early 2001 and is now allocating $250,000 a month for the firm McCourt/Obiyashi to send repair teams into virtually all sections of the I–93 tunnels. McCourt/Obiyashi's initial contract, which began in 1999, had no such provisions for leak repair, but by mid-2001 the firm was extensively engaged in that effort, the documents show.

For example, in August 2003, tunnel officials, approved a $205,000 plan to replace 300 wall panel connectors in the downtown tunnels because "excessive tunnel leakage with high salt content has caused unacceptable corrosion."

In another instance in March 2001, McCourt/Obiyashi was told to extend tubes that contained liquid concrete grout for leak repairs throughout the tunnels. That work cost $300,000.

George J. Tamaro, an independent engineer hired by the Turnpike Authority to investigate the source of the massive tunnel leak that erupted in September, said that the roof's waterproofing membrane didn't work as intended and that engineers have used concrete grout for several years to try to plug the leaks. He said problems with leaks seemed to occur when the weather becomes colder.

Tamaro and another engineer hired to investigate the situation, Jack K. Lemley, said a permanent solution to address the problem is needed, or workers will spend years, perhaps even a decade, patching and repatching the leaks.

Anthony Lancellotti, a Bechtel/Parsons Brinckerhoff design executive, said that "there are a lot of theories" on the cause of the leaks and that he is not allowed to discuss them because of ongoing investigations by Bechtel/Parsons Brinckerhoff, the Turnpike Authority, the state attorney general's office, and the US Department of Transportation's inspector general.

But Lancellotti insisted that there has been a dramatic drop in the number of leaks due to ongoing repairs. He said that using grout to close leaks is a hit-or-miss proposition. Workers drilling into the concrete to inject the grout are never sure the holes they have drilled intersect with the path of the leak.

"Drilling is exploratory," he said. "You have to do it several times. You chase leaks; that's the nature of the business. But we have seen a dramatic improvement."

Attorney General Thomas F. Reilly, who said his office is meeting regularly with engineers trying to get refunds for shoddy work, predicted that the cost of fixing the roof leaks will be much more than the $10 million already spent by the Turnpike Authority, and he called on the contractors involved, including Bechtel/Parsons Brinckerhoff, to cover those costs.

In addition to the $10 million allocated so far, project construction contractors who built the tunnels have on their own spent at least $6 million plugging leaks, according to construction industry officials who spoke on condition on anonymity.

Some of the contractors are now pressing hard to be compensated by the state for those expenses.

One firm, Modern Continental, has submitted a bill of roughly $4 million for leak repair work, and is asserting that the leakage problem is the result of a flawed design by Bechtel/Parsons Brinckerhoff.

But the Turnpike Authority and Bechtel/Parsons Brinckerhoff have insisted that the design was appropriate.

[From the Boston Herald, Sept. 17, 2004]

SpongeBob Tunnel Simply Leaving Taxpayers All Wet

(By Howie Carr)

They're going to make a movie about the Big Dig.

They'll call it "The Poseidon Adventure." Or maybe " 15 Billion Dollars Under the Sea." Or "Voyage to the Bottom of the Tunnel."

Another day, another flood. And Wednesday was a dry day, too, as you well recall, if you were caught in the traffic jam for two or three hours. It hadn't rained in a week, but suddenly there was a flood. It was a small gusher, a Newton Lower Falls type of cascade. But you have to wonder, how long until we get a Niagara down there in the Liberty Tunnel?

In case you've forgotten, the Big Dig cost $14.6 billion.

And it leaks. It has more holes in it than a "60 Minutes" investigation.

Riding into the tunnel is like going through a car wash, only you can't get a wax job. The next time they have a grand opening ribbon-cutting down there, they should forget the elephants and invite SpongeBob SquarePants instead.

How many more times do we have to endure Fat Matt Amorello, the bloated hack who runs the Big Dig, at a press conference, flopping like a fish, as SpongeBob would say? Talk about nautical nonsense.

To quote Fat Matt: "I'm not a happy customer."

"I didn't know he was a customer," said Christy Mihos, the former Pike board member. "I thought he was the boss."

Only when there's a ribbon to be cut.

"The Big Dig," Amorello says in one of the Pike's many four-color handouts, "has evolved into the single largest, most complex highway project on the planet."

And it leaks.

Yesterday, Fat Matt was talking about a "forensic" investigation. What a joke. After years of cost overruns and water overflows, Fat Matt has got about as much credibility as Dan Rather talking about his "unimpeachable sources."

Why won't Gov. Mitt Romney fire Fat Matt? That's been the question for a long time now. Of course, Mitt needs "just cause"—that was the ruling of the SJC in the firings of Christy Mihos and Jordan Levy by then-Gov. Jane Swift. But how much more inepitude can Mitt tolerate? This guy Fat Matt is a walking blister.

But after this latest flood, it appears that there may be some method to Mitt's madness. These leaks, after all, are just going to keep coming, no matter what they say. So Mitt needs a . . . hostage, someone he can whack when the time comes. Remember Jim Kerasiotes?

If—when?—the day comes that you need Noah's Ark to get around down there, someone's going to have to take two in the hat. And Mitt can say, hey, I tried to blow out this bindlestiff, but the Legislature refused to pass my highway reorganization plan.

Mitt's good at this kind of in-fighting. Look at the convention in July. He washed his hands of that fiasco pretty well. He offered the DNC the use of the convention center in South Boston, and then when the city shut down for a week, Mitt said, that's too bad, I wish they'd taken me up on my offer.

Now Mitt wants to run for president, and the last thing he needs to do is preside over a flooded-out, $15 billion tunnel. Better Trav should take the hit.

Of course, whenever Fat Matt's minions talk about this fiasco, they mention how much money they've gotten back from the contractors. So far, on a $14.6 billion project, they've recovered $3.5 million.

That would be like if you hired a guy to fix the roof on your house for $10,000, and the first time it rained, the water was coming into every nook and cranny in your home. And then the contractor told you, hey, that's a shame, so I'm going to give you a refund—here's $30.

Why don't we just rename the tunnel after SpongeBob SquarePants? Absorbent and yellow and porous is he—just like the tunnel.

[From the Associated Press State & Local Wire, Nov. 10, 2004

Big Dig Officials: Taxpayers Won't Pay to Repair Leaks

By Steve Leblanc

Boston—The Big Dig is riddled with leaks that are dumping millions of gallons of water into the $14.6 billion tunnel system, according to an engineer hired to investigate the cause of a massive leak in September.

Locating and fixing the hundreds of leaks could take up to 10 years, said Jack K. Lemley, a consultant hired by the Massachusetts Turnpike Authority to investigate the problem.

"There is no public safety issue," Turnpike Authority Chairman Matthew Amorello said Wednesday, adding that the tunnels remain structurally sound, and the drainage system is keeping water off the roadways.

Lemley told The Boston Globe that repairing September's leak alone would require two months and lane closures. But Amorello said that taxpayers and motorists who pay tolls will not foot the bill for repairs.

Lemley's team also found documents showing that managers of Bechtel/Parsons Brinckerhoff, the private consortium that managed the project, were aware that the wall breached this fall was faulty when it was built in the late 1990s, but did not order it replaced and did not notify state officials.

Retired judge Edward M. Ginsburg, leader of a state-appointed team reviewing overcharges by Big Dig contractors, said he has spoken to Attorney General Tom Reilly about filing a lawsuit targeting Bechtel and Modern Continental, the contractor that built the wall section that leaked in September.

"I can honestly say we were shocked," Ginsburg told the Globe. "I can assure you we're going to make sure there is a thorough investigation."

Turnpike Authority member Jordan Levy promised to make the contractors pay for repairing the leaks, mat.

"I'm outraged and dismayed at the quality of some of this work," he said. "We are not going to let anyone off the mat.

"If there was a cover-up involved in this, I would expect the attorney general would bring this before a grand jury to determine if there is criminal intent here," he said.

Levy said either the Bechtel project was incompetent or there was "malfeasance at the highest level."

"I don't think they're stupid," he said.

Levy said the scope of the problem was "beyond comprehension," given the years and billions of tax dollars spent.

He added that more tax dollars would be spent to fix the problem, "over my dead body."

In September, an eight-inch leak sprung in the northbound lanes of the Interstate 93 tunnel and caused 10-mile backups on the highway.

Bechtel/Parsons Brinckerhoff issued a statement Tuesday saying:

"While the cause of the September water leak in the northbound tunnel remains under investigation, it would be inappropriate for us to comment on specific allegations. . . . In a tunnel of this construction type, seepage is inevitable, but is mitigated by proper engineering and maintenance programs, which have been planned for and are in place. The tunnel is structurally sound."

Modern Continental, the largest contractor on the project, also issued a statement.

"The results of the investigation will conclude that Modern's workmanship was in accordance with contract plans and specifications," it said.

Ginsburg said his team will demand that the contractors fix the problem at no cost to taxpayers. He could not estimate the cost.

The September leak was the latest in a series of embarrassing episodes in the two-decade construction of the Big Dig, formally called the Central Artery/Third Harbor Tunnel project.

In January, ice formed in the tunnels, forcing officials to close lanes and jamming up traffic. And in 2001, a leak spouted from under one of six concrete tubes being put in place to carry Interstate 90 through the Fort Point Channel.

The Big Dig replaced the elevated Central Artery of Interstate 93 with underground tunnels through downtown Boston. It also connected Interstate 90—the Massachusetts Turnpike—to Logan International Airport, and added the Ted Williams Tunnel beneath Boston Harbor.

Mr. McCAIN. Mr. President, on November 17, there was an article in the Boston Globe: "List Of Tunnel Troubles Grows Longer, More Leaks, Damage Found." I will quote parts of the article:

The problem stems in part from an apparent projectwide failure in the original design of the waterproofing system. . . .

Earlier this month, a team of independent engineers hired to investigate a massive leak that erupted in September said the project was riddled with more than 400 leaks throughout the tunnel system.

However, the documents obtained by the Globe show nearly 700 leaks in just one 1,000-foot section of the Interstate 93 tunnels beneath South Station. . . .

In addition to the $10 million allocated so far, project construction contractors who built the tunnels have on their own spent at least $6 million plugging leaks, according to construction industry officials who spoke on condition of anonymity.

Some of the contractors are now pressing hard to be compensated by the state for those expenses.

One firm, Modern Continental, has submitted a bill of roughly $4 million for leak repair work, and is asserting that the leakage problem is the result of a flawed design by Bechtel/Parsons Brinckerhoff. . . .

George J. Tamaro, an independent engineer hired by the Turnpike Authority to investigate the source of the massive tunnel leak that erupted in September, said that the roof's waterproofing membrane didn't work as intended and the engineers have used concrete grout for several years to try to plug the leaks. . . .

Tamaro and another engineer hired to investigate the situation, Jack K. Lemley, said a permanent solution to address the problem is needed, or workers will spend years, perhaps even a decade, patching and repatching the leaks.

An article in the Associated Press:

The team of consulting engineers also said it found documents showing that managers of Bechtel/Parsons Brinckerhoff, the private consortium that oversaw the project, were aware that the wall was faulty when it was built in the late 1990s but did not tell the Turnpike Authority about it.

Another article in the Associated Press:

Locating and fixing the hundreds of leaks could take up to 10 years, said Jack K. Lemley, a consultant hired by the Massachusetts Turnpike Authority. . . .

Lemley's team also found documents showing that managers of Bechtel/Parsons Brinckerhoff, the private consortium that managed the project, were aware that the wall breached this fall was faulty when it was built in the late 1990s, but did not order it replaced and did not notify state officials.

Retired Judge Edward M. Ginsburg, leader of a state-appointed team reviewing overcharges by Big Dig contractors, said he has spoken to Attorney General Tom Reilly about filing a lawsuit targeting Bechtel and Modern Continental, the contractor that built the wall section that leaked in September.

"I can honestly say we were shocked," Ginsburg told the Globe. "I can assure you we're going to make sure there is a thorough investigation."

Here is one in the Boston Herald:

They're going to make a movie about the Big Dig.

They'll call it "The Poseidon Adventure." Or maybe "15 Billion Dollars Under the Sea." Or "Voyage to the Bottom of the Tunnel."

Another day, another flood. And Wednesday was a dry day, too, as you well recall, if you were caught in the traffic jam for two or three hours. It hadn't rained in a week, but suddenly there was a flood. It was a small gusher, a Newton Lower Falls type of cascade. But you have to wonder, how long until we get a Niagara down there in the Liberty Tunnel?

. . . In case you've forgotten, the Big Dig cost $14.6 billion.

And it leaks. It has more holes in it than a "60 Minutes" investigation.

Riding into the tunnel is like going through a car wash, only you can't get a wax job. The next time they have a grand opening ribbon-cutting down there, they should forget the elephants and invite SpongeBob SquarePants instead.

How many more times do we have to endure Fat Matt Amarillo, the bloated hack who runs the Big Dig, at a press conference, flopping like a fish, as SpongeBob would say? Talk about nautical nonsense.

To quote Fat Matt: "I'm not a happy customer."

"I didn't know he was a customer," said Christy Mihos, the former Pike board member. "I thought he was the boss."

Only when there's a ribbon to be cut.

I commend this article to all of my colleagues' reading. It is very entertaining. And since it is such a sad kind of a situation, maybe there is room—

Why don't we just rename the tunnel after SpongeBob SquarePants? Absorbent and yellow and porous is he—just like the tunnel.

I think that is pretty much of a high point or low point of my selective reading from articles from the Boston Globe and the Boston Herald and the Associated Press.

Mr. President, in summary, this is a serious situation. I do not believe the taxpayers of America should pay any more money in this effort. No funds have been recovered from Bechtel/Parsons Brinckerhoff, although the Turnpike Authority and the Commonwealth have filed suit against the joint venture.

I hope we can get this cleared up as soon as possible. I would assume next year the Commerce Committee will have additional oversight hearings on this issue. This is not a good day for the taxpayers of America.

FAMILY ENTERTAINMENT AND COPYRIGHT ACT OF 2004

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3021, which was introduced earlier today by Senators HATCH and LEAHY.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3021) to provide for the protection of intellectual property rights and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, I ask unanimous consent that the McCain amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4074) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 3021), as amended, was read the third time and passed, as follows:

S. 3021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Entertainment and Copyright Act of 2004".

TITLE I—ARTISTS' RIGHTS AND THEFT PREVENTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Artists' Rights and Theft Prevention Act of 2004" or the "ART Act".

SEC. 102. CRIMINAL PENALTIES FOR UNAUTHORIZED RECORDING OF MOTION PICTURES IN A MOTION PICTURE EXHIBITION FACILITY.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding after section 2319A the following new section:

"§ 2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility

"(a) OFFENSE.—Any person who, without the authorization of the copyright owner, knowingly uses or attempts to use an audiovisual recording device to transmit or make a copy of a motion picture or other audiovisual work protected under title 17, or any part thereof, from a performance of such work in a motion picture exhibition facility, shall—

"(1) be imprisoned for not more than 3 years, fined under this title, or both; or

"(2) if the offense is a second or subsequent offense, be imprisoned for no more than 6 years, fined under this title, or both.

The possession by a person of an audiovisual recording device in a motion picture exhibition facility may be considered as evidence in any proceeding to determine whether that person committed an offense under this subsection, but shall not, by itself, be sufficient to support a conviction of that person for such offense.

"(b) Forfeiture and Destruction.—When a person is convicted of a violation of subsection (a), the court in its judgment of conviction shall, in addition to any penalty provided, order the forfeiture and destruction or other disposition of all unauthorized copies of motion pictures or other audiovisual works protected under title 17, or parts thereof, and any audiovisual recording devices or other equipment used in connection with the offense.

"(c) Authorized Activities.—This section does not prevent any lawfully authorized investigative, protective, or intelligence activity by an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or a person acting under a contract with the United States, a State, or a political subdivision of a State.

"(d) Immunity for Theaters.—With reasonable cause, the owner or lessee of a facility where a motion picture is being exhibited, the authorized agent or employee of such owner or lessee, the licensor of the motion picture being exhibited, or the agent or employee of such licensor—

"(1) may detain, in a reasonable manner and for a reasonable time, any person suspected of a violation of this section for the purpose of questioning or summoning a law enforcement officer; and

"(2) shall not be held liable in any civil or criminal action arising out of a detention under paragraph (1).

"(e) Victim Impact Statement.—

"(1) In general.—During the preparation of the presentence report under rule 32(c) of the Federal Rules of Criminal Procedure, victims of an offense under this section shall be permitted to submit to the probation officer a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

"(2) Contents.—A victim impact statement submitted under this subsection shall include—

"(A) producers and sellers of legitimate works affected by conduct involved in the offense;

"(B) holders of intellectual property rights in the works described in subparagraph (A); and

"(C) the legal representatives of such producers, sellers, and holders.

"(f) State Law Not Preempted.—Nothing in this section may be construed to annul or limit any rights or remedies under the laws of any State.

"(g) Definitions.—In this section, the following definitions shall apply:

"(1) Title 17 definitions.—The terms 'audiovisual work', 'copy', 'copyright owner', 'motion picture', 'motion picture exhibition facility', and 'transmit' have, respectively, the meanings given those terms in section 101 of title 17.

"(2) Audiovisual recording device.—The term 'audiovisual recording device' means a digital or analog photographic or video camera, or any other technology or device capable of enabling the recording or transmission of a copyrighted motion picture or other audiovisual work, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319A the following:

"2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility.".

(c) Definition.—Section 101 of title 17, United States Code, is amended by inserting after the definition of "Motion pictures" the following:

"The term 'motion picture exhibition facility' means a movie theater, screening room, or other venue that is being used primarily for the exhibition of a copyrighted motion picture, if such exhibition is open to the public or is made to an assembled group of viewers outside of a normal circle of a family and its social acquaintances.".

SEC. 103. CRIMINAL INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) Prohibited Acts.—Section 506(a) of title 17, United States Code, is amended to read as follows:

"(a) Criminal Infringement.—

"(1) In general.—Any person who willfully infringes a copyright shall be punished as provided under section 2319 of title 18, if the infringement was committed—

"(A) for purposes of commercial advantage or private financial gain;

"(B) by the reproduction or distribution, including by electronic means, during any 180–day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than $1,000; or

"(C) by the distribution of a work being prepared for commercial distribution, by making it available on a computer network accessible to members of the public, if such person knew or should have known that the work was intended for commercial distribution.

"(2) Evidence.—For purposes of this subsection, evidence of reproduction or distribution of a copyrighted work, by itself, shall not be sufficient to establish willful infringement of a copyright.

"(3) Definition.—In this subsection, the term 'work being prepared for commercial distribution' means—

"(A) a computer program, a musical work, a motion picture or other audiovisual work, or a sound recording, if at the time of unauthorized distribution—

"(i) the copyright owner has a reasonable expectation of commercial distribution; and

"(ii) the copies or phonorecords of the work have not been commercially distributed; or

"(B) a motion picture, if at the time of unauthorized distribution, the motion picture—

"(i) has been made available for viewing in a motion picture exhibition facility; and

"(ii) has not been made available in copies for sale to the general public in the United States in a format intended to permit viewing outside a motion picture exhibition facility.".

(b) Criminal Penalties.—Section 2319 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Whoever" and inserting "Any person who"; and

(B) by striking "and (c) of this section" and inserting ", (c), and (d)";

(2) in subsection (b), by striking "section 506(a)(1)" and inserting "section 506(a)(1)(A)";

(3) in subsection (c), by striking "section 506(a)(2) of title 17, United States Code" and inserting "section 506(a)(1)(B) of title 17";

(4) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(5) by adding after subsection (c) the following:

"(d) Any person who commits an offense under section 506(a)(1)(C) of title 17—

"(1) shall be imprisoned not more than 3 years, fined under this title, or both;

"(2) shall be imprisoned not more than 5 years, fined under this title, or both, if the offense was committed for purposes of commercial advantage or private financial gain;

"(3) shall be imprisoned not more than 6 years, fined under this title, or both, if the offense is a second or subsequent offense; and

"(4) shall be imprisoned not more than 10 years, fined under this title, or both, if the offense is a second or subsequent offense under paragraph (2)."; and

(6) in subsection (f), as redesignated—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the term 'financial gain' has the meaning given the term in section 101 of title 17; and

"(4) the term 'work being prepared for commercial distribution' has the meaning given the term in section 506(a) of title 17.".

SEC. 104. CIVIL REMEDIES FOR INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) Preregistration.—Section 408 of title 17, United States Code, is amended by adding at the end the following:

"(f) Preregistration of Works Being Prepared for Commercial Distribution.—

"(1) Rulemaking.—Not later than 180 days after the date of enactment of this subsection, the Register of Copyrights shall issue regulations to establish procedures for preregistration of a work that is being prepared for commercial distribution and has not been published.

"(2) Class of works.—The regulations established under paragraph (1) shall permit preregistration for any work that is in a class of works that the Register determines has had a history of infringement prior to authorized commercial distribution.

"(3) Application for registration.—Not later than 3 months after a the first publication of a work preregistered under this subsection, the applicant shall submit to the Copyright Office—

"(A) an application for registration of the work;

"(B) a deposit; and

"(C) the applicable fee.

"(4) Effect of untimely application.—An action under this chapter for infringement of a preregistered work, in a case in which the infringement commenced no later than 2 months after the first publication of the work shall be dismissed if the items described in paragraph (3) are not submitted to the Copyright Office in proper form within the earlier of—

"(A) 3 months after the first publication of the work; or

"(B) 1 month after the copyright owner has learned of the infringement.".

(b) Infringement Actions.—Section 411(a) of title 17, United States Code, is amended by inserting "preregistration or" after "shall be instituted until".

(c) Exclusion.—Section 412 of title 17, United States Code, is amended by inserting ", an action for infringement of the copyright of a work that has been preregistered under section 408(f) before the commencement of the infringement and that has an effective date of registration not later than the earlier of 3 months after the first publication of the work or 1 month after the copyright owner has learned of the infringement," after "section 106A(a)".

SEC. 105. FEDERAL SENTENCING GUIDELINES.

(a) Review and Amendment.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of intellectual property rights crimes, including any offense under—

(1) section 506, 1201, or 1202 of title 17, United States Code; or

(2) section 2318, 2319, 2319A, 2319B, or 2320 of title 18, United States Code.

(b) Authorization.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(c) Responsibilities of United States Sentencing Commission.—In carrying out this section, the United States Sentencing Commission shall—

(1) take all appropriate measures to ensure that the Federal sentencing guidelines and policy statements described in subsection (a) are sufficiently stringent to deter, and adequately reflect the nature of, intellectual property rights crimes;

(2) determine whether to provide a sentencing enhancement for those convicted of the offenses described in subsection (a), if the conduct involves the display, performance, publication, reproduction, or distribution of a copyrighted work before it has been authorized by the copyright owner, whether in the media format used by the infringing party or in any other media format;

(3) determine whether the scope of "uploading" set forth in application note 3 of section 2B5.3 of the Federal sentencing guidelines is adequate to address the loss attributable to people who broadly distribute copyrighted works without authorization over the Internet; and

(4) determine whether the sentencing guidelines and policy statements applicable to the offenses described in subsection (a) adequately reflect any harm to victims from copyright infringement if law enforcement authorities cannot determine how many times copyright material has been reproduced or distributed.

TITLE II—EXEMPTION FROM INFRINGEMENT FOR SKIPPING AUDIO AND VIDEO CONTENT IN MOTION PICTURES

SEC. 201. SHORT TITLE.

This title may be cited as the "Family Movie Act of 2004".

SEC. 202. EXEMPTION FROM INFRINGEMENT FOR SKIPPING AUDIO AND VIDEO CONTENT IN MOTION PICTURES.

(a) In General.—Section 110 of title 17, United States Code, is amended—

(1) in paragraph (9), by striking "and" after the semicolon at the end;

(2) in paragraph (10), by striking the period at the end and inserting "; and";

(3) by inserting after paragraph (10) the following:

"(11) the making imperceptible, by or at the direction of a member of a private household, of limited portions of audio or video content of a motion picture, during a performance in or transmitted to that household for private home viewing, from an authorized copy of the motion picture, or the creation or provision of a computer program or other technology that enables such making imperceptible and that is designed and marketed for such use at the direction of a member of a private household, if no fixed copy of the altered version of the motion picture is created by such computer program or other technology."; and

(4) by adding at the end the following:

"For purposes of paragraph (11), the term 'making imperceptible' does not include the addition of audio or video content that is performed or displayed over or in place of existing content in a motion picture.

"Nothing in paragraph (11) shall be construed to imply further rights under section 106 of this title, or to have any effect on defenses or limitations on rights granted under any other section of this title or under any other paragraph of this section.".

(c) Exemption From Trademark Infringement.—Section 32 of the Trademark Act of 1946 (15 U.S.C. 1114) is amended by adding at the end the following:

"(3)(A) Any person who engages in the conduct described in paragraph (11) of section 110 of title 17, United States Code, and who complies with the requirements set forth in that paragraph is not liable on account of such conduct for a violation of any right under this Act. This subparagraph does not preclude liability, nor shall it be construed to restrict the defenses or limitations on rights granted under this Act, of a person for conduct not described in paragraph (11) of section 110 of title 17, United States Code, even if that person also engages in conduct described in paragraph (11) of section 110 of such title.

"(B) A manufacturer, licensee, or licensor of technology that enables the making of limited portions of audio or video content of a motion picture imperceptible as described in subparagraph (A) is not liable on account of such manufacture or license for a violation of any right under this Act, if such manufacturer, licensee, or licensor ensures that the technology provides a clear and conspicuous notice at the beginning of each performance that the performance of the motion picture is altered from the performance intended by the director or copyright holder of the motion picture. The limitations on liability in subparagraph (A) and this subparagraph shall not apply to a manufacturer, licensee, or licensor of technology that fails to comply with this paragraph.

"(C) The requirement under subparagraph (B) to provide notice shall apply only with respect to technology manufactured after the end of the 180-day period beginning on the date of the enactment of the Family Movie Act of 2004.

"(D) Any failure by a manufacturer, licensee, or licensor of technology to qualify for the exemption under subparagraphs (A) and (B) shall not be construed to create an inference of liability for trademark infringement for any such party that engages in conduct described in paragraph (11) of section 110 of title 17, United States Code.".

(d) Definition.—In this section, the term "Trademark Act of 1946" means the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

TITLE III—NATIONAL FILM PRESERVATION

Subtitle A—Reauthorization of the National Film Preservation Board

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "National Film Preservation Act of 2004".

SEC. 302. REAUTHORIZATION AND AMENDMENT.

(a) Duties of the Librarian of Congress.—Section 103 of the National Film Preservation Act of 1996 (2 U.S.C. 179m) is amended—

(1) in subsection (b)—

(A) by striking "film copy" each place that term appears and inserting "film or other approved copy";

(B) by striking "film copies" each place that term appears and inserting "film or other approved copies"; and

(C) in the third sentence, by striking "copyrighted" and inserting "copyrighted, mass distributed, broadcast, or published"; and

(2) by adding at the end the following:

"(c) Coordination of Program With Other Collection, Preservation, and Accessibility Activities.—In carrying out the comprehensive national film preservation program for motion pictures established under the National Film Preservation Act of 1992, the Librarian, in consultation with the Board established pursuant to section 104, shall—

"(1) carry out activities to make films included in the National Film registry more broadly accessible for research and educational purposes, and to generate public awareness and support of the Registry and the comprehensive national film preservation program;

"(2) review the comprehensive national film preservation plan, and amend it to the extent necessary to ensure that it addresses technological advances in the preservation and storage of, and access to film collections in multiple formats; and

"(3) wherever possible, undertake expanded initiatives to ensure the preservation of the moving image heritage of the United States, including film, videotape, television, and born digital moving image formats, by supporting the work of the National Audio-Visual Conservation Center of the Library of Congress, and other appropriate nonprofit archival and preservation organizations.".

(b) National Film Preservation Board.—Section 104 of the National Film Preservation Act of 1996 (2 U.S.C. 179n) is amended—

(1) in subsection (a)(1) by striking "20" and inserting "22";

(2) in subsection (a) (2) by striking "three" and inserting "5";

(3) in subsection (d) by striking "11" and inserting "12"; and

(4) by striking subsection (e) and inserting the following:

"(e) Reimbursement of Expenses.—Members of the Board shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.".

(c) National Film Registry.—Section 106 of the National Film Preservation Act of 1996 (2 U.S.C. 179p) is amended by adding at the end the following:

"(e) National Audio-Visual Conservation Center.—The Librarian shall utilize the National Audio-Visual Conservation Center of the Library of Congress at Culpeper, Virginia, to ensure that preserved films included in the National Film Registry are stored in a proper manner, and disseminated to researchers, scholars, and the public as may be appropriate in accordance with—

"(1) title 17, United States Code; and

"(2) the terms of any agreements between the Librarian and persons who hold copyrights to such audiovisual works.".

(d) Use of Seal.—Section 107 (a) of the National Film Preservation Act of 1996 (2 U.S.C. 179q(a)) is amended—

(1) in paragraph (1), by inserting "in any format" after "or any copy"; and

(2) in paragraph (2), by striking "or film copy" and inserting "in any format".

(e) Effective Date.—Section 113 of the National Film Preservation Act of 1996 (2 U.S.C. 179w) is amended by striking "7" and inserting "12".

Subtitle B—Reauthorization of the National Film Preservation Foundation

SEC. 311. SHORT TITLE.

This subtitle may be cited as the "National Film Preservation Foundation Reauthorization Act of 2004".

SEC. 312. REAUTHORIZATION AND AMENDMENT.

(a) Board of Directors.—Section 151703 of title 36, United States Code, is amended—

(1) in subsection (b)(2)(A), by striking "nine" and inserting "12"; and

(2) in subsection (b)(4), by striking the second sentence and inserting "There shall be no limit to the number of terms to which any individual may be appointed.".

(b) Powers.—Section 151705 of title 36, United States Code, is amended in subsection (b) by striking "District of Columbia" and inserting "the jurisdiction in which the principal office of the corporation is located".

(c) Principal Office.—Section 151706 of title 36, United States Code, is amended by inserting ", or another place as determined by the board of directors" after "District of Columbia".

(d) Authorization of Appropriations.—Section 151711 of title 36, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) Authorization of Appropriations.—There are authorized to be appropriated to the Library of Congress amounts necessary to carry out this chapter, not to exceed $530,000 for each of the fiscal years 2004 through 2008. These amounts are to be made available to the corporation to match any private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.

"(b) Limitation Related to Administrative Expenses.—Amounts authorized under this section may not be used by the corporation for management and general or fundraising expenses as reported to the Internal Revenue Service as part of an annual information return required under the Internal Revenue Code of 1986.".

TITLE IV—PRESERVATION OF ORPHAN WORKS

SEC. 401. SHORT TITLE.

This title may be cited as the "Preservation of Orphan Works Act".

SEC. 402. REPRODUCTION OF COPYRIGHTED WORKS BY LIBRARIES AND ARCHIVES.

Section 108(i) of title 17, United States Code, is amended by striking "(b) and (c)" and inserting "(b), (c), and (h)".

TITLE V—ANTICOUNTERFEITING PROVISIONS AND FRAUDULENT ONLINE IDENTITY SANCTIONS

Subtitle A—Anticounterfeiting Provisions

SEC. 501. SHORT TITLE.

This subtitle may be cited as the "Anticounterfeiting Act of 2004".

SEC. 502. PROHIBITION AGAINST TRAFFICKING IN COUNTERFEIT COMPONENTS.

(a) In General.—Section 2318 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§2318. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging";

(2) by striking subsection (a) and inserting the following:

"(a) Whoever, in any of the circumstances described in subsection (c), knowingly traffics in—

"(1) a counterfeit label or illicit label affixed to, enclosing, or accompanying, or designed to be affixed to, enclose, or accompany—

"(A) a phonorecord;

"(B) a copy of a computer program;

"(C) a copy of a motion picture or other audiovisual work;

"(D) a copy of a literary work;

"(E) a copy of a pictorial, graphic, or sculptural work;

"(F) a work of visual art; or

"(G) documentation or packaging; or

"(2) counterfeit documentation or packaging,

shall be fined under this title or imprisoned for not more than 5 years, or both.";

(3) in subsection (b)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3)—

(i) by striking "and 'audiovisual work' have" and inserting the following: "'audiovisual work', 'literary work', 'pictorial, graphic, or sculptural work', 'sound recording', 'work of visual art', and 'copyright owner' have"; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(4) the term 'illicit label' means a genuine certificate, licensing document, registration card, or similar labeling component—

"(A) that is used by the copyright owner to verify that a phonorecord, a copy of a computer program, a copy of a motion picture or other audiovisual work, a copy of a literary work, a copy of a pictorial, graphic, or sculptural work, a work of visual art, or documentation or packaging is not counterfeit or infringing of any copyright; and

"(B) that is, without the authorization of the copyright owner—

"(i) distributed or intended for distribution not in connection with the copy, phonorecord, or work of visual art to which such labeling component was intended to be affixed by the respective copyright owner; or

"(ii) in connection with a genuine certificate or licensing document, knowingly falsified in order to designate a higher number of licensed users or copies than authorized by the copyright owner, unless that certificate or document is used by the copyright owner solely for the purpose of monitoring or tracking the copyright owner's distribution channel and not for the purpose of verifying that a copy or phonorecord is noninfringing;

"(5) the term 'documentation or packaging' means documentation or packaging, in physical form, for a phonorecord, copy of a computer program, copy of a motion picture or other audiovisual work, copy of a literary work, copy of a pictorial, graphic, or sculptural work, or work of visual art; and

"(6) the term 'counterfeit documentation or packaging' means documentation or packaging that appears to be genuine, but is not.";

(4) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

"(3) the counterfeit label or illicit label is affixed to, encloses, or accompanies, or is designed to be affixed to, enclose, or accompany—

"(A) a phonorecord of a copyrighted sound recording or copyrighted musical work;

"(B) a copy of a copyrighted computer program;

"(C) a copy of a copyrighted motion picture or other audiovisual work;

"(D) a copy of a literary work;

"(E) a copy of a pictorial, graphic, or sculptural work;

"(F) a work of visual art; or

"(G) copyrighted documentation or packaging; or"; and

(B) in paragraph (4), by striking "for a computer program"; and

(5) in subsection (d)—

(A) by inserting "or illicit labels" after "counterfeit labels" each place it appears; and

(B) by inserting before the period at the end the following: ", and of any equipment, device, or material used to manufacture, reproduce, or assemble the counterfeit labels or illicit labels".

(b) Civil Remedies.—Section 2318 of title 18, United States Code, is further amended by adding at the end the following:

"(f) Civil Remedies.—

"(1) In General.—Any copyright owner who is injured, or is threatened with injury, by a violation of subsection (a) may bring a civil action in an appropriate United States district court.

"(2) Discretion of Court.—In any action brought under paragraph (1), the court—

"(A) may grant 1 or more temporary or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain a violation of subsection (a);

"(B) at any time while the action is pending, may order the impounding, on such terms as the court determines to be reasonable, of any article that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation of subsection (a); and

"(C) may award to the injured party—

"(i) reasonable attorney fees and costs; and

"(ii)(I) actual damages and any additional profits of the violator, as provided in paragraph (3); or

"(II) statutory damages, as provided in paragraph (4).

"(3) Actual Damages and Profits.—

"(A) In General.—The injured party is entitled to recover—

"(i) the actual damages suffered by the injured party as a result of a violation of subsection (a), as provided in subparagraph (B) of this paragraph; and

"(ii) any profits of the violator that are attributable to a violation of subsection (a) and are not taken into account in computing the actual damages.

"(B) Calculation of Damages.—The court shall calculate actual damages by multiplying—

"(i) the value of the phonorecords, copies, or works of visual art which are, or are intended to be, affixed with, enclosed in, or accompanied by any counterfeit labels, illicit labels, or counterfeit documentation or packaging, by

"(ii) the number of phonorecords, copies, or works of visual art which are, or are intended to be, affixed with, enclosed in, or accompanied by any counterfeit labels, illicit labels, or counterfeit documentation or packaging.

"(C) DEFINITION.—For purposes of this paragraph, the 'value' of a phonorecord, copy, or work of visual art is—

"(i) in the case of a copyrighted sound recording or copyrighted musical work, the retail value of an authorized phonorecord of that sound recording or musical work;

"(ii) in the case of a copyrighted computer program, the retail value of an authorized copy of that computer program;

"(iii) in the case of a copyrighted motion picture or other audiovisual work, the retail value of an authorized copy of that motion picture or audiovisual work;

"(iv) in the case of a copyrighted literary work, the retail value of an authorized copy of that literary work;

"(v) in the case of a pictorial, graphic, or sculptural work, the retail value of an authorized copy of that work; and

"(vi) in the case of a work of visual art, the retail value of that work.

"(4) STATUTORY DAMAGES.—The injured party may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for each violation of subsection (a) in a sum of not less than $2,500 or more than $25,000, as the court considers appropriate.

"(5) SUBSEQUENT VIOLATION.—The court may increase an award of damages under this subsection by 3 times the amount that would otherwise be awarded, as the court considers appropriate, if the court finds that a person has subsequently violated subsection (a) within 3 years after a final judgment was entered against that person for a violation of that subsection.

"(6) LIMITATION ON ACTIONS.—A civil action may not be commenced under this subsection unless it is commenced within 3 years after the date on which the claimant discovers the violation of subsection (a).".

(c) CONFORMING AMENDMENT.—The item relating to section 2318 in the table of sections for chapter 113 of title 18, United States Code, is amended to read as follows:

"2318. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging.".

SEC. 503. OTHER RIGHTS NOT AFFECTED.

(a) CHAPTERS 5 AND 12 OF TITLE 17; ELECTRONIC TRANSMISSIONS.—The amendments made by this subtitle—

(1) shall not enlarge, diminish, or otherwise affect any liability or limitations on liability under sections 512, 1201, or 1202 of title 17, United States Code; and

(2) shall not be construed to apply—

(A) in any case, to the electronic transmission of a genuine certificate, licensing document, registration card, similar labeling component, or documentation or packaging described in paragraph (4) or (5) of section 2318(b) of title 18, United States Code, as amended by this subtitle; and

(B) in the case of a civil action under section 2318(f) of title 18, United States Code, to the electronic transmission of a counterfeit label or counterfeit documentation or packaging defined in paragraph (1) or (6) of section 2318(b) of title 18, United States Code.

(b) FAIR USE.—The amendments made by this subtitle shall not affect the fair use, under section 107 of title 17, United States Code, of a genuine certificate, licensing document, registration card, similar labeling component, or documentation or packaging described in paragraph (4) or (5) of section 2318(b) of title 18, United States Code, as amended by this subtitle.

Subtitle B—Fraudulent Online Identity Sanctions

SEC. 511. SHORT TITLE.

This subtitle may be cited as the "Fraudulent Online Identity Sanctions Act".

SEC. 512. AMENDMENT TO TRADEMARK ACT OF 1946.

Section 35 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (commonly referred to as the "Trademark Act of 1946"; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

"(e) In the case of a violation referred to in this section, it shall be a rebuttable presumption that the violation is willful for purposes of determining relief if the violator, or a person acting in concert with the violator, knowingly provided or knowingly caused to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the violation. Nothing in this subsection limits what may be considered a willful violation under this section.".

SEC. 513. AMENDMENT TO TITLE 17, UNITED STATES CODE.

Section 504(c) of title 17, United States Code, is amended by adding at the end the following new paragraph:

"(3) (A) In a case of infringement, it shall be a rebuttable presumption that the infringement was committed willfully for purposes of determining relief if the violator, or a person acting in concert with the violator, knowingly provided or knowingly caused to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the infringement.

"(B) Nothing in this paragraph limits what may be considered willful infringement under this subsection.

"(C) For purposes of this paragraph, the term 'domain name' has the meaning given that term in section 45 of the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes' approved July 5, 1946 (commonly referred to as the 'Trademark Act of 1946'; 15 U.S.C. 1127).".

SEC. 514. AMENDMENT TO TITLE 18, UNITED STATES CODE.

(a) SENTENCING ENHANCEMENT.—Section 3559 of title 18, United States Code, is amended by adding at the end the following:

"(f)(1) If a defendant who is convicted of a felony offense (other than offense of which an element is the false registration of a domain name) knowingly falsely registered a domain name and knowingly used that domain name in the course of that offense, the maximum imprisonment otherwise provided by law for that offense shall be doubled or increased by 7 years, whichever is less.

"(2) As used in this subsection—

"(A) the term 'falsely registers' means registers in a manner that prevents the effective identification of or contact with the person who registers; and

"(B) the term 'domain name' has the meaning given that term in section 45 of the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes' approved July 5, 1946 (commonly referred to as the 'Trademark Act of 1946') (15 U.S.C. 1127).".

(b) UNITED STATES SENTENCING COMMISSION.—

(1) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend the sentencing guidelines and policy statements to ensure that the applicable guideline range for a defendant convicted of any felony offense carried out online that may be facilitated through the use of a domain name registered with materially false contact information is sufficiently stringent to deter commission of such acts.

(2) REQUIREMENTS.—In carrying out this subsection, the Sentencing Commission shall provide sentencing enhancements for anyone convicted of any felony offense furthered through knowingly providing or knowingly causing to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the violation.

(3) DEFINITION.—For purposes of this subsection, the term "domain name" has the meaning given that term in section 45 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (commonly referred to as the "Trademark Act of 1946"; 15 U.S.C. 1127).

SEC. 515. CONSTRUCTION.

(a) FREE SPEECH AND PRESS.—Nothing in this subtitle shall enlarge or diminish any rights of free speech or of the press for activities related to the registration or use of domain names.

(b) DISCRETION OF COURTS IN DETERMINING RELIEF.—Nothing in this subtitle shall restrict the discretion of a court in determining damages or other relief to be assessed against a person found liable for the infringement of intellectual property rights.

(c) DISCRETION OF COURTS IN DETERMINING TERMS OF IMPRISONMENT.—Nothing in this subtitle shall be construed to limit the discretion of a court to determine the appropriate term of imprisonment for an offense under applicable law.

TITLE VI—COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Cooperative Research and Technology Enhancement (CREATE) Act of 2004".

SEC. 602. COLLABORATIVE EFFORTS ON CLAIMED INVENTIONS.

Section 103(c) of title 35, United States Code, is amended to read as follows:

"(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

"(2) For purposes of this subsection, subject matter developed by another person and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person if—

"(A) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made;

"(B) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

"(C) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

"(3) For purposes of paragraph (2), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by two or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.".

SEC. 603. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall apply to any patent granted on or after the date of the enactment of this Act.

(b) SPECIAL RULE.—The amendments made by this title shall not affect any final decision of a court or the United States Patent and Trademark Office rendered before the date of the enactment of this Act, and shall not affect the right of any party in any action pending before the United States Patent and Trademark Office or a court on the date of the enactment of this Act to have that party's rights determined on the basis of the provisions of title 35, United States Code, in effect on the day before the date of the enactment of this Act.

TITLE VII—PROFESSIONAL BOXING SAFETY

SEC. 701. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Professional Boxing Amendments Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 701. Short title; table of contents.
Sec. 702. Amendment of Professional Boxing Safety Act of 1996.
Sec. 703. Definitions.
Sec. 704. Purposes.
Sec. 705. United States Boxing Commission approval, or ABC or commission sanction, required for matches.
Sec. 706. Safety standards.
Sec. 707. Registration.
Sec. 708. Review.
Sec. 709. Reporting.
Sec. 710. Contract requirements.
Sec. 711. Coercive contracts.
Sec. 712. Sanctioning organizations.
Sec. 713. Required disclosures by sanctioning organizations.
Sec. 714. Required disclosures by promoters and broadcasters.
Sec. 715. Judges and referees.
Sec. 716. Medical registry.
Sec. 717. Conflicts of interest.
Sec. 718. Enforcement.
Sec. 719. Repeal of deadwood.
Sec. 720. Recognition of tribal law.
Sec. 721. Establishment of United States Boxing Commission.
Sec. 722. Study and report on definition of promoter.
Sec. 723. Effective date.

SEC. 702. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

SEC. 703. DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) COMMISSION.—The term 'Commission' means the United States Boxing Commission.

"(2) BOUT AGREEMENT.—The term 'bout agreement' means a contract between a promoter and a boxer that requires the boxer to participate in a professional boxing match for a particular date.

"(3) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

"(4) BOXING COMMISSION.—The term 'boxing commission' means an entity authorized under State or tribal law to regulate professional boxing matches.

"(5) BOXER REGISTRY.—The term 'boxer registry' means any entity certified by the Commission for the purposes of maintaining records and identification of boxers.

"(6) BOXING SERVICE PROVIDER.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

"(7) CONTRACT PROVISION.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

"(8) INDIAN LANDS; INDIAN TRIBE.—The terms 'Indian lands' and 'Indian tribe' have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

"(9) LICENSEE.—The term 'licensee' means an individual who serves as a trainer, corner man, second, or cut man for a boxer.

"(10) MANAGER.—The term 'manager' means a person other than a promoter who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

"(11) MATCHMAKER.—The term 'matchmaker' means a person that proposes, selects, and arranges for boxers to participate in a professional boxing match.

"(12) PHYSICIAN.—The term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action and who has training and experience in dealing with sports injuries, particularly head trauma.

"(13) PROFESSIONAL BOXING MATCH.—The term 'professional boxing match' means a boxing contest held in the United States between individuals for financial compensation. The term 'professional boxing match' does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Commission.

"(14) PROMOTER.—The term 'promoter'—

"(A) means the person primarily responsible for organizing, promoting, and producing a professional boxing match; but

"(B) does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

"(i) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

"(ii) there is no other person primarily responsible for organizing, promoting, and producing the match.

"(15) PROMOTIONAL AGREEMENT.—The term 'promotional agreement' means a contract, for the acquisition of rights relating to a boxer's participation in a professional boxing match or series of boxing matches (including the right to sell, distribute, exhibit, or license the match or matches), with—

"(A) the boxer who is to participate in the match or matches; or

"(B) the nominee of a boxer who is to participate in the match or matches, or the nominee is an entity that is owned, controlled or held in trust for the boxer unless that nominee or entity is a licensed promoter who is conveying a portion of the rights previously acquired.

"(16) STATE.—The term 'State' means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

"(17) SANCTIONING ORGANIZATION.—The term 'sanctioning organization' means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

"(A) between boxers who are residents of different States; or

"(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

"(18) SUSPENSION.—The term 'suspension' includes within its meaning the temporary revocation of a boxing license.

"(19) TRIBAL ORGANIZATION.—The term 'tribal organization' has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).".

(b) CONFORMING AMENDMENT.—Section 21 (15 U.S.C. 6312) is amended to read as follows:

"SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization may establish a boxing commission to regulate professional boxing matches held on Indian land under the jurisdiction of that tribal organization.

"(b) STANDARDS AND LICENSING.—A tribal organization that establishes a boxing commission shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

"(1) the otherwise applicable requirements of the State in which the Indian land on which the professional boxing match is held is located; or

"(2) the guidelines established by the United States Boxing Commission.

"(c) APPLICATION OF ACT TO BOXING MATCHES ON TRIBAL LANDS.—The provisions of this Act apply to professional boxing matches held on tribal lands to the same extent and in the same way as they apply to professional boxing matches held in any State.".

SEC. 704. PURPOSES.

Section 3(2) (15 U.S.C. 6302(2)) is amended by striking "State".

SEC. 705. UNITED STATES BOXING COMMISSION APPROVAL, OR ABC OR COMMISSION SANCTION, REQUIRED FOR MATCHES.

(a) IN GENERAL.—Section 4 (15 U.S.C. 6303) is amended to read as follows:

“SEC. 4. APPROVAL OR SANCTION REQUIREMENT.

“(a) IN GENERAL.—No person may arrange, promote, organize, produce, or fight in a professional boxing match within the United States unless the match—

“(1) is approved by the Commission; and

“(2) is held in a State, or on tribal land of a tribal organization, that regulates professional boxing matches in accordance with standards and criteria established by the Commission.

“(b) APPROVAL PRESUMED.

“(1) IN GENERAL.—For purposes of subsection (a), the Commission shall be presumed to have approved any match other than—

“(A) a match with respect to which the Commission has been informed of an alleged violation of this Act and with respect to which it has notified the supervising boxing commission that it does not approve;

“(B) a match advertised to the public as a championship match;

“(C) a match scheduled for 10 rounds or more; or

“(D) a match in which 1 of the boxers has—

“(i) suffered 10 consecutive defeats in professional boxing matches; or

“(ii) has been knocked out 5 consecutive times in professional boxing matches.

“(2) DELEGATION OF APPROVAL AUTHORITY.—Notwithstanding paragraph (1), the Commission shall be presumed to have approved a match described in subparagraph (B), (C), or (D) of paragraph (1) if—

“(A) the Commission has delegated in writing its approval authority with respect to that match to a boxing commission; and

“(B) the boxing commission has approved the match.

“(3) KNOCKED-OUT DEFINED.—Except as may be otherwise provided by the Commission by rule, in paragraph (1)(D)(ii), the term ‘knocked out’ means knocked down and unable to continue after a count of 10 by the referee or stopped from continuing because of a technical knockout.”.

(b) CONFORMING AMENDMENT.—Section 19 (15 U.S.C. 6310) is repealed.

SEC. 706. SAFETY STANDARDS.

Section 5 (15 U.S.C. 6304) is amended—

(1) by striking “requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:” and inserting “requirements:”;

(2) by adding at the end of paragraph (1) “The examination shall include testing for infectious diseases in accordance with standards established by the Commission.”;

(3) by striking paragraph (2) and inserting the following:

“(2) An ambulance continuously present on site.”;

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

“(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site.”; and

(5) by striking “match.” in paragraph (5), as redesignated, and inserting “match in an amount prescribed by the Commission.”.

SEC. 707. REGISTRATION.

Section 6 (15 U.S.C. 6305) is amended—

(1) by inserting “or Indian tribe” after “State” the second place it appears in subsection (a)(2);

(2) by striking the first sentence of subsection (c) and inserting “A boxing commission shall, in accordance with requirements established by the Commission, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.”;

(3) by striking “should” in the second sentence of subsection (c) and inserting “shall, at a minimum,”; and

(4) by adding at the end the following:

“(d) COPY OF REGISTRATION AND IDENTIFICATION CARDS TO BE SENT TO COMMISSION.—A boxing commission shall furnish a copy of each registration received under subsection (a), and each identification card issued under subsection (b), to the Commission.”.

SEC. 708. REVIEW.

Section 7 (15 U.S.C. 6306) is amended—

(1) by striking “that, except as provided in subsection (b), no” in subsection (a)(2) and inserting “that no”;

(2) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

“(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.”;

(3) by striking subsection (b); and

(4) by striking “(a) PROCEDURES.—”.

SEC. 709. REPORTING.

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking “48 business hours” and inserting “2 business days”;

(2) by striking “bxoing” and inserting “boxing”; and

(3) by striking “each boxer registry.” and inserting “the Commission.”.

SEC. 710. CONTRACT REQUIREMENTS.

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

“SEC. 9. CONTRACT REQUIREMENTS.

“(a) IN GENERAL.—The Commission, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxer-manager contract, and promotional agreement. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

“(b) FILING AND APPROVAL REQUIREMENTS.—

“(1) COMMISSION.—A manager or promoter shall submit a copy of each boxer-manager contract and each promotional agreement between that manager or promoter and a boxer to the Commission, and, if requested, to the boxing commission with jurisdiction over the bout.

“(2) BOXING COMMISSION.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and approved by it.

“(c) BOND OR OTHER SURETY.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission.”.

SEC. 711. COERCIVE CONTRACTS.

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting “OR ELIMINATION” after “MANDATORY” in the heading of subsection (b); and

(3) by inserting “or elimination” after “mandatory” in subsection (b).

SEC. 712. SANCTIONING ORGANIZATIONS.

(a) IN GENERAL.—Section 11 (15 U.S.C. 6307c) is amended to read as follows:

“SEC. 11. SANCTIONING ORGANIZATIONS.

“(a) OBJECTIVE CRITERIA.—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2004, the Commission shall develop guidelines for objective and consistent written criteria for the rating of professional boxers based on the athletic merits and professional record of the boxers. Within 90 days after the Commission's promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.

“(b) NOTIFICATION OF CHANGE IN RATING.—A sanctioning organization shall, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers—

“(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, including an explanation of the change, for a period of not less than 30 days;

“(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Commission;

“(3) provide the boxer an opportunity to appeal the ratings change to the sanctioning organization; and

“(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.

“(c) CHALLENGE OF RATING.—If, after disposing with an appeal under subsection (b)(3), a sanctioning organization receives a petition from a boxer challenging that organization's rating of the boxer, it shall (except to the extent otherwise required by the Commission), within 7 days after receiving the petition—

“(1) provide to the boxer a written explanation under penalty of perjury of the organization's rating criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer); and

“(2) submit a copy of its explanation to the Association of Boxing Commissions and the Commission for their review.”.

(b) CONFORMING AMENDMENTS.—Section 18(e) (15 U.S.C. 6309(e)) is amended—

(1) by striking “FEDERAL TRADE COMMISSION,” in the subsection heading and inserting “UNITED STATES BOXING COMMISSION”; and

(2) by striking “Federal Trade Commission,” in paragraph (1) and inserting “United States Boxing Commission,”.

SEC. 713. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.

Section 12 (15 U.S.C. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting “Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization, if any, for that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match, a written statement of—”;

(2) by striking “will assess” in paragraph (1) and inserting “has assessed, or will assess,”; and

(3) by striking “will receive” in paragraph (2) and inserting “has received, or will receive,”.

SEC. 714. REQUIRED DISCLOSURES BY PROMOTERS AND BROADCASTERS.

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking "**PROMOTERS.**" in the section caption and inserting "**PROMOTERS AND BROADCASTERS.**";

(2) by striking so much of subsection (a) as precedes paragraph (1) and inserting the following:

"(a) Disclosures to Boxing Commissions and the Commission.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match—";

(3) by striking "writing," in subsection (a)(1) and inserting "writing, other than a bout agreement previously provided to the commission,";

(4) by striking "all fees, charges, and expenses that will be" in subsection (a)(3)(A) and inserting "a written statement of all fees, charges, and expenses that have been, or will be,";

(5) by inserting "a written statement of" before "all" in subsection (a)(3)(B);

(6) by inserting "a statement of" before "any" in subsection (a)(3)(C);

(7) by striking the matter in subsection (b) following "Boxer.—" and preceding paragraph (1) and inserting "Within 7 days after a professional boxing match of 10 rounds or more, the promoter of the match shall provide to each boxer participating in the bout or match with whom the promoter has a bout or promotional agreement a statement of—";

(8) by striking "match;" in subsection (b)(1) and inserting "match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match;"; and

(9) by adding at the end the following:

"(d) Required Disclosures by Broadcasters.—

"(1) In general.—A broadcaster that owns the television broadcast rights for a professional boxing match of 10 rounds or more shall, within 7 days after that match, provide to the Commission—

"(A) a statement of any advance, guarantee, or license fee paid or owed by the broadcaster to a promoter in connection with that match;

"(B) a copy of any contract executed by or on behalf of the broadcaster with—

"(i) a boxer who participated in that match; or

"(ii) the boxer's manager, promoter, promotional company, or other representative or the owner or representative of the site of the match; and

"(C) a list identifying sources of income received from the broadcast of the match.

"(2) Copy to boxing commission.—Upon request from the boxing commission in the State or Indian land responsible for regulating a match to which paragraph (1) applies, a broadcaster shall provide the information described in paragraph (1) to that boxing commission.

"(3) Confidentiality.—The information provided to the Commission or to a boxing commission pursuant to this subsection shall be confidential and not revealed by the Commission or a boxing commission, except that the Commission may publish an analysis of the data in aggregate form or in a manner which does not disclose confidential information about identifiable broadcasters.

"(4) Television broadcast rights.—In paragraph (1), the term 'television broadcast rights' means the right to broadcast the match, or any part thereof, via a broadcast station, cable service, or multichannel video programming distributor as such terms are defined in section 3(5), 602(6), and 602(13) of the Communications Act of 1934 (47 U.S.C. 153(5), 602(6), and 602(13), respectively).".

SEC. 715. JUDGES AND REFEREES.

(a) In General.—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting "(a) Licensing and Assignment Requirement.—" before "No person";

(2) by striking "certified and approved" and inserting "selected";

(3) by inserting "or Indian lands" after "State"; and

(4) by adding at the end the following:

"(b) Championship and 10-Round Bouts.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Commission.

"(c) Role of Sanctioning Organization.—A sanctioning organization may provide a list of judges and referees deemed qualified by that organization to a boxing commission, but the boxing commission shall select, license, and appoint the judges and referees participating in the match.

"(d) Assignment of Nonresident Judges and Referees.—A boxing commission may assign judges and referees who reside outside that commission's State or Indian land.

"(e) Required Disclosure.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian land a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Commission.".

(b) Conforming Amendment.—Section 14 (15 U.S.C. 6307f) is repealed.

SEC. 716. MEDICAL REGISTRY.

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

"SEC. 14. MEDICAL REGISTRY.

"(a) In General.—The Commission shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.

"(b) Content; Submission.—The Commission shall determine—

"(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and

"(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

"(c) Confidentiality.—The Commission shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—

"(1) protect the health and safety of boxers by making relevant information available to the boxing commissions for use but not public disclosure; and

"(2) ensure that the privacy of the boxers is protected.".

SEC. 717. CONFLICTS OF INTEREST.

Section 17 (15 U.S.C. 6308) is amended—

(1) by striking "enforces State boxing laws," in subsection (a) and inserting "implements State or tribal boxing laws, no officer or employee of the Commission,";

(2) by striking "belong to," and inserting "hold office in," in subsection (a);

(3) by striking the last sentence of subsection (a);

(4) by striking subsection (b) and inserting the following:

"(b) Boxers.—A boxer may not own or control, directly or indirectly, an entity that promotes the boxer's bouts if that entity is responsible for—

"(1) executing a bout agreement or promotional agreement with the boxer's opponent; or

"(2) providing any payment or other compensation to—

"(A) the boxer's opponent for participation in a bout with the boxer;

"(B) the boxing commission that will regulate the bout; or

"(C) ring officials who officiate at the bout.".

SEC. 718. ENFORCEMENT.

Section 18 (15 U.S.C. 6309) is amended—

(1) by striking "(a) Injunctions.—" in subsection (a) and inserting "(a) Actions by Attorney General.—";

(2) by striking "enforces State boxing laws," in subsection (b)(3) and inserting "implements State or tribal boxing laws, any officer or employee of the Commission,";

(3) by inserting "has engaged in or" after "organization" in subsection (c);

(4) by striking "subsection (b)" in subsection (c)(3) and inserting "subsection (b), a civil penalty, or"; and

(5) by striking "boxer" in subsection (d) and inserting "person".

SEC. 719. REPEAL OF DEADWOOD.

Section 20 (15 U.S.C. 6311) is repealed.

SEC. 720. RECOGNITION OF TRIBAL LAW.

Section 22 (15 U.S.C. 6313) is amended—

(1) by insert "**or tribal**" in the section heading after "**state**"; and

(2) by inserting "or indian tribe" after "State".

SEC. 721. ESTABLISHMENT OF UNITED STATES BOXING COMMISSION.

(a) In General.—The Act is amended by adding at the end the following:

"TITLE II—UNITED STATES BOXING COMMISSION

"SEC. 201. PURPOSE.

"The purpose of this title is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.

"SEC. 202. UNITED STATES BOXING COMMISSION.

"(a) In General.—The United States Boxing Commission is established as a commission within the Department of Commerce.

"(b) Members.—

"(1) In general.—The Commission shall consist of 3 members appointed by the President, by and with the advice and consent of the Senate.

"(2) Qualifications.—

"(A) In general.—Each member of the Commission shall be a citizen of the United States who—

"(i) has extensive experience in professional boxing activities or in a field directly related to professional sports;

"(ii) is of outstanding character and recognized integrity; and

"(iii) is selected on the basis of training, experience, and qualifications and without regard to political party affiliation.

"(B) Specific qualifications for certain members.—At least 1 member of the Commission shall be a former member of a local boxing authority. If practicable, at least 1 member of the Commission shall be a physician or other health care professional duly licensed as such.

"(C) Disinterested persons.—No member of the Commission may, while serving as a member of the Commission—

"(i) be engaged as a professional boxer, boxing promoter, agent, fight manager, matchmaker, referee, judge, or in any other capacity in the conduct of the business of professional boxing;

"(ii) have any pecuniary interest in the earnings of any boxer or the proceeds or outcome of any boxing match; or

"(iii) serve as a member of a boxing commission.

"(3) Bipartisan membership.—Not more than 2 members of the Commission may be members of the same political party.

"(4) Geographic balance.—Not more than 2 members of the Commission may be residents of the same geographic region of the United States when appointed to the Commission. For purposes of the preceding sentence, the area of the United States east of the Mississippi River is a geographic region, and the area of the United States west of the Mississippi River is a geographic region.

"(5) Terms.—

"(A) In general.—The term of a member of the Commission shall be 3 years.

"(B) Reappointment.—Members of the Commission may be reappointed to the Commission.

"(C) Midterm vacancies.—A member of the Commission appointed to fill a vacancy in the Commission occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that unexpired term.

"(D) Continuation pending replacement.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

"(6) Removal.—A member of the Commission may be removed by the President only for cause.

"(c) Executive Director.—

"(1) In general.—The Commission shall employ an Executive Director to perform the administrative functions of the Commission under this Act, and such other functions and duties of the Commission as the Commission shall specify.

"(2) Discharge of functions.—Subject to the authority, direction, and control of the Commission the Executive Director shall carry out the functions and duties of the Commission under this Act.

"(d) General Counsel.—The Commission shall employ a General Counsel to provide legal counsel and advice to the Executive Director and the Commission in the performance of its functions under this Act, and to carry out such other functions and duties as the Commission shall specify.

"(e) Staff.—The Commission shall employ such additional staff as the Commission considers appropriate to assist the Executive Director and the General Counsel in carrying out the functions and duties of the Commission under this Act.

"(f) Compensation.—

"(1) Members of commission.—

"(A) In general.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

"(B) Travel expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

"(2) Executive director and staff.—The Commission shall fix the compensation of the Executive Director, the General Counsel, and other personnel of the Commission. The rate of pay for the Executive Director, the General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"SEC. 203. FUNCTIONS.

"(a) Primary Functions.—The primary functions of the Commission are—

"(1) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and

"(2) to ensure uniformity, fairness, and integrity in professional boxing.

"(b) Specific Functions.—The Commission shall—

"(1) administer title I of this Act;

"(2) promulgate uniform standards for professional boxing in consultation with the Association of Boxing Commissions;

"(3) except as otherwise determined by the Commission, oversee all professional boxing matches in the United States;

"(4) work with the boxing commissions of the several States and tribal organizations—

"(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

"(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

"(C) to improve the status and standards of professional boxing in the United States;

"(5) ensure, in cooperation with the Attorney General (who shall represent the Commission in any judicial proceeding under this Act), the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

"(6) review boxing commission regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Commission under this title;

"(7) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

"(8) if the Commission determines it to be appropriate, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Commission;

"(9) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Commission determines to be reasonable; and

"(10) promulgate rules, regulations, and guidance, and take any other action necessary and proper to accomplish the purposes of, and consistent with, the provisions of this title.

"(c) Prohibitions.—The Commission may not—

"(1) promote boxing events or rank professional boxers; or

"(2) provide technical assistance to, or authorize the use of the name of the Commission by, boxing commissions that do not comply with requirements of the Commission.

"(d) Use of Name.—The Commission shall have the exclusive right to use the name 'United States Boxing Commission'. Any person who, without the permission of the Commission, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Commission for the purpose of inducing the sale or exchange of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Commission for the remedies provided in the Act of July 5, 1946 (commonly known as the 'Trademark Act of 1946'; 15 U.S.C. 1051 et seq.).

"SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

"(a) Licensing.—

"(1) Requirement for license.—No person may compete in a professional boxing match or serve as a boxing manager, boxing promoter, or sanctioning organization for a professional boxing match except as provided in a license granted to that person under this subsection.

"(2) Application and term.—

"(A) In general.—The Commission shall—

"(i) establish application procedures, forms, and fees;

"(ii) establish and publish appropriate standards for licenses granted under this section; and

"(iii) issue a license to any person who, as determined by the Commission, meets the standards established by the Commission under this title.

"(B) Duration.—A license issued under this section shall be for a renewable—

"(i) 4-year term for a boxer; and

"(ii) 2-year term for any other person.

"(C) Procedure.—The Commission may issue a license under this paragraph through boxing commissions or in a manner determined by the Commission.

"(b) Licensing Fees.—

"(1) Authority.—The Commission may prescribe and charge reasonable fees for the licensing of persons under this title. The Commission may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Commission.

"(2) Limitations.—In setting and charging fees under paragraph (1), the Commission shall ensure that, to the maximum extent practicable—

"(A) club boxing is not adversely effected;

"(B) sanctioning organizations and promoters pay comparatively the largest portion of the fees; and

"(C) boxers pay as small a portion of the fees as is possible.

"(3) Collection.—Fees established under this subsection may be collected through boxing commissions or by any other means determined appropriate by the Commission.

"SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.

"(a) Requirement for Registry.—The Commission shall establish and maintain (or authorize a third party to establish and maintain) a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

"(b) Contents.—The information in the registry shall include the following:

"(1) Boxers.—A list of professional boxers and data in the medical registry established under section 114 of this Act, which the Commission shall secure from disclosure in accordance with the confidentiality requirements of section 114(c).

"(2) Other personnel.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Commission as performing a professional activity for professional boxing matches.

"SEC. 206. CONSULTATION REQUIREMENTS.

"The Commission shall consult with the Association of Boxing Commissions—

"(1) before prescribing any regulation or establishing any standard under the provisions of this title; and

"(2) not less than once each year regarding matters relating to professional boxing.

"SEC. 207. MISCONDUCT.

"(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.

"(1) AUTHORITY.—The Commission may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Commission finds that—

"(A) the license holder has violated any provision of this Act;

"(B) there are reasonable grounds for belief that a standard prescribed by the Commission under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license; or

"(C) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest.

"(2) PERIOD OF SUSPENSION.—

"(A) IN GENERAL. A suspension of a license under this section shall be effective for a period determined appropriate by the Commission except as provided in subparagraph (B).

"(B) SUSPENSION FOR MEDICAL REASONS. In the case of a suspension or denial of the license of a boxer for medical reasons by the Commission, the Commission may terminate the suspension or denial at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Commission shall prescribe the standards and procedures for accepting certifications under this subparagraph.

"(3) PERIOD OF REVOCATION.—In the case of a revocation of the license of a boxer, the revocation shall be for a period of not less than 1 year.

"(b) INVESTIGATIONS AND INJUNCTIONS.—

"(1) AUTHORITY.—The Commission may—

"(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this Act or any regulation prescribed under this Act;

"(B) require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated;

"(C) in its discretion, publish information concerning any violations; and

"(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this Act, in the prescribing of regulations under this Act, or in securing information to serve as a basis for recommending legislation concerning the matters to which this Act relates.

"(2) POWERS.—

"(A) IN GENERAL. For the purpose of any investigation under paragraph (1) or any other proceeding under this title—

"(i) any officer designated by the Commission may administer oaths and affirmations, subpoena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records the Commission considers relevant or material to the inquiry; and

"(ii) the provisions of sections 6002 and 6004 of title 18, United States Code, shall apply.

"(B) WITNESSES AND EVIDENCE.—The attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the United States, including Indian land, at any designated place of hearing.

"(3) ENFORCEMENT OF SUBPOENAS.—

"(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may file an action in any district court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Commission to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

"(B) FAILURE TO OBEY. Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that court.

"(C) PROCESS.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

"(4) EVIDENCE OF CRIMINAL MISCONDUCT.—

"(A) IN GENERAL.—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Commission, in obedience to the subpoena of the Commission, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

"(B) LIMITED IMMUNITY.—No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning the matter about which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(5) INJUNCTIVE RELIEF. If the Commission determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this Act, or of any regulation prescribed under this Act, the Commission may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

"(6) MANDAMUS.—Upon application of the Commission, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Commission.

"(c) INTERVENTION IN CIVIL ACTIONS.—

"(1) IN GENERAL. The Commission, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a district court of the United States.

"(2) AMICUS FILING.—The Commission may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

"(d) HEARINGS BY COMMISSION. Hearings conducted by the Commission under this Act shall be public and may be held before any officer of the Commission. The Commission shall keep appropriate records of the hearings.

"SEC. 208. NONINTERFERENCE WITH BOXING COMMISSIONS.

"(a) NONINTERFERENCE.—Nothing in this Act prohibits any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this Act.

"(b) MINIMUM STANDARDS.—Nothing in this Act prohibits any boxing commission from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Commission under this Act.

"SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

"Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Commission, upon the request of the Commission, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

"SEC. 210. REPORTS.

"(a) ANNUAL REPORT.—The Commission shall submit a report on its activities to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include—

"(1) a detailed discussion of the activities of the Commission for the year covered by the report; and

"(2) an overview of the licensing and enforcement activities of the State and tribal organization boxing commissions.

"(b) PUBLIC REPORT. The Commission shall annually issue and publicize a report of the Commission on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing, which shall include comments on issues of continuing concern to the Commission.

"(c) FIRST ANNUAL REPORT ON THE COMMISSION.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

"SEC. 211. INITIAL IMPLEMENTATION.

"(a) TEMPORARY EXEMPTION.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

"(b) EXPIRATION. The exemption under subsection (a) with respect to a license issued by a boxing commission expires on the earlier of—

"(A) the date on which the license expires; or

"(B) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2004.

"SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated for the Commission for each fiscal year such sums as may be necessary for the Commission to perform its functions for that fiscal year.

"(b) Receipts Credited as Offsetting Collections.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

"(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

"(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

"(3) shall remain available until expended.".

(b) Conforming Amendments.—

(1) PBSA.—The Professional Boxing Safety Act of 1996, as amended by this Act, is further amended—

(A) by striking section 1 and inserting the following:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) Short Title.—This Act may be cited as the 'Professional Boxing Safety Act'.

"(b) Table of Contents.—The table of contents for this Act is as follows:

"Section 1. Short title; table of contents.
"Sec. 2. Definitions.

"TITLE I—PROFESSIONAL BOXING SAFETY

"Sec. 101. Purposes.
"Sec. 102. Approval or sanction requirement.
"Sec. 103. Safety standards.
"Sec. 104. Registration.
"Sec. 105. Review.
"Sec. 106. Reporting.
"Sec. 107. Contract requirements.
"Sec. 108. Protection from coercive contracts.
"Sec. 109. Sanctioning organizations.
"Sec. 110. Required disclosures to State boxing commissions by sanctioning organizations.
"Sec. 111. Required disclosures by promoters and broadcasters.
"Sec. 112. Medical registry.
"Sec. 113. Confidentiality.
"Sec. 114. Judges and referees.
"Sec. 115. Conflicts of interest.
"Sec. 116. Enforcement.
"Sec. 117. Professional boxing matches conducted on Indian lands.
"Sec. 118. Relationship with State or Tribal law.

"TITLE II—UNITED STATES BOXING COMMISSION

"Sec. 201. Purpose.
"Sec. 202. United States Boxing Commission.
"Sec. 203. Functions.
"Sec. 204. Licensing and registration of boxing personnel.
"Sec. 205. National registry of boxing personnel.
"Sec. 206. Consultation requirements.
"Sec. 207. Misconduct.
"Sec. 208. Noninterference with boxing commissions.
"Sec. 209. Assistance from other agencies.
"Sec. 210. Reports.
"Sec. 211. Initial implementation.
"Sec. 212. Authorization of appropriations.";

(B) by inserting before section 3 the following:

"TITLE I—PROFESSIONAL BOXING SAFETY";

(C) by redesignating sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 22 as sections 101 through 118, respectively;

(D) by striking subsection (a) of section 113, as redesignated, and inserting the following:

"(a) In General.—Except to the extent required in a legal, administrative, or judicial proceeding, a boxing commission, an Attorney General, or the Commission may not disclose to the public any matter furnished by a promoter under section 111.";

(E) by striking "section 13" in subsection (b) of section 113, as redesignated, and inserting "section 111";

(F) by striking "9(b), 10, 11, 12, 13, 14, or 16," in paragraph (1) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114,";

(G) by striking "9(b), 10, 11, 12, 13, 14, or 16" in paragraph (2) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114";

(H) by striking "section 17(a)" in subsection (b)(3) of section 116, as redesignated, and inserting "section 115(a)";

(I) by striking "section 10" in subsection (e)(3) of section 116, as redesignated, and inserting "section 108"; and

(J) by striking "of this Act" each place it appears in sections 101 through 120, as redesignated, and inserting "of this title".

(2) Compensation of Members.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Members of the United States Boxing Commission.".

SEC. 722. STUDY AND REPORT ON DEFINITION OF PROMOTER.

(a) Study.—The United States Boxing Commission shall conduct a study on how the term "promoter" should be defined for purposes of the Professional Boxing Safety Act.

(b) Hearings.—As part of that study, the Commission shall hold hearings and solicit testimony at those hearings from boxers, managers, promoters, premium, cable, and satellite program service providers, hotels, casinos, resorts, and other commercial establishments that host or sponsor professional boxing matches, and other interested parties with respect to the definition of that term as it is used in the Professional Boxing Safety Act.

(c) Report.—Not later than 12 months after the date of the enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study conducted under subsection (a). The report shall—

(1) set forth a proposed definition of the term "promoter" for purposes of the Professional Boxing Safety Act; and

(2) describe the findings, conclusions, and rationale of the Commission for the proposed definition, together with any recommendations of the Commission, based on the study.

SEC. 723. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), the amendments made by this title shall take effect on the date of enactment of this Act.

(b) 1-Year Delay for Certain Title II Provisions.—Sections 205 through 212 of the Professional Boxing Safety Act of 1996, as added by section 721(a) of this title, shall take effect 1 year after the date of enactment of this Act.

Mr. HATCH. Mr. President, I commend my esteemed colleagues in the Senate for passing S. 3021, the Family Entertainment and Copyright Act of 2004, which I introduced today with the senior Senator from Vermont. This important legislation is actually a package of several smaller intellectual property bills that the House and Senate have been working to enact over the past 2 years. This bill strengthens the intellectual property laws that are vital to the ongoing growth of our economy. In addition to important clarifications to U.S. intellectual property laws, this bill also contains the Family Movie Act, introduced by Representative Lamar Smith, the Chairman of the House subcommittee with jurisdiction over intellectual property legislation.

Title I of this Act, the Artists' Rights and Theft Prevention Act of 2003, the ART Act, contains a slightly modified version of S. 1932, authored by my colleagues Senators Cornyn and Feinstein, that passed the Senate by unanimous consent earlier this Congress. This bill will close two significant gaps in our copyright laws that are feeding some of the piracy now rampant on the Internet. First, it criminalizes attempts to camcord movies off of theater screens. These camcorded copies of new movies now appear on filesharing networks almost contemporaneously with the theatrical release of a film. Several states have already taken steps to criminalize this activity, but providing a uniform Federal law, instead of a patchwork of State criminal statutes, will assist law enforcement officials in combating the theft and redistribution of valuable intellectual property embodied in newly-released motion pictures. Second, the bill will create a pre-registration system that will permit criminal penalties and statutory damage awards. This will also provide a tool for law enforcement officials combating the growing problem of music and movies being distributed on filesharing networks and circulating on the Internet before they are even released. Obviously, the increasingly frequent situation of copyrighted works being distributed illegally via the Internet before they are even made available for sale to the public severely undercuts the ability of copyright holders to receive fair and adequate compensation for their works.

Title II of this Act, the Family Movie Act of 2004, resolves some ongoing disputes about e legality of so-called "jump-and-skip" technologies that companies like Clearplay in my home state of Utah have developed to permit family-friendly viewing of films that may contain objectionable content. The Family Movie Act creates a narrowly-defined safe-harbor clarifying that distributors of such technologies will not face liability for copyright or trademark infringement, provided that they comply with the requirements of the Act. Throughout the 108th Congress, I have been working to resolve this issue with my colleagues in the Senate and several leaders in the House, including, most importantly Chairman SMITH and Chairman SENSENBRENNER. The Family Movie Act will help to end aggressive litigation threatening the viability of small companies like Clearplay who are busy creating innovative technologies for consumers that allow them to tailor their home viewing experience to their own individual or family preferences.

I thank my friend, the senior Senator from Arizona, for his and his staff's assistance in drafting this version of the legislation to resolve concerns that the House version might affect entirely unrelated disputes about commercial-skipping technology. Apparently, some were concerned that language in the House bill stating that this particular safe-harbor provision was not intended to resolve disputes about the legality of commercial-skipping technologies might be construed by courts as evidence that Congress believes that such technologies violate the Copyright Act.

Courts do not, cannot, and should not construe the Copyright Act's safe harbors in this way. For example, when Congress created safe-harbor provisions for certain types of internet service providers, it did not imply that all others were violating the Copyright Act. Nevertheless, I am pleased that we were able to find language that satisfies all so that it is clear the Act's safe-harbor for family-friendly viewing technologies encode absolutely no judgment whatsoever about the proper resolution of entirely unrelated disputes about the legality of commercial-skipping technologies. It would have been tragic if we had allowed a special-interest dispute about advertising to deny parents access to technologies that give them and their children the opportunity to watch movies without being exposed to profanity or images of rape, sex or murder.

Title III of this Act, the National Film Preservation Act of 2004, will reauthorize the National Film Preservation Board and the National Film Preservation Foundation. These entities have worked successfully to recognize and preserve historically or culturally significant films, often by providing the grants and expertise that enable local historical societies to protect and preserve historically significant films for the local communities for which they are most important. This fine work will ensure that the history of the 20th century will be preserved and available to future generations. As a conservative Senator from a socially-conservative-state, I occasionally take a few swings at the movie industry for the quality and content of the motion pictures they are currently creating, but I will note for the record that I commend efforts to ensure that important artistic, cultural, and historically-significant films are preserved for future generations, and I commend the Senator from Vermont for his perseverance in reauthorizing federal funds to continue this important effort.

Title IV of this Act, the Preservation of Orphan Works Act, also ensures the preservation of valuable historic records by correcting a technical error that unnecessarily narrows a limitation on the copyright law applicable to librarians and archivists. This will strengthen the ability of librarians and archivists to better meet the needs of both researchers and ordinary individuals and will result in greater accessibility of important works. I applaud my colleague in the House, Representative HOWARD BERMAN of California, for his efforts on this bill and am pleased to see it included in this Senate package.

Title V of this Act, the Anticounterfeiting Act of 2004, amends our criminal and civil anticounterfeiting laws to ensure that these laws keep pace with the counterfeiters. Traffic in counterfeit copies of goods protected by American copyrights, patents or trademarks has become a multi-billion dollar drain on our economy. The proceeds of this illegal traffic are stolen from legitimate American companies and then used to fund other criminal enterprises. Unlike several of the other bills in this package that provide tools for combating music and movie piracy, the Anticounterfeiting Act is directed primarily toward combating counterfeiting practices that enable software piracy around the world.

To combat this counterfeiting, companies are using increasingly sophisticated authentication features to distinguish genuine, authorized copies of their products and to protect their customers and distributors. Now, the counterfeiters are fighting back by counterfeiting authentication features or by stealing legally produced authentication features and selling them to counterfeiters. The Anticounterfeiting Act of 2004 will impose criminal and civil penalties upon those who traffic in counterfeit or stolen authentication features. This will ensure that law-enforcement agencies and private rights-holders can halt criminal traffic in counterfeit or stolen authentication features before it even creates an illusion of authenticity that allows counterfeit goods to penetrate legitimate markets and endanger both the growth of our economy and the personal safety of our citizens.

Title VI of this Act, the Cooperative Research and Technology Enhancement Act of 2004, the CREATE Act, will create new opportunities to innovate when public institutions and private entrepreneurs combine their respective forms of expertise in collaborative, joint research efforts. This type of joint private-public research effort is well-suited to, in the words of President Lincoln, add "the fuel of interest to the fire of genius in the production of new and useful things." As a result, we have long realized the enormous value of these joint research efforts, and we have long realized that their potential cannot be realized unless their participants can benefit from the intellectual property rights generated by such research.

Unfortunately, the literal language of Section 102(g) of the Patent Act suggests that nonpublic information known to some members of a private-public research team can constitute "prior art" that may make the final results of the team research obvious, and thus not patentable. Because nonpublic information does not usually constitute "prior art" under the Patent Act, the potentially disparate treatment of such information creates a disincentive for entrepreneurs and public institutions to collaborate in joint research efforts.

I believe that we must encourage, not discourage, public institutions and private entrepreneurs to combine their respective talents in joint research efforts. Indeed, Congress committed itself to this principle when it passed the Bayh-Dole amendments to the Patent Act. The CREATE Act will simply conform the present language of the Patent Act to the intent that has always animated it. I commend Chairman SMITH and his staff for their efforts on this legislation and am pleased that it has been made part of this package of bills.

Before I close, I thank all my colleagues and their staff who made passage of this bill today possible. In particular, I commend staff of both Judiciary Committees, including my own staff, Tom Sydnor and Dave Jones, and also Susan Davies, Chip Roy, Rich Phillips, Dan Fine, Jeff Miller, Jonathan Schwantes, Jonathan Meyer, Brooke Roberts, Bill Bailey, Lee Carosi, Jim Hippe, Joseph Gibson, Bill Bailey, Blaine Merrit, David Whitney, Joe Keeley, Alec French, and Sampak Garg.

Finally, I must note that the bicameral, bipartisan approach to these bills in particular and to intellectual property issues in general is a model we should strive to achieve in the 109th Congress.

FEDERAL EMPLOYEE DENTAL AND VISION BENEFITS ENHANCEMENT ACT OF 2004

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 783, S. 2657.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2657) to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4075) was agreed to, as follows:

AMENDMENT NO. 4075

(Purpose: To make technical and conforming amendments)

On page 3, line 10, insert "or an employee organization defined under section 8901(8)" after "companies)".

On page 8, line 9, insert "area" after "delivery".

On page 12, line 15, strike "General Accounting Office" and insert "Government Accountability Office".

On page 13, line 1, strike "General Accounting Office" and insert "Government Accountability Office".

On page 15, line 4, insert "or an employee organization defined under section 8901(8)" after "companies)".

On page 19, line 20, "area" after "delivery".

On page 23, line 25, strike "General Accounting Office" and insert "Government Accountability Office".

On page 24, line 11, strike "General Accounting Office" and insert "Government Accountability Office".

On page 25, line 18, strike all through page 26, line 19.

On page 26, line 20, strike "sec. 7." and insert "sec. 6.".

On page 27, line 7, strike "sec. 8." and insert "sec. 7.".

The bill (S. 2657), as amended, was read the third time and passed, as follows:

S. 2657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Dental and Vision Benefits Enhancement Act of 2004".

SEC. 2. ENHANCED DENTAL BENEFITS FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 89 the following:

"CHAPTER 89A—ENHANCED DENTAL BENEFITS

"Sec.
"8951. Definitions.
"8952. Availability of dental benefits.
"8953. Contracting authority.
"8954. Benefits.
"8955. Information to individuals eligible to enroll.
"8956. Election of coverage.
"8957. Coverage of restored survivor or disability annuitants.
"8958. Premiums.
"8959. Preemption.
"8960. Studies, reports, and audits.
"8961. Jurisdiction of courts.
"8962. Administrative functions.

"§ 8951. Definitions

"In this chapter:

"(1) The term 'employee' means an employee defined under section 8901(1).

"(2) The terms 'annuitant', 'member of family', and 'dependent' have the meanings as such terms are defined under paragraphs (3), (5), and (9), respectively, of section 8901.

"(3) The term 'eligible individual' refers to an individual described in paragraph (1) or (2), without regard to whether the individual is enrolled in a health benefits plan under chapter 89.

"(4) The term 'Office' means the Office of Personnel Management.

"(5) The term 'qualified company' means a company (or consortium of companies or an employee organization defined under section 8901(8)) that offers indemnity, preferred provider organization, health maintenance organization, or discount dental programs and if required is licensed to issue applicable coverage in any number of States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

"(6) The term 'employee organization' means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under chapter 89.

"(7) The term 'State' includes the District of Columbia.

"§ 8952. Availability of dental benefits

"(a) The Office shall establish and administer a program through which an eligible individual may obtain dental coverage to supplement coverage available through chapter 89.

"(b) The Office shall determine, in the exercise of its reasonable discretion, the financial requirements for qualified companies to participate in the program.

"(c) Nothing in this chapter shall be construed to prohibit the availability of dental benefits provided by health benefits plans under chapter 89.

"§ 8953. Contracting authority

"(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8954 without regard to section 5 of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

"(2) The Office shall ensure that each resulting contract is awarded on the basis of contractor qualifications, price, and reasonable competition.

"(b) Each contract under this section shall contain—

"(1) the requirements under section 8902(d), (f), and (i) made applicable to contracts under this section by regulations prescribed by the Office;

"(2) the terms of the enrollment period; and

"(3) such other terms and conditions as may be mutually agreed to by the Office and the qualified company involved, consistent with the requirements of this chapter and regulations prescribed by the Office.

"(c) Nothing in this chapter shall, in the case of an individual electing dental supplemental benefit coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of waiting periods more stringent than those that would have applied if that opportunity had not yet expired.

"(d)(1) Each contract under this chapter shall require the qualified company to agree—

"(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

"(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

"(i) to establish internal procedures designed to expeditiously resolve such disputes; and

"(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the qualified company.

"(2) A determination by a qualified company as to whether or not a particular individual is eligible to obtain coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable contract.

"(3) For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a qualified company and the Office—

"(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

"(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

"(e) Nothing in this section shall be considered to grant authority for the Office or third-party reviewer to change the terms of any contract under this chapter.

"(f) Contracts under this chapter shall be for a uniform term of 7 years and may not be renewed automatically.

"§ 8954. Benefits

"(a) The Office may prescribe reasonable minimum standards for enhanced dental benefits plans offered under this chapter and for qualified companies offering the plans.

"(b) Each contract may include more than 1 level of benefits that shall be made available to all eligible individuals.

"(c) The benefits to be provided under enhanced dental benefits plans under this chapter may be of the following types:

"(1) Diagnostic.
"(2) Preventive.
"(3) Emergency care.
"(4) Restorative.
"(5) Oral and maxillofacial surgery.
"(6) Endodontics.
"(7) Periodontics.
"(8) Prosthodontics.
"(9) Orthodontics.

"(d) A contract approved under this chapter shall require the qualified company to cover the geographic service delivery area specified by the Office. The Office shall require qualified companies to include dentally underserved areas in their service delivery areas.

"(e) If an individual has dental coverage under a health benefits plan under chapter 89 and also has coverage under a plan under this chapter, the health benefits plan under chapter 89 shall be the first payor of any benefit payments.

"§ 8955. Information to individuals eligible to enroll

"(a) The qualified companies at the direction and with the approval of the Office, shall make available to each individual eligible to enroll in a dental benefits plan information on services and benefits (including maximums, limitations, and exclusions), that the Office considers necessary to enable the individual to make an informed decision about electing coverage.

"(b) The Office shall make available to each individual eligible to enroll in a dental benefits plan, information on services and benefits provided by qualified companies participating under chapter 89.

"§ 8956. Election of coverage

"(a) An eligible individual may enroll in a dental benefits plan for self-only, self plus one, or for self and family. If an eligible individual has a spouse who is also eligible to enroll, either spouse, but not both, may enroll for self plus one or self and family. An individual may not be enrolled both as an employee, annuitant, or other individual eligible to enroll and as a member of the family.

"(b) The Office shall prescribe regulations under which—

"(1) an eligible individual may enroll in a dental benefits plan; and

"(2) an enrolled individual may change the self-only, self plus one, or self and family coverage of that individual.

"(c)(1) Regulations under subsection (b) shall permit an eligible individual to cancel or transfer the enrollment of that individual to another dental benefits plan—

"(A) before the start of any contract term in which there is a change in rates charged or benefits provided, in which a new plan is offered, or in which an existing plan is terminated; or

"(B) during other times and under other circumstances specified by the Office.

"(2) A transfer under paragraph (1) shall be subject to waiting periods provided under a new plan.

"§ 8957. Coverage of restored survivor or disability annuitants

"A surviving spouse, disability annuitant, or surviving child whose annuity is terminated and is later restored, may continue enrollment in a dental benefits plan subject to the terms and conditions prescribed in regulations issued by the Office.

"§ 8958. Premiums

"(a) Each eligible individual obtaining supplemental dental coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

"(b) The Office shall prescribe regulations specifying the terms and conditions under which individuals are required to pay the premiums for enrollment.

"(c) The amount necessary to pay the premiums for enrollment may—

"(1) in the case of an employee, be withheld from the pay of such an employee; or

"(2) in the case of an annuitant, be withheld from the annuity of such an annuitant.

"(d) All amounts withheld under this section shall be paid directly to the qualified company.

"(e) Each participating qualified company shall maintain accounting records that contain such information and reports as the Office may require.

"(f)(1) The Employee Health Benefits Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office in administering this chapter before the first day of the first contract period, including reasonable implementation costs.

"(2)(A) There is established in the Employees Health Benefits Fund a Dental Benefits Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the first contract year.

"(B) A contract under this chapter shall include appropriate provisions under which the qualified company involved shall, during each year, make such periodic contributions to the Dental Benefits Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year are defrayed.

"§ 8959. Preemption

"The terms of any contract that relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to dental benefits, insurance, plans, or contracts.

"§ 8960. Studies, reports, and audits

"(a) Each contract shall contain provisions requiring the qualified company to—

"(1) furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and

"(2) permit the Office and representatives of the Government Accountability Office to examine such records of the qualified company as may be necessary to carry out the purposes of this chapter.

"(b) Each Federal agency shall keep such records, make such certifications, and furnish the Office, the qualified company, or both, with such information and reports as the Office may require.

"(c) The Office shall conduct periodic reviews of plans under this chapter, including a comparison of the dental benefits available under chapter 89, to ensure the competitiveness of plans under this chapter. The Office shall cooperate with the Government Accountability Office to provide periodic evaluations of the program.

"§ 8961. Jurisdiction of courts

"The district courts of the United States have original jurisdiction, concurrent with the United States Court of Federal Claims, of a civil action or claim against the United States under this chapter after such administrative remedies as required under section 8953(d) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

"§ 8962. Administrative functions

"(a) The Office shall prescribe regulations to carry out this chapter. The regulations may exclude an employee on the basis of the nature and type of employment or conditions pertaining to it.

"(b) The Office shall, as appropriate, provide for coordinated enrollment, promotion, and education efforts as appropriate in consultation with each qualified company. The information under this subsection shall include information relating to the dental benefits available under chapter 89, including the advantages and disadvantages of obtaining additional coverage under this chapter.".

SEC. 3. ENHANCED VISION BENEFITS FOR FEDERAL EMPLOYEES.

Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 89A (as added by section 2 of this Act) the following:

"CHAPTER 89B—ENHANCED VISION BENEFITS

"Sec.
"8981. Definitions.
"8982. Availability of vision benefits.
"8983. Contracting authority.
"8984. Benefits.
"8985. Information to individuals eligible to enroll.
"8986. Election of coverage.
"8987. Coverage of restored survivor or disability annuitants.
"8988. Premiums.
"8989. Preemption.
"8990. Studies, reports, and audits.
"8991. Jurisdiction of courts.
"8992. Administrative functions.

"§ 8981. Definitions

"In this chapter:

"(1) The term 'employee' means an employee defined under section 8901(1).

"(2) The terms 'annuitant', 'member of family', and 'dependent' have the meanings as such terms are defined under paragraphs (3), (5), and (9), respectively, of section 8901.

"(3) The term 'eligible individual' refers to an individual described in paragraph (1) or (2), without regard to whether the individual is enrolled in a health benefits plan under chapter 89.

"(4) The term 'Office' means the Office of Personnel Management.

"(5) The term 'qualified company' means a company (or consortium of companies or an employee organization defined under section 8901(8)) that offers indemnity, preferred provider organization, health maintenance organization, or discount vision programs and if required is licensed to issue applicable coverage in any number of States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

"(6) The term 'employee organization' means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under chapter 89.

"(7) The term 'State' includes the District of Columbia.

"§ 8982. Availability of vision benefits

"(a) The Office shall establish and administer a program through which an eligible individual may obtain vision coverage to supplement coverage available through chapter 89.

"(b) The Office shall determine, in the exercise of its reasonable discretion, the financial requirements for qualified companies to participate in the program.

"(c) Nothing in this chapter shall be construed to prohibit the availability of vision benefits provided by health benefits plans under chapter 89.

"§ 8983. Contracting authority

"(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8984 without regard to section 5 of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

“(2) The Office shall ensure that each resulting contract is awarded on the basis of contractor qualifications, price, and reasonable competition.

“(b) Each contract under this section shall contain—

“(1) the requirements under section 8902 (d), (f), and (i) made applicable to contracts under this section by regulations prescribed by the Office;

“(2) the terms of the enrollment period; and

“(3) such other terms and conditions as may be mutually agreed to by the Office and the qualified company involved, consistent with the requirements of this chapter and regulations prescribed by the Office.

“(c) Nothing in this chapter shall, in the case of an individual electing vision supplemental benefit coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of waiting periods more stringent than those that would have applied if that opportunity had not yet expired.

“(d)(1) Each contract under this chapter shall require the qualified company to agree—

“(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

“(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

“(i) to establish internal procedures designed to expeditiously resolve such disputes; and

“(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the qualified company.

“(2) A determination by a qualified company as to whether or not a particular individual is eligible to obtain coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable contract.

“(3) For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a qualified company and the Office—

“(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

“(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

“(e) Nothing in this section shall be considered to grant authority for the Office or third-party reviewer to change the terms of any contract under this chapter.

“(f) Contracts under this chapter shall be for a uniform term of 7 years and may not be renewed automatically.

“§ 8984. Benefits

“(a) The Office may prescribe reasonable minimum standards for enhanced vision benefits plans offered under this chapter and for qualified companies offering the plans.

“(b) Each contract may include more than 1 level of benefits that shall be made available to all eligible individuals.

“(c) The benefits to be provided under enhanced vision benefits plans under this chapter may be of the following types:

“(1) Diagnostic (to include refractive services).

“(2) Preventive.

“(3) Eyewear.

“(d) A contract approved under this chapter shall require the qualified company to cover the geographic service delivery area specified by the Office. The Office shall require qualified companies to include visually underserved areas in their service delivery areas.

“(e) If an individual has vision coverage under a health benefits plan under chapter 89 and also has coverage under a plan under this chapter, the health benefits plan under chapter 89 shall be the first payor of any benefit payments.

“§ 8985. Information to individuals eligible to enroll

“(a) The qualified companies at the direction and with the approval of the Office, shall make available to each individual eligible to enroll in a vision benefits plan information on services and benefits (including maximums, limitations, and exclusions), that the Office considers necessary to enable the individual to make an informed decision about electing coverage.

“(b) The Office shall make available to each individual eligible to enroll in a vision benefits plan, information on services and benefits provided by qualified companies participating under chapter 89.

“§ 8986. Election of coverage

“(a) An eligible individual may enroll in a vision benefits plan for self-only, self plus one, or for self and family. If an eligible individual has a spouse who is also eligible to enroll, either spouse, but not both, may enroll for self plus one or self and family. An individual may not be enrolled both as an employee, annuitant, or other individual eligible to enroll and as a member of the family.

“(b) The Office shall prescribe regulations under which—

“(1) an eligible individual may enroll in a vision benefits plan; and

“(2) an enrolled individual may change the self-only, self plus one, or self and family coverage of that individual.

“(c)(1) Regulations under subsection (b) shall permit an eligible individual to cancel or transfer the enrollment of that individual to another vision benefits plan—

“(A) before the start of any contract term in which there is a change in rates charged or benefits provided, in which a new plan is offered, or in which an existing plan is terminated; or

“(B) during other times and under other circumstances specified by the Office.

“(2) A transfer under paragraph (1) shall be subject to waiting periods provided under a new plan.

“§ 8987. Coverage of restored survivor or disability annuitants

“A surviving spouse, disability annuitant, or surviving child whose annuity is terminated and is later restored, may continue enrollment in a vision benefits plan subject to the terms and conditions prescribed in regulations issued by the Office.

“§ 8988. Premiums

“(a) Each eligible individual obtaining supplemental vision coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

“(b) The Office shall prescribe regulations specifying the terms and conditions under which individuals are required to pay the premiums for enrollment.

“(c) The amount necessary to pay the premiums for enrollment may—

“(1) in the case of an employee, be withheld from the pay of such an employee; or

“(2) in the case of an annuitant, be withheld from the annuity of such an annuitant.

“(d) All amounts withheld under this section shall be paid directly to the qualified company.

“(e) Each participating qualified company shall maintain accounting records that contain such information and reports as the Office may require.

“(f)(1) The Employee Health Benefits Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office in administering this chapter before the first day of the first contract period, including reasonable implementation costs.

“(2)(A) There is established in the Employees Health Benefits Fund a Vision Benefits Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the first contract year.

“(B) A contract under this chapter shall include appropriate provisions under which the qualified company involved shall, during each year, make such periodic contributions to the Vision Benefits Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year are defrayed.

“§ 8989. Preemption

“The terms of any contract that relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to vision benefits, insurance, plans, or contracts.

“§ 8990. Studies, reports, and audits

“(a) Each contract shall contain provisions requiring the qualified company to—

“(1) furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and

“(2) permit the Office and representatives of the Government Accountability Office to examine such records of the qualified company as may be necessary to carry out the purposes of this chapter.

“(b) Each Federal agency shall keep such records, make such certifications, and furnish the Office, the qualified company, or both, with such information and reports as the Office may require.

“(c) The Office shall conduct periodic reviews of plans under this chapter, including a comparison of the vision benefits available under chapter 89, to ensure the competitiveness of plans under this chapter. The Office shall cooperate with the Government Accountability Office to provide periodic evaluations of the program.

“§ 8991. Jurisdiction of courts

“The district courts of the United States have original jurisdiction, concurrent with the United States Court of Federal Claims, of a civil action or claim against the United States under this chapter after such administrative remedies as required under section 8983(d) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

"§ 8992. Administrative functions

"(a) The Office shall prescribe regulations to carry out this chapter. The regulations may exclude an employee on the basis of the nature and type of employment or conditions pertaining to it.

"(b) The Office shall, as appropriate, provide for coordinated enrollment, promotion, and education efforts as appropriate in consultation with each qualified company. The information under this subsection shall include information relating to the vision benefits available under chapter 89, including the advantages and disadvantages of obtaining additional coverage under this chapter.".

SEC. 4. TECHNICAL AND CONFORMING AMENDMENT.

The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 89 the following:

"89A. Enhanced Dental Benefits **8951**
"89B. Enhanced Vision Benefits .... **8981".**

SEC. 5. APPLICATION TO POSTAL SERVICE EMPLOYEES.

Section 1005(f) of title 39, United States Code, is amended in the second sentence by striking "chapters 87 and 89" and inserting "chapters 87, 89, 89A, and 89B".

SEC. 6. REQUIREMENT TO STUDY HEALTH BENEFITS COVERAGE FOR DEPENDENT CHILDREN WHO ARE FULL-TIME STUDENTS.

Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report describing and evaluating options whereby benefits under chapter 89 of title 5, United States Code, could be made available to an unmarried dependent child under 25 years of age who is enrolled as a full-time student at an institution of higher education as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect with respect to the calendar year 2006.

AMENDING TITLE 21, DISTRICT OF COLUMBIA OFFICIAL CODE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4302, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4302) to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4302) was read the third time and passed.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO RETIRING SENATORS

FRITZ HOLLINGS

Mr. REID. Mr. President, I want to spend a few minutes talking about the Senators who will not be here when the Senate starts over again this January. The first I ever heard about Senator FRITZ HOLLINGS was while watching a TV program where Senator HOLLINGS was running for President, and he said, during a Presidential debate, when the issue of the day was whether there should be a nuclear freeze, which had been propounded by Alan Cranston, another candidate, when asked about the nuclear freeze, Senator HOLLINGS said, "Until a few days ago, I thought this was a new kind of dessert." That wit is typical of FRITZ HOLLINGS.

Mr. President, FRITZ HOLLINGS is a man who is, as far as I am concerned, the epitome of what it means to be a Senator. He is a person who looks the role and is everything that I am not—tall, handsome, with flowing white hair, and very articulate. This is a man who was one of the original southern politicians who thought it was appropriate to start talking about the evils of segregation. FRITZ HOLLINGS is tall, handsome, with a great voice, a great sense of humor; and he is somebody for whom I have the greatest respect. I will miss him so much.

He, Peatsy, and I have traveled. He is someone who has been so good to the State of South Carolina. I have been to his home. He has given me a tour of Columbia, SC, where he is a legend in his own time. He showed me the place where he was born.

I want to extend through the magic of this television to everyone within the sound of my voice the fact that FRITZ HOLLINGS is a great Senator and will go down in the history of the Senate as one of the great Senators.

I also want FRITZ and Peatsy to know how much I care for them, and I appreciate very much their generosity and friendship to Landra and me over these many years.

JOHN BREAUX

JOHN BREAUX and I came to the Senate together. We served in the House together. He comes from a State that, of course, is famous for unpredictable politics, and JOHN has done every bit of his work to make sure that tradition is upheld.

When he was running for the Senate, as only JOHN BREAUX could do, his opponent raised a question, and his opponent, who was somebody who also had served in the House of Representatives, said JOHN BREAUX can be bought. They would rush out to JOHN BREAUX and would say: Your opponent said you could be bought. How do you respond to that? JOHN BREAUX said: Well, I can be leased but I can't be bought. Who else, other than JOHN BREAUX, could get away with something like that?

He is a great person, a person of integrity, a person who came to the House of Representatives way back in 1972. He served in the Congress for 32 years. There is no one who is better at making a deal than JOHN BREAUX. I say this in the most positive way. Legislation is the art of compromise, consensus building, and JOHN BREAUX understood that to a T. We need more people such as JOHN BREAUX with the ability to reach across the aisle.

We will miss JOHN BREAUX, Mr. Problem Solver. I appreciate his and Lois's friendship over these years. I will miss him very much.

BOB GRAHAM

BOB GRAHAM and I came to the Senate together in 1986. He first ran for Governor 26 years ago. Since that time, and even before, he has spent hundreds of days working with regular Floridians in their jobs.

The thing we all see in BOB GRAHAM is the little notebooks he carries and everything he does he writes down. I am sure some day after we are long gone, a historian will review those, and BOB GRAHAM will be well known in the history books because he wrote the history of everything he has done for the last 25 or 30 years.

He was a great Governor for the Sunshine State. He has been a tremendous Senator. I served with him from the time we came here on the Environment and Public Works Committee. He has certainly been tremendous on that committee. He is a detail man. He is a person, for example, who worked on the Everglades. He was tireless, persistent, and so smart. He has become an expert on foreign affairs and foreign intelligence. He served as chairman of the Intelligence Committee. He has written a book on the subject. His knowledge and contributions in that area will be hard to replace.

I certainly will miss the Senator from Florida. It is just too bad he decided not to run for reelection.

JOHN EDWARDS

I ask everyone to pull out this week's People magazine, if they have one—if not, get a copy of it—because that tells the story of JOHN and Elizabeth EDWARDS. The story is directed toward Elizabeth because she has now been stricken with breast cancer, but it tells in some detail about this wonderful family.

He was the Vice Presidential candidate and is someone who has tremendous ability. I am a trial lawyer. He is a trial lawyer. He has made such a distinct impression on the country with his oratorical skills. We know why he was a great trial lawyer.

People magazine is so filled with information and inspiration. The last sentence in that People magazine article talks about Elizabeth Edwards. She knew she had breast cancer in the last week of the campaign. She did not tell anybody, but she tells in this People magazine article that was so well written that somewhere at a place she stopped, they were having a cancer survivor program, and one of them asked her: Are you a cancer survivor? She did not answer but, of course, thought to herself, as the article says: We'll see.

We will see. We certainly hope for the Edwards family, which has already had a lot of personal problems due to the death of their 16-year-old son, we really do hope—all of us, all Americans hope for Elizabeth Edwards, this wonderful woman, to recover.

I will miss JOHN EDWARDS in the Senate. He only served here 6 years, but he certainly left his mark as a great Senator from the State of North Carolina. North Carolina is going to benefit, however, from the defeat of the Kerry-Edwards ticket because he is returning to North Carolina.

DON NICKLES

DON NICKLES and I have done some things together in the Senate that I will always remember. There are laws on the statute books of this country. One of the things we did, and people said we could not do, resulted because we were concerned about regulations and how burdensome and overbearing they can become. So we introduced legislation that basically said if the administration promulgates a regulation that we do not think helps the country, then we can overturn that regulation. That is the law.

We have overturned regulations that have been burdensome to this country. I have not always liked the result of the legislation that has been overturned, but it is my law along with Senator NICKLES'. He is a great legislator.

We worked together on the Appropriations Subcommittee on Legislative Branch. We really did some things that have changed what goes on. We have changed things a great deal, such as how Members of the House and Senate do their franking. We changed that.

Senator NICKLES and I were the first to talk about how bad the east front of the Capitol looked, and we did a number of things. We got the automobiles removed from the east front of the Capitol. This was what first got me interested in doing something about having a visitor center on the east front of the Capitol, which is now in the process of being completed.

I have so much respect for Senator NICKLES. He and I have a different political philosophy, no question about that, but I think the work we have done together sets an example of how Democrats and Republicans of totally different political philosophy can work together for the betterment of this country.

DON NICKLES is a good man. He is a young man. He has a great future in the private sector. I personally will miss him a lot. I care a great deal about DON NICKLES and wish him the very best.

BEN NIGHTHORSE CAMPBELL

Everyone has heard me talk about Searchlight, NV, the place of my birth and where I still live. The only Senator who has ever been to my home in Searchlight is BEN NIGHTHORSE CAMPBELL. BEN NIGHTHORSE CAMPBELL one day called my wife and said: I will be in Searchlight and want to come visit you. I will be there in about 40 minutes.

I was out doing a little jog. I thought something was wrong when I came back. She said: NIGHTHORSE is on his way.

He had a vehicle that was so big—I live a little bit off the beaten path—it could not get into my yard. We went up and met him and brought him back to my home. We had a wonderful visit.

BEN NIGHTHORSE CAMPBELL is, among other things, a great artist. He makes jewelry. I wanted to get my wife something very special for Christmas a couple years ago, and I went to BEN NIGHTHORSE CAMPBELL to see if he could do something unique. He said he was making his daughter a belt, and he would make one just like it for my wife.

He did that. It is a beautiful piece of jewelry. There are two of them in the world. My wife has hers, and if you go to the Museum of the American Indian, which is right down the way and just opened, you will see my wife's silver belt in the museum. Actually, it is not hers, it is his daughter's, but there is only one identical to my wife's. BEN NIGHTHORSE CAMPBELL is a great guy, a tremendous athlete.

I have great admiration for his physical prowess. I have always disagreed with his motorcycle riding but he believes he should continue doing that. He is a man who has written a book. I have read his book. It is a wonderful rags-to-riches story. He will be missed and that is an understatement.

TOM DASCHLE

There is no way I can, on the Senate floor in the few minutes I am going to take, convey to my colleagues and the people within the sound of my voice the feelings I have about TOM DASCHLE. He and I came to the Senate together 18 years ago. We served in the House of Representatives before that. The last 6 years we have worked together daily. There may be a day or two that went by without our talking but they were rare. We spoke even during the time we were on break. We have virtually been together every day. The only time we really did not spend a lot of time communicating is when he was in South Dakota and I was in Searchlight. Our BlackBerrys would not work. My BlackBerry now works in Searchlight. His still does not work in South Dakota.

TOM's legislative record is certainly there. It is apparent. He has done wonderful things for the State of South Dakota and this country. I could, but it is really unnecessary, explain what he has done for the farmers, the environment, the military, including the veterans, but what I can try in a very inadequate way is to express to him, through this manner, the things I have tried to say personally to him in the last couple of weeks, and that is express my appreciation to him for the opportunities he has given me.

TOM DASCHLE is a totally unselfish person. I can remember about 6 years ago when I was selected by my peers to be assistant leader I went to Senator DASCHLE and said: What is this job going to be? He said: Whatever you make it.

I took him at his word, and this job is what I thought the assistant leader or the whip should be. I could never have done what I have done and had the good fortune of being in the places I have been and had the freedom to do things on this Senate floor but for the support and authorization of Senator DASCHLE.

I do not think I have ever raised my voice to Senator DASCHLE. We both grew up with three brothers. We are the first to really go to school of any depth in our families. I have learned a lot from Senator DASCHLE.

As I have told everyone, I am not TOM DASCHLE and I am going to be a different kind of person in the new duties I have beginning at the first of the year.

I told TOM DASCHLE earlier this week that earlier this year I lost my best friend. His name was Mike O'Callaghan. He was someone who taught me in high school. He taught me how to fight in the ring and in other places. When I went to law school, he helped me. He was a disabled Korean veteran but he gave me part of his pension money to help me through tough times in school. I was allowed to take the bar before I graduated from law school. I was married and had two children, was desperate for money. I came back to Reno and there was Michael O'Callaghan. He gave me a $50 bill. That was in the fall of 1963. He gave me a $50 bill. I had never seen one before but he gave that to me. He knew I was desperate for money.

Then I held a few offices, and as a very young man I ran for Lieutenant Governor. People kind of thought I was going to win that. He moved back from California to Nevada to run for Governor because there was no Democrat to run sitting for Lieutenant Governor. They knew O'Callaghan had no chance, but he did. He became the Governor of the State of Nevada.

I am trying to paint a picture for this man and how close he was to me. He was so good to me, able to give me advice and counsel. He told me what I needed to hear, not what I wanted to hear, and I did not make a decision important in nature unless I discussed it with my friend Mike O'Callaghan.

He went to church early one morning this summer and died. It was a very painless death. He went to church every day. He was a devoutly religious man, and somebody whom I have missed more than words can describe.

I told my friend TOM in his office a day or two ago that he was now my Mike O'Callaghan, that I have somebody I will call just as I did my friend Mike, that I will call him often. He said: That is fine. You could not call me too many times.

So TOM DASCHLE and I have developed a relationship that can best be described as two brothers. I have three brothers, one of whom is dead. So TOM replaces my brother Dale. I will call TOM and I will talk to him when I feel it necessary, knowing he will continue to give the advice and counsel to me that he has for the last 6 years.

There are additional things I would like to say, but I will suffice to say that for the 22 years I have known TOM DASCHLE, which has been culminated in the 6 years of intense personal contact where we have dealt with the problems of the country and the world in great depth, that there will never be an opportunity and an experience like that again. I am grateful to TOM and to his wonderful wife Linda for their friendship and TOM's service to our country.

Mr. SANTORUM. Mr. President, I rise today to pay tribute to departing Senators for their service and devotion to the United States Senate. They are not only my colleagues but my friends as well.

The reality of elections for the Senate is that every two years we experience change—current members depart and new members are welcomed. At every transition I am reminded by the reality that life is more than just politics. I am certain the departing Senators—are experiencing a tremendous feeling of sorrow, yet anticipation of things to come, as they leave their friends, colleagues, and this great nurturing institution.

Though we may fight hard during campaigns, we return to the Senate after the election to realize that we are not just losing Senators—we are losing friends. There is a bond—a collegiality and friendship—in the Senate that crosses party lines. We face long hard battles on the campaign trail and sometimes things can get ugly. But after all is said and done, after election day, we must all come back to Washington and work together to do what is best for our country.

I will certainly miss my colleagues with whom I have worked for several years. I have had the honor to serve on the Finance Committee with four of my distinguished retiring colleagues, including Senator JOHN BREAUX and Senator DON NICKLES. Both of these men were instrumental in leading the fight to reform Medicare.

Senator JOHN BREAUX and I have worked side by side on Social Security issues. He is a good friend and he has always been willing to compromise. He is the master of a very noble craft that of bringing people together from both sides of the aisle.

Senator DON NICKLES has been a valuable comrade in protecting intellectual property rights of pharmaceutical companies and reforming health care, specifically working hard to pass the Patients Bill of Rights. He also sponsored commendable legislation to create the Office of International Religious Freedom at the Department of State, which I cosponsored. Senator NICKLES as whip and chairman of the Budget Committee has done more to advocate fiscal conservatism than any other Senator during my tenure. He has a true expertise in these issues, and I thank him for his guidance and leadership.

More importantly, Senator NICKLES befriended me when I first came to the Senate and encouraged me to get involved in the National Prayer Breakfast and the Senate Bible Study. If it were not for his friendship, my time in the Senate would have been drastically different.

BEN NIGHTHORSE CAMPBELL

Senator BEN NIGHTHORSE CAMPBELL is a very kind and humble man and I have had the honor to work with him to assure that nondemocratic forces are unsuccessful in undermining movements for democracy in the Ukraine. But what I remember most about Senator BEN NIGHTHORSE CAMPBELL is a story he told me once about his decision to vote for the ban on partial-birth abortion. While in the hospital recovering from a motorcycle accident, Senator CAMPBELL was touched by the immense effort of doctors to save the lives of babies that weighed only a couple pounds. He was convicted by the significance of doctors going to such great lengths to save babies only a couple minutes old. This picture made him question partial-birth abortions: Why would we not do everything in our power to save babies who were still in their mother's womb? I thank Senator CAMPBELL for his honesty on this issue and for sharing that story with me. I will never forget it.

ZELL MILLER

I had the privilege of getting to know Senator ZELL MILLER as we traveled around the country together this past fall. Senator MILLER and I have worked hard on education issues including the Paperwork Reduction Act. He is a man that believes in the ideals of this nation and understands that we must sometimes take a stand if we want to be heard. I treasure the friendship that Senator MILLER and I have formed during our service together. I want him to know how much I admire him. He is a man with the courage to stand up for his convictions. He did the hardest thing for any man to do—he endorsed the opposing party's nominee in this year's election. I cannot thank him enough for his support. I will always have undying gratitude for him.

Our departing Senators have been lights of inspiration and men who went above the call of duty to serve our country in their congressional capacities. They each have their own unique political perspective that has served the Senate well. Although my philosophies may differ from some Senators, we do not disagree on the greatness of America. We can all agree that we live in the greatest nation in the world, and we all believe that without democracy, life, liberty, and justice cannot flourish.

My departing colleagues are great men and great Americans. They have contributed immensely to our country—making their states and our country significantly better than when they first stepped foot on the Senate floor.

We are all going to miss their presence and wisdom here in the Senate. Their departures will surely leave a hole in expertise and leadership that will be hard to fill. I wish them health and happiness in their future endeavors—wherever the road may take them. May God continue to bless them and their families.

Come January, as we face another transition, I welcome in the new members and look forward to forging new relationships as we continue to work towards making Americans safer, healthier, and more financially secure.

BEN NIGHTHORSE CAMPBELL

Mr. HATCH. Mr. President, I would like to take a moment to honor my good friend and colleague, Senator BEN NIGHTHORSE CAMPBELL of Colorado. BEN is my best friend in the Senate. I know every one of my Senate colleagues would join me in expressing how much we care for Senator CAMPBELL and how much we will miss him here in the Senate.

I have always considered BEN to be larger than life, someone you would read about in a novel about the Senate than someone actually serving in the Senate. He is a high-school dropout who became a United States Senator, a veteran of the Korean war, captain of the U.S. judo team, and an extremely successful horse breeder and jeweler. He doesn't conform to any stereotypes. No other senators—let alone Republicans—wear a ponytail, ride a Harley-Davidson to work, or stubbornly refuse to wear any neckwear more formal than a western bolo tie.

But I am sure I am not surprising any of you by saying BEN is not your typical politician. One of my favorite stories about BEN's independent streak is from a town meeting he held back when he was a Member of the House.

A constituent asked BEN a question, and BEN did his best to answer it. The gentleman didn't like the response, so he tersely rephrased the question and BEN answered it again. The man got very upset, and said "You have not answered my question!" BEN firmly told him, "Look, you asked a question. I answered it. You asked me again, and I answered it. Now I can't help it if you don't like the answer you got, but these other folks are waiting to ask questions of their own, so you and I are just going to have to agree to disagree."

BEN started to call on another person when the man jumped out of his chair and yelled to BEN, "I don't believe you are taking all of the facts that I've stated into account, and you are not going to simply dismiss me like that. I am a taxpayer, and I pay your salary, and I demand an answer!"

BEN, through gritted teeth, said, "You know, I hate it when people feel that because you're an elected official, they somehow own you. Do you realize that my salary costs every man, woman and child in this country about one-half of one cent each year?" At that point, BEN reached into his pocket, pulled out a penny, flipped it to the man, and said, "Here's your refund!" He turned to the audience and yelled, "Next question!" The audience cheered and the man left the meeting.

Now that is a good description of the BEN NIGHTHORSE CAMPBELL that I have come to know and love.

Most of you know that I have sat next to BEN during policy lunches ever since he saw the light and switched parties so many years ago. I still love to tell the story of when he decided to move over to the right side of the aisle.

BEN and I became good friends soon after he joined the Senate, and we repeatedly discussed his growing disillusionment with the policies and politics of those on other side of the aisle. I would point out that power, its accumulation and retention, seemed to be of greater importance to some on his side than finding the right answer, that the worth of an issue should not always be measured simply by political advantage. He would disagree, but over time his protests would grow fewer and less heartfelt.

I was surprised when BEN stopped me one day nearly 10 years ago and said, "Orrin, you're right. I can't stand it anymore over here." He asked whether I could arrange for him to see Senator DOLE, and I said, "I believe I can"—3 minutes later we were in Bob Dole's office.

Bob had the biggest smile on his face I had ever seen and gave BEN a warm hug. He commented about the courage and principle it took to make such a decision, but he didn't need to make a hard sell. It was obvious BEN had already made up his mind to become a Republican.

I can vividly remember when BEN attended his first Republican policy luncheon. BEN and I had discussed how disappointed he was with the direction and tone of the Democrat policy meetings. He said they had devolved from honest discussions of differences into angry, one-sided shouting matches dominated by some of the most senior and well-known members. If you didn't agree with their liberal positions, your view wasn't welcome.

I assured BEN that the Republicans were different. We showed great respect for one another and there was always considerable deference given to differing points of view.

When BEN and I took our places at the back of the room—where we have sat together since that day—a quiet discussion soon broke out into bitter argument. One person jumped up, anger seething from his face, stared at another very senior member with a snarl on his face, and then called him a derogatory name. Everyone started shouting, and it took Bob Dole several minutes to restore order.

BEN's eyes got larger and larger as he watched what was happening, then without turning his head, he gave me a quick jab in the ribs. "Gee, Orrin," he muttered, "it's sure good to see how well we Republicans get along compared to those darn Democrats!"

Thankfully, BEN's decision to join the Republican Party wasn't solely based on policy lunches.

I have plenty more stories to tell of my good friend from Colorado, but I will close by saying that I will miss BEN dearly and wish him the very best as he starts the next phase in his life. I know him too well to think that this is really a retirement from public service. This is just the end of one phase of service that will open up several other ways for him to reach out and make a difference in the lives of those around him.

ZELL MILLER

Mr. President, I am grateful for the chance to take a few moments to recognize my good friend from across the aisle, Senator ZELL MILLER of Georgia. ZELL is one of my best friends in the United States Senate. I know every one of my Senate colleagues would join me in expressing how much we care for Senator MILLER and how much we will miss him.

It is no secret that ZELL is his own man, someone who does what he believes is right, not what is politically expedient. His values were shaped while growing up in the South, raised by his strong mother and reinforced through his service in the U.S. Marine Corps.

And for those who say you cannot be a successful politician without sacrificing some of your principles, I point to my good friend from Georgia. When he finishes his Senate term this year, he will complete nearly six decades of publicly elected service, starting with his first election as mayor of his hometown of Young Harris, Georgia, in the late 1950s.

ZELL was a popular two-term Governor of Georgia in fact, he was named the most popular Governor in America by The Washington Post in 1998. His popularity came from his successful programs that found national acclaim among them was passing the Nation's first "two strikes and you're out" law against violent felons, starting the Nation's only voluntary pre-kindergarten program for 4-year-olds, and creating the nationally acclaimed HOPE scholarship that has had such tremendous success in Georgia.

My good friend swept into the Senate to complete the remaining 4 years of the late Senator Paul Coverdell. Many political observers call ZELL the last of the Southern conservative Democrats to serve in the Senate. He has certainly established himself as a strong voice for the conservative, commonsense approach to issues, reaching across the aisle to support tax cuts, improve education, confirm judicial nominations, and strengthen national security.

ZELL is widely known for his straight talk on the issues you know where he stands and what he stands for, and everything he says comes straight from the heart. I can't tell you how many times a constituent from my home State of Utah will write to tell me how inspired they were by a speech that ZELL had given on this Senate floor.

I am sorry to see ZELL leave, but I am grateful for the service he has given these last 4 years. He is beloved by Georgians, and I know he would have easily been reelected, and he is beloved by millions in America. And, last but not least, he is beloved by his colleagues here in the Senate.

PETER G. FITZGERALD

Mr. President, I would like to take a moment of the Senate's time, as we near completion of our duties for the 108th Congress, to honor the work and contribution to Republican Party, the Senate, and the Nation of my friend, the Senator from Illinois, Senator PETER FITZGERALD. Senator FITZGERALD has chosen to take his youth and talents and serve in other areas outside of the Senate. Our loss will be, no doubt, the gain of others.

Senator FITZGERALD provided a good, youthful, and modern face to the Republican Party. Our party will only stay strong if we maintain within it our own diversity of perspectives, and I am grateful for the contribution of Senator FITZGERALD.

Elected to the Senate in 1998 at the very young age of 38, the Senator immediately added his vigor, intelligence, and experience in financial markets to address many of the complicated issues faced by your Government and society as the Nation turned into the 21st century.

When corporate scandals erupted early in this century, threatening to undermine confidence in markets, the Senate was, indeed, fortunate to be able to turn to Senator FITZGERALD for his thoughtful and informed guidance. As a former commercial banking attorney, he used his expertise in his positions on the Commerce and Governmental Affairs Committees, particularly his chairmanship of the subcommittee on Financial Management, the Budget and International Security, to chair or support numerous hearings to illuminate the problems and necessary legislation we needed to return probity to financial dealings and confidence in our markets. The modern capitalist system is what provides growth and wealth to all the societies of the world, and the American markets are the most dynamic in the world. They are also the most diversified, and the vast majority of our citizens depend on them for employment, security and retirement. We owe a great deal of appreciation to Senator FITZGERALD for his work on corporate fraud issues, and I would like to thank him, once again.

Senator FITZGERALD is a reformer, through and through. It is his dedication to our system of Government and economy that drove him to find ways to improve it. He applied his drive to reform to consumer issues, Government affairs, financial management, and the complicated mesh of revenue collection that is the current tax system of this country. And he quite deservedly received numerous acclamations from groups advocating for consumer and tax reform.

Through this all, he never lost his focus on his home State. He didn't work for Illinois to get re-elected, he worked for Illinois because of his dedication to his State and his high standards of public service. A column in the Chicago Tribune, a good paper not known for being ragingly Republican, commended him for "elevating courage and honesty to new heights." That sounds right to me.

I will miss the presence of Senator FITZGERALD, his thoughtful floor statements before this body, and the impeccable manners of a gentleman that are so naturally his. His State can be proud of the Republican they sent to serve too briefly in this body. We will miss his intelligence and dedication, and I will miss a good Senator and friend. I expect that, with his relative youth, we will hear much more of PETER G. FITZGERALD.

DON NICKLES

Mr. President, I rise today to express my sincere gratitude for having had the opportunity to serve with Senator DON NICKLES, and to wish him the very best as he retires from the Senate.

A lot of descriptive words come to my mind when I think of DON NICKLES. Among the most prominent are courageous, knowledgeable, and engaging. All three of these, as well as many other of DON NICKLES' qualities, will be sorely missed in the United States Senate.

I can think of no other Member of the Senate who has been a more rock solid beacon for conservatism than DON NICKLES. His is the kind of courage that leads him to speak up alone against the whole world, if necessary, for what he believes. No matter what the issue or whether it is brought up on the floor of the Senate, in one of his committees, or in some other forum, DON NICKLES is willing to speak up in his earnest yet friendly manner to ask questions, raise concerns, and stand up for conservative principles. Senator NICKLES has been one of the most articulate Senators I have seen in my 28 years of service in the Senate. His voice, in defense for what he and many of us believe to be right, will be noticeably absent in the months and years to come.

Senator NICKLES is also one of the most knowledgeable Members of this body. I have long been impressed with his grasp of minute details of economic, tax, and budget issues. His major committee assignments, Budget, Finance, and Energy, all cover complex issues that can take a huge amount of effort to master. Yet, DON clearly does his homework and seems totally at ease in discussing details of the budget or a comprehensive tax bill. As chairman of the Budget Committee, Senator NICKLES has served with distinction. With all the challenges facing the budget in the recent past, DON has presided over that committee in particularly trying times. Yet, he has exhibited patience and perseverance in the midst of a number of very difficult problems. Every citizen of this country owes him a debt of gratitude for his service on our behalf.

DON NICKLES is also one of the most engaging individuals I have had the privilege of knowing. His quick smile and friendliness to not only other Senators, but also to Senate staff and to everyone he meets marks him as a genuinely fine individual. I know Don has a deep faith in God and strives to do his best to live according to his convictions.

As Senator NICKLES moves on toward the next stage in his impressive career, I wish him the very best and hope that we have the opportunity to see him regularly and to have the benefit of his wisdom and knowledge for many years to come.

TOM DASCHLE

Mr. President, I am grateful for this opportunity to say a few words about our friend and colleague, the distinguished minority leader, Senator TOM DASCHLE.

TOM's commitment to public service, on behalf of the people of South Dakota and America, is an example I hope more citizens will follow. He served here as a Senate staff member before being elected to the House of Representatives in 1978. South Dakota is one of just seven States with a single House member, which required TOM to run a statewide race. That was familiar territory for him when he ran for and won his Senate seat in 1986. Tom is one of 49 Senators who previously served in the other body, experience which I believe enhances their service here and makes the Senate more effective in serving all Americans.

Yesterday, our colleague Senator DURBIN said that it is hard to imagine the Senate without TOM DASCHLE. Some might merit that compliment because of the sheer length of their tenure. TOM merits it because of the presence he quickly established, both as a Member and as a leader in this body. He was only 2 years into a second term when his fellow Democrats elected him their leader by just one vote. Only Lyndon Johnson became his party's leader more quickly.

TOM's 10 years as Democratic leader included periods as both majority and minority leader. Those positions, especially in a narrowly divided chamber, are each very challenging and each very different. TOM served in each post with class and determination, unifying his caucus and working to achieve their agenda. Needless to say, we have not agreed on every element of that agenda. But in this political world, it is really a compliment to say that TOM effectively and skillfully used whatever tools were available to fight for what he believed and for what his caucus wanted to achieve. Even when we were at loggerheads, when it seemed like the irresistible force was meeting the immovable object, civility has always marked TOM DASCHLE's presence in this body, as a Senator and as a leader.

I was gratified to hear Senator DASCHLE's comments on this floor yesterday and a few things really stood out. First, I was struck by the fact that he his number in the chronological list of United States Senators is 1776. TOM offered the valuable reflection that he is, as we all are, part of the broad sweep of American history, from the American revolution to the 108th Congress and into the future.

Second, TOM asked a very important question, whether our power comes just from military might or also from wisdom, compassion, tolerance, and willingness to cooperate. Everyone who serves in this body should maintain that perspective.

Third, TOM spoke of what he called the politics of the common ground. Individual Senators, as well as the two political parties, have certain bottom-line issues, certain fundamental principles or positions on which they just find little room to give. But on others, and I sometimes wonder whether this list is longer than we might think, we must practice the politics of common ground. Reminding us of that was, by itself, an act of leadership by the minority leader.

And finally, he told us of a note he wrote on one of his famous unscheduled driving trips across his State. He wrote, "Everything was worth doing." Each of us who has worked alongside TOM DASCHLE, whether on the same or opposing sides, knows that this is his approach to, and attitude about, public service. That sets a good example for us all.

BOB GRAHAM

Mr. HARKIN. Mr. President, with the close of the 108th Congress, the Senate will lose to retirement one of our most respected and admired Members, Senator BOB GRAHAM of Florida.

I remember how impressed we were in 1987 when BOB came to the Senate after two terms as an enormously popular Governor of Florida. From the start, he made his mark in this body as a serious and diligent legislator—a classic workhorse Senator rather than show-horse Senator.

One of his greatest accomplishments was the passage, 4 years ago, of comprehensive legislation to restore and protect the Florida Everglades. This was BOB GRAHAM at his very best: forging a bipartisan consensus, and crafting a unique partnership among Federal, State and local governments as well as private industries and landowners. This will be a living monument to Senator BOB GRAHAM: a restored and revitalized Everglades.

I first got to know BOB GRAHAM back in 1977, a decade before he came to this body. At the time, he was a state senator down in Florida, planning to run for Governor the following year. He had heard about my work days, an idea that I originated when I was running for Congress in 1974. I had spent dozens of work days—as a cop on the beat, construction worker, farmer, nurse's aide, and many other professions. It was a great way to get in touch with ordinary working Iowans and their concerns.

I remember BOB coming by my office over in the Cannon House Office Building. He was a very serious man, very analytical and thorough. He asked all the right questions. And a couple weeks later, he sent me his plan to conduct 100 work days during his campaign for Governor. I told him, as tactfully as I could, that was way too many, that he would never be able to do it. But BOB went ahead with his plan. He did, indeed, conduct 100 work days. He did, indeed, get elected Governor of Florida. And I learned never to underestimate BOB GRAHAM.

By the way, BOB'S work days didn't stop there. As Governor and United States Senator, he went on to complete nearly 400 work days, serving as police officer, teacher, garbage man, busboy, hurricane relief worker, you name it. BOB swears by the value of these days—as I do. In fact, in 1997, he spent one work day as a U.S. Customs inspector at the port in Tampa. This opened his eyes to the extreme vulnerability of our ports to crime, drug trafficking, and terrorist strikes.

And the work days continue. Last month, Senator GRAHAM spent a day as a high school civics teacher in Miami. And just this past weekend, he spent a day as a bookseller in Coral Gables.

All of which is typical of BOB GRAHAM. He may be retiring from the Senate, but he is not a retiring man. He continues to be a workhorse and a whirlwind of activity. His new book, Intelligence Matters, has stirred up controversy by shining a spotlight on the Saudi royal family's connections to terrorism.

The fact is BOB is leaving the Senate at the very top of his game, especially in the field of intelligence and homeland security. After the September 11 attacks, it was Senator GRAHAM who proposed the creation of a joint House-Senate inquiry into the intelligence failures leading up to the attacks. Senator GRAHAM ended up serving as cochair of that historic effort, and he did just a brilliant job of keeping the inquiry bipartisan, focused on the facts, focused on solutions.

Meanwhile, events have vindicated Senator GRAHAM's principled stand as one of only 23 Senators to vote in October 2002 against the resolution to authorize the use of force against Saddam. At the time, he argued passionately that the war on terrorism should be our highest priority. He insisted that al Qaeda was the real threat to America, and that an attack on Iraq would be a detour and distraction from the war on terrorism. And, as usual, BOB GRAHAM was exactly right. The Senate failed to heed his warnings. I failed to heed his warnings. And, as a result, Osama bin Laden remains at large, al-Qaida and the Taliban are reconstituting themselves, and our Armed Forces are bogged down in a quagmire in Iraq.

So, no question, with BOB GRAHAM's retirement, the Senate is losing one of its most talented and respected members. Over the years, BOB and Adele have become wonderful friends, and those friendships will continue. But I will miss the day-to-day association on the floor with BOB.

As I said, you have to respect the fact that BOB GRAHAM is leaving the Senate at the very top of his game. I wish BOB and Adele all the best.

JOHN BREAUX

Mr. President, there are not many things on which all Senators agree. But on one thing, there is universal, bipartisan agreement in this body: We are going to miss Senator JOHN BREAUX when he retires at the end of the 108th Congress.

Make no mistake, JOHN BREAUX is a tremendously accomplished Senator, with scores of legislative achievements and accomplishments. He is a Senator's Senator. But when I think of JOHN BREAUX, I think first and foremost of his character, his unique way with people, and his wonderful good nature.

You can disagree with JOHN, but you can never dislike him. He has a knack for taking disagreements and disputes, and turning them into deals to move people forward. This is a priceless talent—a special skill—and I have never met another politician who could match JOHN BREAUX's gifts in this regard.

For JOHN, politics is not something you do with clinched teeth. Politics is a joy. Politics is fun. They used to call Hubert Humphrey the "happy warrior." And that is very much the spirit that JOHN BREAUX has always brought to his work in the Senate. However, JOHN would rather not make war on other Senators; he would rather cut a constructive deal that gets things done for ordinary people.

Of course, these personal qualities have allowed JOHN BREAUX to be an amazingly effective Senator for his State of Louisiana. When JOHN comes to you, when he tells you he needs help on a measure critical to his State, it is mighty hard to say no. Frankly, many times I have had a preconceived notion against the oil and gas industries, and I have opposed what they are trying to do on this or that bill. But JOHN BREAUX would come to see you, he talks it through, and next thing you know, you find yourself supporting him. He is just so effective in that kind of one-on-one persuasion. And, time and again, Louisiana has been the big winner.

Another hallmark of JOHN BREAUX in the Senate has been his commonsense centrism. JOHN is a man of strong principles, but he is not rigid and he certainly is not an ideologue. The questions JOHN asks are, "What is practical?" "What is going to work in the real world?" "What can we bring people together on, in order to make a positive difference?"

Typical of Senator BREAUX was his proposal a couple years ago to address the problem of 54 million Americans without health insurance. He called for universal health care. But he kept it practical. He proposed that all Americans have access to a basic, government-defined insurance package similar to what members of Congress and our staffs get from the Federal Employees Health Benefit Plan. And he proposed tax credits to make premiums more affordable for middle- and lower-income citizens.

Perhaps it is symbolic that JOHN BREAUX is leaving the Senate at this time. As we saw this week in the conference on the FSC bill, the spirit of compromise and the art of constructive accommodation seem to be dying in the Senate—and even more so in the House. Increasingly, the attitude around here is "my way or the highway." And that is not the Senate that I have loved over the years. That is not healthy for our democracy.

The shame is that JOHN BREAUX is leaving at exactly the time when we need his talents more than ever. In fact, we need a dozen JOHN BREAUXs around here to heal this body, to show people how to rise above partisanship in the best interests of the country.

So I will miss JOHN's presence in the Senate. We will all miss him. But JOHN BREAUX is the youngest 60-year-old person I have ever met. And you can bet that he has many challenges and opportunities still ahead of him. JOHN and Lois have been, and will continue to be, wonderful friends. And I wish them all the best.

ERNEST F. HOLLINGS

Mr. INOUYE. Mr. President, I rise to join my colleagues in tribute to Senator ERNEST "FRITZ" HOLLINGS. I will miss my good friend from South Carolina who in 2003, at the age of 81, finally became his State's senior Senator—after 36 years as a junior Senator.

In addition to being remembered as a coauthor of the Gramm-Rudman-Hollings legislation that cut tens of billions of dollars from the Federal budget deficit, FRITZ HOLLINGS has left an indelible mark on our Nation in the areas of health care, environmental protection, resource conservation, technology development, job creation, transportation security, and law enforcement, to name a few.

Immediately after the September 11, 2001, terrorist attacks on America, Senator HOLLINGS worked to protect the safety of our traveling public by authoring the Aviation Security Act which created the Transportation Security Administration. Similarly, recognizing that America's ports and borders were our Nation's weak security links, Senator HOLLINGS championed legislation to increase security at America's ports.

As the father of the National Oceanic and Atmospheric Administration, Senator HOLLINGS recognized the extent to which the ocean environment sustains us—from human uses in commerce and recreation to being the original cradle of life on our planet. He knew the importance of taking appropriate steps to be responsible stewards of this rich, yet fragile resource.

His oceans legacy includes authorship of the National Coastal Zone Management Act of 1972, which established Federal policy for protecting coastal areas, and the Marine Mammal Protection Act, which also became the model for other countries, for the protection of dolphins, sea otters and other mammals. In a continuing effort to do what is best for our ocean environment, Senator HOLLINGS created the U.S. Commission on Ocean Policy in 2000, to review the accomplishments of the last 30 years, and recommend actions for the future. Upon the issuance of the report, Senator HOLLINGS laid the groundwork for legislation to adopt the recommendations of the Ocean Commission. I am the proud cosponsor of two of those measures, S. 2647, the Fritz Hollings National Ocean Policy and Leadership Act, and S. 2648, the Ocean Research Coordination and Advancement Act.

Beyond the oceans, Senator HOLLINGS worked to make our communities and schools safer, through programs such as Community Oriented Policing Services—COPS—that put more than 100,000 police officers on the streets in 13,000 communities across the country. The COPS program is also the largest source of dedicated funding for interoperable communications for public safety officers.

Senator HOLLINGS brought competition to the telecommunications arena which resulted in new services to consumers at affordable rates.

I will miss Senator HOLLINGS' wisdom, vision, and wit, but, most of all, his friendship.

I wish FRITZ and his wife Peatsy a fond Aloha.

DON NICKLES

Ms. COLLINS. Mr. President, DON NICKLES first came to the Senate in 1980 as a young man of 31 with a vision. He now leaves us, 24 years later, with a record we all can envy and a reputation we all should emulate. There are a lot of words that can be used to describe this man. Perhaps these five describe him best: "As good as his word."

In his eloquent eulogy to Ronald Reagan this summer, DON said that those who came to Washington after the watershed election of 1980, "considered ourselves part of the soldiers in the field trying to get an agenda done to expand freedom."

There is no more noble an agenda than the expansion of freedom, and he has been a devoted soldier to that cause. He has been a strong advocate for our Armed Forces, dedicated to the defense of our Nation and to the expansion of liberty around the world.

He has been equally devoted to the freedom that comes from responsible, less intrusive and more accountable government. He is a champion of effective economic-growth policies, and of tax reform that encourages investment and helps build strong families and communities. DON NICKLES has always been of the side of the American people. His tenure as chairman of the Budget Committee will long be held up as a model of effective leadership, a cooperative spirit wedded to rock-solid principles.

DON comes from a small State and from a background in small business. That we have not always agreed on every issue is insignificant. What does matter is the values we share and the friendship that is the result.

DON is much more than just an especially effective legislator and a very good friend. When Oklahoma City was struck by a heinous act of terrorism in 1995, he was there for the people of his State, offering comfort and support. The rebuilding, both material and spiritual, would not have been so quickly and thoroughly accomplished without the strength of DON NICKLES.

He came here as a young man and, despite the passage of 24 years, leaves as a young man. And, I might add, as a pretty fast man. In the New York Marathon last weekend, Oklahoma's senior senator finished in the top half of a field of more than 36,000 runners. If there was a caucus for Senators able to run more than 26 miles in less than 4½ hours, I believe it would be the smallest in the history of the republic.

Thank you, Senator DON NICKLES, for your service to this institution and to this country. Whatever path the future sets before you, I know you will be at the front of the pack.

ERNEST HOLLINGS

Mr. LEAHY. Mr. President, I rise today to pay tribute to a legend of a man who has spent his career dedicated to working for the great people of South Carolina. There is nothing small about Senator HOLLINGS. From his height, to his storied career, to his large booming voice and southern drawl you can always hear calling "yea" or "nay" during rollcall votes, Senator HOLLINGS is a giant. A reporter once said that if you sent to central casting for a Senator, you got FRITZ HOLLINGS. I have had the pleasure of serving with Senator HOLLINGS for all 30 of my years in the Senate and during that time he, and his wife Peatsy, have been dear friends.

Before setting foot in this Chamber, Senator HOLLINGS had amassed a career that any man would be proud of. He attended the Citadel, the Military College of South Carolina, and upon his graduation in 1942 accepted a commission in the U.S. Army. He served our country honorably in the campaigns in North Africa and Europe during World War II, and received a Bronze Star for his valor. Senator HOLLINGS began his political career when he was 26 as he was elected to the South Carolina House of Represenatives. During his second term he was voted Speaker pro tempore and a short 4 years later he was elected lieutenant governor. In 1958 at age 36 was elected as Governor, the youngest Governor of South Carolina in the 20th Century.

Senator HOLLINGS was first elected to Senate in 1966 and has subsequently been re-elected to six additional terms, making him the ninth longest serving

Member of this body. Throughout his entire career the Senator has been a leader, fighting to protect our ports, our neighborhoods and American manufacturing jobs. He has been an outspoken advocate for fiscal responsibility, civil rights and against hunger.

In 1974, he led the creation of the Women, Infants and Children—WIC—nutritional assistance program. In 1978, he sponsored legislation and helped secure funding for South Carolina's first National Park, Congaree Swamp. He has stood tall in protecting our oceans and coasts, he authored the Marine Mammal Protection Act and the Oceans Act of 2000, which created the U.S. Commission on Ocean Policy.

Since 1967 Senator HOLLINGS has been a member of the Commerce Committee and from his coauthorship of the 1996 Telecommunications Act that deregulated the telecom industry to his work on the FTC "Do Not Call List," he has consistently looked out for the best interest of consumers. In 2000, Senator HOLLINGS and I, along with Senators SARBANES and WYDEN, were successful in beating back the wholesale federal preemptions of State consumer protection laws during negotiations of the E-Commerce bill which I sponsored.

Senator HOLLINGS is the longest serving Democrat on the Budget Committee, and is the only Democrat to have served on the committee every year since its creation. In 1984 Senator Hollings collaborated with Senators Phil Gramm and Warren Rudman to establish the Gramm-Hollings-Rudman deficit reduction legislation that helped reduce the deficit by $70 billion in its first year of enactment.

I have had the pleasure to serve with Senator HOLLINGS on the Appropriations Committee, where he has served since 1971, and is currently 3rd highest ranking member. From this position he has helped important initiatives both in South Carolina and nationally, such as a cause I have always strongly supported, the battle against cancer. Senator HOLLINGS helped create a nationwide program to screen women for breast and cervical cancer and worked to establish a cancer center at the Medical University of South Carolina that bears his name.

Earlier this fall more than 600 friends came together to celebrate Senator HOLLINGS's career in the Senate, an event that raised $2 million for the Hollings Cancer Center. We toasted his accomplishments and his incredible career of public service that has spanned more than five decades in State and national politics. I joined this body in 1974 and I immediately learned that Senator HOLLINGS is a man that always speaks his mind. His straightforward manner, dynamic personality and unwavering integrity are qualities that make me proud to call him my friend. I have valued his friendship and his camaraderie over these past 30 years, and I wish FRITZ and his wife Peatsy the best of lives in their beloved South Carolina.

JOHN BREAUX

Mr. President, the State of Louisiana has a proud history of sending remarkable public figures to serve in the Senate. Louisiana has elected leaders that have been influential in guiding the direction of our country. Our colleague JOHN BREAUX is a man from this same mold. For more than 30 years the senior Senator from Louisiana has represented his State in Washington, with 18 years as a Member of this body, and 14 years of service in the House of Representatives. In that time, he has always been willing to reach across the aisle to bring our colleagues together and his leadership has produced a list of impressive legislative accomplishments.

As chairman and then as ranking member of the Special Committee on Aging, Senator BREAUX has fought tirelessly for the rights of older Americans, working to reform and protect both Social Security and Medicare. The senior Senator from Louisiana has also provided strong leadership within the Senate during his 8-year tenure as deputy chief whip. His repeated election to this position speaks to the respect that our colleagues have for Senator BREAUX's ability to routinely bring together Members with differing opinions to build a consensus.

One of Senator BREAUX's lasting legacies will be the leading role he has taken with regard to environmental conservation. In 1990, the Senator authored the Coastal Wetlands Planning, Protection and Restoration Act, which provides for the restoration of the vital coastal wetlands of Louisiana and has since become known as the Breaux Act. This legislation was passed during his first term in the Senate and has since been renewed. More recently, Senator BREAUX has supported legislation that would help protect coastal regions from the impact of offshore oil and gas exploration.

In our many years of service together, Senator BREAUX and I have had the opportunity to work closely on a wide range of issues. We both have been actively involved in telecommunications legislation, and collaborated on legislation that authorized reform of the telephone industry. I am particularly appreciative of Senator BREAUX's unwavering support for legislation opposing the use of antipersonnel landmines, an issue of great significance to me personally and to the safety of millions of people around the world.

I am proud of the body of legislation that Senator BREAUX and I advanced together throughout our shared time in the Senate. I commend Senator BREAUX for his dedication to being a watchdog for American seniors, for his legacy of environmental protection in Louisiana, and for his record of public service on behalf of his fellow Louisianans. The Senate and the people of Louisiana are losing a dedicated public servant and exceptional leader. I congratulate the Senator on a remarkable congressional career and wish him continued success in his future endeavors.

On a personal level, JOHN and Lois BREAUX are good friends. Marcelle and I share the joy of telling grandchildren stories—and even of borrowing Mardi Gras costumes. I quickly realized in wearing one that you needed the special Cajun flavor of Louisiana to carry it off. JOHN can do that one day at a Mardi Gras party and the next day handle on the floor the most complex issue facing the Finance Committee. He is a Senator's Senator.

BOB GRAHAM

Mr. President, at the end of this Congress we will bid farewell to distinguished members of this body who have served their States and their country with honor. I rise today to pay tribute to the Senior Senator from Florida, a man who has been a leader in the Senate on national intelligence issues, prescription drugs and the environment and has been a strong voice in this body on behalf of the interests of his fellow Floridians.

For more than four decades Senator GRAHAM has been a leader in Florida politics, serving his State as a State representative and Senator, as Governor and as a United States Senator. For 18 years Senator GRAHAM has compiled an impressive record of leadership while serving as chairman and ranking member of the Veterans Affairs Committee, chairman of the Intelligence Committee, chairman of the Democratic Senatorial Campaign Committee, and as a senior member of the Senate Finance Committee.

Since 1974, Senator GRAHAM has completed more than 400 "Workdays," with Floridians around his State. During these workdays the Senator spends working alongside his constituents, the personal interaction helps him understand the challenges that Floridians face. These visits clearly have provided Senator GRAHAM with an opportunity to recognize the community values and hard work that are exhibited and shared by his constituents. These jobs have gone everywhere from garbage loader to short order cook. No Senator has done anything similar.

From his position on the Senate Finance Committee, Senator GRAHAM has picked up the torch for causes supported by another respected Floridian Claude Pepper, the former Senator and Congressman. He has supported providing affordable prescription drugs to Americans and has advocated for a common sense approach to Medicare that focuses on wellness and preventative health. Senator GRAHAM has increased access to the Children's Health Insurance Program and has pushed

Congress to live up to its commitment to support social services.

Both as Governor and Senator, BOB GRAHAM has been dedicated to protecting the environment. He has helped direct millions of dollars to protect the Everglades, restore wetlands and promote responsible development. In the Senate, BOB GRAHAM has voiced opposition to drilling on the Outer Continental Shelf and for an end to the harmful practice of dredging in the Apalachicola River.

For those of us that have served with Senator GRAHAM in the Senate we have admired his hard work and dedication to his constituents. We join him now in celebrating his eighteen successful years in this body, a period of time that is one part of a career of service to the State of Florida. As Senator GRAHAM moves out of the public eye, he leaves behind a legacy of accomplishment that will be forever remembered by his fellow Americans and Floridians. He also leaves a reputation of integrity and insight. History will show that this country should have listened to his warnings about the failed intelligence leading up to the war in Iraq.

JOHN EDWARDS

Mr. President, I rise today to recognize the service of Senator JOHN EDWARDS of North Carolina.

Because of his time on the campaign trail, Senator EDWARDS' biography is well known to most Americans. He is the son of a mill worker and was the first in his family to attend college. Before coming to the Senate, JOHN fought for victims' rights against insurance companies for more than 20 years in North Carolina. He enjoyed great success in that career, but seeking to do more for the people of his State, he decided to run for the Senate in 1998. JOHN ran against, and defeated, an incumbent Senator, Senator Faircloth. Immediately upon arriving in the Senate, Senator EDWARDS began to make an impact.

Only a few days after Senator EDWARDS was sworn in, I asked him to help depose witnesses in the impeachment trial of President Clinton. I wanted to make sure we had the best, and I thought he was. It was JOHN's career experience that made him an ideal choice to assist in the depositions, and he had recent experience working in the trenches. In that pressure filled situation JOHN won the respect of all of his colleagues, both on this side of the aisle and the other.

From his seat on the Health, Education, Labor and Pensions Committee, Senator EDWARDS advocated for lowering the cost of prescription drugs for all Americans by improving access to generic medications. In 2001, he authored the Patients' Bill of Rights which would have guaranteed that people in HMOs and other insurance plans get the health care they pay for. Unfortunately, this was passed in the Senate but blocked by the White House. In addition to serving on the HELP Committee, Senator EDWARDS served on the Intelligence, Small Business, and Judiciary Committees.

As a member of the Judiciary Committee, Senator EDWARDS worked closely with me on a number of legislative efforts. He was a cosponsor of the Innocence Protection Act, the National Amber Alert Network, and a strong voice on judicial nominations. Senator EDWARDS has stood up to efforts by this President to pack the courts with people whose records do not demonstrate that they will be fair judges to all who come before them, rich or poor, Democrats or Republicans, or any race or background.

In September of 2003, Senator EDWARDS announced that he was running for President. JOHN ran a great campaign, raising issues important to the American people. He frequently referred to the division of America into two halves, that of the haves and that of the have-nots. JOHN focused on the struggles of the middle class and many of the same issues that he was a leader on during his time in the Senate. Throughout the campaign, JOHN was a positive voice for our party, and he was an excellent choice as a running mate for JOHN KERRY.

In an interview, JOHN once said that he had an ideal image of what a U.S. Senator should be. He said that "I think about a fiery advocate, someone who works passionately for his constituents." For the past 6 years, JOHN has been exactly that. Be it health or education reform, supporting farmers or North Carolina's economic interests, JOHN EDWARDS has been an incredible leader and advocate for his State. I will miss JOHN's friendship here in the Senate. I know that he has a wonderful wife and three beautiful children, and that whatever steps he takes next that he will be just fine as long as he has their support.

BEN NIGHTHORSE CAMPBELL

Mr. President, for the past 12 years, the Senator from Colorado has served his State with distinction as a member of this body. Throughout that time, I have been pleased to join my friend and colleague in a number of legislative efforts. He has been a tireless advocate on behalf of Native Americans, for the protection of police officers, and for preserving public lands and natural resources. It is because of his leadership on these, and many other issues, that the presence of the senior Senator from Colorado will be missed in this Chamber.

In 1989, Senator CAMPBELL, then Congressman CAMPBELL, sponsored legislation to create a new museum that would ensure the recognition and celebration of Native American culture and history. I am thrilled that earlier this summer we were able to join in the celebration with Senator CAMPBELL as the Smithsonian Museum of the American Indian opened in Washington, DC. I know that none of us will ever forget the sight of our colleague in full chief's regalia speaking on the Senate floor on the day the new museum opened.

Before serving his State in Washington, Senator CAMPBELL represented his country as the captain of the U.S. Olympic Judo team, competing in the 1964 Tokyo Summer Olympics. While I have never had to witness him use these skills on a fellow member of the Senate, he once helped subdue a suspect that had shoved Senator Thurmond until the Capitol Police arrived.

One of Senator CAMPBELL's most noted passions is his enthusiasm for motor vehicles. Senator CAMPBELL has a well documented love of Harley-Davidson motorcycles, and Washingtonians have occasionally caught a glimpse of the Senator riding around town on his motorcycle. As the Capitol Hill newspaper The Hill noted in April of 2003, the Senator added to his vehicle collection last spring when he replaced his 20-year-old Dodge Plymouth last spring with a brand new Mini Cooper. While most Americans may know how the Senator gets around town when he is in Washington, far fewer probably know that Senator CAMPBELL was behind the wheel for most of the trip when the 2000 National Holiday Tree was transported from Colorado to Washington, DC on a Mack truck.

Senator CAMPBELL and I share a background in law enforcement, he as a former Sacramento County sheriff's deputy in California, and I as a State's attorney in Vermont. This background helped bring us together to develop the Bulletproof Vest Partnership Grant Acts of 1998 that has since been reauthorized in both 2000 and 2004. Since its inception in 1999, this highly successful Department of Justice program has provided law enforcement officers in 16,000 jurisdictions nationwide with nearly 350,000 new bulletproof vests.

Earlier this year, Senator CAMPBELL and I collaborated to produce the Law Enforcement Officers Safety Act, which will allow qualified active-duty law enforcement officers to travel interstate with a firearm, provided that officers are carrying their official badges and photographic identification. I was proud to team up with Senator CAMPBELL in writing and introducing the Senate version of the Law Enforcement Officers Safety Act that will enable law enforcement officers nationwide to be prepared to answer a call to duty no matter where, when, or in what form it comes.

Senator CAMPBELL has a long and distinguished legislative history as a Member of the United States Congress. I am proud to have served with him on the Agriculture and Appropriations Committees, and I am proud of our partnerships to protect police officers.

fight against landmines, and to provide funding for the WIC and Head Start programs. I applaud the Senator for his 12 years of service in the Senate and 6 years of service in the House of Representatives, and I congratulate him on a remarkable career.

Mrs. DOLE. Mr. President, today I want to take a moment to pay tribute to my friend and my colleague, Senator BEN NIGHTHORSE CAMPBELL.

Long before I arrived in the Senate, BEN had proven to be a trusted friend. In my early days as a Senator, our friendship was furthered as I sought wise counsel from veteran members like BEN. I found that his wisdom and insight on the rules and idiosyncrasies of Capitol Hill were invaluable to my adjustment here. And I must say, I just thoroughly enjoy his company. It goes without saying that having to say farewell to BEN certainly pulls at my heartstrings.

I also sought BEN's aid when I introduced my first legislation to finally offer the Lumbee Indian Tribe Federal recognition. This significant bill would not have moved forward without the strong assistance of the Senator from Colorado. I was moved by BEN's interest in the bill, and to this day, I am touched that he remains invested in something so close to my heart. I am eternally grateful for the role he's played in moving Lumbee recognition one step closer to becoming a reality. BEN's commitment to the Native American community is unparalleled and is certainly to be commended.

BEN's legacy will linger in the halls of the Senate long after he has shut the door to his offices. He leaves behind a record of service that one can only hope to emulate. Coloradoans have benefited from BEN's character, conscientiousness and compassion for years, and I know they will welcome him home with open arms.

My warmest best wishes to my dear and treasured friend, Senator BEN NIGHTHORSE CAMPBELL. There is no doubt that he will be sorely missed, not just by me, but by all of us who have been blessed to call him our colleague and our friend.

DON NICKLES

Mr. President, it is an honor to pay tribute to a good friend and colleague who has had such a stellar and effective career in the United States Senate. I am so proud to have worked alongside a man of such character and knowledge, and I am certain that I speak for all my colleagues when I say his leadership in Congress will be sorely missed.

DON NICKLES' career is the classic American success story. After working his way through Oklahoma State University by starting a janitorial service, he was elected to the United States Senate in 1980 at the age of 31. While serving in Congress, his peers haveconsistently shown their confidence in his abilities, electing him to several leadership posts including senatorial committee Chair, chairman of the Republican Policy Committee, assistant majority leader and Budget Committee chairman.

The day after DON announced he would not seek a fifth U.S. Senate term, the Oklahoma City Daily Oklahoman stated that his retirement "will leave Oklahoma without its most powerful Washington advocate." How true that is. Over his two-decades-long career, the good that DON has done for his constituency is immeasurable.

As a Senator, DON has amassed a tremendous record as an advocate for taxpayers. When our economy was in need of recovery because of a recession compounded by the events of September 11, DON was a leader in pushing the economic growth and tax relief package through Congress. Thanks to his efforts, today our economy is on the upswing with jobs being added, homes being built and small businesses expanding. DON gets great credit for his role in making that happen.

I will always remember DON coming down to Eastern North Carolina to campaign with me at a tobacco warehouse. Asked to speak on stage in favor of the tobacco quota buyout, which of course he did not support, he graciously spoke about how hard I would work to get this done for the State. DON demonstrated his character that day, as he did on so many other days during his many outstanding years as a servant of the public.

DON has always used the power of his office for good. I admire the way that he has stood for what he believes, no matter the challenge. He has brilliantly served the people of Oklahoma and all Americans with courage and conviction, a stellar example for those who follow in his footsteps. May God bless Senator DON NICKLES and his family for many years to come.

Ms. SNOWE. Mr. President, I rise to join my colleagues today in paying tribute to a man who, in the President's words, "has left his mark on virtually every major issue" during his service in this body, the senior Senator from Oklahoma, the Budget Committee chairman, our colleague DON NICKLES.

For more than two decades, Senator NICKLES has served the people of Oklahoma and America with strength of conviction, wisdom, and hard work, every day. I have had the good fortune of serving with the Senator from Oklahoma for a decade, particularly closely on the Budget and Finance Committee, and for 6 years as his counsel while he was majority whip. I have gotten to know well Senator NICKLES' passion and insight, his firm understanding of policy matched with ability to plainly articulate it, and his generous sense of humor and warm personality that have made him a colleague no one will soon forget.

Oklahoma sent DON NICKLES to the Senate in the year of the "Reagan Revolution"—1980. In many ways—and I know the Senator has said so himself—his start in public service was molded and defined by President Reagan's inspiring vision and love of freedom. Our new 69-year-old President projected a contagious, even youthful optimism. So did the new Senator from Oklahoma, but in DON NICKLES' case, it was the optimism of youth. At 31, he was the youngest Republican elected to this chamber in American history.

Senator NICKLES' contributions shepherding the Reagan agenda through Congress were immediate and his rise was meteoric. After 6 years he had served as NRSC chairman and was at the helm of the Republican policy council.

I must say that as Chair of the Small Business Committee, I think it is an invaluable asset to the Senate to have a colleague such as Senator NICKLES who has been there on the front lines of job creation as an entrepreneur—starting his own janitorial service to work his way through Oklahoma State. Before Senator NICKLES came to Washington, he was a small businessman from Ponca City, OK. He was already allergic to needless red tape and gridlock. So when Senator NICKLES sees a problem, he sets out to solve it—guided by his deeply held principles and informed by a firm grasp of the legislative process.

Like the leader he counts as his mentor, President Reagan, the Senator from Oklahoma brings to public life his firmly rooted beliefs, a can-do Heartland optimism, and that rare ability to disagree without being disagreeable. Senator NICKLES is a colleague I will miss, and I wish him, his wife Linda, and his family much happiness in the new endeavors that lie ahead.

I am pleased to join my colleagues in thanking and honoring Senator NICKLES for over two decades of distinguished service to the country he loves and the State he has made proud.

JOHN BREAUX

Mr. President, I rise today to honor my friend and incomparable colleague in both the House and Senate for 26 years, Senator JOHN BREAUX. The senior Senator from Louisiana leaves this institution stronger for having lent his voice and his leadership to these Chambers. Senator BREAUX's commitment to bipartisan statesmanship has enriched the Senate, improved the lives of Louisiana families and resulted in landmark accomplishments for the American people.

Churchill said that "A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty." By that definition, none can doubt which camp Senator BREAUX falls in. He is the Senate's most irrepressible optimist. He steps into the breach, not merely in words, but in countless efforts over his tenure in both the House and Senate to make the process work for the people it is intended to serve. Where some see hopeless gridlock, Senator BREAUX always sees a glimmer of hope and acts on it. Never settling for complacency, he uses his trademark tenacity and energy to move the deliberative process forward. His is a record of achievement over acrimony.

I personally was privileged to work closely with Senator BREAUX for more than two decades. He and I have always shared a vision of politics and public life as positive and constructive endeavors. And we have a long history together, dating back to our days serving in the House of Representatives, of reaching across the aisle to reach consensus and produce results.

In fact, we worked together on such fundamental issues as the Federal budget when Senator BREAUX was a member of a moderate, southern Democrat group called the Boll Weevils, and I a member of the northeast Republican Gypsy Moths. Some still wonder why both our groups carried the names of ravenous insects.

But it was fortuitous that Senator BREAUX and I had this record of cooperation because it seemed only natural when we later teamed-up as co-chairs of the Senate Centrist Coalition, which Senator BREAUX founded along with the late Senator John Chafee in 1995 during the Government shutdown.

So there is no question that I will miss him—we will all miss him—because we need more leaders such as Senator JOHN BREAUX in Congress. He has proven that we can cultivate common ground even out of sometimes barren partisan landscape. And his ability to forge compromises has made possible many signature accomplishments of both Democrat and Republican administrations. Senator BREAUX views public service as an opportunity to get things done for the people he serves, to make a difference in their lives—whether it was reforming welfare to help families move from public assistance to self-sufficiency, strengthening and saving Medicare and Social Security, preserving wetlands like the Louisiana Bayou, or providing tax relief to stimulate to job creation.

What has made Senator BREAUX so effective is not only his legislative acumen, but also his personal bonds with colleagues. The Senator has brought people together with his self-effacing wit, his candid approach, and his eagerness to reach out to colleagues on both sides of the aisle. So it is not surprising that he departs the Senate with the respect, trust and affection of Senators across the political spectrum.

I am grateful for the opportunity to have served alongside Senator BREAUX, and I wish him, his wife Lois, and their entire family all the best in their future endeavors.

Mr. DASCHLE. Mr. President, nearly 26 years ago, I arrived in Washington as a newly elected Congressman with an urgent desire to help the people of my State but not nearly as much knowledge as I wanted about exactly how to do that.

Having good ideas and getting those ideas enacted into law, as my old friend Paul Wellstone used to say, are often two very different matters. I decided to call on some of my heroes men who were serving in Congress then who had contributed greatly to the life of our Nation and whom I admired. One of those men was Claude Pepper. Another was Mo Udall. Both shared their time and wisdom generously with me and gave me advice that has guided me all these years.

In 1988, Mo Udall wrote a wonderful book entitled "Too Funny to be President." I recommend it to anyone, especially those who have the privilege of serving in elected office in our great democracy. The ability to see humor in one's own circumstances and to share a good-natured laugh with others is essential if you are going to last long in public office.

Mo Udall dedicated his book "to the 3,000 members of Congress living and dead with whom I served for nearly three decades." As I prepare to end my own nearly three decades in Congress, I, too, am deeply grateful to all of the Members of Congress living and dead with whom I have had the privilege of serving and from whom I have learned so much.

The list of such members is long. In addition to my early mentors, Claude Pepper and Mo Udall, it includes members who were gone long before I was born, but whose legacy is still felt today giants like Webster, Clay, and Calhoun.

It includes Senators such as Margaret Chase Smith, who had the courage to take on the red-baiting and bullying Senator Joe McCarthy in 1954 in her famous "Appeal to Conscience" speech not far from where I stand now.

The list includes two Senators who first inspired me to pursue a life in public service John and Robert Kennedy and it includes their brother and my friend, Senator EDWARD KENNEDY, one of the finest, most capable Senators America has ever produced.

The list also includes earlier Senate leaders—men such as Lyndon Johnson, the "master of the Senate;" Mike Mansfield, one of my personal heroes, who showed that progress and bipartisanship are not mutually exclusive; and Howard Baker, a master of the art of principled compromise.

The list of those who have inspired me includes George Mitchell and Bob Dole, the two leaders who taught me the most about this job.

It includes my fellow South Dakotan, George McGovern; Mark Hatfield, who offered to resign from the Senate rather than cast a vote he could not square with his own conscience; and Jim Jeffords, who showed the world that one person can change history. It also includes Paul Wellstone, the soul of the Senate; ROBERT BYRD, as eloquent and determined defender of our Constitution as has ever lived; and many others.

Today, I would like to say a few words about eight additional Senators with whom I have served these last historic 6 years, all of whom will be leaving when this Congress ends.

Senator NICKELS, Senator CAMPBELL, Senator FITZGERALD, and Senator MILLER, it has been a privilege to work with each of you. You have each sacrificed much to serve our Nation and I am sure you will continue to serve America well in the years to come.

Six Democratic Senators are leaving at the end of this Congress. Among them is our friend, the senior Senator from Louisiana.

JOHN BREAUX

I was joking with another friend recently that the good thing about JOHN BREAUX retiring is that maybe now he will finally be able to loosen up a little.

JOHN's ability to make us laugh even in tough times is a gift we have all treasured. Another gift of JOHN's is his ability to find workable compromises on even the most difficult issues. He really is a master of the art of the compromise.

A couple of years ago, I read a newspaper article in which JOHN talked about what he might do if he ever left the Senate. He pointed out that Huey Long had actually served as Louisiana's Senator and Governor at the same time. I thought when I heard that that maybe John would never leave the Senate; he would just diversify. Regrettably, he is leaving now.

I know that serving as Ambassador to France has always been high on JOHN's list of post-Senate dream jobs. I understand that a few years back, JOHN asked President Clinton, "Do you think I could handle France?" to which President Clinton replied, "The question is whether France could handle you."

Whatever JOHN BREAUX decides to do next, I have no doubt that he will continue to find ways to serve the people of Louisiana and America. And I know he will have a heck of a good time in the process. JOHN and Lois are special members of our Senate family, and we wish them all the best in the future.

JOHN EDWARDS

We also say goodbye to JOHN EDWARDS.

I think it is probably no coincidence that JOHN EDWARDS holds Sam Ervin's old seat in the Senate. Like Sam Ervin, John has a brilliant legal mind and a deep love of justice.

In 2001, the first bill Democrats brought to the floor after we retook the majority was the Patients' Bill of Rights. I couldn't believe my luck: My first bill as majority leader—the Patients Bill of Rights and I was able to tap as floor leaders TED KENNEDY and JOHN EDWARDS. It was like looking down the bench and seeing Babe Ruth and Willie Mays. You just knew the Patients' Bill of Rights was finally going to pass the Senate. And it did—in large part because of JOHN EDWARDS' remarkable skill and deep personal commitment.

I think one of the great lines in American literature is the line near the end of "Death of a Salesman" where Willie Loman's wife Linda says her husband wasn't famous or powerful, but he was a good man to whom respect must be paid. That same conviction is what has motivated JOHN EDWARDS' whole life: The belief that there is dignity and worth in every person, including people who work hard every day in mills, and factories, and farms.

In his race for the Democratic Presidential nomination and with JOHN KERRY as our party's Vice Presidential nominee. JOHN EDWARDS brought a sense of hope and optimism to millions and millions of Americans.

JOHN and Elizabeth EDWARDS both won places in our hearts immediately, and our hearts and prayers are with them and their wonderful children today as Elizabeth continues her recovery from breast cancer. We look forward to spending many more happy years with them. We also look forward to the good work we know they will do for our Nation in the years ahead.

BOB GRAHAM

The best way I found to stay in touch with the people who elected me was to drive through every county in South Dakota every year and just talk to whomever I ran into about whatever was on their mind. BOB GRAHAM found an equally effective way of staying in touch with average Floridians. He calls them workdays. He would spend a day working in another job.

This year, he worked his 400th workday. He spent that day the same way he spent his first workday 30 years ago: as a teacher. That is appropriate because, in fact, BOB's entire career has been a living lesson in public service.

A while back, I was looking over the list of BOB's workday jobs and I have to tell you. I am amazed! Think about all the things he has done: NASA payload specialist, firefighter, bagel maker, bullet-proof vest maker, pea picker, phosphate miner. Air Force Special Operations gunner, circus worker elf!

Clearly, it wasn't lack of other career options that has kept BOB in the Senate for 18 years. What is kept him here is simple. It is his love of Florida, and of this country. It is a sense of responsibility that he inherited from his father and that has animated his whole life.

BOB GRAHAM is a moderate with a capital M. And he is one of the nicest people you could ever meet. But when it comes to the people of Florida, when it comes to doing right by America, strengthening America's economy, creating good jobs, investing in children, and standing up for America's veterans and military families, BOB GRAHAM is a fierce fighter. And when it comes to protecting our Nation from terrorism, he is a heavyweight fighter. America is safer today because of his courage and tenacity.

I suspect the only people who could possibly be sadder about BOB's retirement than the members of our caucus are the people who make those Florida ties! We wish BOB and Adele the very best of luck in all their future endeavors.

ERNEST HOLLINGS

Another remarkable Senator who is retiring this year is FRITZ HOLLINGS.

I used to joke with FRITZ HOLLINGS that he is the real reason C-SPAN first started its closed-caption broadcasts. FRITZ's deep Charleston accent, like the man himself, is an American classic.

When you look inside FRITZ HOLLINGS' desk on the Senate floor, you see the names of giants: John Calhoun, Huey Long, Russell Long, Wayne Morse—courageous men who never hesitated to speak their minds. FRITZ has earned the right to stand with those legends.

He was 36 years old when he was elected Governor of South Carolina. As Governor, he wrote the book on governing in the New South. He raised teacher salaries, invested in education and training, and laid the foundation for South Carolina's economic transformation from an agrarian State to a high-tech, high-wage State.

One of the amazing things about FRITZ HOLLINGS is how often he has been able to see the future before others—not just on matters of race, but on issue after issue.

He was the first Deep South Governor to acknowledge the existence of widespread hunger in his State. He was also the first southern Governor to understand that you can't create a modern economy simply by cutting taxes, you have to invest in education and training.

He has been a relentless advocate of balanced budgets and fiscal discipline since long before they became political buzzwords. In 1984—years before Ross Perot uttered the words FRITZ HOLLINGS made deficit reduction a central plank in his Presidential bid.

He has been fighting for fair trade, and against the export of American jobs, his entire career. He has been calling for a long-term, comprehensive energy plan since before the first OPEC oil crisis in 1973. He wrote America's first fuel-efficiency standards—in 1975.

He was in the forefront of the movement to protect America's oceans in the early 1970s. He saw the future of telecommunications before a lot of Americans knew what "surfing the Internet" meant. He was pushing for increased port and air security before September 11.

If some people have occasionally found FRITZ a little difficult to understand, I suspect it was not so much because of his wonderful Charleston accent but because he was so often ahead of his time.

Now FRITZ and Peatsy are moving home to live full time in their beloved South Carolina, but they will always have a special place in the Senate family. We wish them the very best.

I have to be honest, Mr. President, it was not my wish to depart with these fine Senators. But it has been my honor and a joy to serve with them, and one that I will remember all the days of my life.

The PRESIDING OFFICER. The Senator from Ohio.

HONORING OUR ARMED FORCES

STAFF SERGEANT CHARLES "CHUCK" KISER

Mr. DEWINE. Mr. President, over a week ago we celebrated Veterans Day. In countless parades, ceremonies, and prayer services, Americans honored and remembered the service and sacrifices of all of those who have answered the call of duty. In the days that have followed, I continue to be reminded of something President Ronald Reagan said more than 20 years ago, something he said about the brave service men and women who did not return from the field of battle. This is what he said:

> Their lives remind us that freedom is not bought cheaply. It has a cost: it imposes a burden. And just as they whom we commemorate were willing to sacrifice, so, too must we—in a less final, less heroic way—be willing to give of ourselves.

That is an important lesson, our willingness to repay the debts we who are left behind owe our fallen soldiers, this notion of giving of ourselves. It is a lesson the students of McNicholas High School in Cincinnati have taken to heart.

On June 24, 2004, 37-year-old Army SSgt Charles "Chuck" Kiser, an Ohio native and former McNicholas High graduate, lost his life in Iraq while saving the lives of his comrades.

The current students at McNicholas wanted to honor and remember Chuck Kiser this year on Veterans Day, so they went about raising enough money to hold a ceremony and fly Chuck's wife Deb and their two children, Alicia and Mark, from Wisconsin to Ohio, for the services. In their own way, these students gave of themselves. They reached out to the Kiser family and said we will not forget your husband. We will not forget your father. We will not forget him either.

Chuck Kiser was a loving husband, doting father, and courageous soldier.

He grew up in Amelia, OH. in a home with his father Charles and six women mother Glenda and sisters Chris, Denise. Patty, Teresa. and Joy. Some say that living with all those women is what toughened him up and made him into such an outstanding soldier. I imagine that is very true.

Their father passed away in 2002. Chuck and his dad were very close. Chuck followed in his dad's footsteps when he entered the military. The elder Charles had served in the Navy and was a Korean War veteran. Chuck's brother-in-law. Bill Grannen. said that "[Chuck's] father instilled that kind of love of country and commitment in him. I'm sure they're together now."

Chuck was a runner and a good one, at that. He began his track career in the third grade at St. Bernadette School and continued running through college. At McNicholas High School and at the University of Cincinnati, he was a champion sprinter. As a high school senior, he finished in second place in the 200-meter run at the state Class AA meet. In fact, he also holds the University of Cincinnati records for the 300 meter and the 300 yard dash indoors. His former coach. Brett Schnier remembered Chuck as his top recruit and that "he could run about anything."

After a year at the University. Chuck decided to join the Navy, where he would eventually meet and marry the love of his life, Deb. Chuck spent seven years in active duty in the Navy, stationed mostly in Italy. It was there that he met Deb, and they fell in love. They started a family while Chuck continued his military service.

Following his time in the Navy, he spent seven years in the Naval Reserves. Later, he entered the Army Reserve because the base was near their eventual home in Cleveland, WI.

Not only was Chuck Kiser a model soldier, he was a model father. He loved his children dearly. He was a great dad. He took joy in coaching Mark and Alicia in various sports. Last year, Chuck coached a Little League championship team and would often volunteer to work with youth at the Zion United Church of Christ in Sheboygan.

Chuck Kiser loved all kids and felt especially strong about helping the children in Iraq. According to his brother-in-law:

> Charles really felt like he wanted to secure their freedoms so they could live without the fear they lived under during the dictatorship. He said that if the situation were reversed, he would hope people would come to liberate his children. He believed that in his heart.

That is why Chuck never hesitated when he and the rest of his Army Reserve unit the 330th Military Police Detachment were deployed to Iraq earlier this year. He wanted to defend our Nation, and he wanted the Iraqi people to have the same freedoms he and his family enjoyed. Chuck was proud to be serving his country. He was proud to help the Iraqi people in whatever way he could.

Staff Sergeant Kiser lost his life helping the Iraqi people and saving the lives of his Comrades. He was on guard duty in Mosul, Iraq when insurgents began firing from a truck loaded with explosives. Chuck returned fire. but was killed when the truck crashed and exploded. Army Major Mark Magalski noted that Chuck saved countless lives in his final act of bravery.

Upon Chuck's death, hundreds in his hometown of Amelia gathered to show their support for the Kiser family. At the Clermont County courthouse, signs hung that read, "God Bless Chuck and the Kiser Family." Flags were placed in yards and the community came out to help the Kisers in any way they could.

I had the privilege of meeting Chuck's family at the memorial service held in his honor, and I want to thank them for sharing their memories with me. The service was fitting for a man so full of life. The family requested that the service be a celebration of Chuck's life rather than a time of mourning. As patriotic music played, thousands paid tribute to this American hero. The service was a testament to the love his community had for this brave man—and a testament to the number of lives he touched.

Staff Sergeant Charles Kiser was a good, decent. loving man. who protected our Nation bravely. We will remember him always. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

ASSESSING THE LAST TWO YEARS

Mr. McCONNELL. Mr. President. as we near the completion of the 108th Congress. it is an appropriate time to look back over the last 2 years and assess where we are. I think by any standard these have been 2 years marked by great achievement.

We have kept Americans safe at home. strengthened our economy, and vigorously pursued the war on terror. I would like to take a look back. as I indicated, at the legislative accomplishments of the 108th Congress.

Last year the Senate passed 11 appropriations bills left over from the previous Congress. and then pushed through all the normal 13 appropriation bills as well as the emergency wartime and Iraq reconstruction supplemental appropriations bill. We responded with the necessary funds to suppress the California fires through a supplemental appropriations. In all, the Senate passed 27 appropriations bills into law last year in the first session alone.

The Senate also pushed through the economic growth package. cutting taxes on American families by $350 billion, as well as a revolutionary new Medicare prescription drug bill for all of our seniors. The Senate banned the horrific practice of partial-birth abortion. We passed the Do Not Call registry at the Federal Trade Commission. We provided tax relief to military families. We passed the Healthy Forests Act, to stop the catastrophic wildfires that have raged across our country. We enacted free trade agreements with Chile and with Singapore, and passed the African Growth and Opportunity Act.

The Senate passed the Federal Aviation Administration reauthorization to revitalize an air transport industry suffering from the effects of the terrorist attack of 9/11.

After witnessing more than a decade of repression, the Senate passed the Burmese Freedom and Democracy Act.

We secured significant resources to improve our nation's election systems, making it easier to vote and harder to cheat.

We passed the President's faith-based initiative, funded the effort to eradicate the scourge of global AIDs. and acted to guard our children against abduction and exploitation by passing the PROTECT Act.

We expanded NATO to include most of the former Warsaw Pact Countries and passed a significant arms reduction treaty with our enemy-turned-ally, Russia.

We took steps to bridge the digital divide by providing needed funds to historically black colleges, awarded a Congressional Gold Medal to UK Prime Minister Tony Blair, and affirmed the constitutionality of using the term "under God" in the Pledge of Allegiance.

And that was last year. This year, in the second session of this Congress. we passed into law a pension relief and stabilization plan for private sector businesses. workers, and their retirees.

We passed into law a bioshield act to improve countermeasures, like vaccines, to protect our people from biological. chemical or other terrorist attacks.

We passed into law the Unborn Victims of Violence Act.

We passed into law a Defense appropriations bill, the Defense Authorization bill. a Homeland Security appropriations bill. and a Military Construction appropriations bill.

We passed a supplemental funding bill for operations in Iraq.

And we are about to complete work on the nine remaining appropriations bills which successfully concludes action on all Fiscal Year 2005 spending bills.

We have expanded trade opportunities with new free trade agreements with Australia and Morocco.

We have also passed expanded assistance to families with the Working Family Tax Relief Act.

We passed the Internet tax bill to prevent the imposition of capricious taxes on internet transactions.

We expanded the educational opportunities for disabled children by passing an improved IDEA reauthorization.

Also, we responded to the findings of the 9/11 Commission by implementing reforms in the Senate and are still considering as we finish this session intelligence reorganization measures which are in conference now and being discussed on both sides of the aisle.

Last, we passed legislation to revise our tax laws to comply with international trade agreements and, thus, will remove the European tax on U.S. manufacturers. Of particular interest to the Senator from the Commonwealth of Kentucky, that measure included a buyout to aid our long-suffering tobacco growers, many of which reside in my State.

These are the legislative accomplishments of a very productive Congress, of which we can be justifiably proud. I want to salute the effort of my colleagues who made it so, especially the members of my deputy whip team: LAMAR ALEXANDER, WAYNE ALLARD, CONRAD BURNS, BEN CAMPBELL, JOHN CORNYN, MIKE CRAPO, MIKE ENZI, LISA MURKOWSKI, GORDON SMITH, JOHN SUNUNU, JIM TALENT, and CRAIG THOMAS.

I can't thank them enough for all their hard work, their sound counsel and their tireless effort to help win so many close votes. I particularly want to thank my chief deputy whip, BOB BENNETT, my trusted adviser and dear friend for many years here in the Senate.

But one man deserves particular recognition. During these tough times of economic challenges and armed conflict, America has had to decisively confront some monumental questions.

Yet here, in the Senate, the majority had just a one vote margin—one vote.

But America steered a steady course during the 108th Congress only because this Senate was able to deliver a "yes" when "yes" was needed—yes to economic recovery, yes to funding the war on terrorism, yes to a Medicare prescription drug benefit, a resounding "yes" to getting the business of America accomplished.

And here in the Senate, with the smallest of margins, on the toughest possible terrain, on the most pressing questions of our time, it was the tireless BILL FRIST who delivered that "yes" time and time again.

A truly remarkable performance by Senator FRIST. He has earned certainly my greatest respect and I think the respect of virtually everyone in this body. We are also proud to call him our good friend.

I also wish our good friend across the aisle, HARRY REID, great success as the new Democratic leader. He is a very able man, a very skillful legislator, and a worthy opponent. I and my colleagues look forward to working with him in the next Congress.

Finally, we cannot conclude the 108th Congress without a sense of sadness. There are many—in fact there are too many—great Senators who are leaving this institution. I have already had an opportunity to express my goodbyes to Senator NICKLES, Senator CAMPBELL, and Senator FITZGERALD.

I also wish a happy and healthy future to our colleagues across the aisle, Senator DASCHLE, Senator BREAUX, Senator HOLLINGS, Senator BOB GRAHAM, Senator JOHN EDWARDS, and Senator ZELL MILLER. Each of these men has made a lasting contribution to this marvelous institution.

In closing, I also remember the greatest public servant of my lifetime, President Ronald Reagan, who, after 93 luminous years, departed the Nation he never lost faith in and that loved him so well.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

FRITZ HOLLINGS

Mr. STEVENS. Mr. President, I have served here long enough now that I have witnessed a lot of the comings and goings of many fine public servants whom I have known on the floor of the Senate.

Today, I would like to comment about those who are leaving us, and I want to start, first, with my good friend from South Carolina, FRITZ HOLLINGS and his wife Peatsy are very close friends of ours. They have been friends since we first came to the Senate. FRITZ and I served in World War II. We have traveled to places where he served and I served in World War II, and we are comrades in the deepest sense of that word.

He is a very interesting man. I remember earlier this year, when I was asked to cut a tape to be used at a retirement dinner for Senator HOLLINGS, I told my press secretary I did not think I could do it. As a matter of fact, I ended up appearing in person. As I told my staff, I really cannot conceive of the Senate without FRITZ HOLLINGS. It will be a different Senate. We have not always agreed, but we have always been friends.

There have been good times together. I can remember some of the fish that FRITZ and Peatsy caught in Alaska, and I can remember tales about some that they did not catch, the big ones that got away.

But I do know that having visited with them in their home in South Carolina, and visiting with their friends in Charleston, they have a really great life to go home to. They are wonderful people, and we are going to miss them a great deal.

I will say this, that when I first heard of Senator HOLLINGS, it was in a story about his role as Governor of South Carolina. He had become Governor, and as he entered the grounds of the Governor's house, he found there were places inside the grounds where prisoners were kept. There were literally, at that time, I think, cells that were partially underground. FRITZ did not like that any more than I would have, and he found ways to free those people and to give them another life. As a matter of fact, I remember meeting one of them who was very devoted to Senator HOLLINGS.

Senator HOLLINGS is a man with a great heart and a great mind and a great spirit and a temper almost as bad as mine. We are going to miss him, miss him terribly.

I hope he will come back often and visit us. I think he has the longest career of all of those who are retiring, obviously, because he is the oldest. But he was one of the Ten Outstanding Men of the Year in the United States when he was young. I don't like to tell stories about him, but I think he actually attended a Republican Convention at one time.

As a member of the statehouse, as Governor, and as a member of the Hoover Commission, he distinguished himself in many ways, in commissions where he was appointed by both President Eisenhower and President Kennedy.

We are losing a man who has had a great role in public service. I hope we will all wish him well as he departs the Senate.

DON NICKLES

Mr. President, another Senator who is leaving us is Senator DON NICKLES. Senator NICKLES is a man I first met when I was traveling through Oklahoma with my friend, Senator Bellmon. Senator Bellmon had served here as a Senator. He served as Governor of his State.

Senator NICKLES, obviously, is a man of great capability, too. As a matter of fact, he is the first Oklahoma Republican Senator to be elected for four terms. He has had a commitment to his constituents and to his colleagues. He, as I, served as assistant Republican leader. That is the highest leadership position ever held by a Member of the Senate from Oklahoma.

I particularly remember his role as chairman of the Budget Committee and his role in the Finance Committee because no one has been more strenuous in expressing his views concerning the level of spending in the United States and the necessity to have firm budget control over the processes of the Senate, particularly the appropriations process where I have served a great many years.

I do believe his commitment to making Federal Government more responsible and less intrusive, his commitment to the basic Republican principles that government nearest the people is best, has been demonstrated by his service in the Senate. We are going to have a tough time without his guidance. He, I am sure, will be somewhere near us—at least that is indicated.

But having met him even before he ran for the Senate, I felt really a great warmth of friendship for him because I know how hard he worked to become a Member of the Senate, and I know his commitment, having left his business and coming here to make a new life.

Linda and their four children have been known to all of us in one way or the other. I think he has a wonderful family, a wonderful wife, and we wish them well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Alaska yields the floor and suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, parliamentary inquiry. I am going to give a speech on the floor regarding wellness and obesity. Is there a time constraint we are operating under now?

The PRESIDING OFFICER. There is a 10-minute time limit in effect now, but it has not been strictly enforced. The Senator may ask for more time.

WELLNESS AND OBESITY

Mr. HARKIN. Mr. President, as the 108th Congress comes to a close, many of us are looking back and asking whether we accomplished all that we might have. Now, of course, we are looking ahead to the next Congress for opportunities to move forward with some bipartisan agendas. What can we work on together to really do something good for our country?

The last year has been a challenging one. The campaign season always makes it a little more difficult to accomplish tasks that are already a challenge. It is not surprising, then, that many Members of this body look back on the 108th Congress with mixed feelings. I personally view it in which some important opportunities have been missed. But I also think some have been offset by what I detect as an emerging bipartisan concern and interest in some issues that have previously not received much attention.

In particular, I have been heartened by the degree of interest shown by my colleagues on both sides of the aisle on the issue related to obesity, health promotion and prevention of premature death and chronic disease.

This is very heartening that we see on both sides of the aisle strong interest in promoting wellness, in promoting disease prevention. As I have often said, we in America do not have a health care system; we have a sick care system. If you get sick, you get care, but there is precious little out there to keep you healthy in the first place. All the incentives are to patch you up, fix you, and mend you once you are ill. There are very few incentives to keep you healthy in the first place.

Now with all of the recent revelations on obesity and what that is doing to our society, more and more interest is being shown in what we can do as a Congress to change this paradigm, to change us from a sick care system to a truly health care wellness system in our country.

I am confident that in this area, we can make some historic progress, again, on a bipartisan basis in the new Congress that will convene in January.

I have been working for a long time in this area, but I am not the only one who appreciates the urgency of these issues. For example, the distinguished majority leader, Senator FRIST, has shown a keen interest in finding ways to fight obesity, and he has taken some leadership positions on this, as has the Senator from New Mexico, Mr. BINGAMAN, who is my colleague on the Health, Education, Labor, and Pensions Committee. In fact, Senators FRIST and BINGAMAN teamed up to pass the Impact bill in the Senate and, if enacted, that bill will be a very positive step forward in the fight against obesity.

Our colleague from Indiana, Senator LUGAR, who has always been a well and very active and fit person himself as a devoted jogger, has also introduced a health promotion bill. It would establish the prevention of chronic disease as a major priority for the Federal Government. Our colleagues Senator WYDEN, Senator DODD, Senator CORNYN, and Senator KENNEDY have all been very active on the issues of wellness and obesity prevention.

My aim right now is not to provide an exhaustive list of Senators who are active in this area but to show there is a broad bipartisan interest in the Senate on wellness, health promotion, disease prevention, a health care paradigm.

We have made some progress this year, but given the scope of the obesity epidemic, given the spiraling cost of chronic disease, we need to act more robustly, more aggressively in the coming Congress. We currently spend in excess of $1.8 trillion a year on health care in the United States. Fully 75 percent of that total is accounted for by chronic diseases, including heart disease, cancer, diabetes, and depression.

What these diseases all have in common is that in so many cases, they are preventable. In the United States, we fail to make an upfront investment in prevention. So what do we do? We spend hundreds of billions of dollars on treatment and disability, hospitalization that, in many cases, could have been avoided.

Again, as we look globally, we Americans take a great deal of pride in our system. We have the best hospitals. I also tend to think we have the best doctors. We certainly excel the rest of the world in biomedical research through the National Institutes of Health and disease prevention through the Centers for Disease Control and Prevention, which is the premier body in the world in terms of disease control. In fact, other countries look to our own CDC for guidance and direction in that area. If you want to get a heart transplant, a hip transplant, or a lung transplant, you come to America. Or if you want to get cancer treatment, you come to America. People come from all over. Kings, princes, heads of state, the wealthy, and the well-to-do all around the world come here to get treatment.

I would say if we are keeping a scorecard or report card in terms of treatment, we get an A. In terms of prevention and health care and keeping people healthy, I would say we are down around a D minus, close to an F. This is what has to be changed.

We can take great pride in how we treat, cure, fix, mend, and replace parts. Those are great technological advancements. As I said, in so many of those cases, they are preventable, if only we will invest a little bit upfront.

The way we do things in this country is not only foolish, it is financially unsustainable. We cannot continue down the path on which we have been going for the last 30 to 50 years. We need this new paradigm in American health care, a prevention paradigm, a genuine health care system that concentrates, focuses resources on wellness and prevention.

Health care costs are out of control. Health insurance premiums are skyrocketing. More and more people in America are not covered with health insurance, and we have a raft of new studies documenting the obesity epidemic and consequences of our failure to emphasize wellness and prevention.

I have some charts. Caution: Public health crisis ahead. People a lot of times say, what business is it of the Government? Do we want a nanny Government to take care of everybody? No. Shouldn't people be in charge of their own wellness? Yes. But when it becomes a public health crisis, when it is not just me or you, but it is all of us, and when it means our tax dollars are going to take care of people with chronic diseases—75 percent of the costs of illnesses in America are due to chronic illnesses, most of which are preventable. So it is not just you smoking and not exercising and having a bad diet, it is the fact that you are going to consume health care dollars, and we are going to have to pay for it—all of us.

It is a public health care crisis. Two-thirds of Americans are overweight. Thirty percent of our kids are overweight. That is a public health care crisis.

I would like to cite several of the major caution signs that have flashed this year to remind us of the sense of urgency, and the reason I am taking the time on the Senate floor today, perhaps our last day of the year, is because it is urgent. As I said, I sense a willingness to work across the aisle, a bipartisan effort to do something about this. I remind people of the sense of urgency we have.

In March, a Centers for Disease Control and Prevention study determined that poor diet and lack of physical activity are now the second leading cause of death in the United States, leading to over 400,000 deaths annually. This study warned that poor nutrition and physical inactivity would soon overtake smoking as the leading preventable cause of death in America.

And by the way, if anyone had any lingering doubts about the dangers and destructive forces we are up against, yesterday, Hardee's, the fast food restaurant chain, unveiled its newest offering. And do you know what it is called? The Monster Thickburger: just what we need—the Monster Thickburger.

This new product apparently is designed to make a Big Mac look like an hors d'oeuvre, a snack. The Monster Thickburger consists—are you ready for this? of two one-third pound slabs of hamburger, four strips of bacon, three slices of American cheese, and mayonnaise, all served on a buttered sesame seed bun. Wow, can't wait to sink my teeth into that one. Well, this death-defying sandwich clocks in at 1,420 calories and contains a whopping 107 grams of fat.

Again, does anybody have any doubt on where we are headed? A couple of those every week, and one will be in our sick care system pretty soon, too.

Also in March, the Food and Drug Administration released its report called "Counting Calories," which offered a blueprint for confronting the obesity epidemic. Among other things, the FDA recommended increasing the amount of information available to consumers through food labeling. It called for enhanced Federal Trade Commission authority to police false or misleading product claims. It recommended that the Federal Trade Commission take steps to improve nutritional information available to consumers at restaurants, increase the information available to consumers through food labeling and nutritional information at restaurants.

Now, some restaurants do that, I have to admit. If one looks at the menu, it tells them how many grams of fat, how many grams of transfat, how many calories, carbohydrates, perhaps, salt, sodium. So one can be a little bit more informed about what they eat. We do that in the Senate servery. We can go through and see how many grams of fat is in everything.

I have been told by those who run our servery that since we started that about 3 months ago, one would be amazed at how many more people are picking up salads, how many more people are picking up the skinless chicken or turkey and things like that, taking skim milk instead of whole milk. It is information. But if one does not have the information, how do they know? So I am just saying that the Food and Drug Administration recommended increasing this information available to consumers.

In April, after years of careful analysis, the World Health Organization recognized the growing problem of obesity. They issued their global strategy on diet, physical activity, and health. It urged governments to review the role of food advertising and marketing, particularly with regard to children. It encouraged schools to implement policies that support children in adopting healthful diets and engaging in physical activity. The WHO report expressly stated that the role of government is crucial in achieving lasting change in public health.

Now, I will address this a little bit further. It urged governments to review the role of food advertising and marketing, particularly with regard to children. It encouraged schools to implement policies that support kids in healthful diets and physical activity. Eighty percent of elementary school kids in America today get less than 1 hour of physical activity a week.

Now I will bet that the occupant of the chair, the Senator from Missouri, and I, the Senator from Iowa, when we grew up, we had PE in small schools. I went to a two-room schoolhouse. We had 15 minutes of recess in the morning, we had 45 minutes at lunch, and we had 15 minutes in the afternoon. We had to go outside. The only time we did not have to go outside is when it was like 20 below. It had to be 20 below in the wintertime and then we could stay in, but other than that we had to get out and run around. And it was not competitive sports.

We have gotten off the track. If one is not involved in the high school football team, the basketball team, the soccer team, wrestling, whatever, swimming, they do not get anything. Every kid needs physical exercise and physical activity. We have seen some schools—there are some great schools out there that ensure that every child, kids with disabilities, get physical exercise and physical activity, if not on a daily basis, two or three times a week. But we have now found elementary schools being built in America without even a playground, no indoor gym, no playground. So there is a role for government in ensuring that schools teach and have access to physical activity for kids.

So, again, the role of government in many ways is to support, not as a nanny but basically to set up systems so that people will be healthy starting early in life. We know what kids learn early is what they carry through, and with the obesity epidemic now among kids in America, with their lack of physical activity, it bodes ill for the future of our country.

We have also seen a number of new reports on the costs of obesity and chronic disease. One study by health economist Ken Thorpe in the Journal of Health Affairs determined that in the year 2000 we spent $200 billion more on the treatment of disease and chronic conditions than we did just 13 years ago.

Five conditions accounted for one-third of the $200 billion increase: heart disease, pulmonary conditions, mental disorders, cancer, and hypertension. All of them are preventable. Even more startling, some 27 percent of the rise in health care spending between 1987 and 2001 is attributed to the costs of treating obese patients. Twenty-seven percent of the rise is attributed just to treating obese patients. Five conditions, one-third of the $200 billion increase, all of that preventable. Want to save money? Want to save the impact on our budgets? Want to help families in terms of keeping their taxes down? This is the way to do it. We have to have better prevention.

Perhaps most compelling, we have also seen fresh evidence again that we are failing to teach our children about the importance of a healthy lifestyle. Perhaps most compelling of all is that the National Institute for Health Care Management Research and Educational Foundation found that only 16 percent of kindergarten programs meet the daily recommendations for physical activity by the Centers for Disease Control.

The Institute of Medicine of the National Academy of Sciences issued a major report just last month, October. The report was on preventing childhood obesity, a clarion call to action, urging a comprehensive national response to the childhood obesity epidemic where they focus on wellness and prevention. It sets forth the blueprint for a multifaceted national campaign against childhood obesity. This was just last month.

The Institute of Medicine of the National Academy of Sciences, the preeminent scientific medical body in this country, just last month, issued this warning.

So we need to act. We cannot twiddle our thumbs any longer. We cannot say, well, that is just the way things are. We cannot just say, well, it is free enterprise, and if someone wants to sell a monster thick burger and people want to eat it, let them. I am not saying Hardee's cannot put out a monster thick burger. They can do it. But I want to make sure that everyone who goes there and eats one of those has information to tell him or her how many calories, how many grams of fat, and what it means to them if they eat that. We need to start teaching our kids how to eat right. Experts are saying that this generation of kids growing up today, if we do not change rapidly, may be the first generation to live a shorter lifespan than their parents. Think about that. Our kids will have a shorter lifespan than what we have, the first time ever in history.

So we have had warnings from everywhere. The Centers for Disease Control, Health and Human Services, Food and Drug Administration, Federal Trade Commission, National Institutes of Health, National Academy of Sciences, Institute of Medicine, World Health Organization—on and on and on. Every single one of them urges that we use the power of the government to promote healthier lifestyles. Yet Congress has, thus far, failed to take any comprehensive action.

(Mrs. DOLE assumed the chair.)

Mr. HARKIN. The Institute of Medicine report on childhood obesity offers us a comprehensive approach to fighting obesity. It doesn't say that fighting obesity is the responsibility of government alone, or just one sector of society. It calls on all sectors of society to play a role in fighting obesity. In fact, the Institute of Medicine blueprint bears striking similarities to the approach called for in a bill that I introduced earlier this year, the Healthy Lifestyles Prevention Act, known as the Help America Act of 2004.

As you can see from this report, the Institute of Medicine's recommendations mirror my bill in a number of ways. Over here is what the Institute of Medicine recommended to support nutrition and physical activity grant programs. That is in our bill. Nutrition labeling for restaurant foods, that is in our bill. The Federal Trade Commission should have authority to monitor food marketing—how it is marketed to kids. That is in our bill.

Let me digress for a moment on this marketing to kids. We now have counting books for kids who are just learning to count, 3 years old, 5-year-olds—a simple counting book, learning your 1-2-3-4s and 5s. Do you know what they are? They are called M&M counting books. You count by learning how many M&Ms there are.

I saw an Oreo cookie counting book. You count by how many Oreo cookies there are. So what happens? That will have little kids associate learning, associate getting better and progressing, with eating Oreo cookies or M&Ms, and thus begins a lifestyle and a habit pattern at a very early age. I found that hard to believe when I saw it, that these companies would actually go that far, to put in unhealthy food. I like an Oreo cookie as much as anyone else, don't get me wrong. You take them apart and eat the inside, you know how to do that. I love Oreo cookies. But let's be honest about it, it is maybe a little treat you have later on sometime, but to start getting kids in their counting books to count according to how many Oreo cookies there are, I am sorry, that sends the wrong message.

The Institute of Medicine recommended that community and child and youth-centered organizations promote healthful eating and physical activity. That is in our bill, too. Help get the YMCAs all over America focused on wellness, and I am happy to report the YMCA is in the forefront of this battle, and I am proud of them. They are in the forefront of this fight against childhood obesity and for wellness.

Improving streets and sidewalks to encourage walking and biking. Imagine the Institute of Medicine recommending that we build sidewalks.

There are housing developments being built in America today that don't even have a sidewalk. You want your kids to walk to school or to ride a bike? I happen to have a house out in rural Virginia. My wife and I have lived there for a number of years, since I have been privileged to serve in the Congress. So my kids, when they were growing up, went to a public high school in Fairfax County. It was a good school a mile from our house. A mile, that is a great walk for my kids to go to school, high school, but there is only one problem. There is no sidewalk, on a busy street. I wouldn't even let them ride a bike down there. You are not going to ride a bike down that street. There are no sidewalks.

Again, every highway bill we pass here, every highway bill in which we take dollars out of the road use fund, the gas tax, and put it out to States for building highways and streets, ought to have provisions in it that you have to build sidewalks or you have to build walking paths. I am told in Europe today you cannot build a bridge unless it has a walking path, bike path, adjoining the bridge across the river or thoroughfare or wherever you build it. We ought to be doing that in America. If people want to ride bikes or walk, they can't get across the bridge. So that is in our bill, too.

Insurers should include screening and obesity preventive services in routine clinical practice. It is in our bill, but how many insurers do that? How many provide that you can go in and have screening, counseling, and you can have preventive services under your insurance premium, under your insurance program? I can count the number on two hands, probably—maybe one.

Schools should draw up nutritional standards for competitive foods in schools—competitive foods. I did see one school in Iowa this year in which they had set up their competitive foods. Competitive foods is a fancy name for snacks or vending machines, that kind of stuff. I saw one school in Iowa that took all that stuff out and only had healthful snacks, 100-percent juice drinks, granola bars, different kinds of fruits, things like that. That is the way we ought to be going.

Develop school policies to create schools that are advertising free—get advertising out of our schools. If you walk down the hallway, there is a big Pepsi machine, a big Coke machine. If you walk around the corner, there is your competitive foods, advertising all the candy bars and soft drinks and everything else. Why should we allow advertising in our public schools? I could never figure that one out.

Why don't we advertise here in the Senate? I have an idea, we will put up a sign: A Hardee's steakburger right here. Sell some wall space here. I'll bet it would be priceless. These cameras would pick it up every day. If we don't have advertising in the Capitol, why do we have it in the schools? Why do we bombard our kids every day with advertising for unhealthy habits?

I didn't mean to go through all of these. Those are some of them. But this is what the Institute of Medicine is saying that we ought to do.

I mentioned the bill I introduced, the Help America Act. I am going to reintroduce it next year. We spent many months working on this, on a comprehensive approach. You just can't address the obesity problem, the increase in chronic illnesses in America by just focusing on what we do or what you do in a school. It has to be comprehensive. It has to start from the earliest time of our lives, in daycare centers, kindergarten, elementary schools. So it has to be home-based so we get more information to our families. It has to be school-based from kindergarten right on through high school and college. It has to be workplace-based so that people on their jobsites can have physical activity and wellness support. It has to be governmentally based so that we do not build housing developments without sidewalks or bridges without walking paths or bike paths; that we build more walking trails in our country.

It has to be Government based and making sure that we have Federal Trade Commission monitoring truth in advertising. It has to be community based. Communities have to pull together with their local YMCAs and others to have wellness programs for the entire community.

One of the great things popping up all over America today is mall-walking programs for the elderly, especially in my part of the country. In the wintertime, it is hard for the elderly to get out and malls have set up walking programs where elderly people will meet. They can walk and they have distance markers. They go around the mall, half a mile, three-quarters, 1 mile. They have a little place where they can stop and have water or coffee or tea or whatever they want. You would be amazed at how many of our elderly are now doing these mall-walking programs. By the way, it is not bad for the mall either. Sometimes they stop and shop, too.

These are the kinds of things we have to do on a community basis, workplace basis, a community basis to help promote a healthier lifestyle in America.

I could go on and on about the Institute of Medicine, what they recommended. The point is, we do have an authoritative blueprint for action. We have a bill that reflects that blueprint. The bill we introduced earlier this year, we will introduce again next year.

So the ball is really now in our court. I intend to reintroduce the HELP America Act in the 109th Congress.

We need a serious, ambitious probusiness, bipartisan effort to build on the steps we took this year. There is no question in my mind that the HELP America Act is a bill whose time has come to tackle some of the biggest health challenges of our day, in particular the obesity epidemic.

We have had report after report and warning after warning on the national level. But we have responded in only an incremental and piecemeal fashion. It is as though we were in the midst of a five-alarm fire but we stubbornly keep the hook and ladder engine in the firehouse relying instead on the garden hose to fight the fire. This is unacceptable.

When we reconvene in January, we need to come together on a bipartisan basis to address the obesity epidemic, to stress wellness and prevention in all aspects of our society. My goal is that the new 109th Congress will be remembered as the Congress that replaced America's sick care system with a genuine health care system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

THE EMMETT TILL CASE

Mr. TALENT. Madam President, I rise today to talk briefly about a resolution Senator SCHUMER and I have cosponsored in the Senate which we introduced yesterday. It is about the Till case.

I want to summarize for you the Emmett Till case. I don't normally read things on the Senate floor, but, in reviewing the notes from our office for the press conference that we had the other day, I really could not find a better statement for the background of this case than the notes. So I am going to read just a couple of paragraphs.

It is a story that I will preface by saying it has to shame every American. It is a hard story to listen to—a story from a time that thankfully was a very different time in this country but a story that has reached across the 50 years since it happened and is calling for action now.

In August 1955, Emmett Till, a 14-year-old African American was visiting family in Money, MS, from Chicago and allegedly whistled at Carolyn Bryant, a white woman. On August 28, Roy Bryant, Carolyn's husband, and his half brother, J.W. Milam, kidnapped Emmett from his uncle, Moses Wright's, home. They beat him, dragged him to banks of the Tallahatchie River and shot him in the head. Bryant and Milam then fastened a large metal cotton ginning fan and dumped his body into the river. Three days later, Emmett's body was pulled from the river and returned to his mother, Mamie Till, in Chicago. Mamie Till made a very courageous decision at that point. She decided to leave his casket open for 4 days to show the public what had happened to her son.

Tens of thousands of people paid their respects in person and the press published photos of Emmett's mutilated corpse around the world. In September 1955, Roy Bryant and J.W. Milam stood trial for Till's murder in Mississippi. An all white, male jury acquitted both men, after several women and African Americans were barred from serving on the jury; they reached their verdict after only 67 minutes of deliberation. Emmett's uncle Moses Wright, and another resident of the town, Willie Reed, both testified in court. As a result they were forced to flee to Chicago because their lives were in danger following their testimony. Worldwide, there was tremendous outrage at the murder and subsequent acquittal. In November, Wright and Reed returned to Mississippi and testified before a grand jury investigating the pending kidnapping charges against Bryant and Milam. But the grand jury refused to indict those men.

On January 24, 1956, Look magazine published an article in which both Bryant and Milam described the murder in detail. They received $4000 to tell their story. Look published a subsequent article, where Milam stated that he did not regret the killing.

Both Roy Bryant and J.W. Milam lived the rest of their lives as free men and died of natural causes; Milam died in 1980 and Bryant in 1990. Mamie Till died in January 2003. Keith A. Beachamp—a documentary film maker from Fort Greene, Brooklyn—found new evidence about the case, including never-before-heard eyewitness accounts, while making his documentary which will air soon, "The Untold Story of Emmett Louis Till." The witnesses claim that there were several other people involved in the murder plot and that some of these individuals are still alive.

Mamie Till lived in Chicago until she died in January of 2003. She was rather close to Congressman BOBBY RUSH who was a colleague of mine when I served in the House. When Congressman RUSH found out about this documentary, he introduced a resolution calling for the Justice Department to reopen this case and determine whether it was still possible to prosecute some of these other individuals who, according to Mr. Beachamp, were indeed involved in this crime. Since these other individuals were never tried, much less acquitted, it would still be constitutionally possible to prosecute them, especially in the Federal court, because there had never, unfortunately, been Federal actions or Federal indictments brought against any of these individuals who were involved.

Senator SCHUMER was considering filing a companion resolution in the Senate earlier this year. He approached me to see if I wanted to cosponsor it with him. I was very interested in doing that. We both had contacted the Justice Department before we were able to sponsor that resolution. I am pleased to say the Justice Department did reopen the case, that was in May, and the Justice Department has been investigating ever since.

This week Congressman RUSH, Congressman CHARLIE RANGEL, Senator SCHUMER, and I have sponsored in the House and in the Senate a new resolution calling on the Justice Department to devote whatever resources are necessary to investigate this matter expeditiously and report back to the Congress and to do justice after 50 years.

I am sorry to say—I am ashamed to say—that Mamie Till tried over and over again for almost 50 years to get the Federal Government to do something, which she was unable to do so, particularly in the 1950s when this evidence was fresh, when a Federal charge could have been brought without violating the constitutional rule against double jeopardy, but it was not brought. For that, the Federal Government has to accept responsibility.

We do not know what an expeditious and complete investigation will reveal. I suppose it is possible either other people were not involved in this or that a case cannot be made against them at this late date. What we do know is that any remaining witnesses, people who might have been coconspirators in this terrible tragic crime, are getting older. If a case is to be made, it must be made soon because witnesses may die, evidence may become even more stale and unusable.

Justice needs to be done for a lot of reasons, in part because, as Congressman RANGEL says, you have to confront these kinds of crimes, these kinds of tragedies, these wrongs if you are ever to get past them, in part because there may be murderers at large who need to be brought to justice, in part because it is only through the courage of Mamie Till and the courage of Moses Wright who, in 1955, followed their convictions and protested publicly about this. It took enormous courage for that mother to keep that casket open so the world could see what happened. It took enormous courage for Moses Wright to walk into that courtroom and testify against these white men, but he did it.

As a result, this whole incident was one of the seminal events that led to the civil rights movement in the 1950s and the 1960s with all the progress we have achieved as a result of that.

It is owing to these individuals and to their courage that we do the right thing after all this time. I certainly intend to continue doing whatever I can to make certain the Justice Department is held accountable for taking action. I know Senator SCHUMER feels strongly the same way. This is a subject I intend to bring up with Mr. Gonzales as his confirmation process moves through the Senate. I certainly hope he is confirmed and I do intend to support that. I think he will make a great Attorney General. But I want to make certain that he is personally aware of this and personally committed to devoting such resources as are necessary, as expeditiously as possible, to see that justice so long delayed is now done in this case.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

FRITZ HOLLINGS

Mr. HARKIN. Madam President, when the man who sits right next to me across this aisle over here, the senior Senator from South Carolina, FRITZ HOLLINGS, retires at the end of this Congress, this body will lose one of its most distinctive and eloquent voices. We will lose a master legislator, a person who will go down in history as one of the truly consequential Senators of the second half of the 20th century. Of course, we will lose the presence of a great friend, a colleague whose passion and wit burn just as intensely today as when he first entered this Chamber nearly four decades ago.

As I said, Senator HOLLINGS sits directly across the aisle to my left, at the desk that was once occupied by another extraordinary individual from South Carolina, Senator John C. Calhoun. But Calhoun was a voice of the Old South, a defender of slavery in the great debates prior to the Civil War. FRITZ HOLLINGS, first as Governor, and for the last 38 years as a Senator, has epitomized the New South.

FRITZ HOLLINGS became Governor in 1958, at the tender age of 36. He immediately set about diversifying South Carolina's textile and farming economy. He planted the State thick with technical colleges. He aggressively recruited new industries to the State. But, most importantly, he set in motion the peaceful transformation of racial relations in South Carolina.

Now, remember—I remember it well; I was a senior in high school just going into college at that time—this was a time when other Southern Governors were pledging massive resistance to integration. They literally stood in the schoolhouse door. They incited people to keep African Americans from going into school or sitting at lunch counters or riding on buses.

But FRITZ HOLLINGS charted a different course as Governor. He showed tremendous leadership, real political courage, as he orchestrated the peaceful integration of Clemson University. So FRITZ HOLLINGS epitomizes the New South.

He also epitomizes the Greatest Generation. In World War II, right out of the Citadel, he served as an Army officer in North Africa and later in Italy earning seven campaign ribbons and the Bronze Star.

But I have always believed that what made the Greatest Generation truly great was not just what they did during the war but what they did after the war. As I said, FRITZ HOLLINGS played a transformational role in South Carolina. Then he came to the Senate, and he played an equally dramatic role on the national stage.

In 1968, he conducted a series of "hunger tours" across South Carolina, exposing poverty and Third World living conditions. He went on to coauthor national legislation that created the Supplemental Food Program for Women, Infants and Children, which we now know today as the WIC Program. He championed the Community Health Center Program, bringing medical care to the poor and underprivileged. And now thousands of community health centers dot the landscape in every State of our Union.

FRITZ became a passionate advocate for medical research and the National Institutes of Health, especially cancer research. I know how proud FRITZ is of the nationally respected cancer research and treatment center at the Medical University of South Carolina, now known appropriately as the Hollings Cancer Center. In fact, at his farewell gala a couple months ago that I went to downtown, FRITZ HOLLINGS raised more than $2 million for the center's programs.

Well, it would take a long time to stand here and do justice to Senator HOLLINGS' legacy of legislative accomplishments. I will not do so. I am tempted to do so because there is so much there. But those of us who have served with him over the decades know there is no more dedicated fighter for fiscal conservatism in this body or anywhere in this Congress. There is no one who has fought harder for what I call fiscal rationality in our spending and taxing programs than FRITZ HOLLINGS.

There is no one who has done more when it comes to protecting our oceans and coasts. It was Senator HOLLINGS who passed the Coastal Zone Management Act in 1972, the Marine Mammal Protection Act of 1972, the Oceans Dumping Act of 1976, and the Sustainable Fisheries Act of 1996. So the next time you go out to look at whales or you see the dolphins swimming, the next time you walk along a beach and you don't see all that junk washing up on the shoreline, thank FRITZ HOLLINGS. He led the charge on it.

And long before it became fashionable, FRITZ HOLLINGS was speaking out against the indiscriminate outsourcing of American jobs, first in the textile industry, then jobs in the steel industry and manufacturing. In literally scores of speeches on this floor, he has educated Members of this body about the fallacies and human costs of so-called free trade. That is not fair trade. He has spoken out with passion and persistence for fair trade and a fair shake for American workers.

FRITZ HOLLINGS leaves a personal legacy in this Senate. We will always remember his sharp mind in debate, his wit, and a very sharp tongue that could cut to the quick and get at the essence of what the debate was all about. And there is no one who had a greater sense of humor or was more generous and more kind than FRITZ HOLLINGS. He could craft humor about others, and he could craft humor about himself—a great individual, FRITZ HOLLINGS.

I would be remiss if I did not also publicly pay a big thank you to FRITZ HOLLINGS for the opportunity he gave me 16 years ago. I had just been elected to the Senate. I was in my first term. It was 1988. Lawton Chiles, who was then a Senator from Florida, was retiring as chairman of the Appropriations

Subcommittee on Labor, Health and Human Services, and Education.

I was a freshman Senator. I was at the bottom of the ladder. So Lawton left that position and went back to Florida. Most of the Democrats ahead of me—the Democrats were in charge at that time—had other subcommittee chairmanships they didn't want to give up. So it came down to FRITZ HOLLINGS and me. I knew of the passion that FRITZ had for health and education issues. So I assumed he was going to take chairmanship of that subcommittee. But I called up FRITZ. I let him know that if he didn't take it, I was next in line, that I always had a great interest in this area. Well, he said he would take that into consideration. I will never forget it. I was at home on a Sunday night. He called me up and said: Well, TOM, I have been thinking about this. He said I would really like to have the Labor, HHS, Education; this is in my interest. I have spent so much time on health issues.

Well, I thought this was his nice way of telling me, I am sorry, TOM, I am going to take the chairmanship, tough luck. But at the end, he said: Well, I want you to know I am going to stay with the Commerce-State-Justice Subcommittee.

I could hear him laughing. He had kind of strung me out during this whole phone call, leading me to the point where he was going to say, I am really sorry, TOM, but I am going to take it. Then he turned 180 degrees and said: I am going to stay with Commerce-State-Justice. I could hear him chuckling in the background, knowing that he had given me a great gift.

It was a huge opening for me as a freshman Senator to chair the second largest Appropriations subcommittee. I will always be grateful for the confidence and the trust that he had in me at that time. I hope I have not disappointed him.

FRITZ HOLLINGS has cast more than 15,000 votes here. He has passed major bill after major bill. He has spoken out courageously on issues of war and peace, trade and budget, civil rights and human rights. He has been a voice for the poor and for the sick and for those who have no voice in the political arena. I know FRITZ is very fond of a particular quote from Elibu Root, Teddy Roosevelt's Secretary of State. Those of us who were at the farewell banquet for FRITZ in September heard him repeat it on that occasion. He said:

> Politics is the practical art of self government, and someone must attend to it if we are going to have self government. The principal ground of reproach against any American citizen should be that he is not a politician.

For more than five decades, FRITZ HOLLINGS has been a proud politician, an extraordinary public servant, one of the truly magnificent Senators in the history of this body. We will remember his legacy. I am going to miss him as a friend and as someone I could converse with, gain insight from, and share a laugh with, listening to FRITZ go on about fiscal responsibility.

Peatsy and FRITZ have been a team. I was fortunate to have taken a congressional delegation trip with FRITZ and Peatsy last December. We went down to Brazil, looking at all the different things in Brazil—everything from rain forests to agriculture to labor conditions. It was truly a magnificent week to spend with FRITZ and Peatsy. I will never forget it. I will never forget both of them. So I wish both FRITZ and Peatsy a long and wonderful retirement in their beloved Charleston, SC.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

A DEEPLY FLAWED PROCESS

Mr. CONRAD. Madam President, we are here late on a Saturday afternoon as part of what has become truly a deeply flawed process.

We have been presented with this huge stack of paper. I think this is well over 3,000 pages. We got it in the middle of the night. We didn't have a hard copy until somewhere after noon today. We are being told that we will vote on it shortly. It reminded me very much of attending one of the State of the Union Addresses in my first years in the Senate. It was in 1988. President Reagan was talking to the Nation, and he held up what was then a conference report that he reported was over a thousand pages long, weighing 14 pounds. Then he held up a reconciliation bill that was 6 months late and was 1,200 pages long, weighing 15 pounds, and a long-term continuing resolution of over 1,000 pages, weighing 14 pounds. He reminded us that was 43 pounds of paper and ink, and you had 3 hours—yes, 3 hours—to consider each. He said it took 300 people at his Office of Management and Budget just to read the bill so the Government would not shut down. He concluded that Congress should not send him another one of these. He said: If you do, I will not sign it.

President Reagan was right. This is not the way we should do the people's business. We should not have, late on a Saturday, 3,000 pages; and there are not more than a handful of people here who know what is in it. I know what is in it for the State of North Dakota. I know that. But I don't know what else is in here.

I have found one thing that is in here that I think will shock every one of my colleagues. There is a little nugget tucked away in this package that says the Appropriations Committee chairmen, or their designees, can call up the tax returns of any individual, any company and, without civil or criminal penalty, do whatever they want with those returns.

Madam President, think about that. Are we really going to pass legislation that says an Appropriations Committee staffer can look at the individual returns of any American, any company, and there are no civil or criminal penalties for their release of the contents of that return? I don't think so. That is in this stack of papers.

We have provisions saying that the chairman of the Finance Committee and the chairman of the Ways and Means Committee can look at individual returns. They are the only Members of Congress who can do that, and there are very severe civil and criminal penalties if they were to release what they saw there. Those are privacy protections for every American taxpayer, every individual, every company. We protect the privacy of those returns with stiff civil and criminal penalties for the release of the information gained in those returns.

All of that is thrown right out the window in this stack of paper because it provides that the Appropriations Committee chairman, or their designees, can have access to the returns of any American, any individual, any company; and there are no civil or criminal penalties for the release of the information contained therein. I say to my colleague from Idaho I don't think this is his idea of protecting the privacy of the American people.

Mr. CRAIG. Madam President, if the Senator will yield, the Senator brings up a critical point. Would he cite the page and the subparagraph to the body? Clearly, the Senator is stating a charge, if you will, that is very critical and very important for all of us to understand. No one, without court order or subpoena ought to have that kind of authority.

Mr. CONRAD. Madam President, there are so many different page numbers on this page, I am not sure which of these page numbers is the relevant page number.

There are at least three page numbers on the page. That is how slapdash this whole thing is. There is a page number 802, there is a page number 1112, and there is a page number 85. Take your pick. This is what it says, and I quote it to my colleague, section 222:

> Notwithstanding any other provision of law governing the disclosure of income tax returns or return information, upon written request of the chairman of the House or Senate Committee on Appropriations, the Commissioner of the Internal Revenue Service shall hereafter allow agents designated by such chairmen access to Internal Revenue Service facilities and any tax returns or return information contained therein.

That is the provision that is in this stack of paper. That is an outrage. That is absolutely beyond the pale to allow staffers here the access to tax returns of any American citizen, of any

American company with absolutely no civil or criminal penalties for the release of that private information.

What is going on here that we have a stack of paper that has a little nugget like that stuck in? That cannot be.

Mr. LEAHY. Will the Senator yield for a question without losing his right to floor?

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Vermont.

Mr. CONRAD. I will be happy to yield.

Mr. LEAHY. Mr. President, does that mean—it just boggles the mind—this goes way beyond the wildest dreams, for example, of J. Edgar Hoover. Does that mean, for example, if somebody in the press criticizes the chairman or if a constituent wrote in and criticized some action of the chairman or, let us say, that some Member of Congress dared to vote against a bill of the chairman, their staff could just go and grab all their tax returns and then just give it to anybody and have no penalty?

I realize this is not the old former Soviet Union, but this could possibly happen in America?

Mr. CONRAD. Unfortunately, it is contained in this bill. This bill is very clear:

> Notwithstanding any other provision of law governing the disclosure of income tax returns or return information, upon written request of the chairman of the House or Senate Committee on Appropriations, the Commissioner of the Internal Revenue Service shall hereafter allow agents designated by such chairmen access to Internal Revenue Service facilities and any tax returns or return information contained therein.

And there are no provisions in the civil law or the criminal law that would protect the release of that information.

I tell you, when my staff came upon this and brought it to my attention—I used to be a tax commissioner, and one of the things that is understood by anybody who deals with tax information is that there are rights to preserve the privacy interests of any taxpayer. We have long held in this body and in the body on the other side of the Capitol the people's right to privacy would be protected.

This provision, I am told, was stuck in at about midnight last night. Without any debate, without any discussion, without any Democrat in the room, it was stuck into this monstrosity of a bill. I think that is just one more indication of how dangerous this process has become—3,000 pages dumped on our desks, and we are told to vote in just a few hours.

There is nobody here, other than those who have been in the room, who can understand what is in this bill. If we gave our colleagues a quiz on what is contained here, I do not think very many of them would pass.

Something has to be done here. This cannot become the law of the land.

Mr. McCAIN. Will the Senator yield?

Mr. CONRAD. I will be happy to yield.

Mr. McCAIN. Madam President, my only question to the Senator is, is he really surprised that something egregious should be in this long package that none of us have seen or read until a few hours ago? Does it really surprise the Senator when we find it packed full of goodies for special interest and policy changes and all kinds of things that are passed into law that otherwise would not bear scrutiny? Is he really surprised that all of a sudden now we just pass some other barrier?

Isn't it also the fact this is in a bill that none of us have seen or read? Should it surprise us that finally happened when we have a system that is broken? The system is broken. This is 9 of the 13 appropriations bills that have never seen a debate or discussion or amending. None, never. So now we find something that—thank God for somebody's staffer who found it buried on page—what did the Senator say, page 1,000-something?

Mr. CONRAD. Madam President, I say to my colleague, my friend, you cannot even tell what page number it is because on these pages there are three different page numbers. Page 802, page 1112, page 85 take your pick.

Mr. McCAIN. If I can finally ask my colleague, doesn't it really argue again that we have to fix a system that is broken? Here we are, everybody trying to get home for the Thanksgiving recess, and we are going to debate and vote on this "as quickly as we can" and anybody who extends the debate is being terribly unfair to their colleagues. I have already had four colleagues who have airline reservations come up to me and say: Please don't talk too long this time; you're not going to hold up this bill, are you?

I am not the one who caused this bill to not appear before us when we have been here for the entire year without acting on nine of the appropriations bills. The system is broken, and sooner or later we better fix it.

I am going to identify billions of dollars of pork that are in this bill that have had no scrutiny, no competition, no nothing except a testimony of the influence of some member of the Appropriations Committee.

I ask my colleague if he is surprised this should happen.

Mr. LEAHY. Will the Senator yield for a question?

Mr. CONRAD. First, let me answer the question of the Senator from Arizona. Am I surprised? I am not surprised there are things in here almost nobody knows about. I started out by going back to President Reagan's admonishment to us never to permit this to happen again. That was in 1988. This is 2004, and here we are again 16 years later with over 3,000 pages dumped on our desks, and we are told to vote on this in a few hours. Nobody knows what is in here. We have been scouring this bill—thank goodness some sharp-eyed aide of mine saw this little nugget.

I must say, I am surprised something such as this could even get through a flawed process like this one. I am amazed we are about to pass in the Congress of the United States a provision that would allow some staffers to look at any tax return of any individual, of any company, and not have civil or criminal penalties apply to them for the release of that information.

I tell you, that is serious. That is serious.

Mr. LEAHY. Madam President, will the Senator yield for a question?

Mr. CONRAD. I will be happy to yield to the Senator from Vermont.

Mr. LEAHY. Madam President, the suggestion has been made that the system is broken. Of course, I thought it would work far more smoothly with a Republican President, a Republican House, and a Republican Senate. We had actually passed a budget back last April, which by law we are required to do.

Madam President, will the Senator from North Dakota agree that there is at least one glimmer of hope here on the system working? This was put in by the Republicans in the House, and at least the Democrats in the Senate discovered it. So to that extent, there is at least a glimmer of hope.

Mr. CONRAD. I say, in answer to my colleague, I agree with the Senator from Arizona, the system is broken. The system is completely broken when we have 3,000 pages dumped on our desk and we are told to vote in 3 hours.

Now, that does not make sense. Members do not know what is in this. We find egregious provisions such as this one tucked away that people did not review, did not debate, did not discuss, did not have a chance to amend, have not had a chance to vote on, and all of a sudden it is contained in here. That cannot be.

The PRESIDING OFFICER. We are currently in morning business with a 10-minute time limit, and the 10 minutes of the Senator from North Dakota has expired. The Senator from Montana.

Mr. McCAIN. I have a parliamentary inquiry. Where are we on the bill?

The PRESIDING OFFICER. We are in morning business.

Mr. McCAIN. When do we expect to take up the legislation itself?

The PRESIDING OFFICER. That has not been determined.

Mr. McCAIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I happen to be the ranking member, that is the most senior Democrat, on the Finance Committee. In years past, I was chairman of the Finance Committee when this side had the majority.

Mr. SARBANES. Those were the halcyon days.

Mr. BAUCUS. Yes, those were the halcyon days when this country was represented really well.

But I might say the provision we have been discussing; namely, the degree to which Members of Congress should have access to any American's income tax returns, is really an outgrowth of the Nixon years. That is, in the Watergate years, when too many Government officials had access to individuals' income tax returns and we enacted so-called Watergate reforms, one of the reforms was a section in the code which basically provides that no one in Congress has access to any American income tax return—as well they should not—except for the chairman of the Finance Committee and the chairman of the House Ways and Means Committee, the committees that have jurisdiction over our tax laws.

Someone might ask, why should they have jurisdiction? Why should the chairman of the Finance Committee have the right to look into an individual's tax returns? That is a question that should be asked very seriously and it is one we should take very seriously.

But the reason that is in the law today is so the Finance Committee can exercise jurisdiction or proper oversight over our Tax Code, especially looking into how companies, maybe individuals but certainly companies, use the tax system to shelter their income—what do they do; how do they do it—so we in the Congress can enact legislation that closes those loopholes. That is what we have done.

Within the last couple of years, with the so-called Enron reforms as we looked at Enron's tax returns, we found a lot of provisions where actually the company was overstating assets in a certain area and understating in another, sheltering a lot of income, clearly not in the spirit of the income tax returns.

I might say, too, that, frankly, the Tax Code is so complex and the returns are so complex it is difficult for the enforcement agency, the IRS, to look at all of these shelters and to enforce the tax law.

As we know, a low percentage of tax returns are currently audited, and it is very difficult for the Joint Tax Committee because they do not have the resources to look at all of this.

The long and short of this is that we in the Finance Committee, the chairman of the Finance Committee and his staff, looked at income tax returns, including Enron, and we made appropriate deletions to protect proprietary interests. Nevertheless, we thought we should exercise that responsibility and we did, very carefully and professionally, and the result was not to use individual tax returns but, rather, closing a lot of loopholes of which companies, in this case Enron, were unfortunately taking advantage.

The current law also provides for civil and criminal penalties for any unauthorized disclosure by the chairman of the committee or authorized staff of any unauthorized information, which there well should be. If any of us were to divulge any of the information we might have, we go to jail, and we should.

The provision we are talking about here, that is, in this big appropriations bill right in front of me, basically says the chairmen of the Appropriations Committee, House and Senate, have the same authority, and that they can also exercise that authority and have access to income tax returns without any penalty whatsoever, no criminal penalties, no civil penalties, for any unauthorized disclosure.

Well, what does that mean? It does not take a rocket scientist to know that means anybody on the staff of the Appropriations Committee can just take that tax return information and can go to the press, can use it however they want on anybody, without any penalty. That is an outrage. Even in the dead of night, who would try to enact a provision like that? And that is what the majority has done very late at night.

My staff happened to find this provision several hours ago. I called them this morning to see what they found in the conference report. They said: We are still trying to download it. We divided it into different parts. We are not going to be able to go through it all until 5 o'clock today, not even see what is in this conference report until 5 today. That is about eight or nine people in my office, each downloading from the House Ways and Means Web site various portions of what is in this conference report.

I am informed that the House has gone out. I do not know if that is accurate, but I am informed the House has adjourned and that is highly, highly reprehensible. They passed this provision in the middle of the night, did not tell a soul, did not consult with the Finance Committee, did not consult with the House Ways and Means Committee. They certainly did not consult with the Finance Committee. The chairman of the Senate Finance Committee found out about this a few hours ago and he is as upset as I am. The chairman of the Senate Appropriations Committee, Mr. STEVENS, I am told he did not even know this was in there until a couple of hours ago when he was informed about it. That is what I am told. He did not know it was in there. Come on.

It seems to me that the one resolution yet available is for the Senate to amend it is a procedural motion here—the enrolling resolution, to strike that language and send it back to the House.

I have to figure out there is a way for the House to stay and meet. I am told they are just doing special orders or something like that. I am told they have not adjourned sine die. It is clear that if they want to change this, the House of Representatives can find a way to change it. They can find a way if they want to. If they do not, I have to reach one conclusion, they do not want to. They want to give the Appropriations Committee chairman this unfettered access to individual income tax returns and the ability to release it to anybody in the world without any punishment, without any civil penalties, without any criminal penalties.

I ask the House of Representatives, I ask the Speaker of the House, I ask the leadership of the majority party in this body, to find a way to get the House of Representatives to accept our resolution.

I have been told we will have a colloquy or we will take this up later. We all know what happens when we take things up later—it does not happen. Things have a way of getting lost. One has to strike when the iron is hot. The iron is really hot now.

When the American public hears about this we can bet dollars to donuts there is probably nobody in the press gallery right now because they are out writing their stories about this—we are going to hear about this and I would think that the majority party would like to nip this thing in the bud and get it done right now and not have it in the press for weeks and months because it is on the doorstep of the majority party of the House and the Senate. It is on their doorstep. If they want to change it and delete it, they can do that. If they do not want to change it or delete it, then they are not doing it.

Since I have been in this body, I cannot think—I am sure there are others but I cannot think of an outrage as reprehensible as this one. Can my colleagues believe it, unfettered access to individual tax returns which are supposed to be private income, that can be divulged to anybody without any sanctions? Come on. How can anybody even conceive of suggesting something like that? Somebody did it in the middle of the night, and I might say we still do not know what is in this legislation. As I said before, the chairman of the committee did not even know about it. The chairman of the Appropriations Committee did not know about it. They do now, and I call on them to do something about this to get this problem solved right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this is what happens at the end of a session when things go bump in the night and on your desk you find a stack like this. I am a member of the Appropriations

Committee. A lot of work has gone into this, but by waiting until the end of the session to put all of this in front of Members of Congress, it becomes literally impossible for us to meet our responsibility to say to the voters we represent that we know what is here; it is good for America, and we are voting for it. You have to operate on faith.

That faith is shaken if not destroyed when something comes through like this. If there is anything we are supposed to respect in this country, it is the right of privacy, particularly when it comes to Government records. To slip in this section 222 in the Treasury appropriation, and give to certain Members of Congress and their staff access to individual income tax returns which they can order up from the Internal Revenue Service and then use the contents with impunity, in other words, without any threat of civil or criminal prosecution if they disclose them, is to create a situation which, frankly, is beyond description.

We talked about enemies lists 40 and 50 years ago in America, where administrations would decide which Americans were not friendly and there was a hint or suspicion that the Internal Revenue Service was going to look at their tax returns. That is as far as it went.

Forget the hint of suspicion, this is an outright delegation of authority to elected officials in Congress and their staff to order up the tax returns of any person they choose. Could it be their opponent in the last election? Or maybe the candidate who might run against them next time? Could it be a whole branch of contributors to certain causes? All of those things are possible under this.

It strikes me as odd, if we are going to respect the right of privacy for individuals in this country, that we would delegate this authority and then say that the staff people and Members of Congress who use it can disclose the contents to the public without any fear of prosecution. They could turn them over to the press. They could use them on these talk shows. It could happen.

In case this sounds as if it is in the realm of the ridiculous, it happened to be on the Senate Judiciary Committee on Capitol Hill that a staffer hacked into my computer and stole 2,000 documents from my computer and turned them over to the press and special interest groups in Washington. He was caught, thank goodness, and now there is an investigation underway. But he was using material from my staff and my office in an effort to not only try to anticipate what might happen in the committee, but to use it against me politically. That happened at the Senate Judiciary Committee, the committee responsible for reviewing and designating future Justices in the Supreme Court. It happened within our committee.

Now what we are saying is we will write into law the access of Members of Congress and their staff to, not just the computer memos generated in my office, but income tax returns; that they could have access to an individual income tax return and disclose it with impunity, without any possibility of being held accountable for that fact. That is a troubling development.

I do not know who is responsible for it. It happened in an appropriations bill that it turns out at least Members on this side of the aisle were not aware it was included. But think about the fact that we are dealing with some 3,400 pages of legislation here. It is not possible for us to read through every word of this, every paragraph, and to find out if we can trust the contents of this to be something that is good for America and something about which we can cast our vote in favor.

I thank my colleagues for coming to the floor—Senator CONRAD from North Dakota, Senator BAUCUS from Montana and others, Senator McCAIN from Arizona, for bringing to light this outrage.

It is not enough for us to limit this outrage to the point where we say we will pass it today and take care of it tomorrow. What happens in the meantime, after this is signed into law? What will happen? I don't know.

But we will be giving legal authority to individuals to misuse income tax returns of individuals, families, and businesses across America. That, in my mind, crosses a line which we should never allow to be crossed.

The Government serves us. We are the masters of this country because, in a democracy, the voters rule. When it reaches a point that you have to worry about the tyranny of a government invading your privacy, disclosing information which they have no business to publicly disclose, then we have crossed a line which we should never cross.

Mr. SARBANES. Will the Senator yield for a question? As I read this provision, the chairman of the Appropriations Committee could send what are called agents—which I take it means staff?

Mrs. BOXER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate is not in order.

Mr. SARBANES. Then the Commissioner of Internal Revenue is required to give them access to the Internal Revenue Service facility and access to any tax returns or return information contained therein. So they, in effect, have a carte blanche to gain access to any tax information involving any tax return. Is that correct?

Mr. DURBIN. That is my understanding. I would say to the Senator from Maryland, as you read it, it is even more expansive than I described it. I talked about asking for a tax return. As you read this language, they could ask for all of the tax returns of certain individuals or people living in certain areas or people working for certain companies or people contributing to certain charities or contributing to certain political candidates. They could go in and ask for all the information, and can do it without any penalty under law if they disclose that information or misuse it.

To think that we would give this authority in an appropriations bill of 3,400 pages, and we stumbled upon it in the last few moments, is an indication of some of the troubling possibilities in this piece of legislation.

Mr. SARBANES. The Senator is absolutely correct. I thank the Senator for answering the question.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to say to my colleagues who read this bill—I don't know if I can hold it, but here it is. I asked that it be put on everybody's desk. That is a rule in the Senate. You can require that because I think just looking at this you see how not to legislate. I think Senator McCAIN has made that point eloquently.

I am going to speak for about 5 or 6 minutes now. I am going to speak more later.

I thank my colleagues who found that "Big Brother is watching you" language in this massive bill. It is a horrific thought that some person working for the Government can identify a taxpayer and go after him or her, or go after a business without penalty. This is unheard of. If this is a new America, then let me say we have a lot of work to do around here, and things are going to be slowed down because as much as everyone wants to get home and get with their families, not the least of which is the folks on the floor right now, we may have to sacrifice a little bit if this is the kind of legislation that comes before us in this huge packet.

I am going to take just a few minutes to run through another piece of legislation that was thrown in here without any vote in the Senate, without any hearing in the Senate, without any discussion in the Senate, and that is the so-called Weldon amendment which has very many adverse consequences for millions and millions of women of reproductive age in our country.

The Weldon amendment is a sham conscience clause. It takes a good conscience clause that was put in place so that doctors who have a moral or religious objection to performing abortion do not have to do that, but what this does is says anyone who wants can claim a conscience clause without giving any reason, and expands it to HMOs and insurance companies. Imagine giving an HMO a conscience clause. Since when do HMOs have a conscience? I haven't met one that did so far.

Now, any business entity can decide to tell its doctors who work for it that they cannot give women information about their constitutional right to choose, even in the cases of rape, incest, and life of the mother. In this bill, millions of American women are now at risk, if they are the victim of incest or rape or their life is at stake, they will be denied services and referrals. It is extraordinary to me.

Women will be left abandoned in emergency by overriding the Federal Medicaid law. It abandons women in emergency rooms who have life-threatening pregnancies. It overrides title X requiring referral to appropriate clinicians or clinics. It overrides State laws.

Now you have from my colleagues who run this place, the Republicans, who always say they don't like Big Brother—first, you have them going after your tax return, and now you have them overriding State laws that respect a woman who may be in deep trouble because of incest, or rape, or her life may be threatened.

Can you imagine that? When the American people learn about this—that a woman could stagger in, having been raped by a relative, and she does not have to be told her constitutional rights. Let me tell you, that treats women worse than criminals.

Let us see what we do about criminals. We make sure criminal suspects have to be told their constitutional rights. These folks could be suspected of the most heinous crimes. We have to tell them they have a right to remain silent; anything they say could be used against them in a court of law; they have a right to an attorney before they can be questioned; if they can't afford an attorney, one will be appointed. And then they are asked, Do you understand these rights?

A woman who may be quite poor, who may not know all of her constitutional rights, up to now has been protected because all the laws we have on the books say she needs to be told what her rights are. Look what we do here to women. Women don't have their constitutional rights explained to them. Under Roe v. Wade, a woman has a right in the first 3 months of her pregnancy to be told that the decision is hers, without government interference. After that, she has to be told that her health and life must always be protected throughout her pregnancy. These are the constitutional rights of women.

Yet with this Weldon language which was put into this bill, without a Senate hearing, without Senate debate, without a Senate vote, a woman will be treated worse than suspected criminals.

Mr. LAUTENBERG. Mr. President, will the Senator yield for a question?

Mrs. BOXER. I am happy to.

Mr. LAUTENBERG. In our State of New Jersey, public hospitals are not allowed to deny abortion services to a woman. What effect will this new Federal law have on those women's rights accorded to them under State constitutions?

Mrs. BOXER. The State law will be overridden, my friend. And your State—and I know you and Senator CORZINE are here to fight for your State. You fight for your State every single day. Right now, in this package, without one hearing, your State, if this bill passes, is going to be told from now on they cannot in any way have protections for women in the law if that State takes Federal funds. Of course, they all take Medicaid funds. They will not be able to protect women. Not only won't they be able to protect women in the sense that the woman can have a legal procedure, but the woman won't even be able to get a referral.

Mr. LAUTENBERG. Can a doctor who works at a hospital that doesn't provide abortion services be prevented from providing a patient with a simple direction to say we don't do it, I won't do it, but there are places you can go and you ought to check the directory, or check Web sites and see if you can find a place to get this done?

Mrs. BOXER. Yes. There is a gag rule on doctors. The way it would work would be this: If an organization, an HMO, or a hospital, or an insurance company decides it no longer wants to either provide abortion services or even refer a woman to abortion services, they can say to the doctor who works for them, if you want to work here, forget about it. You cannot refer a woman for an abortion. You can't tell her about her constitutional rights. It is a gag rule that will now be permitted on the doctors of this country to the detriment of the patient.

I will go over this quickly.

Under current law, doctors can choose a conscience objection to provide abortion services. We all support that. If a doctor personally declares a conscience objection problem, he or she does not have to perform an abortion. However, if a doctor doesn't have a conscience objection, under the Weldon amendment, HMOs and insurance companies who no longer wish to provide women with information on their constitutional rights can prohibit doctors from performing them and referring women; they will lose their job.

Mr. CORZINE. Mr. President, if the Senator will yield, it is my understanding this provision now being described not only deals with conscience issues but also deals with what potentially HMOs or insurance companies can choose to not inform, not because of an issue of morality or religious beliefs, but because they just flat out believe it is not in their best business interests to do that. So we are changing the whole generic and fundamental reason on how we are addressing this issue.

Mrs. BOXER. Yes. That is why I call it a sham conscience clause. It took a conscience clause we passed in 1997 that was very fair, because none of us, pro-choice or not, wanted to say to a doctor you must perform a procedure that you have a religious objection to, and now we have taken that and thrown it out. We say for whatever reason or for no reason, not only a doctor but an HMO, an insurance company, can decide they don't want to offer the service regardless of State law, regardless of local law, and regardless of Federal law.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent for 4 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. Mr. President, to put this in the context of this 3,500-page bill that we are legislating outside of the Constitution, of the formal processes of hearings, not unlike the abomination of the IRS where we are creating policies that are changing both State law and privacy issues, both in the case of a woman's right to have access to protecting her health, and dealing with things like the Federal privacy laws with regard to the IRS—what we are doing with these 3,500 pages is the American people are getting legislation tucked into bills without any kind of debate or transparency.

Mrs. BOXER. Absolutely. What we have going on here is this enormous spending bill, and buried in it is legislation that was tacked on, in many cases never discussed, such as this one Senator CONRAD discovered, where a committee staff can look at Senator GRASSLEY's tax returns or my tax return, or Senator CORZINE's income tax returns, or anybody's tax return, and give it to the press. They could choose someone who is a constituent of ours. They could choose someone and find out what charities they are contributing to.

This is the big government watching us, and the Weldon amendment is tucked in here without any vote by this Senate, either in committee or on the floor. I will tell you right now, talk about big government watching you. This is big government overriding State laws in many States. It is big government that is abandoning women in the emergency rooms who have life-threatening pregnancies, who walk into emergency rooms, and under a different law that protects this woman, she has to be stabilized. No more; not with the Weldon amendment.

I wanted to say to my colleagues that I was willing to stand on my feet as long as it takes because of the outrage I feel for the women in this country because of the way they are treated in this bill. But I have been able to work with Senator FRIST, Senator

REID, and Senator DASCHLE, and it looks as though we will be able to reach an agreement to have a vote on my bill to repeal this Weldon amendment within the next couple of months. At that time, we will shed light on it. I will have far more to say about it. I wanted to tell my friends here—and I thank Senator FEINSTEIN, Senator LAUTENBERG, and Senator CORZINE, who are on the floor—how much I appreciate your leadership on this.

This is an outrage.

Mr. LAUTENBERG. If I may ask the Senator from California, the Senator is saying she has a commitment. Will that be expressed?

Mrs. BOXER. I will not allow a vote until we have a colloquy read on the floor between myself, Senator REID, and Senator FRIST which promises we will be able to have an up-or-down vote on the Weldon amendment sometime around April, sometime before that, where we can debate this on both sides, where we can share our views on it. Then I will feel in my heart we have done the right thing by the women in America, at least protecting them by letting the light shine on this piece of legislation, which is a shame for the women of this country, overriding State law, overriding laws that protect a woman who might walk into an emergency room, practically at death's door, and no longer would receive treatment.

I thank my colleagues.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I speak in strong opposition to a very troubling provision in this bill that will potentially take away American taxpayers' right to privacy regarding their personal income tax return.

The section I refer to is Section 222 of the bill. This section will allow any agent designated by the chairman of the Appropriations Committee access to tax returns and tax return information.

Section 222 provides this sweeping new authority while at the same time it throws aside years of detailed strict statutory protections for taxpayers that also ensure the privacy of taxpayer information.

Given that the language in this section can be interpreted to eliminate all restrictions on access to taxpayer information and publication of taxpayer information, there is nothing to prohibit the Appropriations Committee from obtaining taxpayer information, information about a corporation, information about an individual and releasing it to the press without fear of penalty.

There is no reason that the Appropriations Committee cannot obtain taxpayer information, your 1040, and just posting it on the Web.

This poorly drafted and even more poorly conceived legislation will bring us back to the doorstep of the days of Nixon, Truman and similar dark periods in our tax history when tax return information was used as a club against political enemies.

My colleagues may find these concerns over the top but I can assure you that when it comes to protection of taxpayer information the history has been a very troubling one and it is only through constant vigilance that we have been able to give Americans confidence that their tax return information will be protected and private.

I find it especially troubling that this language which will harm the volunteer tax system and make the work of the IRS harder comes in an appropriations bill that fails to even provide the the full funding requested for the IRS by President Bush.

What is more important, providing more money to the IRS to combat tax shelters, or allowing Appropriations staffers the right to dance through private citizens' tax returns at will? This is an outrage.

Just so my colleagues understand the claim for this language is that it is to allow the appropriations committee with access to IRS facilities for oversight purposes but not the ability to examine individual tax returns, data or information.

This is the statement that was made in colloquy between the chairman of the Ways and Means Committee and the Chairman of the Appropriations Committee in the other body.

The statement between the two members further states that it is the intent of the Appropriations Committees that all access to taxpayer information remains governed by the disclosure and privacy rules of Section 6103 of the Internal Revenue Code.

For my colleagues information, Section 6103 of the Internal Revenue Code generally governs and protects taxpayer information.

What is particularly frustrating is that Section 6103 already provides the Appropriations Committee a means to have access to taxpayer information—within the protections and limitations provided by law to protect taxpayer privacy.

The Appropriations Committee can seek permission for access to taxpayer information from the chairman of the Ways and Means Committee or myself, in the Senate, the chairman of the Finance Committee. I have received no request for access to taxpayer information from the Appropriations Committee during my time as chairman.

However, I would say that my colleagues know my reputation for oversight and encouraging oversight and I have been very open minded about granting such requests. In addition, any committee can appeal for such authority to the House or Senate for authority—that also has never taken place by the Appropriations Committee to my knowledge. Again, if that authority is granted the protections provided under Section 6103 are still in place.

This provision in the omnibus bill reflects a mindset that Members or, more likely, their staff—don't want to be bothered with such longstanding successful mechanisms to provide access for legitimate congressional oversight and have instead opted for the "easy way out."

And let me be clear, the "easy way out", contained in this bill will jeopardize taxpayer privacy and taxpayer information.

Let me make a final point. This section places the Commissioner of the IRS in the position of possibly forcing him to violate the law under Section 6103. The Commissioner of the IRS is still covered by Section 6103 and the penalties for improper disclosure.

It is my early review of this language that this Section 222 will put the Commissioner in the position of an improper release of tax information in violation of 6103. In such a case it is my view that the Commissioner should not release any tax information under this Section 222.

They say haste makes waste. In this case, with Section 222, haste has made a hash of years of efforts to protect taxpayer information and ensuring that taxpayer information is kept private. It is disgraceful that all this is being done because some Members of the Congress can't be bothered with following the simple rules in place to protect taxpayer information. Now, I have been satisfied since this has come to our attention that this goes much further than what the chairman of the Appropriations Committee has desired, or even more so, that he was not aware of the sweep of this legislation and that it will be corrected shortly in other action taken by this body under the leadership of the Senate Appropriations Committee—and presumably, I am also told, with the adherence of the chairman of the House Appropriations Committee. So this may no longer be an issue.

Mr. STEVENS. Will the Senator yield?

Mr. GRASSLEY. I yield.

Mr. STEVENS. I would like to tell the chairman of the Finance Committee as chairman of the Appropriations Committee, I checked with Chairman YOUNG, BILL YOUNG of the House Appropriations Committee. Neither of us was aware this had been inserted in the bill. It was inserted at the request of one staff to another, reliance on the statement made by one that the front office had been briefed and is fine with this.

That was not right. No Member had ever seen it. It came out during the readout. I am pleased that after it was presented to the body, it was found. It does not represent the policy of the Appropriations Committee. None of us have even ever discussed in a meeting either on this side or the House of Representatives any further access to taxpayer information. It came strictly from a staff request to another staffer.

It is absolutely a mistake. I apologize to the Senate. I am sorry that both the Senator from Iowa and his colleague, Chairman THOMAS in the House, properly were exercised over it. It is a mistake. It will be deleted. We have made an agreement it will be totally deleted from this bill.

Mr. McCAIN. Will the Senator from Iowa yield for a question?

Mr. GRASSLEY. Yes.

Mr. McCAIN. Would this not be, the explanation just provided by the chairman of the Appropriations Committee, incredibly disturbing, that we would have a bill before us, that we would have a few hours of debate, and if it had not been for the alert staff, one of the staffers over here, this would have been passed into law?

This would have been passed into law. Now we find out how it happened. One staffer had an agreement with another staffer, and it was placed into a multithousand-page document that none of us had ever seen or read.

Doesn't the Senator from Iowa find this incredibly disturbing, that there will be all kinds of pressure we vote as soon as possible on this bill because we all want to get out of here, that it is just discovered, but it was done by two staffers?

Has this system broken down completely here in the U.S. Senate?

Mr. GRASSLEY. To the Senator from Arizona, I cannot disagree with what he says. But we do have a bill before us. And the fact is, the chairman of the Senate Appropriations Committee has assured me—and he is a man of his word—that he is going to take action to get this out of here. That does not detract anything from what the Senator from Arizona said about the bill, but I am satisfied as far as this egregious provision being taken care of.

Mr. STEVENS. Will the Senator yield further?

Mr. GRASSLEY. Yes, I do. But I want to say thank you.

Mr. STEVENS. The Senator from Arizona is absolutely warranted in his comments. As I said, I apologize to the Senate. We thought we had these bills read through twice. Both sides read them through twice by people who are involved in them.

I have to tell the Senator from Arizona, I do not sit there for 10 hours as that is being read. I rely on the people who have been with us now for years and years to tell us that it has been checked properly, that there is nothing in the bill that has not been approved by the bodies respectively and in conference.

But this error happened. I do apologize to the Senate. It is unfortunate. And it is more than a mistake; it is a terrible disaster, and we will have to examine our whole procedures to see if there is any way we can prevent it in the future. But it has happened now, and we do apologize.

Congressman YOUNG is as disturbed about it as I am, and his statement was: "Take it out now." And that is what we are going to do.

Mr. GRASSLEY. I think the Senate should be assured.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

I was present in the caucus when the Senator from North Dakota raised this issue and read the language, and I think I have listened to all of the commentary. I very much respect the chairman of the Appropriations Committee. I have served on that committee for 10 years now.

I have a very hard time accepting that this is just an inadvertent staff submission, and I wanted to say why. Because this section 222, if you read it in its entirety, is really an egregious abuse of power. If you go down to line 17, it says: "allow agents." We are not talking—this is not even staff. This is anyone the chairman of the Appropriations Committee would designate, in written form, would have "access [to all] Internal Revenue Service facilities and any tax returns or return information" such as legal information, cases brought.

I cannot believe that some staffer, for some technical reason, wanted to insert this in the bill. I think this is an egregious overreach of power. I think we ought to do the right thing by it, and the right thing, for me, is to vote down this bill, call the House back, have them reconference the bill, and do it the right way. I do not think this language should be active for 1 minute, let alone 1 day. It is just a terrible, egregious abuse of power.

I do not tend to be suspicious. But I see the Senator from Idaho there, and I see the new chairman of the Judiciary Committee here. Does anyone believe, really, that some staffer, without any permission, thought up a scheme by which a chairman's "agent" could have access to every IRS facility anywhere in this Nation, and every single IRS filing of every citizen of this Nation?

I mean, you know, we were not born yesterday. We did not come down with the first snow. I think that is asking for an impossibility. How can we believe that? I think to just shuffle this off——

Mr. LAUTENBERG. Will the Senator from California yield for a quick question?

Mrs. FEINSTEIN. Yes, I will.

Mr. LAUTENBERG. Could you see that this information might be used in a political campaign?

Mrs. FEINSTEIN. Absolutely. Absolutely. I can even see it being used to go after some district attorney in Texas.

I find this an egregious abuse of power. I think we ought to spend some time on it. We ought to talk about what it means. I do not think any Member of this body ought to accept the fact. And if some staff does have the power to simply put something in that is so widespread, have the House of Representatives already pass it—and a bright staffer of Senator CONRAD's found this. What if we had passed this bill?

Senator McCAIN is absolutely right. This place is broken. And it starts by having one party left out of conference, which has become more and more an accepted trait. That is how this place is broken. You are going to have one party where one person can insert things in the dead of night, in huge bills, which come to this Chamber. It has already passed 345 Members of the House of Representatives.

Mr. HARKIN. Will the Senator yield for a brief question?

Mrs. FEINSTEIN. I am happy to yield.

Mr. HARKIN. I thank the Senator. It has been floating around here that this is somehow a staffer who put this in. I do not know the answer to that question. But certainly someone is responsible and certainly it should not take an investigation lasting a year to find out who. Someone was responsible for this.

I ask the Senator from California, does the Senator feel we ought to know who the person responsible is, and certainly anyone who would exceed his or her authority as a staff person to put in that kind of language, I ask the Senator, does the Senator think that person ought to continue employment in either the U.S. House or the U.S. Senate?

Mrs. FEINSTEIN. I think there certainly ought to be an investigation. I cannot conceive of a staffer doing this without authorization. I cannot conceive of a staffer—if this is so staff can go and look at tax loopholes, in the first place, the Appropriations Committee does not need this. The Finance Committee can do that. Why does the Appropriations Committee need this authority? It does not make any sense.

Not only that, if you are going to copy the legislation that relates to the chairman of the Finance Committee, there is a sanction there, a very heavy sanction for misuse of that information.

Mr. HARKIN. Civil and criminal.

Mrs. FEINSTEIN. If you are going to copy it, why not copy that part of it? This is not a copy job. This is somebody's innovative thinking of how they could get their minions access to the tax returns of individuals who might be political opponents or who might come up against them in some way or for general resource information to use against an individual, against a company, against a member of the press, at any given time.

Everything we have tried to do, with Social Security numbers, with privacy, is to protect individuals' rights to their own privacy. Every stricture of the IRS is to protect an individual's right to privacy.

Mr. CONRAD. Will the Senator yield on that point?

Mrs. FEINSTEIN. Let me just finish. I am just getting wound up. Let me just finish this windup.

Here, in the dead of night—this is not poorly thought out. This is very carefully thought out. Whoever did this knew exactly what they were doing, and they got it through one House.

Please, don't shuffle this under our desks with a resolution. This bill should be defeated. It should go back. The House of Representatives, which passed it, should at least have to come back to Washington and correct their error. This is the way I feel. I think the American people would be just appalled if they knew this was in the bill.

Mr. CONRAD. Will the Senator yield?

Mrs. FEINSTEIN. I will yield, certainly.

Mr. CONRAD. It was represented on the floor that there was a colloquy on the House side, and in that colloquy they suggested there was no intent for this language to permit access to individual tax returns.

In that colloquy, they suggested, there was no intent. Now, the Senator has read this language. Do you believe the representation that has been made on the House floor that this didn't intend to access individual tax returns?

Mrs. FEINSTEIN. Absolutely not, because twice on line 14 and lines 19 and 20, it reinforces that it is a tax return or return information. It broadens it from tax return.

Mr. CONRAD. I might say to the Senator, if you go to lines 18 and 19, that says " . . . allow agents designated by such Chairman access to Internal Revenue Service facilities and any tax returns or return information contained therein."

Mrs. FEINSTEIN. It gives them free access to every IRS facility anywhere in America, to go and rummage through and do whatever dirty work they want to do.

Mr. CONRAD. I will ask a second question. On the House floor, they made the representation that this was intended to preserve the protections for individuals' rights to privacy. Now, I ask the Senator from California, is there anything in here that has a protection for taxpayers of their private return information?

Mrs. FEINSTEIN. I worked on privacy legislation, and this absolutely does not have any protection for an individual.

Mr. CONRAD. In fact, it completely sweeps aside all of the protections that are in law because what it says is:

> Notwithstanding any other provision of law governing the disclosure of income tax returns or return information, upon written request of the Chairman of the House or Senate Committee on Appropriations, the Committee of the Internal Revenue Service shall allow agents designated by such Chairman access to Internal Revenue Service facilities and any tax returns or return information contained therein.

There is no protection; it is out the window. There is no criminal penalty, no civil penalty. They could call up the return of the Senator from Arizona, if they didn't like the speech he gave on the floor of the Senate; they could get that return and they could release it to the press and have absolutely no penalty.

Mr. McCAIN. I think I would be the first.

Mrs. FEINSTEIN. Mr. President, if I may make a comment—and then I will defer to a question by the Senator from Idaho. I think this is so Machiavellian—to realize this power is being given to just one Member of the House and one Member of the Senate, and it is a power that I think is broader than that which now exists with sanctions for the Chairman of the Finance Committee. It is not just a staffer, it is an agent that can go. You can hire an investigator. You can have your campaign chairman designated to go in writing. That is the broad fashion in which this phrase or this section is written. It is a very frightening thing.

As I say, I don't often get exercised or upset about things, but the more I read, the more I saw that it was very carefully put together. It is extraordinarily dangerous and a real abuse of power.

I am happy to yield to the Senator.

Mr. CRAIG. Mr. President, I share the Senator's outrage. I agree that the Appropriations Committee chairman and ranking member and/or their staffs or designees do not need this authority. You heard the Finance Committee chair speak, and the ranking member has spoken; they have this authority. But in them gaining this authority, there are very real sanctions against any disclosure.

I know this is an opportunity to make a substantial amount of hypotheticals. Agents are also our staffs. That is what is intended within the law, and that is what is in the law today as it relates to the Finance Committee. I agree with the Senator; this ought to come out. You heard the chairman of the Appropriations Committee say it will come out. It is now not law, nor will it become law. I think that is what is most important.

Is the system broken? Yes. This represents a broken system. What is not broken about it are the keen eyes of all of us and our staffs. The ranking member of the Budget Committee and his staff have found this, so the system is not broken; it just got discovered. It is not in the dark of night; it is a dark early evening. It is 6 o'clock and we are doing the business of the country.

The Senator from California is absolutely right in what she says. I am not going to play hypothetical. That is the politics I will not enter into. But I agree with her and I suggest that we can talk a great deal about this section, but it will never become law because you and I and the Senator from North Dakota, and everybody else on this floor, by a vote of probably 100–0, will not allow it to happen. I thank the Senator for his diligence.

Mrs. FEINSTEIN. I appreciate the comments of the Senator.

Mr. President, I will wrap this up. I commend my friend and colleague, the junior Senator from California, Senator BOXER, for her indefatigable effort and perseverance on the Weldon amendment. I want to say how strongly I agree with her. I will submit for the RECORD a letter I circulated, signed by Senators BOXER, SNOWE, CLINTON, LINCOLN, MIKULSKI, STABENOW, MURRAY, CANTWELL and COLLINS. I think if I could probably sum it up for everybody, this is just one more step in removing a woman's right to choose. It is a terrible step because it also subjects a woman without resources to a situation where she cannot find help, particularly in a rural area.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 19, 2004.

Hon. TED STEVENS,
Chairman, Senate Committee on Appropriations,
Washington, DC.

DEAR SENATOR STEVENS: We are writing to oppose a provision called the federal refusal clause from being included in the FY 2005 Omnibus Appropriations bill. This provision was included by Representative Dave Weldon in the FY 2005 House Labor-HHS-Education Appropriations bill and it would allow a broad range of health-care companies to refuse to comply with federal, state, and local laws and regulations pertaining to abortion services.

Should this provision become law, federal, state, or local government may no longer require any institutional or individual health-care provider to provide, pay for, or refer for abortion services. This will mean that medical providers in hospitals and clinics across the country will likely be victims of demonstrations and intimidations as this provision allows that they be forbidden from providing abortion care to women who need it, and also to deny women referrals to another provider. It will interfere with the authority of Attorneys General to reject, approve or impose terms on the sale or transfer of assets by nonprofit health entities as under current law. For example, an Attorney General could no longer reject a merger proposal on the grounds that the result would be diminished community access to full reproductive health services.

This provision has never been considered in the Senate. There have been no hearings held and no debate about this provision. Further, this provision puts all states' Labor-HHS-Education funding at risk and will require them to change existing laws.

The federal refusal clause is harmful to women and denies women access to reproductive health services. We ask that you oppose its inclusion in the FY 2005 Omnibus Appropriations bill.

Sincerely, Thank you for your consideration.

Dianne Feinstein, Barbara Boxer, Olympia Snowe, Hillary Rodham Clinton, Blanche L. Lincoln, Barbara A. Milkuski, Debbie Stabenow, Patty Murray, Maria Cantwell, Susan Collins.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I just ran up here. I thought I heard the Senator from California say the chairman had sought this power?

Mrs. FEINSTEIN. No, I did not say that.

Mr. STEVENS. I hoped that was not the case. In any event, the Senator from California did say it was a one-sided review, with the Republicans reviewing this. The staff reads out our bills—joint staff, House and Senate, Republican and Democrat. I don't want to embarrass anybody here tonight. I am sure every Senator and Congressman will talk to their staff about this mistake. I assure the Senate that there were members in the minority from the Senate and from the House and members from the majority from the Senate and House that read this bill through twice. It wasn't just the majority; it was the minority and the majority staff.

This is a mistake. It is clearly a mistake. It is an unfortunate mistake. I have talked to the chairman of the House committee. He was appalled, as I was, when we found it was in there. To my knowledge, no Member of the House and Senate was asked about this staff request. A representation was made that the front office had cleared it. Actually, we have to have a signoff from the minority as well as the majority staff for their section of these bills. We have that signoff.

If the Senator from California wishes, I will tell her the members of the staff on the Democratic side who reviewed this section and signed off on it. I don't want the Record to show it was a partisan review. We do not have partisan reviews of our bills. As a matter of fact, there is no committee that works on a bipartisan basis more than the Appropriations Committee.

Again, I apologize to the Senate. Members of my staff are going to answer to me tomorrow. I want the Senate to know it was a bipartisan staff from the House and the Senate that made this mistake, a terrible mistake. I question any staff member who would ever approve this language without referring to a Member of the Congress to whom he or she is responsible.

I hope the Senator from California understands it is not something we sought, not something we wanted. Both the chairman of the House committee and I sought to delete it the minute we found it. It was too late. The House had already passed it.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. TALENT. Mr. President, I will take a few minutes to discuss a provision in the bill about which I think there was strong bipartisan agreement, because it will lift a significant burden off of minority contractors around the country who wish to do business with the Government.

Now, as Senators know, the program under which you get certified as a minority contractor in the Federal Government is called the 8(a) Program. State and local governments have similar certifications for contracting as a minority contractor with those governments. This presents a serious problem for minority small businesses seeking to do business and to take advantage of goals or set-aside programs because they are, after all, small businesses. They have to get recertified today, having gotten recertified under the Federal Government, under State government, and recertified under local government. It is a time-consuming and expensive process.

The provisions in the bill which reauthorize several of the Small Business Administration programs also contain a provision about which we had unanimity on both sides of the aisle which provides that once a business is certified as an 8(a) contract on the Federal level, it does not have to go through recertification on the State and local levels in order to do business in programs which are federally funded.

This is going to save minority small businesspeople many thousands of dollars and, in many cases, make it possible for them to participate where otherwise they would not be able to, and enlarge their opportunities to do business with the Government.

It is a piece of legislation that I have worked on throughout this Congress, and I am very pleased and grateful to the chairman and ranking member, as well as the chairmen and ranking members of the Small Business Committee in the House and Senate for agreeing to it.

I want to establish for the purpose of legislative history that the purpose of it, again, is to make clear that once a minority small business is certified as an 8(a) contractor on the Federal level, they are automatically certified as a minority contractor in State and local programs which receive Federal funds.

I ask unanimous consent to print in the Record letters of support from the National Black Chamber of Commerce, the National Hispanic Chamber of Commerce, the Hispanic Chamber of Commerce of Greater Kansas City, the Minority Business Council of St. Louis, and the Hispanic Chamber of Commerce of Metropolitan St. Louis.

There being no objection, the material was ordered to be printed in the Record, as follows:

From: Harry Alford,
Sent: Thursday, Aug. 7, 2003,
To: Hall, Heath, (TALENT)
Subject: Section 8(a) Language.

Heath: The National Black Chamber of Commerce is in strong support of your language for "Section 1. PARTICIPATION IN FEDERALLY FUNDED PROJECTS".

We surveyed 7200 8(a) companies and received responses from 1227 which is a 17% response rate. The first question was: Would you approve of official 8a certification being accepted at local government entities such as city, county, state and even private corporations who are federal contractors? The response was positive 1183 versus 44 which is a Yes vote by 96.4%.

The second question was: Do you find the current system where you must get certified at various places redundant, time consuming and costly? The response was positive 1165 versus 62 which is a Yes vote by 95%.

Based on the response of the survey and on behalf of over 1 million Black owned businesses in the nation, we support Sen. Talent's effort on this matter. This will truly be helpful, economical and fair.

Harry C. Alford,
President/CEO, National Black Chamber of Commerce, Washington, DC.

United States Hispanic Chamber of Commerce,
Wasington, DC, July 31, 2003.

Hon. Olympia Snowe,
Chair, Senate Small Business Committee, House of Representatives, Washington, DC

Dear Senator Snowe:

On behalf of the 1.2 million Hispanic-owned businesses represented by the United States Hispanic Chamber of Commerce (USHCC), I wish to express support for the Section 8a Certification amendment to the House Small Business Act Reauthorization legislation proposed by Sen. James M. Talent (R-MO). The USHCC supports this critical amendment because we believe it will streamline the 8a certification process for many Hispanic-owned businesses, greatly enhance their efficiency, remove barriers to certification and increase their access to federally funded projects.

The majority of Hispanic-owned businesses we represent are small businesses that are eligible for 8a certification. Currently, small businesses are required to obtain multiple certifications at the federal, state and/or local levels. This can be costly and time-consuming. This is particularly burdensome for our members because most Hispanic-owned businesses are small businesses with fewer than 25 people, limited budgets and limited time. For many Hispanic businesses, this requirement has also proven to be a barrier to certification. The amended language would eliminate the need to obtain state and/or local government certification if a small business has already obtained federal 8a certification. We believe our members would benefit greatly from this because it would help focus their efforts, resources and energy where it is needed most—on growing their business, rather than on paperwork and procedures.

Not only would this amendment alleviate regulatory burdens, and ensure that more Hispanic businesses enter the certification process, but we believe that it will also help increase business for Hispanic firms. Currently, federally certified 8a small businesses must be certified by their particular state and sometimes by the local government to have access to projects that are funded by the federal government. This amendment would provide federally certified 8a small businesses with access to all state and local projects entirely or partly funded by the federal government.

As you know, Hispanic-owned businesses comprise a vital part of our nation's economy. The more than 1.2 million Hispanic-owned firms employ 1.3 million people and generate $200 billion in annual gross receipts. With Hispanics now officially the largest minority in the country with a population of 38 million, we must ensure that Hispanic businesses have every door open to them so they can continue to be powerful contributors of the U.S. economy.

The USHCC joins the many other trade and professional associations in supporting the Section 8a Certification Amendment. Thank you for your tireless efforts in confronting this issue.

Sincerely,

GEORGE HERRERA,
President & CEO.

HISPANIC CHAMBER OF COMMERCE OF
GREATER KANSAS CITY
Kansas City, MO, Sept. 5, 2003.

Senator JAMES M. TALENT,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR TALENT: We are pleased to inform you that the Board of Directors of the Hispanic Chamber of Commerce of Greater Kansas City is unanimously in support of the Section 8(a) Certification Amendment of the Small Business Act (15 U.S.C. 637(a)) for the participation in federally funded projects so that a business that is 8(a) certified shall not be required to be certified by any State, or political subdivision thereof, in order to participate in any project that is funded, in whole or in part, by the Federal Government.

Eliminating the multiple certification process and providing more access to all State and local projects funded in whole or in part by the Federal Government will certainly decrease business costs and increase the system efficiency.

Thank you for your continuous support to the business communication and in particular the small business community, which is the backbone of the national economy.

Sincerely,

CICI ROJAS,
President, Hispanic Chamber of Commerce.
CARLOS ORTA,
Legislative Chair, Hispanic Chamber of Commerce.

MINORITY BUSINESS COUNCIL,
St. Louis, MO, Sept. 5, 2003.

Hon. JAMES M. TALENT,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR TALENT: On behalf of the 300 members and their 8800 employees, the St. Louis Minority Business Council wishes to express support for your proposed Section 8(a) amendment to the Small Business Act.

This critical amendment will remove one of the most significant barriers to our members gaining access to federally funded projects—multiple certifications. The elimination of the multiple certification process will provide our members with greater access to all State and local projects funded in whole or in part by Federal funds. In addition, this will greatly decrease business costs and improve the Section 8(a) program.

Thank you for your continued leadership and support of minority small businesses in the St. Louis area. We look forward to working with you in securing the passage of this very important amendment.

Sincerely,

JAMES B. WEBB.

HISPANIC CHAMBER OF COMMERCE
OF METROPOLITAN ST. LOUIS,
St. Louis, MO, Aug. 8, 2003.

Senator JAMES M. TALENT,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR TALENT: We are pleased to inform you that the board of directors of the Hispanic Chamber of Commerce of Metropolitan St. Louis is unanimously in support of the Section 8(a) Certification Amendment of the Small Business Act (15 U.S.C. 637(a)) for the participation in federally funded projects so that a business that is 8(a) certified shall not be required to be certified by any State, or political subdivision thereof, in order to participate in any project that is funded, in whole or in part, by the Federal Government.

Eliminating the multiple certification process and providing more access to all State and local projects funded in whole or in part by the Federal Government will certainly decrease business costs and increase the system efficiency.

Thank you for your continuous support to the business community and in particular the small business community, which is the backbone of the national economy.

Sincerely,

RAFAEL NUN MARIN,
President.

Mr. TALENT. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to speak in opposition to this sweeping gag rule with which we have become familiar. It is against women's health. It has just been slipped into the omnibus spending bill. Even though most of this country is pro-choice, the House Republicans have inserted radical anti-choice language into this legislation.

One thing I have learned in my time in politics is that if one of the parties is shameless, the other party cannot afford to be spineless. I am pleased that my colleagues have caught on to what is going on here and are trying to make sure we all understand what is in this huge bill we are looking at. It deserves a thorough examination.

I think the Senator from Maryland indicated that if you recognize some mistakes in this pile of paper, one thing you know is that there are many others that lurk in the voluminous bill before us. So the effect of this Republican provision to allow doctors to be gagged from even discussing abortion with their patients is outrageous.

This morning, I heard our majority leader, Senator FRIST, say that the Senate should focus on "putting the doctor-patient relationship first." But here the Republican majority is inserting language that would block doctors from even talking to their patients about legal medical procedures.

Under current law, if a doctor's religious beliefs prevent him or her from providing abortion procedures, then he or she cannot be forced to perform the procedure or even discuss it. That is called the conscience clause, and I think it makes sense. But what is in this omnibus bill goes way beyond the conscience clause. It is a gag rule that allows a hospital or an HMO to order its doctors not to perform, discuss, or even provide basic information on abortion, and that certainly is not putting the doctor-patient relationship first. That is putting politics first.

Even if a doctor believes that the information on abortion would be critical to saving the life of the mother, this new provision could be used to prohibit that doctor from providing such life-saving information.

To put it simply, this is an outrageous attack on women's health and women's rights.

In addition, this Republican provision overrides State laws. I asked the Senator from California a question as she was making her remarks: Would this eliminate the possibility that even though in the State of New Jersey, my State, for example, if we allowed under our State constitution the right for a woman to have an abortion, that it could be overridden by Federal law if this becomes law. And the answer is yes—state's would not be able to enforce their own constitutional protections. I guess the Republican Party suddenly wants to preempt State or local law from ensuring a woman's access because it does not suit their agenda.

My State of New Jersey has such a law, but now our law would be overridden by this Federal gag rule, and that is totally unacceptable.

The provision goes so far as to say that any State or local government that attempts to enforce its own laws or policies in the area of abortion could have all of its Federal labor health and education funding canceled—cancel the funding for those essential services.

My only complaint is this is not States rights, it is State bullying.

One year ago, President Bush—how well I remember it, and I am sure most of my colleagues do—signed an anti-choice bill into law. It was an extraordinary event not just because of the terrible bill that he was signing into law, but also it was quite an image that appeared in newspapers across the country.

This is the image. Look at the image again: Smiling faces of all men—all men. Not one woman Republican or Democrat stood with them when the President signed that bill. They are all men, and it is downright frightening. I call this photo a "male-a-garchy." This photo says to women: Your right to make choices about your health and your body is being taken back from you, and these men are doing it, right here, with smiling faces, and the President, with pen in hand, is signing the bill.

This trend is going to continue to be enforced by this bill today. The bill before us takes away the decision-making power from women and doctors, and puts it into the hands of men who lead hospitals, insurance companies, and HMOs. Supporters of this gag rule claim this policy change is necessary to make sure that health care providers are not forced to perform abortions.

I want to make it crystal clear that under current law, no doctor or nurse in this country is required to provide or discuss abortions against their will. Unlike the conscience clause, this gag rule does not protect doctors' rights, it takes doctors' rights away. Doctors have a duty to ensure that patients have access to accurate information so that they can make the medical decisions that are best for them.

This bill would gag them from providing that information and denies women the right to understand all of their medical options.

Women have the right to access to medical information about all of their options, not just those that the "male-a-garchy" wants them to hear. So I say to women across this country: Be aware, the right to choose is in dire jeopardy. This bill today is yet another attempt to chip away at the right to reproductive choice.

Look at the size of the bill that we have just received. It is thousands of pages. Hidden within these pages is the attack on a woman's right to choose.

It is wrong to take away people's rights by slipping it into a giant spending bill without any debate, without any discussion, and concealing it in such a way that if we were not lucky and did not catch it, even though it was suggested we are studying all of these bills—believe me, when there is that much paper and it arrives so late, one does not have time to do it, and it is just luck when it is found. To put it bluntly, it is not becoming of a democracy.

I am pleased the Senators from California have secured an ironclad agreement from the majority leader to take up this issue before the end of April of next year. We look forward to that debate. The American people deserve better. Open up the records. Talk about it plainly. Debate it fairly, and then if it comes to a vote, the people in the country will see who voted for and who voted against women's rights.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that I speak for 10 minutes now and then when we go to the bill for an additional 20 minutes.

Mr. STEVENS. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Mr. President, beginning this year, during consideration of the fiscal year 2004 Omnibus appropriations bill, I stood on the floor and spoke about how our economic situation, our vital national security concerns, required us to take greater effort in prioritizing our Federal spending and we could no longer afford business as usual. Little has changed since January. Here we are again, nearly 2 full months into fiscal year 2005 and we have before us another appropriations monstrosity. Let me remind my colleagues that because of our inability to get much done under the regular order, this is the third year in a row we have had to pass a mammoth consolidated appropriations bill. In fact, we have been forced to consider huge Omnibus appropriations bills for 6 of the last 8 fiscal years.

This is a remarkable package. This is a remarkable thing. I would argue that not one Member of the Senate or our loyal staffs is physically capable, even if they wanted to, to read this many-thousand-page document. This system cannot continue.

Another thing that is very dispiriting, it always is considered at the last minute before we go out or the last hour or the last 2 hours. Why? Because the members of the Appropriations Committee know it will not bear scrutiny.

We were able to uncover an egregious action on the part of the committee that has been fully ventilated, but if we were going to go out next Monday night, we would be debating this Omnibus bill next Monday night. If we were going out Christmas Eve, we would be debating Christmas Eve. It is in the appropriators' benefit for us to do it at the last minute.

This many-hundred-page document deserves a lot more than my half-hour and the chairman of the Appropriations Committee's 20 minutes. Why? Why are we going to talk so little about it? I would like to talk for hours about it, but I do not have the courage to hold up the travel plans of all of my colleagues. So I am only going to talk for half an hour about a $388 billion, 1,632-page document. That is disgraceful. We are not doing what we should do for our constituents. We have an obligation to oversee their tax dollars.

I am going to talk about a number of the provisions. Some are fairly entertaining: The Clemson University, South Carolina Call Me Mister Program. We are going to spend money on the curriculum development on the study of mariachi music. I am going to go over some of them. They are remarkable.

The good old Rock and Roll Hall of Fame is back. We are going to give them some money again. The Rock and Roll Hall of Fame is hurting badly.

It goes on and on and on: beautification projects, libraries. We are back to the old snake management in Guam. That is only $515,000; $175,000 for research into tree fruits quality. All of them, of course, have a specific location. We are going to spend $443,000 to research and develop baby food containing salmon; $3 million for the Center for Grape Genetics in Geneva, NY; $2.3 million for an animal waste management research laboratory in Bowling Green, KY; $100,000 for the Puerto Rican Traveling Theater in the Bronx; $100,000 for the Cedar Creek Battlefield Foundation. By the way, the Cedar Creek Battlefield Foundation proudly proclaims on their Web site that they receive no Government funding and will continue to operate as an independent organization.

Then there is $100,000 for the Belle Grove Plantation, an 18th-century grain and livestock farm. Here is a great one, $1 million for the Norwegian American Foundation to fulfill its charter. What is the charter of the Norwegian American Foundation that they need $1 million of my taxpayers' money?

It goes on and on. The energy and water, of course, is $1.796 billion for construction of inland waterway projects; $12.5 million for the Dallas floodway extension; $21 million for portions of the Big Sandy and Upper Cumberland River Project. A couple of these projects that caught my eye are because they direct the Corps to continue with the construction of harbor projects in accordance with "the economic justification." In other words, no cost-benefit analysis but economic justification. Then there is $324.5 million for Cape Girardeau, MO; $12 million, if it is going to continue, another one of the worst projects ever conceived by Congress, the Yazoo Basin, Yazoo Backwater Pumping Plant in Mississippi, in which the Clarion Ledger, a Mississippi newspaper, had to say in an editorial, "Death of This Boondoggle Long Overdue":

> So why does the Yazoo Pump Project survive—very few people would benefit and the plan is so costly . . . running it would be an ongoing destruction of wealth and wildlife. Yet pump proponents were at it again trying to resurrect this Frankenstein monster.

Core support for the International Fertilizer Development Center, $2.3 million. I had no idea we had an International Fertilizer Development Center, much less that it needed $2.3 million for core support of it.

I guess $500,000 for Idaho weed control; $2 million for Atlantic salmon grants; $790,000 for the Bering Sea Fisherman's Association. I guess the Bering Sea Fisherman's Association cannot raise their dues enough to sustain themselves. We have to give them $790,000. We go through this every year.

Three million for Wheeling Jesuit University for the National Technology Transfer Center for a coal slurry impoundment pilot project: $20 million to Project GRAD-USA in Houston, TX, for continued support and expansion of the program focusing on school reform: $350,000 for the Rock and Roll Hall of Fame Museum in Cleveland for music education programs. Being a fan of rock and roll myself, I guess that is well justified.

The fact is we are looking at a deficit of enormous proportions where Alan Greenspan as recently as the day before yesterday warned us about the impact on our economy. Some of these, such as what is being done on NASA funding, is harmful to the mission and capabilities of NASA itself. According to information compiled from the Congressional Research Service, the total number of earmarks has grown from 4,126 to 14,040 in fiscal year 2004. In terms of dollars of earmarking, it has gone from $26.6 billion to $47.9 billion. That is in the space of 10 years.

If you extrapolate that, we are really on a remarkable path. I was shocked when I read a recent report "Is Pork Barrel Spending Ready to Explode? The Anatomy of an Earmark" by Ronald D. Utt, Ph.D., published by the Heritage Foundation, which details a new scheme by lobbyists to sell earmarks.

I ask unanimous consent that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Published by the Heritage Foundation, Nov. 10, 2004]

Is Pork Barrel Spending Ready To Explode? The Anatomy of an Earmark

(By Ronald D. Utt, Ph.D.)

A news item appearing this November in a Virginia newspaper reveals the emergence of what may be a lucrative new lobbying strategy that could substantially increase federal pork-barrel spending. In the past, earmark-seeking entities approached earmark-providing lobbyists for assistance in getting a piece of the federal budget. But in this new strategy, lobbyists openly sell such services to unserved institutions and individuals by convincing them that they might be eligible for an earmark, providing that they are willing to pay a four-figure monthly retainer.

The new strategy was recently revealed by way of a prospective earmark for a $3.5 million community sports complex in Culpeper County, Virginia. The county has just begun construction on the project, which was to be funded with the proceeds of a county bond offering the voters approved a few years ago. But that financial arrangement might change now that a lobbyist paid the county a visit and pointed out that, for a fee, the county could get the federal government to pay for the complex. As reported in the Free Lance Star, a county official says that "he had been approached by a representative of Alcalde and Fay, a Northern Virginia lobbying group, who expressed optimism that funds for the $3.5 million sports complex could be tied to one or more federal appropriation bills." [1]

The article also noted that "The cost of hiring Alcalde and Fay would be $5,000 per month, with an 18-month recommended contract." While the average American family might consider this a steep price, the prospective arrangement's payoff reveals what a bargain it is for the county. With their fees totaling $90,000 for a prospective federal grant of $3.5 million, Alcalde and Fay are, for all intents and purposes, selling federal taxpayer money for just 2.6 cents on the dollar. Anyone who has suspected that Washington places little value on taxpayers' hard-earned dollars now has an idea of just how diminished that value is—somewhat less than the market price for defaulted Argentine debt.

How the Culpeper transaction unfolds bears watching for several reasons. From the perspective of federal fiscal integrity, this new earmark strategy could open the floodgates to me-too projects across the country that would otherwise be funded with local resources. Just thirty miles down the road from Culpeper is the town of Fredericksburg, which is now in the process of committing itself, and its budgetary resources, to a $6 million recreation complex with indoor and outdoor swimming pools. Now apprised of Culpeper's prospective earmark, could the elected officials in Fredericksburg be faulted for ringing up a lobbyist of their own?

And in the not-too-distant future it is quite likely that the federal budget process will no longer take place in the halls of Congress, as the Constitution requires, but in the dozens of offices of Washington's top lobbyists—largely driven by generous contracts between the firms and their clients.

Another reason this process bears watching is for how it reflects on Congress. The lobbyist is proposing to sell something that is not really his to sell. That he believes he can deliver it tells us that something is terribly wrong in Congress. It is one thing for members of Congress to make pork-barrel spending promises to their constituents and deliver on them, but it is quite another that earmarks can be bought and sold like bushels of wheat on the open market by private speculators. And apparently, all this wheeling and dealing is taking place without any involvement (at least not yet) by a member of Congress.

As noted earlier, if Article 1, Section 9, Clause 7 of the Constitution reserves exclusively to Congress the power of appropriating money from the U.S. Treasury, how is it that these lobbyists have come by the same privilege, and who has allowed it to happen?

That is a good question, and in the event that the County of Culpeper signs a contract with Alcalde and Fay to secure $3.5 million for the sports complex now being built, the Heritage Foundation, in partnership with fiscally responsible members of Congress, will closely track this process and determine how, and at what point, the writing of appropriations bills was outsourced to the lobbying community on a for-profit basis.

Alcalde and Fay, of course, is not the only firm engaged in the misdirection of federal resources through the pay-to-play process. In a process previously described (See Heritage Backgrounder No. 1527, "Can Congress Be Embarrassed into Ending Wasteful Pork-Barrel Spending?"), the market for earmarks in appropriation bills has been growing rapidly and, given its profitability, will likely continue its robust growth. In recent years, some members of Congress and government officials—notably former OMB head Mitchell Daniels, Sen. John McCain, and Rep. Jeff Flake—have tried to dampen the practice, but they have had little success in cultivating a greater awareness of fiscal hygiene among the vast majority of their colleagues who believe that electoral success grants unlimited access to taxpayers' credit cards. Between 1997 and 2004, appropriations earmarks have increased from under 2,000 to over 10,000, and this year's failed highway reauthorization contained more than 3,000 pork-barrel earmarks, compared to 1,800 in the previous bill and only 10 in the highway bill passed by Congress in 1982.

That Congress once showed budgetary restraint and fiscal continence suggests that the propensity to earmark is not some inherent flaw in American democracy, but rather a willful irresponsibility now embraced by all too many members. Among the many tasks confronting the re-elected President Bush will be to reduce federal spending from its near record levels as a share of GDP and to narrow the deficit, which now hovers at $413 billion. A good place to find fiscal redemption is in the appropriation bills that will soon come across the President's desk. The first step in the process should be a sharply worded veto threat. It would be a welcome change if that veto threat included excess earmarks as one of many items that would merit a presidential rejection.

Mr. McCAIN. I quote:

> That Congress once showed budgetary restraint and fiscal continence suggests that the propensity to earmark is not some inherent flaw in American democracy, but rather a willful irresponsibility now embraced by too many members.

We now have a deficit of $413 billion.

> A good place to find fiscal redemption is in the appropriations bills that will soon come to the President's desk. The first step in the process should be a sharply worded veto threat. It will be a welcome change if that veto threat included excess earmarks as one of the many items that would merit a presidential rejection.

Here is the stark reality of our fiscal situation. According to the Government Accountability Office, the unfunded Federal financial burden, such as public debt, future Social Security, Medicare, and Medicaid payments, total more than $40 trillion, or $140,000 per man, woman, and child.

To put this in perspective, the average mortgage which is often a family's largest liability is $124,000, and that is often borne by the family breadwinners, not the children, too. But, instead of fixing the problem, and fixing it will not be easy, we only succeeded in making it bigger and more unstable, more complicated and much mere expensive.

I point out that it is well known that the President very soon will come over and ask for an additional $70 billion to fight the war in Iraq. I believe—and I said this a long time ago, and it is true today and it will be true when I say it again a year or two from now—we are going to be in Iraq for a long time. I pray every day that we prevail. I pray every day for the young men and women who are serving and in harm's way. But there is no doubt in my mind that we will have many billions of dollars yet to spend on Iraq and Afghanistan. All of us are aware we now face a growing threat from North Korea and a recent very serious one from Iran.

There is no one I know who is an expert outside the administration who does not believe we are going to have to spend a lot more money on defense, one reason being that our military is too small. We need as many as 80,000 more men and women in the Army. We need 20,000 to 30,000 more men and women in the Marine Corps. It is all going to cost money. But, instead, we are going to spend tens of billions of dollars in wasteful and unnecessary spending and increase this debt on future generations of Americans.

We can't afford to do this. We cannot afford to continue a broken system such as this, where the night we are going out of session we have a 1,630-page bill that none of us have seen or read and in which a particularly onerous provision which, if it hadn't been for the Senator from North Dakota bringing to our attention, would have been an unprecedented invasion of the American family's privacy. But there are other provisions in this bill which no one has seen or read.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Mr. President, I ask unanimous consent the Senator have additional time, if he desires it.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. Mr. President, The Conference Report, once again, contains earmarks of $10 million for the Alaska Fisheries Marketing Board—is there something wrong with these fish that warrants such an expensive program to convince us to eat them? And now it also has $1 million for the Wild American Shrimp Initiative. I am hoping that the appropriators could explain to me why we need $1 million for this—are American shrimp unruly and lacking initiative? Why does the US taxpayer need to fund this "no shrimp left behind" act?

At the Department of Justice, Section 619: $100,000 for the Puerto Rican Traveling Theater in Bronx, NY for outreach and programs. This theater has produced 104 plays in both English and Spanish, and is not community based; $100,000 for The Cedar Creek Battlefield Foundation. It preserves lands where battles were fought, reenacts battles. It proclaims on their website that "the Cedar Creek Battlefield Foundation receives no government funding and will continue to operate as an independent organization."

Then $100,000 for the Shenandoah Valley Travel Association. This association presents a comprehensive tourism guide to attractions, lodging, restaurants, shopping and other services.

And $100,000 for the Belle Grove Plantation. Belle Grove is a preserved 18th-century grain and livestock farm.

And $1,100,000 for the MountainMade Foundation for outreach and promotion, the education of artists and craftspeople, and to promote small businesses, artisans and their products.

And $1,000,000 for the Norwegian American Foundation to fulfill its charter. This foundation promotes further cooperation among all Norwegian American organizations.

Mr. President, while I understand that the omnibus before us is a glaring and wasteful sign of the Senate's failure to consider and pass individual appropriation bills. I had hoped that the bill would succeed in hold the line against wasteful and unnecessary pork following a vote to raise the debt limit. My colleagues have become accustomed to my railing against pork-barrel spending, but if there was ever a time when we all needed to rally against it for the good of our country, our economy, and our current commitments and security priorities, it is now.

This bill in no way reflects the fiscal realities of our times. One can go directly to the energy and water appropriations section of this bill to take a quick read of the pork fantasies that federal taxpayers will be plagued by.

Senator FEINGOLD and I sent a letter to leadership last week urging the exclusion of Water Resources Development Act provisions because of the costly and wasteful water projects included as well as the neglect of much-needed Army Corps reform. I am heartened to see that the bill with the full compliment of costly water projects was not included. However, there are billions of dollars earmarked for a host of water projects.

Let's start at the top of the big ticket list—$1.796 billion is provided construction of inland waterway projects. I was relieved to see that funds are provided for the rehabilitation of specific locks in the Upper Mississippi-Illinois Waterway, but not for the incredibly wasteful $2.3 billion locks expansion project.

This project has received attention in papers throughout the country because it is such an extreme example of a very expensive and unnecessary water project that some members are determined to foist on American taxpayers. A New York Times editorial from November 18th discussing the possible riders to be attached to the omnibus bill stated, "but the worst by far is a proposed $2 billion expansion of the lock system on the upper Mississippi River, a project that the National Academy of Sciences has twice reviewed and twice declared a waste of money."

After a conscientious economist at the Corps blew the whistle on this project and heads rolled, the National Academy of Sciences undertook a study of the project and then a second oneI guess just in case Congress was ignoring the first one- and both conclude that this project cannot be justified by current or projected barge traffic and there are inexpensive and effective alternatives available.

And in spite of this irrefutable, objective information, there have been concerted efforts to get Congress to approve spending $1.8 billion dollars to satisfy special interests instead of the public interest. It's wrong and its shameful. Speaking of interests, the interests of your own state would also be affected by this project because it will suck up such a significant percentage of the Corps program funding there just won't be enough to go around in years to come.

Next to the mother of all wasteful Corps projects, other earmarks look downright insignificant: $12.5 million for the Dallas Floodway Extension, $24 million for portions of the Big Sandy and Upper Cumberland River Project, and a not too surprising number of Alaska projects. A couple of these caught my eye as they direct the Corps to continue with the construction of harbor projects in accordance with "the economic justification" contained in the Engineers report. I've not seen the cost-benefit analysis of these projects but this language ensures that there won't be any question regarding their justification.

The rest of this section of the bill is a litany of multi-million dollar projects earmarked for Missouri, California, Hawaii and other states and I hope that these are all worthy projects. There is $324.5 million provided for flood damage reduction in Cape Girardeau, Missouri and I don't know where all that money is going but $12 million of it is going to continue another one of the worst projects ever conceived by Congress. This is the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi which I've spoken against on the Senate floor before. Well, its back.

Again, this is another of those projects that newspapers like to write about in pointing out the folly of congressional spending. Here's what the Clarion Ledger, a Mississippi newspaper had to say in an editorial titled "Death of this Boondoggle Long Overdue". "So why does the Yazoo Pump Project survive—very few people would benefit and the plan is so costly . . . running it would be an ongoing destruction of wealth and wildlife. Yet pump proponents were at it again trying to resurrect this Frankenstein monster". The New York Times concurred, "Yazoo Pump ranks among the most indefensible projects undertaken at Congressional behest. It would drain 200,000 acres of valuable wetlands . . . and would benefit nobody except a relatively small number of big growers, who already drink copiously from the public trough".

I highlight this egregious project among others to make the point that this bill clearly reflects that we are not doing our essential job of expending public funds wisely and responsibly and if not now then when will we ever take this duty seriously?

The report language earmarks up to $2,000,000 for Water Missions International to develop clean water treatment projects in developing countries; At least $4,000,000 for the International Fertilizer Development Center; $1,000,000 directed for support of the United States Telecommunications Training Institute; $1,000,000 for the International Real Property Foundation; $3,000,000 for Internews, to promote freedom of the media in Indonesia; $3,000,000 for the Foundation for Security and Sustainability; and $2,000,000 for Zanmi Lasante.

Mr. President, the Interior bill language also includes individual location specific earmarks and provisions in this section of the legislation. Of note: a provision stating that, out of amounts for Resource Management maintenance is provided for the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; a provision stating that, notwithstanding any provision of law including NEPA, nonrenewable grazing permits authorized by the Jarbidge Field Office, Bureau of Land Management within the past 8 years shall be renewed; $1.5 million is earmarked for wood products wastewater treatment plant repairs in Canton, NC; $5.0 million is earmarked, in addition to its normal allocation, to Alaska Region to establish a 3-year timber supply; $18 million is earmarked to continue a multi-year project coordinated with the private sector for FutureGen in Alaska; $50 million is made available for a request of proposals for a Clean Coal Power Initiative for competitively awarded research, development, and demonstration projects; $18 million is made available to carry out naval petroleum and oil shale reserve activities; $500 million, which was not requested by the President, in included as additional funding for wildland fire suppression funds for fiscal year 2005.

Mr. President, I did not have enough time to count every earmark in division E of the conference report, but it is safe to say that there are well over 1,000 individual location specific earmarks in this section of the legislation. Of note: $500,000 for Idaho weed control; $2 million for Atlantic salmon grants administered by the National Fish and Wildlife Federation; $500,000 for Lahonton cutthroat trout; $1.8 million for eider and sea otter recovery at the Alaska SeaLife Center; and $250,000 for concho water snake delisting efforts in Texas.

For the Bureau of Land Management there are 32 location specific earmarks for land acquisition, including $3.4 million for the Baca National Wildlife Refuge in Colorado and $2 million for the James Campbell National Wildlife Refuge in Hawaii. These 32 earmarks amount to almost $23 million in spending.

The National Recreation and Preservation provisions include $2.5 million for the Chesapeake Bay Gateway and $750,000 for the Alaska National Parks. The Historic Preservation Fund is loaded with 84 location-specific earmarks totaling $15 million. There are 78 earmarks in the construction account totaling approximately $192 million. Some of the more egregious examples of these earmarks include: $8.7 million for the Crater Lake National Park in Oregon; $3.0 million for the Blue Ridge Parkway in North Carolina; $7.4 million for Denali National Park in Alaska; $10.8 million for Gettysburg National Memorial Park in Pennsylvania; $10 million for the Lassen Volcanic National Park in California; $15.5 million for Olympic National Park in Washington; and over $15 million for Yellowstone National Park.

Mr. President, every year I marvel at how well the residents of Alaska make out in these appropriations bills. This year is no exception. Throughout the division E, earmarks for Alaska abound. Just a sampling of these projects include: $1.2 million for the Alaska mineral resource assessment program; $100,000 for the Alaska Geological Materials Center; $150,000 for the Alaska Whaling Commission; $900,000 for the Marine Mineral Technology Center; $98,000 for the Alaska Sea Otter Commission; $790,000 for the Bering Sea Fisherman's Association; $346,000 for the Chugach Regional Resources Commission; $750,00 for the rural Alaska Fire Program; and $750,000 for the Alaska native aviation program.

Out of the Employment and Training Administration account the bill provides the following amounts for noncompetitive grants: $2,200,000 for the AFL-CIO Appalachian Council, Incorporated; $1,500,000 for the AFL CIO Working for America Institute; $4,000,000 for the Black Clergy of Philadelphia and Vicinity; $2,600,000 for the National Center on Education and the Economy.

Out of the Departmental Management Salaries and Expenses account the bill provides: $7,000,000 for Frances Perkins Building Security Enhancements.

Out of Department of Labor project pilots and demonstrations, the statement of managers suggests the following earmarks: $100,000 for 413 Hope Mission Ministries, Philadelphia, PA for employment skills training for disadvantaged adults and ex-offenders; $500,000 for Alaska Department of Labor and Workforce Development, Juneau, AK to fund training for gas pipeline workers; $200,000 for Central State University, Wilberforce, OH, to implement a world class modular automation training system; $225,000 for Cook Inlet Tribal Council for the Alaska's People Program in Anchorage, AK; $50,000 for Fashion Business, Inc., Los Angeles, CA, for workforce development and training; $500,000 for Mississippi State University, Starkville, MS, Robotics and Automated Systems for Nursery Industry.

Out of DoL Mine Safety and Health Administration, the statement of managers suggests the following earmarks: $750,000 for infrastructure improvements at the Mine Academy in Buckley, WV; $3,000,000 for Wheeling Jesuit University for the National Technology Transfer Center for a coal slurry impoundment pilot project.

This conference report includes funding for a number of important public health programs and research activities funded through the Department of Health and Human Services (HIS). However, the appropriators were once again unable to allow the Department to allocate funds through merit based grants and took it upon themselves to select projects which they believe to be worthy of funding. The HHS section of the Joint Explanatory Statement includes 53 pages full of more than 1,400 earmarks, totaling over $603 million.

Some particularly large examples include: $10 million for the Medical University of South Carolina Oncology Center in Charleston, South Carolina, for the construction of the Allied Health Technology Tower; $10 million for the Shepherd University in Shepherdstown, West Virginia, for the construction of a nursing education facility; $10.25 million for the University of Louisville, in Louisville, Kentucky, for the Baxter III Research Building; $10 million for the University of South Alabama in Mobile, Alabama; and $10 million for the West Virginia University for the construction of a Biomedical Science Research Center.

It shouldn't be surprising to any of my colleagues that the section of the Joint Explanatory Statement for the Department of Education is again loaded up with pork barrel projects designated to schools and organizations which the members of the Appropriations Committees, rather than the Department of Education, deemed worthy of federal dollars. In the 43 pages of the statement, devoted exclusively to pork, the appropriators included an estimated 1,147 earmarks, amounting to well over $392 million.

Among the more egregious examples is: $20 million to Project GRAD-USA Inc, in Houston, Texas, for continued support and expansion of the program focusing on school reform; $18 million to provide assistance to low-performing schools in the Commonwealth of Pennsylvania Department of Education; and $15 million for the Iowa Department of Education to continue the Harkin grant program.

$350,000 for the Rock and Roll Hall of Fame and Museum in Cleveland, Ohio for music education programs.

I am sure that many Americans would be surprised to learn that there are even state specific earmarks in the Legislative Branch Appropriations.

The appropriations bill that is supposed to fund the work of Congress and its related offices is also being used to "bring home the bacon." The bill specifically earmarks $300,000 in funding from the Library of Congress (LOC) for the University of South Carolina for the preservation of Movietone Newsreels. The Joint Explanatory Statement mandates that the LOC establish a program under its Adventure of the American Mind initiative in Georgia. Clearly both are worthwhile endeavors, but why are the University of South Carolina and the state of Georgia more deserving of these distinctions then any other university or state.

The conference report provides $1.1 billion more than requested by the President for the federal-highway program. All of the extra funding, plus another $100 million, is used to $1.2 billion for 795 earmarked projects. Among the projects deemed worthy of funding are: Access to the Ebenezer Swamp Wetlands Interpretative Center in Alabama ($225,000); The Girl Scouts Golden Valley Council bridge project in California ($150,000); Farm crossings in Ventura County, California ($500,000); and Streetlights and a salt dome for Markham, Illinois ($300,000).

The conference report prohibits the use of funding to implement or enforce any provision of the new hours of service regulations to operators of utility service vehicles, or to the transportation of property or passengers to or from a motion picture or television production site. I find this particularly ironic given the fact that Congress, as part of the 8-month extension of the highway program passed in September, mandated that the new hours of service regulations remain in place for the next year in spite of the decision of the DC Circuit Court of Appeals striking down the regulations as arbitrary and capricious.

The conference report provides $1.217 billion for Amtrak, $317 million above the amount supported by the President without significant reform and restructuring, continues strong oversight by the Department of Transportation, and requires Amtrak to begin paying back its $100 million loan from the Federal Railroad Administration. While I am relieved that the appropriators continue to resist Amtrak's pleas for significantly higher funding, I am concerned about that Amtrak will use its appropriation to simply continue operating the same train network, and continue to rack up record operating losses.

I agree completely with the conclusions reached yesterday in a report by the Department of Transportation's Inspector General on Amtrak's 2003 and 2004 financial performance and requirements. The report states that "The bottom line is that the existing system is not sustainable at current funding levels . . ." and that "Amtrak's management must find ways to reduce its need for operating subsidies and set better priorities for capital dollars." As I have said many times, it is time to restructure Amtrak. Amtrak should focus on short-distance corridors where rail service can compete with other modes of transportation, and the long distance trains should be restructured or eliminated. If Amtrak won't follow implement this strategy, then it is the responsibility of Amtrak's Board of Directors, the Secretary of Transportation, and Congress to make it happen."

The conference report also contains a provision that would expand an existing waiver for the state of New Hampshire from the 80,000-pound truck weight limit on the Interstate System. Trucks would be allowed to operate at up to 99,000 pounds on Interstates 89 and 93 (in addition to I-95 which is current law). Bad. Very Bad.

The conferees state that returning the Shuttle fleet to flight should be NASA's highest priority because it's the first step in the Space Exploration Initiative. Just two weeks ago, NASA notified the Commerce Committee that the Shuttle return to flights costs for fiscal year 2005 alone would exceed $762 million. The Commerce Committee awaits NASA's plan for covering these costs. Whatever the plan, it is only further complicated by the fact that the conference report contains 16 pages of earmarks in the NASA budget, including such things as $1,000,000 to the Southern Methodist University to develop multifabrication manufacturing technology, $750,000 for the GeoTREE project at the University of Northern Iowa, and $3,000,000 for our familiar friend, the ultra-long balloon program at New Mexico State University.

The conferees go on to say that if NASA needs more money just send in a supplemental request. It would be given full and fair consideration by Congress. Maybe we should just send the blank check now and ask NASA to fill it out. This type of behavior represents no accountability and actually encourages NASA to spend without regard to budgetary reality.

The liberation of NASA continues by the conferees' granting NASA unrestrained transfer authority between the "Exploration Capabilities" account and the "Science, Aeronautics, and Exploration" account. This was requested by NASA and granted by the Appropriators under the disguise of the need for flexibility to transition to full cost accounting. These two accounts represent over $16 billion. In essence we're saying, "NASA, do what you want with the money." The statement of managers goes on to say that the transfer authority can be used for purposes other than addressing full cost accounting, but that NASA should "do so with restraint." I don't understand—the statement of managers earlier specifically said that would have "unrestrained transfer authority." What's the "do so with restraint" all about?

Inserted in the last section of the omnibus, in a miscellaneous section, is a provision which would modify federal pension laws for multiemployer pension plans covering employees working in the State of Alaska.

Title 6 in CJS, Page 170—prevents FCC from implementing February 27, 2004 recommendation of the Federal-State Joint Board on Universal Service that universal service fund (USF) support only be provided to primary lines in order to keep the USF solvent.

This section removes the ability of the FCC to act of the recommendation of the Federal-State Joint Board on Universal Service advocating that universal service funds should be used only toward consumers' primary telephone line.

This is a significant limitation on potential action by the FCC. I object to this provision because it should have been considered, reviewed and acted upon by the members of the Committee of jurisdiction, the Senate Committee on Commerce, Science and Transportation, before being enacted into law. No member of the Committee approached me requesting to move legislation on such a limitation. I am unable to state whether this is a good policy decision because, similar to the FCC, the Committee of jurisdiction was not provided the courtesy to review and consider the proposed policy change.

In CJS, missing page 60—which covers funding for NTIA, which is under Commerce jurisdiction, so unknown funding levels.

As Chairman of the Committee of jurisdiction over National Telecommunications and Information Administration (NTIA), I regret that I am unable to comment on the appropriations levels for this administration because the levels were not made available in the text of the bill. Although this may be merely a clerical error, it is unacceptable, nonetheless.

In CJS, section 112—Alaska Telecommunications provisions to resolve several pending FCC proceedings involving investigations into Alaska rate tariffs and reviews Alaska telecommunication rates.

This section, slipped into the omnibus under the cloak of darkness, removes the ability of the FCC to act on several pending proceedings affecting the rates of Alaskan telecommunications services.

I object to this provision because it should have been considered, reviewed and acted upon by the members of the Committee of jurisdiction, the Senate Committee on Commerce, Science and Transportation, before being enacted into law. Additionally, the FCC was nearing competition of the proceeding and the Committee could have acted in response to the FCC's actions if Congress found the outcome to be detrimental to Alaskan consumers. No member of the Committee approached me requesting to move legislation to end the tariff investigation and other proceedings involving Alaska telecommunications services. While I understand both parties to the tariff dispute support the provision included in the omnibus, I am unable to state whether I support it because the Committee of jurisdiction was not provided the courtesy to hold hearings and mark up legislation on the issue.

I object to the inclusion of this legislation in the omnibus. I actually support the content of this legislation, which is the product of lengthy negotiations among the Judiciary and Commerce Committees of both Houses. The bill ensures that rural consumers will continue to enjoy network programming, and for the first time, provides a means for these same consumers to enjoy high definition network programming via satellite. I nevertheless regret that this important policy was added to an appropriations vehicle.

The PRESIDING OFFICER. Who seeks time? The Senator from Alaska.

Mr. STEVENS. I send to the desk a joint resolution.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senate is in a period for morning business with Senators allowed to speak for up to 10 minutes.

Mr. STEVENS. I withdraw that.

The PRESIDING OFFICER. Who seeks time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, earlier the Senator from Idaho indicated this provision that would allow Appropriations staffers, the designees of the Appropriations Committee leadership, to access any tax return in the country would not become law. I listened to that. I hoped it was not the case. But I don't see any way that, if we pass this bill tonight, this provision does not become law.

Let me just go through where we are, at least my understanding of where we are. I would like to be corrected if I am wrong.

In this bill, these 3,000 pages that have been put before us today and we are asked to vote hours later, that spends $388 billion, there is a provision that says the agents of the Appropriations Committee can have access to any tax return in the country and that there is no legal protection for them. That is the provision that is here. It has already passed the House of Representatives. If we pass this bill tonight and it goes to the President for signature, that will become the law of the land.

I am understanding that Senator STEVENS, acting in good faith here—and he is acting in good faith and he is, I think, doing his level best to try to correct this—is proposing the passage of a concurrent resolution that would pass here.

Mr. STEVENS. Joint.

Mr. CONRAD. A joint resolution removing this provision. But that would be subject to the House acting and the House will not be prepared to act, I am told, until December 6. At the same time, we are running out of time on a continuing resolution and the President will be required to sign this Omnibus bill. I am told, before that continuing resolution removing this power, this ability to have agents look at any tax return in the country and release them without any penalty, without any civil penalty, without any criminal penalty.

When the Senator from Idaho says this will not become law, that is not right. This will become law if we pass this tonight. That is my understanding. I would like to be corrected if that is not the case.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. The Senator is correct that the provision would stay in the law. But we will pass a joint resolution. It is my understanding that will be passed and the Speaker of the House and chairman of the Appropriations Committee guaranteed this would be the case when the House reconvenes.

Meanwhile, it is our understanding that the President of the United States will issue a statement when he signs the bill that this section shall be disregarded because of the action taken by the Senate and the commitment of the House to act when it comes back. I think that is a good-faith effort to correct a serious mistake, a terrible mistake.

The Senator is right about the section. But I want to assure him the implication that either the chairman of the House committee or I, as chairman of this committee, ever wanted such authority is wrong. We never sought it. It was an accident, a mistake. A representation was made by one staff member that the front office in the other body had cleared this. On the basis of that, it was put into the section.

When it was before the bipartisan staff in both Houses, it was not even noticed. Under the circumstances, it is something the Senator from Arizona criticized and I too criticize it. It is something contrary to anything I have ever had happen in over 30 years on the committee. But it can be corrected and the law will not be permitted.

By the way, it takes the request of the chairman of either House to trigger it. We have stated categorically we will not trigger this section. It is not available to anyone else. It is available only to the chairman of the House Appropriations Committee or the chairman of our Senate committee. And I have stated categorically on the record we would never use that. We didn't seek this authority. We are as appalled as the Senator from North Dakota. I hope you would rely upon our good faith to try to correct the staff error. Certainly no Member of Congress that I know of, other than the person who originally suggested it in the House, ever sought this. I am led to believe the language is not what he sought, but it is one of those things that happened at the last minute. It is a terrible thing.

We are in this situation because we never had a budget. We never passed our appropriations bills at the time we should have. We had to construct a ceiling we would operate under. Senator BYRD and I have tried our best to comply with the circumstances. But we didn't get the chance to even look at it—the Appropriations Committee on these nine bills until after we came back from the August recess. We have been under pressure now since we came back. We have been under pressure now for 3 days. Some of my people haven't slept for 2 days, and one of them made a mistake—one of my staff. I can tell you he had not had sleep for 2 days.

This is a serious situation. It shouldn't happen. The Senator from Arizona is right. It should never happen. I pray to God it will never happen. It will not happen under my watch. My watch is over tonight, but I guarantee you that during the time I am chairman, I will not use this authority and it will be taken out of this bill.

The first reaction of the chairman from Florida, BILL YOUNG, was, take it out; take it out now. I share that reaction.

I thank the Senator.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first of all, let me say that I have no question about the good faith of the Senator from Alaska—none. His word is good for me because he has demonstrated repeatedly to me his word is good.

The problem I have is I am about to be asked to vote for this measure and it will become law. The President can make any declaration he wants upon signature of the law that he doesn't consider it effective. That has no legal standing. The fact is the House has passed this. If we now pass it, and the President signs it before that joint resolution is effective, this will become the law of the land. And it is a mistake. It shouldn't happen. It should never have happened.

I know this was not moved by any Member of the Senate. I know this happened as a result of something that happened on the House side. Staff were involved on the House side, and misrepresentations were made about clearances being made.

The fact is this is in the bill. We have to think about what this law provides. This says an agent of the Appropriations Committee could get unlimited access to tax returns in this country and have absolutely no legal penalty for releasing it to the public. They could call up the tax return of any Member of the U.S. Senate, any individual in this country, any writer for any newspaper.

Mr. STEVENS. Will the Senator yield?

Mr. CONRAD. Yes. I would be happy to yield.

Mr. STEVENS. I don't read anything in this provision that either chairman can release the information. He makes the assertion that if we use this power, we can release it. There is no such provision.

Mr. CONRAD. I beg to differ with the chairman. I am an old tax administrator. I know tax law. This provision says very clearly:

> Notwithstanding any other provision of law governing the disclosure of income tax returns or return information, upon written request of the Chairman of the House or Senate Committee on Appropriations, the Commissioner of the Internal Revenue Service shall hereafter allow agents designated by such chairman access to any Internal Revenue Service facilities and any tax returns or return information contained therein.

Because it says "notwithstanding any other provision of law." that sweeps aside all of the privacy protections that are available in law.

Mr. Chairman, I have great respect for you. This provision is clear in terms of its legal impact.

Mr. STEVENS. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. STEVENS. If the Senator says he has respect for this Senator, he will believe me. We didn't ask for that authority. We would not use that authority. We detest this section, and I am tired listening to people say somehow or other we intended to use it. We don't intend to use it. It is going to come out of this bill. It is going to come out of this law and it is not going to be used. I don't know how I can be any firmer. I am tired of it. We have been working hard on this bill. We did not do this. To imply we did either Congressman YOUNG or I did it—is wrong, wrong.

Mr. CONRAD. I did not imply that the Senator did this.

Mr. STEVENS. The Senator implied that I will use it: that I would disclose it.

Mr. CONRAD. Senator, it is in the law if we pass this bill tonight. Senator, I say through the Chair, the point is this: I am not questioning the chairman. I am not. But I am questioning this body tonight passing this legislation that has already been passed by the House, and it becomes the law of the land upon the signature of the President of the United States. That is wrong.

Part of the reason we are here is because we have a process that has broken down. We have a process that has produced a 3,000-page bill that gets slapped on our desk and we are told to vote on it in a few hours without knowing what is in it. It is wrong. It is wrong.

Mr. STEVENS. Will the Senator yield again?

Mr. CONRAD. I would like to finish and then I would be happy to yield for any question of the Senator.

Let me say this: For a number of years we have had this process ongoing. In 1988, President Reagan, in a State of the Union Message, told us never again; don't send me another bill like it because I am not going to sign it. He was right. He said in his 1988 State of the Union that you have sent up here a 1,100-page bill and you had 3 hours to review it. You don't know what is in it. Nobody knows what is in it. Don't do it again. Don't send me another bill like this because I will not sign it.

Here we are tonight. We don't have a 1,200-page bill, or 1,100 we have 3,300 pages. We don't know what is in this bill. There are a handful of people who know what is in this bill. Most of us don't know what is in this bill. If somebody, some sharp staff had not caught this, we would be making this the law of the land.

Now I find out there is no way to prevent this from becoming the law of the land if we pass this bill tonight.

That, to me, is a mistake.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I want to state again the protection for the minority on this bill was in the people who were with my staff when it was read through. If there was a mistake in it, it is borne equally by your side of the aisle as well as ours. I have accepted the total responsibility as chairman. No question about it; a bad mistake was made. But let me go back.

Senator BYRD and I begged for a budget resolution in May, in June, in July, and when we came back in September. We didn't get a budget resolution. The Senator is on the Budget Committee. Why didn't we get a budget resolution? We said if we don't, we will have another one of those nights when we will have a big Omnibus appropriations bill. I preached it right here on the floor. I will dig it out, if you want. I said if you don't, we will have a midnight session again trying to get a bill through that no one knows what is in it because we have had to move and move these limits.

There are provisions in this bill that must become effective or people will lose rights as of Sunday. We are trying our best to get it done. A mistake has been made. I hope the Senate would take my word. It is my word. I don't think I have ever broken my word to any Member of this Senate. That was a mistake. It says as chairman of the Appropriations Committee I can trigger that and ask for access. I have said I would never do it. I did not seek it. The chairman of the House did not want it. He is appalled by it. It is a provision that, even if it becomes law, cannot be utilized except by BILL YOUNG and me, TED STEVENS. We have said we will not do it.

Isn't that enough? Isn't that enough? Do I have to get down on my knees and beg the other side?

This bill must become law because people have rights that will be affected by it if we don't pass it until we come back in December. That is all there is to it. It is not my fault. I hate working under these pressures. My staff hates it. As a matter of fact, it is a terrible way to do business, but I had nothing other than to try to do it.

As a matter of fact, we had to take one bill and do it in the last 3 days because we could not get agreement between the people involved. It has been a terrible bill to handle.

I hope the Senate appreciates the work that people have done this last week to try and get to the point where we could pass it before we left.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, with respect to the Budget Committee, I am on the Budget Committee. I am not the chairman of the Budget Committee. Our friends on the other side were in control of the House and the Senate. Failure to get a budget resolution was not on our side. Failure to get a budget resolution lay on their side.

But that is not the point of this discussion tonight. The point of the discussion tonight is we have a process that is broken. There is no better evidence than the fact that we have a provision that would open the tax returns of every American, every American company, to some staffer in the Appropriations Committee, with absolutely no penalty on that staffer if they were to release the private information contained in that individual's tax return. That is wrong.

The chairman of the committee says, I never sought this power. I believe him. He said the chairman of the House never sought the power. I believe him.

The fact is, the provision is here. Somebody wanted it. Somebody got it in here. The fact is, the current chairman of the committee is not going to be the new chairman of the committee. And the same is true on the House side. These two Senators have said they would not use the power. How about the two Members who are going to be the chairmen? They would be able to use the power because if we vote for this bill tonight, with this mistake in it, unfortunately, it will become law.

I don't want to explain to my constituents back home that every tax return in America is open to some staffer and there is absolutely no legal penalty for them making it public. That is a serious mistake. There is a desire to take this out. Let's take it out.

I ask unanimous consent these provisions be deleted from this bill. I am specifically referring to section 222 of the provisions that are found on page 1,112 of the bill.

Mr. STEVENS. I object.

Mrs. BOXER. Mr. President, I am a little confused. I am really confused.

Senator CONRAD, who brought this issue to the Senate's attention, solves the problem by asking unanimous consent to take this offensive language out of the bill, this "Big Brother is watching you and your tax returns" out of the bill, and the passion showed by Senator STEVENS in his previous remarks. I was really taken in by them. I felt that he was really upset and that he wanted to resolve this matter. Yet we have an objection to take this out.

If the House went home, bring the House back. They shouldn't have gone home with this terrible provision pending.

I don't quite understand what just happened. I guess there will be an explanation, but let the record be clear there was objection from the Republican side to take out this offensive language which gives permission for the chairman of the Senate and House Appropriations Committee to designate staff to look at any American's tax return, any business tax return they decide they want to spy on.

There was a unanimous consent request to delete that by Senator CONRAD, and there was an objection. I am confused. We could have resolved that, and it could have been taken care of, but instead we have an objection. I am sure there is a good reason. Maybe Senator STEVENS will explain it, but deleting the language resolves it on our side, and we can get on with the bill.

I have a problem with the health issue in this bill that is going to adversely affect women of America. I talked to Senator STEVENS. He was very honest and said it had to stay in because of the House, but I was able to work with Senator REID and Senator FRIST and we got agreement and I will not object because we will have a chance to vote up or down on that offensive legislation sometime before April 30.

Senator CONRAD made a very wise motion to, essentially, ask unanimous consent to remove the offending language, and we could have resolved it.

I am confused.

I yield the floor so my colleague can have his own time.

The PRESIDING OFFICER. Who seeks time?

MAKING A CORRECTION IN THE CONFERENCE REPORT TO ACCOMPANY H.R. 4818

Mr. STEVENS. I send a joint resolution to the desk and I ask unanimous consent we now proceed to this joint resolution, that it be read three times and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

Mr. STEVENS. I renew my request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

Mr. STEVENS. I ask unanimous consent we proceed to the resolution, it be read three times and pass, and the motion to reconsider be laid upon the table.

Mr. BYRD. I did not hear the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I did not hear the request.

The PRESIDING OFFICER. The request is that the resolution be considered read three times, passed, and the motion to reconsider be laid upon the table.

The Chair asked twice if there was objection, and hearing none, the resolution has been considered passed, and the motion to reconsider is laid upon the table.

The joint resolution (S.J. Res. 42) was read the third time and passed, as follows:

S.J. RES. 42

In the conference to accompany H.R. 4818, House report 108 792, Section 222 of Title II of Division H, Departments of Transportation and Treasury, Independent Agencies, and General Government Appropriations Act, 2005, shall have no force and effect.

Mr. McCAIN. Parliamentary inquiry: What is the effect of what was just agreed to?

Mr. STEVENS. May I answer that?

Mr. McCAIN. I withdraw my parliamentary inquiry. I have an understanding from our capable staff.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. THOMAS). The Senate is in a period of morning business, with Senators allowed to speak for up to 10 minutes. Who seeks time?

The Senator from West Virginia.

THE APPROPRIATIONS PROCESS

Mr. BYRD. Mr. President, the Senator from Alaska and I have, for months, been importuning the Senate, the leadership, and anyone else who will listen, not to end this session with the passage of an Omnibus appropriations bill. I have, for years, opposed passage of Omnibus appropriations bills.

We have seen within these last few years, especially, this excrescence on the skin of the body politic grow until now it has become malignant.

I warned and warned and warned against Omnibus appropriations bills. I have complained that the leadership of the body has not worked diligently to prevent our being caught with our backs against the wall at the end of the session and with the absolute necessity at that point to act in haste and to act upon many appropriations bills at once, with all that portends. That makes it difficult, if not impossible, for Members to examine what is in the bill.

So much of this is done at the hour of midnight and beyond. Staffs have to read through these bills and work on them, and Senators who cannot do that have to depend upon the work of those staffs. They are literally dead, as it were, with fatigue when they do this job this way.

I have, time and time again, said to Senator STEVENS: I hope we will avoid Omnibus appropriations bills. There is no good served with Omnibus appropriations bills. When that happens, we invite the executive branch into the exercise. It seems my colleagues, so many of them on both sides of the aisle, do not view that as a danger to the Senate, a danger to the constitutional system, and really a danger to the liberties of the people.

We should pass 13 appropriations bills every year. I said that time and time and time again. The distinguished chairman of the Appropriations Committee at this moment, Senator STEVENS, has done his level best to get 13 appropriations bills passed and brought to the floor.

But I tell you, my friends, we have lost too much time with other things that could have waited, and now we find ourselves in the bind, when we do not have enough time to do the proper work on these appropriations bills. I am sick of this process. I am ashamed of it. I do not know if there will ever be a better example of what can happen, what can go wrong with this nefarious process of putting off legislation.

Appropriations bills are the only bills we actually have to pass. They are bills to keep the Government running. This has to do with the oversight process, the examination of witnesses through the appropriations hearings. This is the absolute best form of oversight, when we can say to a witness from the administration, whatever administration it is: How have you done under this qualification here, that you would be limited to such and such, a number of dollars? What have you done? What has been the result? We are strangulating this oversight tool. We are wiping it out when we do not bring to the floor these bills on time.

We get to the pass here. This is the pass. And we are cut off at the pass. Oh, we have to do this. We have to do this. We need to cut the time on the bill. We need to limit ourselves. Here in this case, only two of these appropriations bills have ever passed the Senate. Only two this year, right?

Mr. STEVENS. Four, Senator.

Mr. BYRD. Four passed the Senate. In any event, only two of the nine bills that are in the omnibus have passed the Senate.

Mr. STEVENS. That is correct.

Mr. BYRD. Now, that is a shame. That is a disgrace upon the escutcheon of the Senate. I am greatly concerned about that process. I have been, and I have many times expressed it to my dear friend, TED STEVENS, who has worked his tail off in trying to get these bills through the committee and through the Senate.

Now, we cannot go on like this. We just cannot go on like this. I hope other Senators and I hope the leadership on both sides will see what can happen when we are brought to the wall, with our backs to the wall, and we have to ram through such important legislation without giving it careful consideration because we do not have the time and we rush these—can you imagine what is happening to the process when we approve appropriations bills in the Senate Committee on Appropriations and then do not bring those bills to the Senate? We do not bring those bills to the Senate.

I will tell you, friends, I have been in this body now 46 years this year, and it was never that way in the old times. We always passed the appropriations bills. I believe you will find on the record, we passed them, with my help, on both sides of the aisle. I never did anything by myself. It was an absolute cooperation between both sides of the aisle in the Appropriations Committee. We did not have all of the recriminations and the fault finding. We worked together, and we brought those 13 bills to the floor, and we acted on them.

Something badly wrong is happening to the appropriations process in the Senate, and I hope and plead with my colleagues that we take a good look at what is happening and that we all, as it were, rise up in arms against this way of pushing everything to the end of the session.

We have squandered time. You remember the filibuster one night we had here? Remember the filibuster one night? Well, that is just one example of how we have foolishly squandered our time. And we have not been in here 5 days a week working. How about that? We ought to do better.

I feel very, very badly about what has happened here. I never knew anything about this. I never knew this was in the bill until after I got up in the conference today and urged Senators to vote for it.

Mr. STEVENS. Neither did I.

Mr. BYRD. I said: I don't like this process. I don't like the fact that the minority is being shut out—at least one stage. I do not think the minority should ever be shut out. That is not in the book of the legislative process. That is not in the legislative process as I taught it over at American University. That is not in the legislative process as I learned it from those who came before me. That is not in the legislative process as it was when I was the majority leader.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for an additional 10 minutes, if necessary.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I thank the Chair and I thank all Senators.

And so it is a terrible albatross around the neck of the Senate, and it is a terrible disservice to the people of these United States, who need to have their Senators examine bills carefully.

Part of it is our fault. We don't have to be out of here on Mondays. We don't have to be out of here on Friday afternoons. They didn't run the Senate like that when I was coming up here. I didn't run the Senate like that when I was majority leader. I told my own crowd: You elected me leader, and you can throw me out if you want to, but as long as I am leader, I am going to be leader. I am not here for the pleasure of Members. I am here to get the work done. And we worked and we had votes. Any of you who were here when I was majority leader, we had what were called bed check votes on Monday morning at 10 o'clock.

So I don't like this process. We are getting paid to work 5 days a week, 6 days a week, or 7 days a week, if it is necessary. I hope we don't start coming in here on the Sabbath and working. We need to keep the Sabbath day holy. But I say to you, my friends, we ought to get away from this bog-tailed schedule that we work on here—being in the Senate 2 days a week, or 2½ days.

So there are many things that can be attributed to the breakdown here. There are many complaints that can be made, many fingers can be pointed, and many truths can be stated, pointing out where we are falling down.

A number of Senators, may I say, have come to the floor to denounce, rather harshly, this provision that was included in the Omnibus appropriations bill, which would authorize—I know TED STEVENS; he would never want this kind of authority. That is laughable. He would never want this kind of authority. I would not either—chairmen of the Appropriations Committee and their designees to access the tax returns of companies and individuals. Why, this is a slam at the integrity of the Appropriations Committees of the two Houses, and especially it is a terrible thing to have somebody put this in a bill and lay this burden on the chairman of the Appropriations Committee. We don't want that. I have been chairman and I would not want that kind of authority.

I want to thank Senator STEVENS for coming to the floor and pledging to do what he can to correct this problem. I recognize that is not his fault. It is the inevitable result of a horrendous process that has developed in these last few years. You can go back and see the record for yourselves. The record speaks and the record tells the truth.

I want to assure my colleagues that I knew nothing of this provision until after I had made my fine speech in the caucus talking about this bill, how good it was and how bad it was, and then urged Senators to vote for it, saying that it was better than having a continuing resolution. And lo and behold, the distinguished Senator from North Dakota got up right behind me and he and the Senator from Montana pointed out that this language was in the bill. I had not seen it. If I had known about it, I would have been the first Senator to the floor to deplore it. I would have done everything in my power to keep it from being included. It is egregious and it ought to make every Senator hopping mad at the process that caused it, at the process that caused this in the wee hours of the night—to have our staffs operate with fatigue in going over these matters.

Why do we have to do it in the wee hours of the night? Because you are up against the gun, up against the deadline.

Look at this massive piece of work that must be examined. This is what happens—I will say it again—when the Congress writes legislation behind closed doors. This is what happens when the Congress tries to cobble together nine appropriations bills, seven of which have never been considered by the Senate, into an Omnibus appropriations bill. This is exactly why we failed the people out there who are watching through those electronic lenses. We fail the American people when we cannot complete the appropriations process on time.

I think it is a disservice to the chairman of the committee and to Senators who try hard to keep things going here and to move on a schedule that will get us through and not keep us waiting until the end of the session, when it is too late to act with care and to properly operate the oversight process. We open ourselves up to these kinds of abuses.

I am told that the Senate now will do something about this. We have already allowed a unanimous consent request here that has been agreed to. I hope—that isn't quite enough—the majority leader, who was here a moment ago, will try to get a commitment from the Speaker of the House.

Mr. STEVENS. We have that.

Mr. BYRD. Very well. I am told by my colleague, Senator STEVENS, that we have that commitment. Well and good. They will join the Senate in passing the joint resolution to remove this provision. I am also concerned about what the distinguished Senator from

North Dakota brought up when he spoke of the fact that when a bill is passed into law, it is a law, and it is either going to be repealed or vetoed. We need to hear from the leaders of both bodies that this provision will be removed, and we need also to hear from the leaders of both bodies that this won't happen again.

I myself had said that I would vote for this bill. I am going to vote against it out of protest against this awful process. I have campaigned against this process on the floor; I have urged that we not let ourselves get into a situation wherein we have to nail together, tape together, put together pieces of appropriations bills, and whole appropriations bills, and come out with an Omnibus appropriations bill. And now we are going to be faced with a conference report that we cannot amend. So I will vote against this process. I will not support a process that results in this kind of chicanery. I thank all Senators for listening.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

SENATOR BYRD'S BIRTHDAY

Mr. BURNS. Mr. President, I agree with my friend from West Virginia. No man should be put through this on his 87th birthday. Happy birthday, Senator BYRD. We hope you make it home in time for the cake.

I yield the floor.

Mr. STEVENS. Mr. President, is it possible now to proceed to the conference report that is before us?

I ask unanimous consent that we proceed to the conference report before us.

Mr. CONRAD. Mr. President, reserving the right to object, I say to my colleague that there are discussions going on to try to resolve this matter. I think they are about to bear fruit. I just left a conversation in the cloakroom, and they were coming up with a process to try to make certain that this provision never becomes law. It sounds as though they are making progress. Before we proceed, I think we will want to have the leaders here to be able to tell the rest of us what they have arrived at.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we have just had an election. Republicans are firmly in power in the White House and also in the Congress. Now, just 18 days after the election, we see in this bill breathtaking arrogance of power. It is an abuse of power because it gives power to Republican leaders, at the expense of your right of privacy, to pry and snoop into your tax returns.

They can even leak your taxes to the press and post them on the Internet without penalty. It is an abuse of power because it gives insurance companies the power to deny your right to know all of your health care options. It gives insurance companies the power to order your doctor to tell you only part of what you need to do.

It is an abuse of power because this bill gives the power to corporations to prevent you from knowing where your food comes from. It is an abuse of power because it gives companies the power to deny your right to overtime pay.

What other abuse of power is in this bill? We should take some time and delay action until we have read it and until we have the opportunity to fix it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. May I inquire if we are still in morning business with Senators able to speak for up to 10 minutes each?

The PRESIDING OFFICER. We are in morning business, limited to 10 minutes each.

TRIBUTES TO RETIRING SENATORS

JOHN BREAUX

Ms. LANDRIEU. Mr. President, we are in the midst of a very important discussion, of course, as we are considering what to do. As the leadership meets to consider what we should do that hopefully will either move this process forward or come up with some other resolution, I thought I might take a moment to speak about our colleague, Senator BREAUX, and his retirement.

This would probably be a good time to talk about the senior Senator from Louisiana and to pay tribute to him because he would be one of the Senators most certainly who could help us figure out this situation. He has been helping us figure out situations like this for 32 years with a lot of success and, I might say, with a lot of respect from all the Members in this body, both on the Republican side and the Democratic side.

It might be appropriate for me to speak a few moments about the great contribution this man has made to this body.

Senator BREAUX came to the House when he was 28 years old, and after four children and now three grandchildren, he leaves us after serving well and admirably for 32 years.

When he came to Congress 32 years ago at the age of 28, he was the youngest Member of Congress to be serving at that time. He has served with 7 Presidents and 16 Congresses. He served with President Nixon, President Ford, President Carter, President Reagan, President Bush, President Clinton, and now currently with President Bush. He served through 16 Congresses for 32 years in times of war and peace, through recessions and irrational exuberance. He has served as a husband, as a father, as a grandfather, and he served our State with great grace, great steadiness, and great leadership through it all.

It might not come as a surprise to my colleagues as we consider at this time what we are going to do to look at this picture of JOHN BREAUX that will give us all a laugh. I do not know whether he was playing Li'l Abner or a farmer, but this is on his Web site and he displays it proudly. It shows a sense of humor, even as a young man.

He has been called brash and good looking and confident, and he still is that today. He is not only a storyteller, but a great dealmaker. He has a rollicking sense of humor. He is admirable. He is hard working, amiable, smart, a bridge builder, a strategic thinker, and someone who has our deepest respect. He has been, and continues to be, a team player.

I found this picture of JOHN BREAUX with his uniform on, which is the way he pretty much came to work every day, with his hat on, a baseball cap on, his uniform on, maybe just in a suit, but ready to get the work of the Senate done and get the work of Congress done.

There is probably not a major piece of legislation passed by this Senate that did not have JOHN BREAUX's assistance. He was the teammaker, always ready to bat or pitch or catch or sit on the sidelines or referee because he basically did it all.

He was also considered a strategic thinker and a great leader for our country. He, as many of us, gets the opportunity to not only speak on this floor but to be on major television and radio programs speaking about the great issues of the day. And he most certainly has put his mark on many pieces of legislation.

As a member of the Finance Committee, as a member of the Commerce Committee, and as a member of the Fisheries Committee in the House during the time he served there, I can say there is probably not a major piece of legislation that has not felt the good mark of Senator BREAUX: always there with a compromise, always there with a suggestion, always there with a little prodding. We and the people of our Nation can be grateful for his wisdom and his input at those critical times.

Whether it was the Medicare overhaul, laying the groundwork for a stronger Social Security system, or whether it was legislation related to agriculture, to sugar or rice, the commodities in Louisiana that are so important, JOHN was always there.

I want to say a word about a very important bill and we will show JOHN playing tennis because this demonstrates that not only is he a great athlete and team player, but he is a great tennis player. What I like about this picture is he always kept his eye on the ball. Despite all of the great work that Senator BREAUX did in this

Senate on so many pieces of legislation, helping all States, he always kept his eye on the ball the State of Louisiana.

There are 4.5 million people who live in our State—wealthy people, poor people, people who live far out in the woods in the country and people who live in the great urban centers of New Orleans and our capital city of Baton Rouge and our other cities. Not only did he keep his eye on the ball in Louisiana, he kept his heart with us.

I can tell you he has left a great mark on our State.

There is an act we are proud of that we now call the Breaux Act. It is referred to as Wallop-Breaux, but at home we call it the Breaux Act because JOHN, in his typical quiet, responsible fashion, crafted a very special tax arrangement that is ongoing and we will not talk too much about the details, JOHN, on the floor—but there was a very special arrangement made years ago with members of the Finance Committee that has helped us finance and send money to the State of Louisiana that has literally laid the groundwork to save our coastline.

It is not just Louisiana's coastline; it is America's wetlands. Two-thirds of the Nation is drained by it. Forty percent of the fisheries are in the Gulf of Mexico. The greatest shipping channel in all of North America comes through that Mississippi Delta.

Because JOHN kept his eye on the ball and although he did all this great work for the Nation, he always loved Louisiana the most, always put his State first—we are now able to build a great environmental legacy to save this coastline. We already lost the size of the State of Rhode Island, but because of JOHN's work, because of his great strengths and great sense of humor, great respect, and great intelligence, he was able to lay that groundwork.

Whether it was advocating for senior citizens in our State when they did not have an advocate, or showing up at senior centers early in the morning and late at night, whether it was advocating for children through education or whether it was advocating for sugar, he did it all.

Maybe this picture says it the best. On the front page of one of our Nation's leading magazines, here is Senator BREAUX sitting at the table holding all the cards and most of the chips, which is the most important thing about this picture, with the elephant on one side and the donkey on the other, and JOHN BREAUX in the middle. At times, we need men and women in the middle. We need people who can listen to both sides and try to figure it out.

Tonight, that is what we are trying to do on the Senate floor, just trying to figure out this situation. It is a serious situation, and I do not at all mean to be light about it, but figuring it out is what we do as leaders, making our government work.

While I do not gamble too much myself, I can most surely appreciate—and there are plenty of people in Louisiana who do gamble. So we are proud of this picture and proud of JOHN, but deals need to be made on principle and for the people. The people need the government to always give them a fair deal, a good deal, and a square deal, and that is what JOHN did.

So, JOHN, on behalf of so many people in Louisiana and around the Nation, let me say that you are going to be missed because you will not be a Member, of course, of the Senate, but we know that we can call you. We know that we can reach you. We know that you will always be advocating for us in Louisiana and for our Nation.

Let me also mention what has not been said on the floor and what was not said in my remarks. Besides having his name on many bills, the phone conversations and quiet consultations that he held with Presidents and with senior Members of this body, his wisdom was found and went through those conversations and into legislation that became part of the work of this body and the Congress.

So, JOHN, for all of your not only legislative work but for your good counsel to us, to Presidents, to leaders of nations, to leaders in industry, we thank you for that and may you look forward to many happy years with Lois. I know that your father Ezra, and I know that your mother, God rest her, would be proud. I know that your father Ezra has watched you all these years and continues to be very proud of you. From Crowley, LA, from a young man who ran when he was 28 years old on the theme of experience matters, and was brash enough at 28, having never served a moment to say that experience matters, let me say, experience does matter, and we are proud to have had a Senator with the kind of experience and legacy of my senior Senator from Louisiana, JOHN BREAUX.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I ask unanimous consent to speak for up to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ADOPTION DAY

Ms. LANDRIEU. Mr. President, while we are continuing to try to resolve our current situation, I will speak for a moment about something else today. Today is National Adoption Day. The Senator from Idaho and I spoke at some length yesterday in anticipation of today, so I will not go into too much detail, but I thought maybe some of my colleagues would be pleased because they worked so hard on this issue. It is an important issue. One out of six Americans has been touched by adoption.

While we were working in Washington, in our capitals and cities all across America, over 4,000 children were adopted today. That those children found forever families and parents who have prayed and hoped for either their first child into their family or children added into their family through adoption was made possible today because our country honors this day as National Adoption Day.

Both President Bush and President Clinton before him were wonderful advocates of promoting a better system of foster care and child care in our Nation for the children of America. We believe, as Members of the Senate, there is no such thing as unwanted children, just unfound families. Many of us do a lot of work in this area in terms of legislation to try to make our system work more effectively and efficiently so that all children can have the dream of a family, a mother, a father, at least one parent, to raise them, to bring them up.

We think that governments do a lot of things well—I, at least, think governments do a lot of things well but one thing it does not do well is raise children. Families raise children. That is where children belong, in families. When they are separated from their birth parents for one reason or another and there are many: war, famine, disease, and sometimes having to be separated from parents because of gross abuse and neglect our work is to get them reconnected as soon as possible to a relative, to a responsible, caring adult, to at least some family in the community right there where they are and, if not, somewhere in the world.

I have a heartwarming and also heartrending story about a little boy from Louisiana. For the sake of time, I will quickly tell the story because it truly is touching.

Eight years ago, a little boy was born at Tulane Hospital. I am not going to say his name for the record. That was the wonderful news about being born, but the sad news was he was born with AIDS. He was so sick, so fragile and frail that his birth mother basically abandoned him and no one stepped forward for him.

The nurse that cared for him fell in love with him and basically took him home to her house. She and her husband raised, nurtured, and loved this little boy for many years. She tried through our system to adopt this child for years. I am not exactly sure if I could explain to Members why this never took place when the child was 2 or 3 or 4 except for bureaucracy or that people did not care enough.

Here is a little boy, dying of AIDS, wanting parents, a parent wanting this child, but the system did not work fast enough.

The happy part of the story is one judge in my State, Judge Taylor, after this came to his attention, decided to take action, and action he took. He brought all the court, which is unheard of, all the clerks, all of the lawyers to the hospital room where this little 8-year-old boy was lying in a frail condition, and he brought the prospective parents to the hospital room and they conducted the adoption ceremony right there in the hospital room. This is the only time I have ever heard of this. Maybe it has happened before, but this happened in New Orleans, LA, just in the last year.

He was so frail that his doctors insisted that the heart monitor be kept on the whole time that this was going on. When the judge said the words, this child is now adopted, his heart rate went up to normal for the first time in his life. The child could not speak, but the monitors said what the child was feeling when he was adopted because his last wish was that he would be adopted. Through the Make a Wish Foundation this all happened.

So the child was adopted, and his now new parents stood by his bedside and hugged and cried. That is the happy part of this story. I do not know what kind of system was not working that would leave this little boy without these parents so long, but the happy news is he was adopted and they became his parents. The sad part of the story is that his little life did not go much further than that, and within basically a day of that ceremony, he passed on.

The great thing that I want to say today about National Adoption Day is that this child did not die an orphan. He died as a son. For this child and for the parents who adopted him, it was a wonderful ending.

So the work that we do in the Senate, whether it is on finance, tax, health care, or military, there is not too much work that we can do that is more important than connecting children to families, families who will love them, nurture them, and give them the best opportunity. We cannot promise our children rose gardens. We cannot protect them from harm or injury or disease, but we can give our children love for as long as we have them and, of course, they give us back so much more.

In honor of National Adoption Day, I thank all of our great leaders in Louisiana that made this wonderful story happen, and I congratulate the judges on our bench in New Orleans, the social workers who were on the positive side of this story, the parents themselves, the medical staff at Tulane University, and my sister Madeleine, who is a wonderful judge, who shared this story with me.

I ask unanimous consent that the article from the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 18, 2004]

AGENCIES PRESS EFFORT TO SPEED ADOPTIONS

(By Kristen A. Lee)

In 1998, Judge Michael Nash, the presiding judge of the juvenile court in Los Angeles, had a disturbing realization: Foster children were languishing too long in the system before their adoptions were completed.

So with the support of a team of lawyers working pro bono, Judge Nash opened his court on a Saturday and completed 130 adoptions in one morning. Buoyed by that success, Los Angeles courts have had about 20 more Saturday sessions, handling the adoptions of 7,000 children.

Under the leadership of the Alliance for Children's Research, the program initiated by Judge Nash's court has expanded into a national drive. On Saturday, the fifth annual National Adoption Day, child welfare groups and family courts across the country plan nearly 200 events and hope to complete more than 3,000 adoptions.

Nationwide, 129,000 foster children are waiting for permanent homes, according to a study released yesterday by the National Adoption Day Coalition, a group of child welfare organizations and private companies. Inadequate communication between state child welfare agencies and the courts, crowded court dockets and heavy caseloads were the most significant obstacles cited to placing children in permanent homes. And states continue to report that finding adoptive parents is a challenge—especially for older children and those with special needs, like behavioral problems or disabilities.

But the study also found that state child welfare agencies and juvenile courts were taking innovative steps, as Judge Nash did, to better serve children and families.

The number of adoptions in the United States has increased significantly in recent years. In 1998, 37,000 children were adopted. In 2002, the number rose to 53,000.

The analysis was conducted by the Urban Institute, a nonpartisan economic and social policy research organization. The data was culled from federally mandated reports.

According to the study, the adoption process is complicated by the constant coordination required between child welfare agencies and family courts. Scheduling difficulties can slow the process, as can differences in outlook between agencies and the courts. The overwhelming majority of state agencies reported such differences led to delays in terminating the rights of birth parents.

"The courts may have one perspective and the agencies may have another," said Rob Geen, director of the Child Welfare Research Program at the Urban Institute. These disagreements, he added, "lead to breakdowns and delay the adoption of children."

Senator Mary Landrieu, the Louisiana Democrat who is co-chairwoman of the Congressional Coalition on Adoption Institute, described the system as "somewhat broken." Federal financing for foster care should be funneled to the states in a more focused way, she said, adding, "The passion is there, the people's support is there, but the system itself needs a tremendous amount of shoring up."

Many states are already taking steps to address delays in the adoption process by reorganizing staff, scheduling more training and working better with the courts.

Judge Nash credits the special Saturday sessions for cutting the number of children under his court's jurisdiction to 28,000, from 54,000 in 1998. "We have to move faster in taking care of those kids," he said.

But Mr. Geen said that there can be good reasons for delay. "The system is set up to address the birth parents' rights," Mr. Geen said. "It's not just finding a car," he said of adoption. "There are reasons why the process should take a considerable amount of time."

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM of Florida. Mr. President, I understand we are in a period of morning business?

The PRESIDING OFFICER. That is correct.

INTELLIGENCE REFORM

Mr. GRAHAM of Florida. Mr. President, we are now in a serious quandary and a quagmire in some part due to the fact this institution, and our counterpart across the Hall, has difficulty in effective collaboration. With that said, I want to talk about what I think is really one of the outstanding examples of what can happen when our Chamber and our friends in the House of Representatives decide there is an issue important enough to collaborate on to do something important for the people of America.

We have had, over the last 15 years, a series of the most serious failures of American intelligence in our Nation's history. It didn't just start with September 11, 2001, and it didn't end with the circumstances that led to the war in Iraq. Going back over the decade of the 1990s we had the World Trade Center attack in New York, we had attacks against our embassies in Africa, we had failure to detect that India and Pakistan had become nuclear powers, we had the loss of the USS *Cole* in Yemen—all of those, which should have been detected, preempted, and the tragedy avoided by the effective professional work of our intelligence agencies. We didn't get what we thought we deserved.

I wish to particularly commend this evening Senators COLLINS and

LIEBERMAN as well as Senators ROBERTS and ROCKEFELLER for the outstanding leadership they have given in trying to overcome this vulnerability, this unnecessary vulnerability.

When I look at a final piece of legislation, I approach it in this manner. First, what were the problems—or maybe, what were the missed opportunities that led us to believe it was important that we develop this legislation? And now, at the end of the process, how well does the final product solve or at least substantially mitigate the problem that had led to our concern in the first place?

As it relates to the status of our intelligence agencies, we have had a number of problems that have each contributed, in their own way, to this series of failures. We have had the problem of the difficulty in the intelligence agencies adapting to changing adversaries and the changing global threat environment. The Cold War was the most fundamental historic event in the history of the American intelligence. Our intelligence agency had been focused for the better part of 45 years on the Soviet Union. We knew their languages. We knew their cultures. They were an entity very similar to the United States of America. We could almost anticipate what their actions would be.

Today, we have a massively asymmetrical adversary. Groups such as al-Qaida and Hezbollah and Hamas and Islamic Jihad, nations which are not nation states or tribes of tribes driven by extreme religious beliefs. We have not adapted to that change, and we have paid a high price for that failure to adapt. I am pleased to say there are provisions in the Intelligence Reform Act—and I hope we will soon take it up—which will begin to alter that situation.

We are establishing a strong Director of National Intelligence, or DNI, who will be able to provide overall leadership and direction. He or she will not be responsible for the management of a line agency, as is the case today, where the Director of Central Intelligence is also the Director of the CIA. But, rather, he will be able to focus on those issues that will affect the entire community of intelligence and will have the responsibility to assure that we are sensitive and responsive to new developments.

I believe one of the areas in which we will face the greatest challenge in this responsiveness will be in our domestic intelligence. The FBI has been one of the agencies finding it most difficult to respond to a new environment. There has been a pattern of continuing to follow the culture of law enforcement when we need a new culture of intelligence to best protect our domestic vulnerabilities.

I am pleased at some of the progress Director Mueller has made. I believe we should continue to explore other alternatives to see if they will better protect our domestic security. I am pleased that under this legislation, the FBI, while not a unit of the Department of National Intelligence, will be still under the direct control of the FBI but will be considered part of the intelligence community family. I hope at an early date there will be an analysis of what should be our mission statement for domestic intelligence and then what changes in the FBI or further organizational changes will be required in order to fulfill that mission.

A second major problem has been the failure of the intelligence community to provide the big picture, strategic intelligence. Our former colleague, Pat Moynihan, used to regularly complain that, while we knew a great deal about the telephone system inside the Kremlin, nobody had observed the fact that the Soviet Union was near collapse. We have had similar failures to see the big picture, in terms of the failure to recognize the presence of terrorist cells within the United States, cells which were supported by terrorist entities or those supported by foreign governments. In the runup to the war in Iraq was another massive failure to give appropriate strategic intelligence. It is hoped the strong Director of National Intelligence will now have an opportunity to focus on these strategic issues. It is also hoped, as this legislation gives a heightened priority to source information that is information that is available through public documents, newspapers, and other means—that it will receive a new importance in terms of arriving at overall intelligence conclusions.

There also has been a serious failure in human intelligence. We have many people in the intelligence agencies who understand the culture and the language of Russia. We are grossly inadequate in terms of people who understand the culture and language of the Middle East and central Asia. This legislation supplements legislation that we have already passed in the Defense authorization bill which would establish a framework for what I would refer to as a ROTC, Reserve Officers Training Corps, except in this case not for the military but, rather, for intelligence purposes.

We have a sound foundation upon which to base the reform of our intelligence agencies. The problem we face tonight is that sound foundation which probably would pass this body by a vote of almost that which passed a few weeks ago, which was 96 to 2, and by a substantial majority in the House of Representatives, is being held up by a few Members of the House who wish to see the status quo retained or have other goals which are unrelated to the reform of the intelligence community that they have been unable to secure incorporation in this final conference report.

It would be a very sad conclusion of this session of Congress if one of the most pressing issues facing our Nation and the security of Americans: that is, provision of an intelligence capability that will allow us to understand our new adversaries will allow us to preempt the activities of those adversaries and will put us in a position to do what President Bush stated was our goal when he said our goal in the war on terror does not end with al-Qaida; it only starts there. It extends to all terrorist groups which have global reach. We will find them. We will stop them. We will destroy them.

We cannot carry out the Bush doctrine in the war on terror unless we have substantial enhancements in our intelligence community.

This is not something that just came upon us a few months ago. There is literally a stack higher than my desk of reports that have been written just since the end of the Cold War pointing out consistently the limitations in making recommendations to enhance our intelligence capability. These were totally ignored until 9/11. Even after 9/11 we were extremely slow to appreciate the urgency of reform of our intelligence agencies. We had to go almost to the third anniversary after 9/11 before serious consideration was being given.

For us today to announce we again have failed to take action to protect the American people would be a tragic condemnation of this session of Congress, and an unnecessary condemnation. We have an excellent proposal which has been endorsed by the 9/11 Commission, by leadership, and by the families of the tragedy of 9/11. For us to walk away from this opportunity that we now have to demonstrate that through bipartisan and bicameral actions this Congress is able to identify a serious national problem, deal with that problem, and enact it into law would be itself yet another tragedy.

I hope when we reach the week of December 6 and the House returns that the House will resolve its internal disputes and the President will continue his involvement. I personally urge the President to particularly direct attention to the Pentagon where I think much of the energy for recalcitrance has emanated and that we will, before this year is over, pass an intelligence reform bill which will serve the interests of the American people and will bring honor to the Congress.

The PRESIDING OFFICER. The Senator from Minnesota.

TRIBUTE TO SENATOR GRAHAM OF FLORIDA

Mr. DAYTON. Mr. President, I would like to first pay tribute to my colleague, the Senator from Florida, who just spoke. He has been one of my guiding lights in my 4 years here. He is someone who exemplifies the best qualities of a U.S. Senator. His integrity and wisdom and his careful attention to matters large and small have been superb during his 38 years of public service to the State of Florida. It has been just extraordinary. I wish him well and I will miss him. I will miss his leadership and his guidance.

INTELLIGENCE REFORM CONFERENCE REPORT

Mr. DAYTON. Mr. President, I also join Senator GRAHAM in his remarks urging the House to pass the intelligence reform conference report, which I am told most, if not all, of the members of the Senate conferees signed. I salute Senator COLLINS and Senator LIEBERMAN who heroically over the last weeks have attempted to reach an agreement on this important measure.

I note that he cochairs the 9/11 Commission with former Governor Kean and former Representative Hamilton who have endorsed it strongly, as have the family members.

I agree with Senator GRAHAM. It is a tragedy that after that Commission report, after we held hearings in the Governmental Affairs Committee of the Senate, on which I am proud to serve, during the August recess, marked up the bill which had overwhelming bipartisan support. I believe every amendment added to that bill in that Governmental Affairs Committee, it had bipartisan majority support, passed here on the Senate floor. I am proud to have supported it—to walk away from it now after the Senate and House conferees agreed to the legislation because of the resistance of a few members in the House Republican caucus who are evidently able to persuade their Members and leadership not to proceed with it is a tragic loss for the people of America. It is a terrible failure on the part of the House to live up to its agreement. To go through that lengthy process and not have the final measure approved tonight is a tragedy for our country and for our security.

OMNIBUS APPROPRIATIONS

Mr. DAYTON. I also wish to comment briefly on the Omnibus appropriations measure which is before us and to express my concern about one omission which has severe consequences for my home State of Minnesota, which is the elimination of the Senate's action to prevent Minnesota and other States from having their title I education funding cut last year and this year.

In 2004, Minnesota was 1 of 12 States to suffer a reduction in title I funding. Minnesota schools received $12.3 million less in fiscal year 2004 than we did in 2003. We lost that $12.3 million in funding, even though our number of title I-eligible students increased by over 3,600. For this fiscal year 2005, Minnesota is only one of two States in the Nation to lose title I money, even though the number of our title I-eligible students will increase again.

In this conference report, Minnesota will receive $15.3 million less than we did 2 years ago for title I education with probably 10,000 more poor students.

The Senate bill corrected the worst of that injustice. It said that no State would lose title I funding if their number of poor students increased. It didn't give those States any more money, even though that is what we should get—more title I money to serve more title I-eligible students. It only protected us from getting less funding. Now even that protection has been removed.

Presumably, the House conferees would not agree to it. They have all of their porkbarrel projects in the bill, all of their unnecessary spending, and even their shameful attempt, as has been discussed here tonight, to allow their leaders to examine the tax returns of law-abiding Americans. All that garbage is in the bill, but the funding for poor students in Minnesota was taken out of the legislation.

Our schools in Minnesota are already hard hit by other funding cuts. Now they must provide their services to more students with less money.

So much for compassionate conservatism, so much for No Child Left Behind. Those slogans ought to be prosecuted for consumer fraud. They don't tell the truth. Even worse, they are betrayals of our Nation's children, of our neediest children.

Once again, this legislative process has impoverished the truly needy while it enriches the truly greedy.

Poor schoolchildren don't have full-time lobbyists to prowl the Halls of Congress and serve their interests. Poor schoolchildren can't make big campaign contributions to big people who even make bigger contributions to their special projects. Poor schoolchildren have to depend upon us and on the House.

The Senate stood up for poor schoolchildren in Minnesota this year. The House Republicans let them down in the $388 billion spending bill, a foot and a half of paper. In all that money, the House Republicans cut our funding by $25 million for the poorest kids in Minnesota. And then they went home.

They should come back on Monday and remove the tax inspection atrocity from this bill. And when they do, they should also correct the terrible injustice they served upon the children of Minnesota.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM of Florida. Mr. President, I first thank my friend from Minnesota for his very kind remarks and for the tenacity with which he oversees, supports, and advocates for the education of the children of his State. I admire his priorities.

I wish I could say the same thing about another action taken today in the House of Representatives. We have a neighbor with which we have had long historic and cultural ties. The case could be made that there would not be a United States of America today but for the aid of this neighbor. And that neighbor is the country of Haiti. Haiti is the poorest country in the Western Hemisphere, one of the poorest countries in the world. It is a country with a gigantic illiteracy problem, a gigantic health problem, a gigantic unemployment problem. We have demonstrated the fact that actions in Haiti have an effect on our national interests by having invaded Haiti repeatedly during the 20th and now into the 21st century.

Our typical invasion has been to deal with whatever was defined as the immediate problem, stay there for a brief period of time, and then leave. Soon all the problems that caused our previous involvement recurred.

We invaded Haiti yet again earlier this year. I am concerned we may well have to repeat that if we do not take action to deal with two fundamental problems. One is security, the second is jobs.

In terms of security, we left Haiti in June of this year with the understanding that the United Nations would provide significant security forces. Approximately 6,000 were committed from a variety of nations in the Western Hemisphere and elsewhere. As of the middle of last month, less than half of those 6,000 commitments had been fulfilled. That contributes substantially to violence, to threatening the stability and continuation of the government. It has encouraged the same kind of forces that used to man the Tonton Macoutes and the military services of the Duvaliers to seek a hope that they might resurrect themselves.

Second is that the economy of Haiti has continued, as unbelievable as it is, to slide further into wretched poverty.

There was legislation introduced by my good friend, Senator DEWINE of Ohio—I was pleased to cosponsor it—which would have given to Haiti some of the benefits which this Congress has recently provided to the poorest nations of Sub-Saharan Africa, to allow Haiti to have some hope of building an economy that allows some 75,000 to 100,000 Haitians to get a job, generating a sufficient income to support their families. That legislation passed this Chamber unanimously. It had the total support of the Senate. That legislation went to the House of Representatives. Senator DEWINE and I and others testified before the Ways and Means Committee as to the urgency of action, both the humanitarian aspects of this legislation, but, also, frankly, the self-interests of the United States of America in avoiding another collapse of that neighboring country.

I have been joined now by Senator DEWINE. Senator DEWINE has given an enormous amount of compassionate, aggressive leadership to this issue, and we had every expectation that we were on a track to get this legislation adopted in the House of Representatives until our first disappointment occurred when the leadership of the Ways and Means Committee decided to abandon the legislation that had already passed unanimously in the Senate and adopt a competing but much diluted bill for their effort to provide some assistance to Haiti.

I cannot speak for Senator DEWINE, but I speak for myself, that I was disappointed the extent of the legislation that the Senate had passed looked as if it was unlikely to be enacted, but at least there would be something that the U.S. Congress would have done for the people of Haiti and again for our own self-interest. Unfortunately, we have heard in the last 36 hours that it looks as if even that thin response will not be brought before the House of Representatives during this session of Congress.

I am extremely disappointed at what that says about our real values in terms of feeling a kindredship with our neighbors within this hemisphere. I am also disappointed at what that says about the Chambers of the U.S. Congress. My hope burns eternal, and now that it appears as if there is a reasonable expectation that we will return the week of December 6 to take final action possibly on the omnibus monstrosity that stands before the Senate, and hopefully also on the subject of my previous remarks, intelligence reform, I hope we would also place on the agenda at that last hour an opportunity for Members of Congress to show they were not cold-hearted and without concern for fellow human beings, and that this effort, as minimal as it is, would be a symbol of our concern and, hopefully, a platform from which more effective and extensive U.S. action could be taken.

Mr. DEWINE. I wonder if my colleague will yield for a question.

Mr. GRAHAM of Florida. I yield.

Mr. DEWINE. Would my colleague agree—my colleague certainly is an expert on Haiti, having traveled there many times—the situation in Haiti is certainly not getting any better today; with this trade legislation we have talked about, both the House version of the bill and the Senate version of the bill would appreciably help the situation for the people of Haiti as well as help our foreign policy.

Mr. GRAHAM of Florida. Absolutely. In fact, in addition to all the systemic problems I cited, in the last few months Haiti has been hit with two dramatic climate-based tragedies. Earlier in the year on the east side of the country there were massive floods that resulted in the deaths of over 1,000. Then during this hurricane season on the western part of Haiti, there were similar floods that cost in excess of 1,000 lives.

I would refer my colleagues to a program that appeared just last night on the "NewsHour" about the circumstances in Gonaives, the third largest city in Haiti, which was the epicenter of that hurricane that hit just a few weeks ago. And yet today the circumstances are, if anything, worse than they were the day after the hurricane passed.

So I say to the Senator, yes, anything that we could do that would help and would show our willingness to help would be very well received in Haiti.

Mr. DEWINE. I wonder if my colleague from Florida would yield for another question?

Mr. GRAHAM of Florida. Yes.

Mr. DEWINE. My colleague has studied this issue, I know, extensively. I wonder if he would agree that the proposed bill from the Senate, as well as the proposed bill the House was considering, while both would have a significant impact on the people of Haiti in the future as far as actual job creation, it would have, really, minimal impact, if any impact, on the United States as far as jobs. In fact, would he agree also that some of the experts we have consulted believe these two bills would actually help create jobs in the United States?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM of Florida. I say to the Senator, of all the exports that come in to Haiti, the vast majority come from the United States of America, including most of their food. Therefore, if the purchasing power of the Haitian people is even minimally increased, it will make a good neighbor and a good consumer of U.S. goods even more capable of doing so.

So I agree with the Senator's economic assessment that the modest amount of aid that we are giving, not in the form of aid but rather aid through trade, will redound to our economic benefit as well as to our sense of national comity with our neighbors in the hemisphere.

Mr. DEWINE. Mr. President, I thank my colleague who has been such a leader on this issue.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Massachusetts.

PROVISIONS IN THE OMNIBUS APPROPRIATIONS BILL

Mr. KENNEDY. Mr. President, I expect that before long we will have the opportunity to get into the discussion of the omnibus proposal that has been referred to earlier this evening. I want to just bring some matters in the omnibus bill to the attention of our colleagues in the Senate and also to those in our country who are interested in where we are going to end up in the education provisions of this budget, and to also speak briefly about where we will be on the questions of health care as well.

In this omnibus proposal, as we said—it has been mentioned here—it is really a question of priorities and choices. What we are going to see is real cuts in the Head Start Program. It is a program that is a lifeline for millions of our children to help prepare them to enter grades K–12.

We have strengthened the quality of Head Start Programs in recent years, but we are going to see a real cut in the Head Start Programs under this budget. It is not even going to keep up to the current services. What we are going to see is a real loss to thousands and thousands of children across this country.

The most important programs we have in terms of educational achievement and accomplishment are the afterschool programs that make such a difference to children who may be falling behind, to help assist them to keep up with their classmates, and to also give them the help and assistance that makes a very important difference in terms of their own achievement and accomplishment.

This program is vastly oversubscribed. It is one of the most oversubscribed programs that we have in our educational arsenal. The reason it is oversubscribed is because it has had such success in helping and assisting needy children in our country. That program is going to be further cut under this proposal.

One of the key aspects of the No Child Left Behind was a recognition that what we needed in our schools across the country were smaller class sizes, well-trained teachers, curriculum reform, parental involvement, and afterschool programs. But one of the things we needed was going to be well-trained teachers. We made a commitment in the No Child Left Behind Program that we were going to enhance the teacher quality for the high schools in our country. That program is going to be cut in terms of teacher quality in upgrading the skills of teachers in our high schools.

Our vocational educational programs, which are so important in permitting young people to acquire skills to be able to compete in an increasingly complex economy, those programs for vocational education are going to be cut.

As well, some 28 percent of the technology educational funding for programs that are in our schools to help our young people develop the insight into the new kinds of technologies which are so important for them to be able to succeed in their own education and to carry on their education will be cut.

Finally, the Pell grant remains at $4,050 for the fourth consecutive year, while we have seen public college tuition has gone up more than 35 percent over the last 4 years. This is going to mean that tens of thousands—hundreds of thousands—of young students, who have the ability to be able to go on to college, will be denied that opportunity because the Pell grant is falling further and further behind.

If we are talking about an education budget, this is not the education budget.

HEALTH CARE

Mr. President, I want to make a brief comment, as well, on the health care crisis that we are facing. I think all of us understand the explosion of health care costs, the increasing number of the uninsured that exists in our society.

We know we passed a Medicare bill for prescription drugs that was more help and assistance to the pharmaceutical industry and the HMOs than it was to our senior citizens.

But it has been against that background, if we look at where we are in terms of the health care budget in this proposal, we have cut a quarter of a billion dollars in real terms from NIH.

Mr. President, this is the age of the life sciences. This is the age of the life sciences, with the human genome project, the increasing opportunities we are going to have with stem cell research, other types of research. We know the extraordinary progress we made out at NIH. We have the real possibilities of breakthroughs in so many different areas of health. If we were to solve the problems of Alzheimer's, we would empty two-thirds of the nursing home beds in my own State of Massachusetts. We are seeing a reduction in the NIH.

We have seen that the support for bioterrorism readiness in our Nation's hospitals is going to have a significant cut. The recruitment for the National Health Service Corps is cut by a third. That is a program that serves the underserved communities of this country. And the Office of Minority Health is cut by 10 percent.

Mr. President, the list goes on. Those who are strongly committed to having opportunities in education and also opportunities in the health care field recognize this budget really does not address the needs and the opportunities we have in these areas. I will have an opportunity to get into greater detail at another time about these underfunded programs on this particular proposal.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS APPROPRIATIONS

Mr. FRIST. Mr. President, I know the last several hours have been difficult hours. A lot of people have been wondering exactly what is going on with the Omnibus bill, which people expect to vote on later tonight, which we will be voting on shortly. We will lay out the unanimous consent request in a few moments.

The language we have been talking about over the last 2, 2½ hours—I will refer to it as the Istook language—everybody agrees should not be in the underlying Omnibus bill. It was brought to people's attention when staff had looked at it late this afternoon, and everybody agrees it should not be in there.

The challenge we have had, from a procedural standpoint, is that the House has passed the Omnibus bill with that in it. Now we are to address it, and both Members of the House, including the Speaker, whom I have talked to directly, and our colleagues say it should not be there.

Procedurally, how do we accomplish that? Once we pass this bill, it would become the law of the land. It should not be there, but it would be there for a period of time. The potential for abuse would exist.

Mutually, we have agreed the only way to eliminate that is to send a correcting enrollment resolution back to the House of Representatives. The problem is they are not there. What we will do shortly—it will be in the UC—is we will pass that resolution, send it to the House. The House will receive that most likely on Wednesday. We also tonight will pass a continuing resolution, which we will comment on shortly, to allow business to continue tonight; and we will address the Omnibus and will vote on the Omnibus bill tonight and hopefully pass that bill. That bill will be sent to the desk, and it will be held there until the House acts, which will likely be Wednesday. At that point, and not until that point, this bill will actually be sent to the House or actually become law. Thus, there will be no window where this clause, this Istook language, will be law. It will not pass until it has been corrected in the bill, taken out of the underlying Omnibus bill.

Procedurally, it means we will pass the continuing resolution tonight. We will have to do a modification of the adjournment resolution, but we will have one rollcall vote on the Omnibus. There will be a period of time of 30 minutes for debate prior to voting on that bill, and there will be a rollcall vote tonight. That is the first explanation.

I will turn to the Democratic leader to make it a little simpler than that and to comment on what we have agreed to.

Mr. DASCHLE. Mr. President, I think the majority leader has described the situation accurately, and I believe it is the best way in which to resolve what has been a very understandable concern on the part of so many Members on both sides of the aisle. I thank the distinguished Senator from North Dakota for first flagging this question and the issue and calling it to our attention, and all of those who have offered ways in which we might resolve the problem tonight.

The solution has four parts. First, we will pass the continuing resolution that will accommodate the time that will be required for us to resolve this matter.

The second will be that we will pass the conference report and, as the majority leader has noted, we will hold it at the desk.

The third is that we will pass a resolution that will allow the correction in the conference report, an enrolling resolution. That will be part of this process.

Fourth is that the House will take up the matter on Wednesday. We will hold it at the desk until that matter has been resolved, and then send it to the President once this work has been completed.

This is, by far, the safest and easiest and, in some ways, the most confident way in which to address this question. I think, having addressed it in these four parts, we can all be satisfied that we will have accomplished what we set out to do, which is fix the error and pass the legislation.

Many on our side may want to express themselves after we vote on it. People have expressed concern about other parts of the bill and, throughout the day, our colleagues have expressed themselves on the conference report in ways outside of this particular problem. But I think, procedurally, this is the right way to approach the matter.

I think, ultimately, it accommodates the concerns people have had on both sides of the aisle. I hope we can reach agreement tonight to allow this process to go forward.

Mr. KENNEDY. Will the majority leader yield for a question?

Mr. FRIST. Yes.

Mr. KENNEDY. What if the House doesn't act on it? What assurance do we have? Does the majority leader have assurance that the House will act on Wednesday?

Mr. FRIST. We expect them to act. They said they will act. This bill will be held at the desk. If they don't act, this bill will not be sent over. That is part of the unanimous consent request.

Mr. KENNEDY. So it is the understanding of the majority leader that they will act on Wednesday. After that takes place, the ordinary procedure will be followed in terms of the enrollment and sending it to the President?

Mr. FRIST. That is correct.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I am relieved at what has been worked out here, because this will prevent this provision from ever becoming law. This provision never should become law. It would open up the possibility and potential for abuse. I want to repeat for the record that I have no doubt Senator STEVENS would never have used this provision for an untoward purpose. I feel the same way about Chairman YOUNG. The problem was this would have become the law of the land. There will be future chairmen of the Appropriations Committee. I think we all know enough about human nature that if there is potential for abuse, abuse is likely to occur. This is a place where we could have had very serious abuse, with the opening up of people's tax records and the use of those records to punish people, or to help people, or to do other nefarious things that should never be permitted in this country. So I am relieved this will not ever become law.

Mr. FRIST. Mr. President, as the Democratic leader suggested, we realize a number of people want to make further comments. The unanimous consent request we will propound shortly will allow for 30 minutes of debate. Other people have expressed an interest, after the vote, in being able to offer their views, which we encourage. That way, we can go ahead with our unanimous consent request after 30 minutes for debate, to be equally divided, and proceed with a rollcall vote.

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent that immediately upon the granting of the following consent request, the Senate proceed to the consideration of H.J. Res. 114, a short-term continuing resolution; further, that the joint resolution be read a third time and passed, and the motion to reconsider be laid upon the table. I further ask unanimous consent that the Senate then immediately proceed to the consideration of the conference report to accompany H.R. 4818, the so-called Omnibus appropriations bill; provided further, that there then be 30 minutes for debate to be equally divided between the chairman and ranking member of the Appropriations Committee or their designees; further, that following that debate, the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate. I further ask unanimous consent that following that vote, the Senate proceed to H. Con. Res. 528, a technical corrections resolution relating to the enrollment of the conference report; provided, that the amendment to the resolution which is at the desk be considered and agreed to and the resolution, as amended, be agreed to, and the motion to reconsider be laid upon the table. I further ask unanimous consent that the conference report to accompany H.R. 4818 remain held in the Senate until the House adopts H. Con. Res. 528, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS

The PRESIDING OFFICER. Under the previous order, the clerk will report H.J. Res. 114.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 114) making further continuing appropriations for the fiscal year 2005, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the joint resolution is considered read a third time and passed and the motion to reconsider is laid on the table.

The joint resolution (H.J. Res. 114) was read the third time and passed.

CONSOLIDATED APPROPRIATIONS ACT, 2005—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the conference report to accompany H.R. 4818.

The legislative clerk read as follows:

> The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4818), making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD in November 19, 2004.)

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes equally divided between the chairman and ranking member of the Appropriations Committee. Who yields time?

The Senator from West Virginia.

Mr. BYRD. Mr. President, we are now in day 51 of the fiscal year. In order to finally bring the fiscal year 2005 appropriations season to a close, the Senate has before it a $388 billion, nine bill, 3,016-page monstrosity of a bill. Here it is, right here on the desk. Take a look at it.

Of the nine appropriations bills in the bill, only two were ever debated in the Senate. The conference report includes a miscellaneous division that contains 32 unrelated provisions, most of which have never been considered by the Senate.

There is not a single Member in this body who can say that he or she has read this bill. It contains complex and controversial matters. It contains an across-the-board cut of eight-tenths of 1 percent that arbitrarily reduces veterans medical care programs, health care programs, highway construction, and global AIDS programs.

At midnight last night, a 64-page small business reauthorization bill was put in the bill without consultation. It contains controversial matter that was not in the freestanding bill that the Senate debated over a year ago.

During the development of the appropriations bills this year, the House and Senate reviewed the President's budget carefully and, in some cases, approved provisions that moved the Nation in a different direction from that which the White House wanted. The White House issued veto threats on several of these issues.

The Senate provision to block the administration's overtime regulation which could eliminate overtime pay for 6 million Americans is dropped from the bill.

Provisions that were in both the House and Senate bills concerning Cuba trade are all gone.

The Senate provisions to overturn the Mexico City family planning policy and modify the Kemp-Kasten rules for funding the U.N. Population Fund have disappeared.

At midnight last night, at White House insistence, and through the intervention of the House Republican leadership, the language that would have required a fair competition before Federal jobs are contracted out was pulled from the bill.

Yet here we are on a Saturday, 51 days into the fiscal year, forced to vote on this monstrosity in the form of a $388 billion unamendable, unread conference report.

The bill is entitled "Consolidated Appropriations Act, 2005." It should be entitled "Lame Appropriations Act, 2005."

The Federal fiscal year started on October 1. While we have been waiting for the Republican leadership to bring appropriations bills to the floor, the country's schools, the country's hospitals, the veterans seeking health care, the FBI agents fighting terrorism, the construction workers wanting to build bridges and highways, the farmers, and the scientists across America have had to wait.

Why the delay? First, despite the fact that we have a Republican President, a Republican House, and a Republican Senate, our Republican Government could not produce a budget. We had a record deficit for fiscal year 2004 of $413 billion. This Bush deficit exceeded the deficit record that he set for fiscal year 2003 of $375 billion.

Yesterday the President signed a bill to increase the debt limit to a record $8.2 trillion—$8.2 trillion of debt, and yet we do not have a budget. Without a budget, the appropriations process was delayed. We are living in a land of make-believe.

For months, the Senate pushed aside work on appropriations bills to focus on political debates. We pushed aside the people's interest so party interests could take center stage before the elections, but in doing so we failed, once again, to get our job done. This is a lameduck Congress, but the lame politicking in this Senate started long before this week.

Time after time, we have put a hold on the investments in this Nation that every Senator knows we must make in order to put points on a political scoreboard, like this is some big game. But when we play games like these, the real losers are the American people.

Fifty-one days into the fiscal year and, once again—this is not the first time—once again, we have a mammoth, unamendable omnibus conference report in front of us. Sadly, it has become almost an annual ritual that we shackle ourselves with these omnibus monstrosities. It is not good—not good for the Senate, not good for the American people, not good for your political system. We did in 1996, 1997, 1999, 2000, 2001, 2003, and 2004.

When I was chairman from 1989 to 1994 and again in 2001, we produced 13 individual bills annually.

That is the way to protect Congress's power of the purse. That is the way to protect the American people. That is the way to respect Members' rights to debate important legislation. We should not go down this road again next year. The woolly mammoth became extinct ages ago. I hope one day that the same will be said for such mammoth appropriations bills.

The fact that we have such massive legislation on our desks tonight is not the fault of the chairman of the Appropriations Committee, the senior Senator from Alaska, TED STEVENS. He would have moved Earth and sky if it had meant finishing 13 individual appropriations bills on time. But not even his Herculean efforts could change the plain and honest truth of this Senate. Namely, when it comes to this Senate today, politics wins every time.

I would be remiss if I did not thank my chairman, my colleague, my friend, Senator TED STEVENS. This will be the final appropriations conference report that Senator TED STEVENS will guide through this Chamber, and how we will miss that fine, steady hand at the helm. While he does not leave the Appropriations Committee, thank God, he does leave the chairmanship after this session.

I thank him for his unflinching friendship over the years. We do not always agree, Senator STEVENS and I. No. I respect his views. I hope he respects mine. And the same can be said of the chairmen and ranking members of the appropriations subcommittees, both when this side is under control of the Senate and when this side is in the minority. At the end of the day, we always know that party is not the most important aspect of life. Faith in God, love of family, the Constitution and the country, Senator STEVENS knows, as I do, that these are far more important than the fate of a partisan agenda.

Because of the limitations placed on the Congress by the administration, more veterans will go without medical care. I have to say that this administration meddles in the appropriations process more than any other administration I have ever seen in my 46 years as a Senator, and as my 52 years as a Member of the Congress.

Fewer children now will receive the educational services promised by this President and this Congress in the No Child Left Behind Act. Scientists will be left scrambling for research dollars. Families living in rural America will see their clean water pushed off for another year. This bill shortchanges America's future, and I say to all Senators that because of the President's arbitrary limits on discretionary spending, $8 billion worth of increases above the President's budget request that were contained in the bipartisan Senate appropriations bill were eliminated.

Now, that is the White House meddling, a White House that does not seem to recognize that there is a Constitution of the United States; a White House that does not seem to recognize that there is a separation of powers; a White House that does not seem to remember that the legislative branch is not indeed subordinated to the executive branch. Relative to the Senate bills, title I education for the disadvantaged is cut by $661 million; special education by $658 million; the National Institutes of Health by $537 million; EPA clean and safe drinking water grants are cut by $312 million; VA medical care by $235 million; $975 million in cuts in public housing; $277 million is cut from the National Science Foundation and the effort to help communities to hire new police officers; the COPS program is cut by $154 million.

These are big numbers. Honestly, they probably do not mean much to people, but behind each dollar is an American citizen. Cuts to special education mean that fewer children with disabilities will receive the specialized services they need. Cuts to title I mean that young people living in poor school districts will have fewer classroom opportunities to brighten their paths to their future. Fewer dollars for COPS means fewer officers on the streets, the very time when crime is up and the terrorist threat is very real across America.

That brings us to where we are today. The legislation before us includes some increase above the President's request for such programs as veterans medical care, highways, low-income home energy assistance, State and local law enforcement, the manufacturing extension program, Amtrak and Corps of Engineers construction. However, I cannot vote for this Omnibus appropriations bill, and I extend my sincere apologies to my colleague, TED STEVENS. I honor him and I will always remember him as one of the very finest chairmen of the Appropriations Committees under whom I have served in my 46 years in this body, but I cannot vote for this Omnibus appropriations bill.

I intended this morning to vote for it. Omnibus bills bring the White House to the table and put them in charge. I have said that time and time again. Let me say it again. Omnibus bills bring the White House to the table and put them, the White House, in charge. Omnibus bills allow the White House to set arbitrary ceilings on spending. Omnibus bills preclude Members' rights to debate significant issues. Omnibus bills produce bad legislation, such as the ill-conceived language on giving staff authority to review tax returns.

Need I say more? No. I shall not say more. I will vote no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from West Virginia for his comments. He has been my good friend for a long time. He and I have worked together now through my 36 years in the Senate, and as he states, we have not always agreed, but we have always been able to work together in the spirit of friendship and real understanding. I really have great admiration for the Senator from West Virginia.

This is my swan song. I had expected to stand before the Senate and be proud of the product we have before us. I consider what happened in terms of the staff mistake a stain upon my service as the chairman.

Mr. President, H.R. 4818, the Foreign Operations Appropriations bill was the legislative vehicle for the fiscal year 2005 Omnibus appropriations bill.

The conference report includes $388.4 billion in discretionary funding for the following nine appropriations bills: Agriculture, Commerce-Justice-State, Foreign Operations, Interior, Energy and Water, Labor-HHS, Legislative Branch, Transportation-Treasury, and VA HUD.

Our fiscal year 2005 spending will be within the $821.9 billion discretionary cap.

The conference report includes an across-the-board cut of 0.8 percent for each appropriations bills.

This bill will provide the needed funds to keep this Government going for this fiscal year.

As my chairmanship of our Appropriations Committee draws to a close, I want to take a few minutes to acknowledge and commend some close friends and some of the hardest-working and most dedicated staff I have had the privilege to work with.

Let me begin with my good friend from West Virginia, our committee's ranking member, Senator BYRD, who has been a member of the committee since 1958. He and I have worked together throughout my 36 years in the Senate and it has been an honor to lead this committee with him since 1997. We have not always agreed, but we have always been able to put our differences aside and work toward the common good. I especially want to thank him for his efforts over the past year. We both had hoped and worked toward getting our appropriations bills across the floor on an individual basis. But, this was not possible. And, I want my good friend to know how much I personally appreciate his and his staff's cooperation in recent days as we've brought this process to a close. I will miss the partnership we have shared on this committee.

Chairman BILL YOUNG of Florida has been my partner across the Rotunda since 1999. He has become a good friend and ally in our steadfast efforts to complete our work. He, too, is stepping down from his chairmanship and I want to take this opportunity to thank him and his staff for their assistance and perseverance in getting our work completed. BILL has great respect for the institution that we serve and for his beloved House Appropriations Committee. His heart continues to be with the men and women of our Armed Forces. After the House recesses, he and his wife Beverly regularly visit wounded soldiers up at Walter Reed Medical Center. I hope BILL YOUNG will be returning as chairman of the Defense Appropriations Subcommittee. We will continue to work as a team dealing with modernization of our weapons systems, our military personnel programs, and the national security of this great country.

Over the years, I have had opportunity to work with DAVE OBEY as both chairman and ranking member of the House Appropriations Committee. Congressman OBEY and I have been on opposite sides of a number of issues, but I know of few Members who have his great intellect and passion. DAVE OBEY is a truly dedicated Member of Congress who cares about the institution, and the legislative process. He is a realist who gives his all in debate, but understands compromise and the need to move the business of Government forward.

I ask unanimous consent to have a chart printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FY 2005 Conference

[In millions of dollars]

	BA
Agriculture	16,982
Commerce, Justice, State	40,027
Energy and Water Development	28,488
Foreign Operations	19,705
Interior	20,039
Labor, HHS, Education	143,309
Legislative Branch	3,575
Transportation, Treasury	25,846
VA, HUD, Independent Agencies	93,861
Weatherization (division J)	230
Other items (division J)	107
Across-the-board 0.8 cut (division J)	3,471
Crime Victims Fund (limitation)	−283
Total discretionary spending	388,415
Requested emergencies:	
LIHEAP	300
Postal equipment	7
Sudan	93

Mr. STEVENS. Now, I would like to turn to the clerks of our subcommittees.

Pat Raymond has worked for me for more than three decades in the Senate and will be retiring at the end of the year. Pat began as my scheduler on my personal staff. She has supported me on the Governmental Affairs, Rules, and Appropriations Committees.

From flextime, to postal reform, to the Federal retirement system, and as staff director on this Agriculture Subcommittee, and earlier on the Treasury Subcommittee, Pat has never lagged in her dedication to hard work. Always thorough and precise, always a stickler for details, Pat's also well-known as a quick study.

Even more important than the attributes I have mentioned, has been Pat's loyalty to me personally, to this institution, and to our Nation. As an Alaskan, she understands the true "can do" pioneer spirit that has made it possible for her to accomplish even the toughest of challenges.

The Energy and Water Appropriations bill, in particular, was put together in record time. The product represents a truly remarkable accomplishment. It is comprehensive, yet elegant in its simplicity. It sets out an ambitious course for the Corps of Engineers, Department of Energy, and Related Agencies. With few words, it cuts through years of red tape. After reading the bill, the phrase "the Secretary shall" has become one of my favorite phrases in the English language.

Tammy Cameron, our majority staff director, Drew Willison, our minority staff director, and their able staff worked on a bipartisan basis and negotiate a bill with the House in 48 hours. They pulled a rabbit out of a hat I thought was long dead. Tammy just took on this new assignment 2 years ago having worked with Senator CAMPBELL on the Treasury Subcommittee. She has learned a complex subject matter in a very short time, and has earned the respect of the highest ranking generals in the Army. On behalf of Senator BYRD and the entire full committee, I want to congratulate Tammy and the entire staff and extend my heartfelt thanks. And, I hope when these proceedings are concluded, they will all go home to bed and sleep for a week.

Scott Gudes is one of those staffers who has become a member of my family. He keeps moving back into the house. Scott began with me on the Defense Appropriations Subcommittee working with Sean O'Keefe, where he learned with a real master. And he has used what he learned with Sean ever since.

He served for almost 5 years as deputy under secretary for Oceans and Atmosphere at NOAA, and worked as the acting NOAA administrator under secretary in 2001. I worked closely with him to resolve the Stellar sea lion crisis which threatened to close down Alaska's fisheries, and almost closed down the Senate. As many of my colleagues will recall, while others were drinking eggnog, Congress remained in session until days before Christmas while we resolved that crisis. Scott was instrumental in that effort, and helped administer the resolution we adopted.

He formerly worked for FRITZ HOLLINGS on the Commerce-Justice-State Subcommittee as well as on the House Foreign Operations Subcommittee. He has a reputation as a fair, even-minded problem solver, and has a heart for the world's oceans. As NOAA administrator, he had a reputation for rolling up his sleeves and working as crew on research vessels, and he has rolled up his sleeves for us.

The senior Senator from Pennsylvania often refers to Bettilou Taylor as the 101st, and for good reason. She has helped me craft new initiatives in Alaska to address health care, labor, and education. Just yesterday, I got a report on the Denali Commission clinic effort, a program Bettilou created. To give an example of the difference just one person can make, since she instituted this program, there are now 41 new health care clinics in remote villages in Alaska that had none, and another 67 in the planning stage and another 26 under construction. Because of

Bettilou and her staff, thousands of rural Alaskans now have health care where they had none before.

She is hard driving, but fair; creative but down to earth; demanding yet caring. She knows health policy and education probably better than any single person in the Senate including her subcommittee chairman, and she can run circles around her adversaries. The word "can't" is not in her vocabulary. I once described one of her bills as a "work of art." She is truly one of the Mona Lisa's of the Senate.

Mary Dietrich began with me on the Labor/HHS Subcommittee. She has worked now for several years as the clerk on the DC Subcommittee, and I think it is no small coincidence that the District's finances turned around about the same time Mary showed up. She has worked closely with the City government in helping them shepherd the city toward financial solvency, and has taken a particular interest in programs for children and the arts. At the staff level, she almost single handedly pushed through the DC voucher program that no one else thought had a chance of succeeding. But she persevered, and today hundreds of poor children are attending some of the cities best private schools. They will never know who Mary Dietrich is and will never be able to thank her, but today I say thank you on their behalf and on behalf of the Senate.

While Bono has led the public effort to address the worldwide crisis of AIDS/HIV, there is another rock star behind the scenes who has shaped our Nation's response to that crisis. Paul Grove has drafted dozens of provisions to improve the lives of people around the world from people living with AIDS and TB to children without limbs who receive wheelchairs. Together we have created a new program to bring fresh water to dozens of African villages which has changed thousands of lives each day.

Paul is a child of the Foreign Service and has lived across the globe, including 2 years with the International Republican Institute in Cambodia. Paul is quietly competent, but his actions speak loudly about the kind of person Paul is and the difference he has made in the world.

Rebecca Davies is a woman who has found her moment in history. Tough and uniquely qualified. Rebecca Davies has undertaken the task of helping create a whole new department of the government with the most important role of our time, protecting our Nation from terrorism. She formerly served as Deputy of the Appropriations Committee with service on the Budget Committee. I can probably count on one finger the number of people who have the knowledge of the Federal budget process that Rebecca Davies carries in her head.

She has worked on the Treasury Subcommittee, Agriculture Subcommittee and each time left her mark. Together we created a series of programs for rural America while she was at Agriculture from rural water and sewer programs to funding to reduce the high cost of energy to funds to address public facilities in poor rural communities. As a result of her efforts, the honey bucket, what used to be the primary sewer system in Alaska, will soon be the subject of a museum exhibit.

I rest better each night knowing that Rebecca Davies is looking out for our Nation's homeland.

Bruce Evans began his career on the Alaska scene with my former colleague, Slade Gorton. A product of the Senate, Bruce is known by all as a practical problem solver with a great wit and a "can do" attitude. Of all the subcommittees I have worked with, I have probably thrown as much at Bruce Evans as any staffer on my committee. From timber harvest to oil and gas development, if I am working on a controversial issue, you can bet Bruce Evans is finding the solution.

With Bruce's insight and quiet competence, together we have improved the lives of Alaska Natives from health clinics to alcohol treatment to fire fighting to save villages from destruction. And while I don't have a public reputation as an environmentalist, Bruce has worked quietly on my behalf to protect Alaska's wildlife. He created the State wildlife grant program funded this year at about $70 million, provided resources for research on wildlife from walrus to polar bears, provided the funds to take the Aleutian Canada goose off the endangered list, and restored Alaska's fisheries. Denali National Park is often called the crown jewel of the national park system. Bruce Evans is one of the crown jewels of the Appropriations Committee.

Carrie Apostolou began her career with me on the VA-HUD Subcommittee. Intensely organized and detail oriented, "slipping through the cracks" is something you never have to worry about with Carrie. She has shepherded the Capitol Visitor Center through the process, and is responsible for the unprecedented security improvements we all see everyday. When the Capitol Visitor Center opens in 2006, it will be a testament to Carrie's persistence.

Dennis Ward, came to our committee 2 years ago with a strong and wide ranging military background. He served in the Air Force as an officer for 18 years, taught political science at the U.S. Air Force Academy, and was a political affairs officer at the Ballistic Missile Defense Organization. He is diligent and tenacious and his abilities were evident to all of us when he worked fervently to complete action on the Military Construction Appropriations bill earlier this year. I look forward to a continued close working relationship with Dennis, as I continue my work on defense issues.

Jon Kamarck is one of the leading public housing experts in the Congress. He is known as a tough adversary, but kind and compassionate. He has exercised the committee's oversight responsibilities with vigor, and many an agency has trembled in its boots when Jon finds indifference or incompetence. He has a reputation for demanding compliance with the laws he helps write, because he is as passionate about good Government as he is about helping people. There is a kinder, gentler side of Jon Kamarck agencies don't always see but I have seen as he meets with Eskimo people with no running water or works with low income people living in squalor. If ever there was a staffer who embodied my personal motto it is Jon Kamarck: "to hell with the politics, just do what's right."

And last of all, but first among equals is Sid Ashworth. Sid knows more about the Department of Defense than just about any one I know. She is responsible for the largest annual budget of any department, and has overseen revolutionary changes in our national defense from smart bombs to stealth bombers. She has the daily burden of reading intelligence reports, living every day with the knowledge of the threats that plague us. A former Defense civilian from Hawaii, Sid has forged a close working relationship with Charlie Houy that mirrors my own relationship with Dan Inouye. Sid is a woman who operates in what is sometimes viewed by some as a man's world. She has broken through stereotyped, and is universally revered by secretaries and generals alike. She is innately fair, intensely dedicated, and fiercely loyal. I am glad I have her by my side every day.

I also want to acknowledge a few of the hardworking staff from the other side of the aisle. Terry Sauvain, Senator BYRD's staff director on our committee, has worked tirelessly along side of my staff to get our work done for the year. Terry has long been known as someone who is able to effectively work on both sides of the aisle. He is known as the master of West Virginia and my staff has learned a great deal from him since I became chairman in 1997.

Chuck Keiffer, Senator BYRD's minority staff director, also deserves my thanks. He came to the Appropriations Committee 4 years ago from the Office of Management and Budget and has vast experience on the fiscal issues. I want to acknowledge him and thank him for his assistance and service during my tenure as chairman.

And finally, I want to thank Charlie Houy, the minority clerk for the Defense Appropriations Subcommittee. Charlie has been with the Appropriations Committee for nearly 20 years, working for both the minority and majority. He is a consummate expert on defense issues and is well respected by those at the Department of Defense and his colleagues on the Hill. As chairman of the Defense Subcommittee, I look forward to continuing to work with Charlie and thank him for all of the hard work he has put in over the past year. I am proud to say he is my friend.

Mr. President, we deal with a lot of important and controversial issues in this body. Maybe nowhere is that more the case than on this Senate Appropriations Committee.

I have been fortunate to have had the opportunity to chair this committee with so much history and tradition. Senator BYRD has often reminded us of the historical context of this committee and our role which was specified by our Founding Fathers in the Constitution. And, I would be remiss if I did not note that I and all our members have been fortunate to have been supported by such outstanding professional staff.

I remember when Senator John C. Stennis was preparing to leave the Senate in 1988. And he attributed his long and distinguished career to just a few things. The first, was good staff.

So, I want to take a minute to recognize one such individual, our committee staff director, Jim Morhard. Jim is a consummate professional. He has truly done it all here on appropriations. He joined the committee after a career in the Navy Comptroller's office, and then in the Senate under Senators Wilson and Kasten. Jim staffed the military construction bill as both the minority and majority staff director. Jim worked on Defense Subcommittee and with some reluctance, answered my request for him to take over the Commerce-Justice-State Subcommittee. This is considered by many the most difficult of our 13 subcommittees to handle.

At Commerce-Justice-State, Jim Morhard distinguished himself working as "clerk" or staff director under Senator JUDD GREGG. Jim dealt with a variety of issues from Securities and Exchange Commission fees to NOAA fisheries programs to small business technical assistance. Long before September 11, 2001, Senator GREGG and Jim sought to wake up the Justice Department and FBI and enhance our counterterrorism programs. On September 11, many of those first responders had taken part in training in counterterrorism exercises that were put forward by our Commerce-Justice-State Subcommittee.

In early 2003, I asked Jim to move up and become staff director for the entire committee. There was no staff that I considered more capable or prepared. Jim has always carried out his tasks with tact, fairness and bipartisan spirit. He has great expertise at the technical aspects of the appropriations job. He can make "the numbers work" and draft the bill and report language. And, he has the creativity to critically analyze programs and policies and come up with compromises that move the institution forward.

I think about the same day Jim came on board, we began work on the first of two Iraq/Afghanistan supplementals. I think he has been working tirelessly ever since, shepherding through these bills and helping me get the 2004 and this 2005 omnibus appropriations bills through the Senate, through conference and to the President for signature.

The executive branch has countless programs to recognize employees and excellence. Unfortunately, we here in the legislative banch do not. But, one should not assume that we do not recognize personal and professional excellence when we see it. And, I want to express my appreciation to Jim on behalf of the committee and the entire Senate for a job well done.

THE BERING SEA NONPOLLOCK GROUNDFISH FISHERIES BUYBACK PROGRAM

Mr. STEVENS. Mr. President, as part of the fiscal year 2005 Consolidated Appropriations conference report there is a section that provides for a vessel buyback program for the Bering Sea/Aleutian Islands nonpollock groundfish fisheries. Senator MURRAY, is it your intention that section 219 of Title II of the 2005 Consolidated Appropriations conference report is only to provide for a non-pollock groundfish fishery capacity reduction program for catcher processor vessels engaged in these fisheries in the Bering Sea/Aleutian Islands?

Mrs. MURRAY. That is correct. Section 219 is intended to provide a vessel buyback program to be financed through a capacity reduction loan for this fishery.

Mr. STEVENS. It is my understanding that the North Pacific Fishery Management Council will develop the fishery management plans for the Bering Sea/Aleutian Islands non-pollock groundfish fisheries and nothing in this section should be construed to impede or change the council's development of these plans. Is this your understanding?

Mrs. MURRAY. Yes. This section should not be interpreted as requiring the North Pacific Fishery Management Council to rationalize these fisheries. In fact, nothing in this section should interfere with the council process with respect to development of fishery management plans for this fishery or any ongoing work of the council on fishery management plans or "rationalization" of other fisheries.

Mr. STEVENS. Senator MURRAY, there is language in this section that states that future amendments to the fishery management plans in the Bering Sea/Aleutian Islands should not "penalize" members of any catcher processor subsector for achieving capacity reduction under this act or any other provision of law. Could you explain in greater detail what this means? In particular, I want to make sure that nothing in this act would preclude the North Pacific Fishery Management Council from accommodating CDQ interests in future Bering Sea and Aleutian Islands non-pollock fishery management plans.

Mrs. MURRAY. Yes. This language does not prevent the North Pacific Fishery Management Council, National Marine Fisheries Service, or any other agency from enforcing any Federal law with respect to any member of this sector, including the conservation and management provisions of the Magnuson-Stevens Act. The act shall not prevent the council from raising the CDQ share of the harvest for this fishery consistent with past Bering Sea and Aleutian Islands rationalization efforts or as part of any eventual rationalization process. And finally, this reference to penalties should never be construed to prevent the council from implementing initiatives to reduce bycatch in this sector, which has historically had the highest bycatch rates in the Bering Sea/Aleutian Islands.

Mrs. MURRAY. Mr. President, over the last several hours, much debate has taken place regarding section 222 of division H of this omnibus appropriations bill. I wish to associate myself with the remarks of many of my colleagues that have insisted that this egregious provision be removed. And, I wish to thank the majority leader and minority leader for establishing a path forward that will ensure that this provision will never become law.

Under the agreement announced earlier by the majority leader, the entire conference report on the omnibus appropriations bill, once passed by the Senate, will be held at the desk and will not be forwarded to the President for his signature until the House has passed a correcting resolution that will nullify section 222. That correcting resolution will also be passed by the Senate today.

With that guarantee in place, and with the knowledge that section 222 of division H of the omnibus bill will never become law, I am pleased to vote in favor of the bill so that the people of my State and all other States can reap the benefits of the important programs funded in this bill.

Mr. KENNEDY. Mr. President, unfortunately, in the Omnibus bill, the Republican leadership blocked Senator HARKIN's amendment to repeal the administration's rule that denies overtime protections to 6 million workers. Bipartisan majorities in the House and Senate strongly supported the Harkin amendment and it was part of our Senate bill.

In fact, the Senate has voted four times to block the Bush overtime rule, and the House has voted twice to block it. Yet, the Republican leadership keeps refusing to accept the will of Congress and the will of the American people. Instead, it continues its unfair assault on America's workers and their right to overtime pay.

In today's economy, workers are obviously concerned about losing their jobs, their pay, their health benefits, their retirement benefits, and their unemployment checks. Now more than 6 million employees also have to worry about losing their higher pay for working overtime.

These men and women are nurses. They are police officers. They are school teachers. They are long-term care workers. They are assistants in mental health facilities.

Make no mistake, overtime cuts are pay cuts. When workers lose their overtime pay protection, they still work longer hours, but they get no extra pay for doing so, even though they have had the right to time-and- a-half pay for overtime work ever since the 1930s.

Clearly, we need a policy to create more jobs, not eliminate jobs. By taking away workers' right to overtime, the administration's rule undermines job creation, since it allows businesses to require employees to work longer hours for no extra pay, rather than hire new workers.

Pure and simple, denying overtime is a thinly veiled cut in workers' pay and boost employers' profits. In this troubled economy, it makes no sense to ask any workers anywhere in America to give up their overtime pay.

Instead of making hard-working men and women work longer hours for less pay, businesses should create new jobs by hiring more employees to do the work.

We know that employees across America are already struggling hard to balance their family needs and their work responsibilities. Requiring them to work longer hours for less pay will impose an even greater burden in this daily struggle.

According to the Families and Work Institute, two of the most important things that children would most like to change about their parents are that they wish their parents were less stressed out by their work, and they wish they could spend more time with their parents.

The General Accountability Office says that employees without overtime protection are twice as likely to work overtime as employees covered by the protection. In other words, businesses don't hesitate to demand longer hours, as long as they don't have to pay higher wages for the work.

Protecting the 40-hour workweek is vital to protecting the work-family balance for millions of Americans in communities in all parts of the Nation. The last thing Congress should be doing is to allow the new antiovertime rule to make the balance worse for workers than it already is.

Congress cannot look the other way while more and more Americans lose their jobs, their livelihoods, their homes, and their dignity. Denying overtime pay rubs salt in the wounds of this troubled economy. Denying the will of Congress and the American people in this Omnibus bill doesn't settle the issue. This battle is far from over. The fight will continue until workers' overtime rights are restored.

Mr. FEINGOLD. Mr. President, I oppose this omnibus appropriations bill. It has become something of an annual event to consider these massive, must-pass measures. Because this particular bill has come to us in the form of a conference report, we are unable to even offer an amendment to the legislation. Those who crafted this measure are, of course, fully aware that this bill is completely shielded, and as a result they were free to include numerous provisions that would certainly have generated amendments were they to come to the body in an amendable vehicle.

There are many questionable provisions, all of them safe from the scrutiny that the amendment process affords. There will be a few editorials written lamenting some of these provisions, but that will be it. Absent some extraordinary action by Congress, they will become law along with the rest of this measure.

Others will detail the billions of dollars of unauthorized, earmarked spending included in this bill. Let me just note that these questionable provisions come at a very real cost. First and foremost, by approving these provisions, Congress shirks its duty as stewards of the taxpayers' money. We have an obligation to our constituents to ensure that the money we levy in taxes is spent wisely.

Beyond that, by providing funding for these unauthorized, earmarked programs, we are diverting funds from areas that our constituents have told us are true priorities. I am deeply concerned, for example, about the level of funding provided for the National Institutes of Health, NIH. Providing an increase of less than 3 percent is not sufficient to maintain the current pace of biomedical research.

I am pleased to have supported successful recent efforts to double the NIH budget, and abruptly slowing the growth of the NIH will undermine the progress that has been made through this doubling. It is important that we provide NIH with the funding it needs to ensure that we receive the extraordinary health and economic benefits that this vital biomedical research provides.

At a time when our country is facing increases in the number of people diagnosed with serious, costly diseases such as cancer, Alzheimer's disease, heart disease and diabetes, as well as an ever-present bioterrorism threat, biomedical research needs to be a national priority, and as such it needs to be adequately funded.

Devoting billions of dollars to unauthorized special interest earmarks also means less funding for our children. Again this year, Congress and the administration have underfunded elementary and secondary education programs. As schools around our country settle in to their third year under the No Child Left Behind Act, NCLB, we will pass an appropriations measure that does not give states and districts the funding that we promised them in exchange for higher accountability standards. The law requires that States and districts comply with NCLB as a condition of receiving funding, yet we are not providing them the promised resources that will help them to succeed. And I am concerned that the NCLB accountability structure will sanction schools that fail to meet adequate yearly progress despite the fact that Congress is not providing these important resources.

In addition, just 1 day after the Senate and the House passed the conference report reauthorizing the Individuals with Disabilities Education Act, we will pass an omnibus spending bill that underfunds the fiscal year 2005 authorization level contained in that very conference report.

Again we are failing to provide the full 40 percent of special education costs promised to the States when IDEA was enacted in 1975, and, ironically, we are doing it 1 day after telling States that the IDEA conference report puts them on the path to full funding in 6 years. The IDEA reauthorization conference report authorized $12.3 billion for fiscal year 2005, and the omnibus spending bill before us contains $11.5 billion for this purpose. Thus, before the ink on the IDEA conference report is even dry, we are already breaking a promise contained in it to the tune of more than $800 million.

I regret that the Senate missed an opportunity earlier this year to make special education spending mandatory, and I regret that the well-intentioned authorization levels in the IDEA conference report are becoming little more than an empty promise 24 hours after the Senate and the House agreed to these funding levels.

As bad as what is in this omnibus appropriations bill is what is not in it. The administration was again successful in blocking language included in the both the House bill and the committee-passed bill in the Senate that would have reversed the harmful provisions of the Department of Labor's new overtime rule. Despite repeated bipartisan opposition to this rule in both houses of Congress, the small group of

Members who drafted the omnibus conference report stripped out these provisions, which would have prevented millions of workers from losing their overtime benefits under the Bush Administration's rule. I am disturbed that—for the second year in a row—an omnibus appropriations conference report was used as a vehicle to override the will of a majority of Members of both houses with respect to this harmful rule.

And, I am disappointed that the conferees chose to delete language that would have halted the administration's campaign to contract out additional Federal jobs to the private sector. Federal employees should have the right to compete for their jobs on a level playing field.

In addition, I continue to oppose the Administration's efforts to reclassify thousands of jobs that are critical to our national security as not "inherently governmental" in nature in order make these jobs eligible to be contracted out.

I also want to especially note that because this omnibus appropriations bill comes to us in an unamendable form, there will not be a rollcall vote on the automatic, back door Member pay raise. As my colleagues know, that issue is germane to the Treasury-Transportation Appropriations bill and thus an amendment forcing a vote on the Member pay raise can be offered to that bill without being subject to a point of order. But, because the Treasury-Transportation bill has been folded into this omnibus package, no one will be able to offer an amendment to force a vote on what will be a roughly $4,000 pay raise that is scheduled to go into effect in January.

This is not the first time the Member pay raise has been shielded in this manner. In one instance, the Treasury-Postal bill was slipped into the conference report on the Legislative Branch appropriations bill, and thus completely shielded from amendment. And during 2002, the Senate did not consider the Treasury-Postal bill at all.

This makes getting a vote on the annual congressional pay raise a haphazard affair at best. And it should not be that way. No one should have to force a debate and public vote on the pay raise. On the contrary, Congress should have to act if it decides to award itself a hike in pay. This process of pay raises without accountability must end. I have introduced legislation to do just that, but until that legislation is enacted, Senate leadership should not shield the Treasury-Transportation appropriations bill from amendments.

Finally, let me join others in expressing my concern about inclusion of a provision in this bill that could reduce access to the full spectrum of reproductive health services. This provision is far too controversial to be shoved into a must-pass Government spending bill, especially when the committee with jurisdiction did not have a chance to consider it and the Senate did not have a chance to debate it.

Mr. President, the appropriations process needs reform. I have been pleased to join the Senator from New Mexico, Mr. DOMENICI in advocating biennial budgeting, and certainly we need to seriously consider that reform. I have also joined with my good friend, the Senator from Arizona, Mr. MCCAIN, in advocating a change to Senate rules that would permit points of order to be raised against many of these extraneous, unauthorized earmarks, and this body should seriously consider that reform as well.

The Senate needs to act on those reforms and others before we consider another one of these giant, must-pass omnibus appropriations bills.

Mr. GRAHAM of South Carolina. Mr. President, I want to concur with the statement issued earlier by Chairman GRASSLEY of the Senate Finance Committee regarding section 222 of this bill.

I don't understand the reasoning or motivation behind this provision. But it is clear that it could be easily abused.

This is a great example of how the process is inadequate in terms of passing legislation without legitimate input from the Members of this body.

The thought of an individual Member of a legislative body, including this one, having access to tax records of individual Americans is unacceptable and must be changed; but equally importantly the process needs to be changed.

I am not attributing bad motives, but this must be changed and I take the chairman of the Appropriations Committee at his word that it will be changed.

We need to change this process to ensure mistakes like this are not made in the future.

Mr. BINGAMAN. Mr. President, I would like to briefly express my concern with section 205(d) of the Energy and Water Development Appropriations Act. This subsection addresses endangered species issues in the Middle Rio Grande in New Mexico.

These issues, particularly in the midst of an ongoing drought, have been very controversial in my home State. Over the last year or 2, however, there has been a commitment by the diverse stakeholders and interest groups in the Middle Rio Grande region to cooperate on creative approaches that would address endangered species needs. These approaches all have the goal of balancing the need for environmental restoration with a recognition of the need to protect the interests of water users who are dependent on the limited supply provided by the Rio Grande.

One thing that has helped to foster this cooperative approach is to fully and completely discuss the different issues facing the stakeholders. This process has included legislation. Last year, the New Mexico delegation collaborated on a legislative provision that was a response to a controversial court decision affecting water use in the Middle Rio Grande. While this effort was not without some controversy, the end product was the result of much discussion and debate, and seemed to be accepted, even embraced, by most of the stakeholders.

Section 205(d) of the Energy and Water bill, while somewhat innocuous on its face, undermines the practice of full disclosure and debate. The provision provides the biological opinion controlling water operations in the Middle Rio Grande, with full protection from legal challenge for a period of 10-years—the effective timeframe of the opinion. In last year's appropriation bill, we provided a maximum of 2 years of protection, which was the most controversial aspect of the provision.

I am concerned that this provision, that will most certainly be enacted into law without any notice or significant comment, may disrupt the cooperative environment that has developed over the last few years. If so, it would be a most unfortunate turn of events. The biological opinion, at least up until now, appears to be effective in allowing water use in the Middle Rio Grande to continue without jeopardizing the existence of the endangered species in the region. That is a positive step. Moreover, given the progress being made and the cooperative methods being employed, section 205(d)'s 8-year extension of a controversial provision, is an unnecessary distraction at this point in time.

I yield the floor.

Mr. CORZINE. Mr. President, I want to address a troubling provision in the Criminal-Justice-State, CJS, Appropriations bill, contained in the omnibus, that applies to any nonprofit legal services organization receiving funding from the Legal Services Commission, (LSC). This "private money restriction" precludes these nonprofits from using any of their private funds—including individual donations, foundation grants, and State and local government funds—for any non-LSC-qualified services.

The private money restriction places an unfair and costly burden on private and other non-Federal funds dedicated to helping families in need. As a result of the private money restriction, most civil legal services providers are forced to stop providing non-LSC-qualified services altogether. Many of the most vulnerable individuals and families—such as certain legal immigrants, including some battered women and children, mothers in prison trying to maintain visitation and custody of their children, and elderly homeowners seeking to file class actions to protect themselves from predatory lenders—find themselves without access to legal services at all.

LSC has attempted a "fix" for this problem by allowing organizations to use their own private funds for non-LSC-qualified services only if they create physically separate nonprofits with separate staff, offices and equipment. Wasting scarce private resources on duplicate staff and offices adds significant costs and results in fewer families being served.

Congress can provide a real "fix" for this problem by amending the CJS Appropriations bill to treat the privately funded activities of legal aid nonprofits equally with the privately funded activities of other nonprofits. In particular, we can require LSC grantees to abide by the same longstanding rules promulgated by the Office of Management and Budget for nonprofit grantees of Federal agencies and by the IRS for all nonprofit 501(c)(3) and (c)(4) organizations, as well as new rules promulgated by the Bush administration for faith-based groups. These rules authorize nonprofits receiving Federal funds to engage in various privately funded activities without requiring them to maintain physically separate entities with separate staff and equipment.

Under this alternative approach, the restrictions on Federal LSC funds would still apply, whether one agrees with them or not, but they would allow local providers and donors to use private money to serve their communities as they see fit. I hope that in future discussions about the CJS Appropriations bill, we can consider this alternative approach to the problems that this bill will create for America's families and service providers.

Mrs. MURRAY. Mr. President, I am pleased to see that Section 219 of Title 2 of this Act includes the statutory language necessary to authorize and implement a Non-Pollock Groundfish Fishing Capacity Reduction Program for the catcher processor sector of the Bering Sea and Aleutian Islands SAI This program represents a positive step forward for the Puget Sound-based commercial fishing industry. Passage of this Act concludes more than a year-long effort to craft an appropriate capacity reduction program for the catcher processor sector of the BSAI non-pollock groundfish fisheries.

Reducing capacity in these fisheries will improve the ability of the North Pacific Fishery Management Council to manage the groundfish stock and contribute to the long term economic viability of the many businesses and people involved in the harvesting, processing and delivery of the highest quality seafood products to consumers. This is important not just to the fishermen who take such great risks up in the frigid waters of the North Pacific, but to the myriad of small businesses throughout the Puget Sound region that support this industry: ship repair yards, equipment suppliers, insurance brokers, transportation companies, and marketers.

My predecessor, Warren Magnuson, set out 24 years ago to put in place a system to Americanize and manage our nation fishery resources. His hard work and vision, championed also by a young Senator from Alaska, Ted Stevens, led to the innovative regional council structure we know today. I am proud that the North Pacific Council has managed the fisheries in its jurisdiction so successfully that it is singled out in this country as a model for maintaining sustainable fisheries.

Despite the success of the North Pacific Council in maintaining healthy fish stocks, there have been problems in the region as a result of overcapacity in the fishing fleets. The North Pacific Council has addressed many issues to help prevent overcapitalization, including license programs and limited entry requirements, but once there are too many fishing vessels it becomes a very challenging problem. These are situations where development of fisheries has outpaced the ability of the resource to support, either biologically or economically, the fleets of fishing vessels built to harvest this national resource. There is a Federal nexus here, when overcapitalization is the result of Federal programs or Federal management decisions. Congress has a record of stepping in when needed to assist in resolving these problems, and this Act follows the American Fisheries Act, the West Coast Groundfish Buyback, and the Crab Buyback in the North Pacific.

I disagree with those who say that this is a problem caused by the fishermen alone, and that they should bear the brunt of any economic consequences of an overcapitalized fishery. Yes, they do have responsibilities, and this bill makes them part of the solution. It is the remaining fishermen who will be responsible for repaying the loans used to reduce capacity in the fleets. That is an investment from them to preserve their future in these fisheries, and it will contribute to the broader economic stability of the Puget Sound region.

I must add that fisheries legislation is never easy to draft. It is a very technical subject overlaid with the very lively history of participants in the fisheries. As Maggie noted on the eve of passage of the original fisheries management act:

> We cannot satisfy everybody. I know fishermen pretty well. They are pretty hard to get to agree on a lot of things. They are independent people.

This sentiment remains very much true today. We have worked hard to accommodate a variety of perspectives in this bill, and I am satisfied that the results are positive.

The Non-Pollock Groundfish Fishing Capacity Reduction Program for the catcher processor sector of the BSAI authorized in this Act is a legitimate use of Federal resources to restore balance in these fisheries and to promote their long term viability. I look forward to working with the people in the fishery and representatives from the National Marine Fisheries Service and the North Pacific Council to implement this program consistent with the intent of Congress.

The purpose of this program is to reduce excess harvesting capacity in the catcher processor sector of the BSAI non-pollock groundfish fisheries. Reducing excess harvesting capacity will contribute to the future rationalization and long term stability of these fisheries. This statement is intended to clarify certain provisions contained in the Act and to facilitate its prompt implementation.

Subsection (a) provides definitions relevant to this Act and defines the four subsectors participating in the capacity reduction program: AFA trawl catcher processors, longline catcher processors, non-AFA trawl catcher processors, and pot catcher processors.

Subsection (b) authorizes a $75 million capacity reduction program for the BSAI non-pollock groundfish fisheries.

Subsection (c) allocates the $75 million in loan authority among the four catcher processor subsectors to reflect their relative participation in the non-pollock groundfish fisheries: $36 million to the longline catcher processor subsector; $31 million to the non-AFA trawl catcher processor subsector; $6 million to the AFA trawl catcher processor subsector; and $2 million to the pot catcher processor subsector. In the event any of the subsectors does not use the funds allocated to them by January 1, 2009, then any remaining funds roll over to a fund available to all four subsectors.

Subsection (d) establishes the basic contractual relationship between members of a subsector who choose to participate in a capacity reduction plan by agreeing to sell their license, their vessel, or both, to the Federal Government. Before the Secretary may disburse funds, a seller must enter into a binding reduction contract with the Federal Government, subject only to approval of a capacity reduction plan pursuant to a referendum described in subsection (e). The binding reduction contract must include provisions governing revocation of all Federal fishing licenses, fishing permits, and area endorsements issued for a vessel, and if relevant, the scrapping of a vessel, that is purchased through a capacity reduction plan authorized by this Act. It is intended that licenses currently attached to a vessel and all associated vessel catch history will be retired.

It is anticipated that the subsectors will use their loan authority to reduce both active and latent capacity. The importance of encouraging the elimination of latent licenses is to prevent the re-capitalization of the fishery from within the fleet. The August 2004 Department of Commerce report on addressing overcapitalized fisheries, U.S. Action National Plan of Action for the Management of Fishing Capacity, identifies latent capacity as a serious problem to be addressed in capacity reduction programs. The report cautions that simply targeting active vessels with large catch histories may result in ctivating the latent boats and licenses, and frustrating the intent of the buyback effort. Unless latent capacity is addressed, the goal of the Non-Pollock Groundfish Fishing Capacity Reduction Program will be undermined.

When dealing with active capacity, a participant will sell both a vessel and its qualified licenses. However, when eliminating latent capacity, there may be circumstances where only a license is purchased through the capacity reduction program. This could occur when a vessel has sunk or was otherwise destroyed by fire or accident, and is not presently active in the BSAI non-pollock groundfish fisheries. There also will be circumstances where vessels have little or no catch history, but have qualified for a license. In this situation such vessels and licenses represent another form of latent capacity and should be targeted in specific capacity reduction plans. In some cases there may be no current vessel named on a qualified license. The price paid to purchase such licenses associated with a sunk or destroyed vessel is expected to be less than the price paid for an active vessel and its licenses.

Subsection (e)(1) establishes a framework within which individual subsectors may develop capacity reduction plans. This includes a fee system that will repay the full amount of a capacity reduction loan amount in a timely fashion. The subsectors may use negotiations, bidding systems, a reverse auction, or other methods appropriate for identifying excess capacity to be reduced. This flexible approach is intended to utilize the knowledge and incentives of the participants in a subsector to develop capacity reduction programs that maximize the elimination of excess fishing capacity at the least cost and in the shortest time.

Subsection (e)(2) authorizes the Secretary of Commerce to review and approve capacity reduction plans devised by each subsector. Once a subsector completes its capacity reduction plan, it is submitted to the Secretary for review to determine consistency with this Act. Subsection (e)(2)(A–E) sets forth the requirements for Secretarial approval. To approve a subsector capacity reduction plan, the Secretary must determine that plan is consistent with the requirements of subsection (b) of section 312 of the Magnuson-Stevens Act, with certain exceptions spelled out in this Act. Each subsector plan must include a fee system for full and timely repayment of the loan, and must achieve the maximum sustained reduction in fishing capacity for the least cost in the minimum amount of time. Maximum sustained reduction may be demonstrated through a showing that the vessels and licenses to be purchased will achieve the greatest reduction in harvest capacity through use of the loan authority available to a subsector. Data related to vessel catch history and performance capabilities may be used to satisfy this provision.

Subsection (e)(2)(E) expressly allows subsectors covered by this Act to upgrade their vessels to achieve efficiencies in fishing operations. This provision does not alter the existing statutory or regulatory restrictions on vessel length, tonnage or horsepower. The North Pacific Council retains authority to tailor vessel upgrades to meet the goals of fisheries management plans within its jurisdiction.

Subsection (e)(3) authorizes the Secretary to oversee referenda by each subsector to approve capacity reduction plans and requires the Secretary to notify subsector participants of an upcoming referendum. Following secretarial review and approval of a subsector capacity reduction plan, the Secretary is required to notify, to the extent practicable, all members of the subsector affected by such plan. The Secretary notice will include information on the proposed fee system, the schedule, procedures, and eligibility requirements for participation in a subsector referendum, and an estimate of the capacity to be reduced. This is purely a notice requirement—not a rulemaking—and it is not required to be published in the Federal Register.

Subsection (e)(4)(A) authorizes the Secretary to implement the individual subsectors capacity reduction plans. Within 90 days after a successful referendum, the Secretary is required to publish in the Federal Register a notice that includes the specific terms and conditions governing the purchase of licenses and vessels and a description of the fee system established for repayment of the loan. This is not a rulemaking. The purpose of this notice is to provide a public record of what has been purchased and how the loan is to be repaid.

Subsection (e)(4)(B) expresses the intent of Congress that Section 312(e) of the Magnuson-Stevens Act not apply to the capacity reduction plans governed by this Act.

Section (e)(5) establishes the authority of the Secretary to collect fees from the remaining members of a subsector necessary to repay the debt obligations incurred as a result of an approved capacity reduction plan. It is intended that the Secretary exercise this authority through regulations that will govern the fee collection system and ensure that the Federal Government can collect such fees. These regulations will bind the remaining members of a subsector and obligate them to repay the capacity reduction loan. Revenues to cover the loan repayment fees will be derived from the sale of fish harvested in the BSAI non-pollock groundfish fisheries.

Subsection (f) establishes the required actions by entities other than the Secretary to impose restrictions on vessels, revoke licenses and associated fishing rights, and scrap vessels. Subsection (f)(1)(A) requires the National Vessel Documentation Center, at the request of the Secretary, to revoke any fishery endorsements issued to a vessel under section 12108 of Title 46, U.S.C. It is expected that the National Vessel Documentation Center will annotate each buyback vessel documentation with language provided by the Secretary to notify future purchasers that they will not be able to receive any fishery endorsements. Subsections (f)(1)(B and C) require the Maritime Administration to restrict a vessel to U.S. flag status and refuse to grant approval for foreign registration or operation under foreign authority by such vessel. Subsection (f)(2) requires that vessels purchased under this Act designated for scrapping conform to the procedures established for a reduction vessel under section 600.1011(c) of Title 50, CFR. Scrapping of vessels pursuant to this provision shall be overseen by the National Oceanic and Atmospheric Administration—NOAA—and performed consistent with NOAA requirements. The cost to scrap a vessel will be paid by the buyback participant.

Subsection (g)(1) specifies the eligibility criteria for participation in the BSAI Non-Pollock Groundfish Fishing Capacity Reduction Program. It also limits participation in the BSAI non-pollock groundfish fishery to ensure the goal of capacity reduction is achieved.

Subsection (g)(2) expresses the sense of Congress that the North Pacific Council continue with its efforts to rationalize the BSAI non-pollock groundfish fisheries. This statement is intended to reinforce the Council commitment to adopt such management measures necessary to promote stability in these fisheries. This includes final action in a timely fashion on Amendments 80a and 80b, and the development and approval of sector allocations for the BSAI Pacific cod fishery. It is the understanding of Congress that the North Pacific Council will take final action on Amendments 80a and 80b by the fall of 2005, and adopt BSAI Pacific cod sector allocations by the end of 2005. Amendments 80a and 80b are particularly important to the non-AFA trawl catcher processor subsector as this fleet seeks to comply with the North Pacific Council pending Improved Retention/Improved Utilization—IR/IU—requirements. It is essential that the North Pacific Council take final action on Amendments 80a and 80b prior to implementing new IR/IU requirements.

Subsection (g)(2)(B) makes clear that subsectors who eliminate excess capacity through a capacity reduction plan authorized by this Act not be penalized by the North Pacific Council. This provision is intended to discourage the Council from reducing a subsector BSAI non-pollock groundfish allocations as a result of that subsector reduction of fishing effort through programs authorized under this Act. This does not preclude the North Pacific Council from exercising its authority to manage these fisheries, including taking actions to address bycatch concerns or changes in stock levels. In addition, this Subsection would not prevent the North Pacific Council from raising the CDQ share of the harvest for this fishery consistent with past Bering Sea and Aleutian Islands rationalization efforts or as part of any eventual rationalization process.

Subsection (h) requires the Secretary to report annually to the relevant Congressional oversight committees on the implementation of this Act. Reports shall include details on the individual capacity reduction plans, an assessment of their cost-effectiveness, and the achievement of the goals set forth in section 312(b) of the Magnuson-Stevens Act.

Ms. SNOWE. Mr. President, I comment on the portion of the Consolidated Appropriations Act of 2004 that reauthorizes the Small Business Administration. Of particular importance to me is the inclusion of many aspects of my prior bills, the Small Business Administration 50th Anniversary Reauthorization Act of 2003, S. 1375, which was approved by the Senate on September 26, 2003 by unanimous consent, and of my more recent SBA bill, the Small Business Reauthorization and Manufacturing Assistance Act of 2004, S. 2821. These provisions reauthorize for 2 years the programs administered by the Small Business Administration under the Small Business Act and the Small Business Investment Act of 1958, and contain significant improvements to the SBA's lending and technical assistance programs.

For over a year, I have worked with the House Small Business Committee and the administration, making numerous attempts to accommodate my colleagues and to resolve outstanding issues that blocked the passage of a comprehensive bill. Various forms of my original bill have been introduced over this period in order to help move the other body's stalled legislation, while in the meantime our Nation's small businesses have waited to receive the benefits of improved SBA services that are contained in this bill.

The vast majority of businesses in each State in this country are small businesses. In Maine, 98 percent of businesses are small businesses. By enacting these provisions Congress is fulfilling its obligation in helping our entrepreneurs reach their American dream.

The SBA is a vital resource not only for our Nation's 25 million small businesses, but also for the millions of Americans relying upon small business ownership as an alternative to the "traditional workplace" where corporate America once offered life-long futures for workers.

The SBA's fundamental purpose is to "aid, counsel, assist, and protect the interests of small-business concerns." The methods for carrying out Congress mandates include a wide array of financial, procurement, management, and technical assistance programs tailored to encourage small business growth and expansion. As the economy continues to recover and grow, it is essential that Congress send a message that affirms long-term stability in the programs the SBA provides to the small business community.

In the 50-year period since the establishment of the SBA, there have been many revisions and additions to the methods and organizational structure used by the SBA to respond to the evolving needs of small business. This bill builds upon those changes creating a stronger foundation for the SBA to deliver its programs.

Since 1953, nearly 20 million small business owners have received direct or indirect help from one of the SBA's lending or technical assistance programs, making the agency one of the government's most cost-effective instruments for economic development.

The SBA current loan portfolio of more than 200,000 loans, worth more than $45 billion, makes it the largest single supporter of small businesses in the country. Last year alone, lenders have made 83,912 loans to small businesses in the SBA's two major loan programs, with a total value of $16.5 billion.

Moreover, the SBA Small Business Investment Company program's current portfolio of more than 16,900 financings with an initial investment amount of $17.2 billion makes it the largest single equity-type backer of U.S. businesses in the Nation. Since 1958 the venture capital program has put more than $42.3 billion into the hands of small business owners, and this year it has produced investments of more than $2.6 billion in small businesses.

The SBA estimates that in the last fiscal year its loan and venture capital programs have provided small businesses with $19.7 billion in various forms of financing, enabling small businesses to create or retain 716,144 jobs.

In my home state of Maine alone, almost 2,500 SBA loans have been provided since 1999, for a total of over $288 million, to small businesses that might not have qualified for loans through alternative channels. These loans are critical to providing capital to small businesses in every state and now more will be available to them for supplying this country with additional production, jobs, and income.

Through a great deal of hard work, many aspects of S. 1375 that improved the SBA's largest loan program—the 7(a) program—were included in the omnibus package. To give you some examples, a National Preferred Lenders Pilot Program will be created, in which lenders already operating as Preferred Lenders in the 7(a) program in many districts can be granted Preferred Lender status on a nation-wide rather than district-by-district basis, thereby greatly increasing the program's efficiency. The maximum size of 7(a) Express loans have been increased from $250,000 to $350,000 and the maximum 7(a) guarantee is increased from $1 million to $1.5 million.

The SBA 504 loan program, which supports real estate and machinery investments, will also benefit. The maximum 504 guarantee, previously $1 million, is increased to $1.5 million for a general 504 guarantee and $4 million for a guarantee that supports a manufacturing project. For a loan that supports one of the nine "public-policy" goals named in the Small Business Investment Act of 1958, the maximum guarantee is increased from $1.3 million to $2 million.

Let me share some additional highlights of the provisions that are included.

As Chair of the Senate Committee on Small Business and Entrepreneurship, co-chair of the Senate Task Force on Manufacturing, and Senator from a state with a rich manufacturing history, I am keenly aware that our nation's economy and security depends on our industrial base.

Unfortunately, manufacturing jobs in the United States have declined since their historic peak in 1979 and that loss has accelerated in recent years. Small business manufacturers constitute over 98 percent of our nation's manufacturing enterprises. It is impossible to overstate the role of small manufacturers within the overall manufacturing industry and our nation's economy.

The bill includes a section that derives from S. 1977, the Small Manufacturers Assistance, Recovery, and Trade, SMART Act, which I and original cosponsor Senator GEORGE V. VOINOVICH introduced on November 25, 2003. Specifically, it establishes a Small Business Manufacturing Task Force within the Small Business Administration, charged with ensuring that the administration is properly addressing the particular needs of small manufacturers.

I am also particularly pleased that the Omnibus bill contains $109 million for the Manufacturing Extension Partnership, a cost-effective, public-private partnership that helps small and medium-sized American manufacturers modernize to compete in the demanding global marketplace.

The MEP's funding had been drastically reduced in 2004, dropping to $39.6 million from a previous level of $106 million. Those drastic cuts threatened to destroy the MEP program, which is relied upon by small manufacturers across our nation.

At a time when these manufacturers are facing an unprecedented level of competition from across the globe, it is vital that we continue to provide them the tools and resources that allow them to remain competitive and to continue to provide well paying jobs to millions across our country.

For our veterans who give so much to our nation and who continue to take risks on the battlegrounds of the business world, the bill includes language that I originally included in S. 1375, extending the Advisory Committee on Veterans Affairs as a separate entity to continue its functions through September 30, 2006.

The Advisory Committee responsibilities include providing better assistance and support to veterans who are forming and expanding small businesses, and providing advice to Congress and the Small Business Administration on policy initiatives to promote veteran entrepreneurship.

With this legislation, Congress is also taking important steps towards fulfilling its promises to pry open the doors of public procurement for small businesses. Small entrepreneurs continue to face persistent barriers in accessing government prime contracts and subcontracts. Many of these barriers have been erected in the middle of the very programs designed to assist small entrepreneurs who are socio-economically disadvantaged or who do business in Historically Underutilized Business Zones. Therefore, it has been no surprise that the Federal Government has never come close to satisfying its statutory HUBZone prime contracting goals.

Among other items taken from my earlier SBA bill, S. 2821, this bill expands the definition of HUBZone-eligible firms to promote inflow of capital to HUBZone areas, tap the potential of small agricultural cooperatives, and place tribally-owned HUBzone firms on equal footing with other participants. It also extends the HUBzone program to military base closure areas such as the former Loring Air Force Base and protects companies located in rural HUBZone areas like Aroostook County, ME, from losses of their HUBZone status due to area redesignations. Duplicative paperwork burdens imposed on 8(a) firms trying to do business with state and local governments are also being lifted.

Mr. President, I would also like to comment on the funding levels provided for the SBA in this bill. Since FY 2001, funding for the SBA has decreased by more than 32 percent, the largest decrease of any agency funded with discretionary spending. I understand the need to be particularly fiscally responsible this year, given the size of the deficit, but such a large cut to programs that focus on creating jobs is a mistake.

The funding included for the SBA Microloan program will provided entrepreneurs with a source of financing when no other options are available. With over $27 million in loan provided through this program last year, I am satisfied that the bill closely reflects my funding request.

I am pleased with the funding levels provided for the SBA technical assistance programs, especially the funding provided for the Women's Business Center program. During this Congress, I worked with the administration and the House of Representatives to pass legislation that would sustained funding for the most experienced centers.

With women-owned firms generating almost $2.5 trillion in revenues and employing more than 19 million workers, they are the fastest growing segment of today's economy. In my home state of Maine alone, more than 63,000 women-owned firms generate more than $9 billion in sales. The funding included in this bill for these centers ensures that there are resources available to continue creating success stories for America's women entrepreneurs.

I am deeply concerned that the final Omnibus bill did not reflect the Senate bill and include funding for the SBIR and STTR programs of $2 million and $250,000 respectively. These programs facilitated over $1.5 billion in government research and development grants to small businesses. Moreover, since the inception of the program in 1982, SBIR firms have produced more than 4,100 patents. Without the funding for these programs not only do our small businesses suffer but so does our nation. These programs capitalize on the small business sector's innovative potential. Technological innovation creates jobs, improves our way of life, and helps American companies maintain their competitive advantage.

I applaud America's small businesses that continue to rise to the challenge of keeping this country innovative and strong. Three to four million new business start-ups each year and 1 in 25 adult Americans accept the risks of starting a business. Today's small business owners are making plans for tomorrow, including decisions that will create approximately two-thirds of all net new jobs helping to sustain local communities, according to a recent National Federation of Independent Business survey.

Over the last 5 years the SBA's programs and services have helped create and retain over 6.2 million jobs. According to the SBA, the $65.5 billion awarded to small businesses in Federal prime and subcontracts in FY 2003 will create or retain close to 500,000 jobs. This bill should bring about similar or even greater results in the next few years.

Too much was at stake for small businesses, and the economy as a whole, to allow SBA reauthorization to languish. It was time for Congress to find essential agreement and fulfill its obligation to America's small businesses. Clearly, if we strove for anything less, we'd have failed to support the backbone of our economy, our hope for innovation and new technology, and our small firms that employ millions across the nation.

Again, I thank my colleagues who joined me in supporting this crucial legislation, thereby bolstering American small businesses and protecting Americans' dreams.

Mr. President, Division K of H.R. 4818, the Consolidated Appropriations Act for 2005, contains the Small Business Reauthorization and Manufacturing Assistance Act of 2004. Since the Act was incorporated directly into the Consolidated Appropriations Act for 2005, no committee report accompanies the legislation.

As Chair of the Senate Committee on Small Business and Entrepreneurship, I am submitting for insertion in the Record, the attached explanation of Division K. I would expect the administrator of the Small Business Administration, in implementing the provisions of this act, to accord the enclosed explanation the same weight in divining congressional intent that the administrator would give to language in a conference report. This expectation is particularly appropriate in this circumstance because the provisions were negotiated and agreed to in cooperation with my counterpart in the United States House of Representatives.

The Small Business Administration 50th Anniversary Reauthorization Act of 2003, S. 1375, is a bill to reauthorize most programs at the SBA for Fiscal Years 2004, 2005, and 2006. Additionally, the bill makes changes to various existing programs and authorizes several new pilot initiatives. S. 1375 was adopted by the Senate Committee on Small Business and Entrepreneurship by a unanimous vote of 19-0.

S. 1375 was the product of a series of hearings and roundtable discussions that the committee held in 2003 on a wide spectrum of issues and SBA programs.

The committee completed its series of hearings and roundtables on SBA reauthorization with a hearing on June 4, 2003, that included SBA Administrator Hector Barreto. This hearing provided an additional opportunity for the agency to respond to issues raised during the previous roundtable discussions, discuss its legislative package that was submitted to the Committee for review, and comment on the President's fiscal year 2004 budget submission. The hearing also examined a number of agency management issues including the SBA's efforts to obtain a clean audit opinion on financial statements, implementation of a loan monitoring system, and workforce transformation plans.

In addition to containing sections from the Small Business Administration 50th Anniversary Reauthorization Act of 2003, the Omnibus includes sections that derive from S. 1977, the Small Manufacturers Assistance, Recovery, and Trade ("SMART") Act, offered by Senator SNOWE and original cosponsor Senator GEORGE V. VOINOVICH, introduced on November 25, 2003.

Examples of provisions from the SMART Act contained in the Omnibus are sections that increase manufacturers' access to capital, and a provision that creates a Small Business Manufacturing Task Force, within the SBA, charged with ensuring that the SBA is properly addressing the particular needs of small manufacturers.

Throughout the hearings and roundtables, the Committee's objectives have been to single out the SBA programs that work well, identify the reasons for their superior performance, and apply those principles to programs that need improvement. The voluminous amount of information that the Committee collected through the hearings and roundtable discussions held this year and in the previous Congress as well as information received directly from small business stakeholders has contributed greatly to achieving that goal and the results are reflected in the bill.

While not all of the provisions of S.1375 are contained in Division K of H.R. 4818, I believe that by providing appropriate authorization levels, updating and improving SBA lending and technical assistance programs, and introducing new initiatives to assist America's 21st Century entrepreneurs, this bill will provide a sound foundation for the agency to begin its next 50 years of even greater service.

I ask unanimous consent that immediately following these remarks an explanatory statement describing the small business provisions of H.R. 4818 be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT DESCRIBING PROVISIONS OF DIVISION K OF H.R. 4818 FILED BY SENATOR OLYMPIA J. SNOWE

SECTION 101. EXPRESS LOANS

Section 7(a)(25)(B) authorizes the Administrator to create pilot loan programs. In exercising that authority, the Administrator created an "Express Loan Pilot Program." The program authorizes lenders to use their own forms in submitting requests to the Administrator for the issuance of guarantees. Two significant restrictions are imposed by the "Express Loan Pilot Program": the guarantee cannot exceed 50 percent of the loan and the maximum loan amount is $250,000.

Section 101 codifies, with a few significant differences, the provisions of Pub. L. No. 108-217, which addressed the Express Loan Program. The two most significant changes are the permanent authorization of the Express Loan Program by creating a new paragraph (31) in §7(a) of the Small Business Act and the statutory increase in the size of such loans to $350,000.

Section 101 defines an "express lender" as any lender authorized by the Administrator to participate in the Express Loan Program. Congress expects that the Administrator will establish by rule the standards needed to qualify as an Express Lender.

Section 101 defines an "express loan" as one in which the lender utilizes, to the maximum extent practicable, its own analyses of credit and forms. Congress fully expects that the conditions under which express loans are made will not vary significantly from those conditions that currently exist under the "Express Loan Pilot Program." Nevertheless, Congress understands that the Administrator may wish to revise the standards and operating procedures associated with "express loans." Nothing in the statutory language should be interpreted as prohibiting the Administrator from imposing these additional requirements that are otherwise consistent with the statutory language.

Section 101 codifies the existing concept of the Administrator's "Express Loan Pilot Program." In other words, the "Express Loan Program" is one in which lenders utilize their own forms and get a guarantee of no more than 50 percent.

Section 101 restricts the program, including the increased loan amount of $350,000, to those lenders designated as express lenders by the Administrator. Designation as an express lender does not limit the lender to making express loans if the lender has been authorized to make other types of loans pursuant to §7(a) of the Small Business Act. Although a lender may only seek status as an express lender, this section was included to ensure that the Administrator not limit the ability of an express lender to seek other lending authority from the Administrator. Nor is the Administrator permitted to change its standards for designating an express lender in a manner that only authorizes the lender to make express loans. To the extent that the lending institution wishes to offer a full range of loan products authorized by §7(a) and is otherwise qualified to do so, the Administrator shall not restrict that ability on the lender's status as an express lender.

Section 101 prohibits the Administrator from revoking the designation of any lender as an express lender that was so designated at the time of enactment. This prohibition does not apply if the Administrator finds the express lender to have violated laws or regulations or the Administrator modifies the requirements for designation in a way that the express lender cannot meet those standards. Congress does not expect that the Administrator will impose new requirements for express lenders that prohibit them from making loans under other loan programs authorized by the Small Business Act for which they have approval from the Administrator.

Congress, at the request of the Small Business Administration, determined that it was appropriate to expand the size of "express loans" to $350,000. Any change in the size of an express loan now will require action by Congress.

Congress is concerned that the Administrator will take regulatory actions that unduly favor express lending over other types of lending authorized by §7(a) of the Small Business act. As such, Congress incorporated a provision prohibiting the Administrator from taking any action that would have the effect of requiring a lender to make an express loan rather than a conventional loan pursuant to §7(a). Any significant policy change in the operation of the lending programs authorized by §7(a) of the Small Business Act requires notification to the House and Senate Small Business Committees. Furthermore, the statutory language on notification goes beyond that which is required pursuant to §7(a)(24) of the Small Business Act.

SECTION 102. LOAN GUARANTEE FEES

Section 102 increases the loan guarantee amount to a maximum of $1.5 million. Given the fact that borrowers are getting an additional increment in loan guarantees, the sponsors determined that it would be appropriate to require an additional 0.25 percent fee for the amount of guarantee in excess of $1 million. Thus, on the amount of the guarantee between $1 million and $1.5 million, the upfront fee authorized pursuant to §7(a)(18) of the Small Business Act increases from 3.5 percent to 3.75 percent but only for that portion of the loan guarantee in excess of $1 million. This is consistent with typical commercial lending practices of charging fees that are commensurate with the lenders' exposure to risk.

Section 102 also raises the fee collected by the Administrator from banks of the unpaid balance of deferred participation loans. To avoid situations such as those that occurred at the end of calendar year 2003 in which the Administrator was required to drastically reduce lending and impose other restrictions on the program, Congress determined that it would be appropriate for the Administrator to have some discretion in setting the fee paid by lenders on the unpaid balance. The total amount of the fee cannot in any year, exceed 0.55 percent of the unpaid balance. Congress expects the Administrator to use this authority only when needed to drive the cost, as that term is defined in the Federal Credit Reform Act, of the loan program to zero, i.e., not need an appropriation. Any use of this discretion to raise the fee beyond the current level of 0.5 percent should trigger the notification provisions in §7(a)(24) of the Small Business Act. As a further oversight tool, Congress expects that the Administrator would satisfy any relevant committee's request for information on the utilization of this discretion.

Finally, Congress determined that the Administrator also be given the authority to lower fees charged to borrowers and lenders if the subsidy cost becomes negative, i.e., the fees will actually take in more money to the government than it costs to operate the §7(a) loan program. Congress adopted an approach that the Administrator, should it undertake a fee reduction, first consider reducing the fees set forth in clauses (i)–(iii) of subsection 7(a)(18)(A) and then reduce fees on lenders. As a further restriction on the discretion of the Small Business Administration, the fees that were charged to borrowers on the date of enactment of this conference report may not be raised. Congress adopted this language to ensure that any fee increases to borrowers beyond the statutory limits requires the action of Congress.

SECTION 103. INCREASE IN GUARANTEE AMOUNT IN INSTITUTION OF ASSOCIATED FEE

Access to capital is vital to the growth of small businesses. Particularly for manufacturers and high technology research and development businesses, typical amounts of capital available under the existing loan limits authorized by §7(a) of the Small Business Act often are inadequate. Given the importance of capital to grow small businesses, Congress determined that it would be appropriate to permanently increase the amount of the loan guarantee from $1 million to $1.5 million. No additional changes were made in the overall statutory cap of a gross $2 million loan. Thus, the Administrator will be able to guarantee up to $1.5 million of a $2 million loan rather than the current limit of $1 million. Congress expects that this will increase the number of lenders willing to make loans to small manufacturers who face significant global competition.

SECTION 104. DEBENTURE SIZE

Congress raised all of the loan limitations for qualified state and local development companies ("CDCs") because they had not been raised in many years and the long-term financing needs of small businesses were not being met by loans that did not exceed the thresholds for loans made pursuant to §7(a) of the Small Business Act. Raising the loan limitations has two effects. First, it signifies the recognition that Title V of the Small Business Investment Act and §7(a) of the Small Business Act has very different purposes in mind. Second, an increase in the threshold allows more effective economic development projects to be funded by CDCs.

Congress believes that the increases to $1,500,000 for regular projects, $2,000,000 for public policy goal projects, and $4,000,000 for small manufacturers will provide significant new financial inputs to small businesses in general and to small manufacturers in particular.

While all small businesses whose primary industrial classification is in North American Industrial Classification sectors 31, 32, and 33 (the sectors for manufacturing), not all small business concerns in those sectors are considered small manufacturers. Congress adopted a requirement that small manufacturers should be limited to those small business concerns that have all of their production facilities are located in the United States. Congress does not intend that small business concerns that have manufacturing facilities situated outside of the United States should be denied assistance under programs operated by the Small Business Administration. However, special benefits should be afforded to those manufacturers whose production facilities are located in the United States. Finally, the definition in §106 is identical to the definition in this section thereby avoiding any potential interpretive concerns about what the legislature meant when it used the same term in different sections of legislation.

SECTION 105. JOB REQUIREMENTS

The Administrator has promulgated regulations, pursuant to §501 of the Small Business Investment Act mandating that a loan made by a CDC must create or save one job for each $35,000 in guarantee. This standard has not been revised since it was adopted in 1990. The standard clearly does not reflect inflation or the dramatic increases in productivity that has led to higher wages for all employees. Congress determined that the standard should be revised to take account of the changes in the economy during the past 14 years. Therefore, §105 statutorily raises the job creation standard to one job for every $50,000 in guarantees.

Manufacturing requires greater capital investment than other businesses. Such investment may lead to higher productivity for small manufacturers and therefore fewer jobs created per investment. Congress does not want to prejudice the ability of CDCs to fund projects that would assist small manufacturers. Section 106 establishes a standard that authorizes CDC loans to small manufacturers if the project creates one job for each $100,000 of guarantee.

CDCs do not need to meet job creation standards for individual loans if the loan is used to further one of the public policy objectives in §501(d). Section 105 modifies that requirement slightly by exempting a particular project from the job creation standards if the project was meeting a public policy objective and if the CDC's overall loan portfolio creates one job for $50,000 in guarantees.

Since the basic premise of loans made pursuant to Title V of the Small Business Investment Act is to encourage economic development, Congress concluded that it made sense to establish a different standard for job creation in economically-depressed areas or places with unusually high wage requirements. Congress believes that CDCs should be provided more leeway in creating jobs in economically-depressed areas and Alaska and Hawaii. As a result, CDC loans in these areas only need to meet a more lenient job creation standard of one job per $75,000 of guarantee in certain areas.

Given the importance of small manufacturing to economic development, Congress excluded loans to small manufacturers from the calculations needed to determine whether a CDC's loan portfolio meets the overall job creation standard of one job per $50,000 of guarantee or the $75,000 standard for high-wage and economically-depressed areas. Congress intends that the public policy goals set forth in §501 should be accomplished without reference to job creation for small manufacturers. Section 105 also authorizes the Administrator to waive any of the standards when appropriate. Congress expects that the Administrator will promulgate regulations specifying when the job creation standards will be waived. Two restrictions are imposed on the Administrator's discretion. First, the Administrator may not waive the requirements concerning small manufacturers. Second, the Administrator may not mandate a job creation standard with a number lower than that set forth in §105 but does have the liberty to set a higher dollar guarantee per job standard. These restrictions ensure that the Administrator does not undermine the ability of CDCs to lend to small manufacturers.

SECTION 106. REPORT REGARDING NATIONAL DATABASE OF SMALL MANUFACTURERS

Institutions of higher education can play a vital role in reviving small manufacturers. Universities must purchase large amounts of standard manufactured products (often on an annual basis such as furniture for dormitory rooms). They also often purchase very sophisticated tools and laboratory equipment that small manufacturers may produce. Congress believes that some mechanism should be in place so that institutions of higher education can identify suppliers from the universe of small manufacturers. While not an ideal system, a database similar to PRO-NET represents a useful model for making institutions of higher education aware of the capabilities of small manufacturers. PRO-NET is a database operated by the federal government in which the capabilities of numerous small businesses are outlined. Contracting officers use PRO-NET to find small businesses capable of providing goods and services. Section 106 requires the Administrator and the Association of Small Business Development Centers to study the viability of creating a PRO-NET-like database that all institutions of higher education can use to identify small manufacturers (the definition is identical to the definition in §§104–05) capable of providing their procurement needs. The bill also requires a report to Congress on the viability and cost to establish such a database.

SECTION 107. INTERNATIONAL TRADE

All §7(a) loans can be used to refinance existing debt except for international trade loans. Congress determined that the restriction did not make sense especially since businesses harmed by unfair international competition will be more competitive if their debt service payments are lower. Therefore, Congress authorized businesses otherwise eligible for an international trade loan to use it for refinancing of debt but only to the extent that the Administrator determines the applicant's existing debt is not structured with reasonable terms and conditions. Congress expects that the Administrator examine the interest rate being charged relative to the interest rates generally available for similar businesses to determine whether the terms and conditions are not reasonable.

To obtain an international trade loan, the applicant must demonstrate that the business either is engaged in or adversely affected by international trade. To avoid the necessity of having to prove adverse effects if other government agencies already reached that conclusion in the same industry as the borrower, Congress mandated that the Administrator must accept as conclusive proof of injury a finding by the Secretary of Commerce issued pursuant to chapter 3 of Title II of the Trade Act of 1974 or any determination by the International Trade Commission. If an applicant is in an industry for which the Commission or the Secretary has made an injury finding. Congress concluded that it would be pointless to require the small businesses so suffering to go through the additional expense of presenting new evidence to the Administrator of injury.

Congress intends that the utilization of the findings by the Secretary or the Commission is not a limiting factor if a small business can present other evidence of injury. For example, the Commission or Secretary may not find that an industry was injured or that no claims were made to either agency. Nothing in §107 prevents a small business from presenting of evidence of specific injury to his or her business. The Administrator then would be required to rule on the adequacy of the proof, and if sufficient evidence was found of injury, make a loan under §7(a)(16).

Section 107 also provides for an increase in the size of international trade loans. Given the nature of international trade, Congress typically has mandated that loan caps be $250,000 higher than those for conventional §7(a) loans. This section maintains that practice and increased the cap for international trade loans based on the increase in the guarantee fees for conventional loans.

SECTION 121. PROGRAM AUTHORIZATION LEVELS

This section amends §20 of the Small Business Act and provides for authorization of appropriations. Congress selected authorization levels with sufficient room to allow for expected growth and expansion of programs authorized by the Small Business Act and Small Business Investment Act. Congress also determined that an authorization of appropriations not elsewhere provided should apply to all of the Small Business Investment Act.

Finally, Congress concluded that the existing standing authorization of appropriations only for carrying out title IV of the Small Business Investment Act was illogical. Section 121 amends §20 to provide for an authorization of appropriations not elsewhere provided for carrying out both the Small Business Act and all titles of the Small Business Investment Act.

SECTION 122. ADDITIONAL REAUTHORIZATIONS

The Small Business Development Center (SBDC) program's authorization levels are set forth in §21 of the Small Business Act. Congress provided modest authorization increases for the SBDCs to take account of necessary growth in providing services to entrepreneurs. In addition, Congress also extended the authority of SBDCs to provide drug-free workplace counseling. This authority would have lapsed without the change. The extension of authority will give the SBDC grantees sufficient time to coordinate their actions with the grantees under the revised drug-free workplace program.

Given the SBDCs expertise in providing assistance to entrepreneurs, Congress established a program authorizing grants to SBDCs that are willing to offer advice in communities that are economically challenged due to business or government facility down-sizing or closing. Congress expects that this assistance will first be offered to communities suffering from plant closings, then to communities suffering from government office closings, and finally to base realignments. To the extent that other bases are closed in future years, Congress expects that legislation concerning such closures will provide additional assistance to the surrounding communities and that assistance provided under §122 should be utilized in other areas that do not receive the directed assistance associated with base closures.

SECTION 123. PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM AUTHORIZATION PROVISIONS

Congress recognizes that small businesses need drug free workplaces. Drug-free workers boost productivity and reduce the costs of health care coverage and absenteeism. As a result, Congress reauthorized the program for two years at the five million dollar level. In addition, to ensure that funding is maximized to eligible intermediaries that specialize in providing drug-free workplace assistance to small businesses, Congress adopted a limitation on the amount of funds that can be awarded to SBDCs for carrying out the purposes of the Paul D. Coverdell Program. Furthermore, Congress, again in an effort to maximize limited dollars, restricts the use of funds for administrative purposes to five percent of the total made available to grantees. Nothing in this limitation restricts the drug-free workplace advice that SBDC grantees are authorized to provide in their normal course of operations.

SECTION 124. GRANT PROVISIONS

Congress recognized that improvements in coordination between the activities of drug-free workplace eligible intermediaries and SBDCs might improve delivery of services to small businesses. As a result, Congress established a grant program within the Paul D. Coverdell Drug-Free Workplace Program to promote cooperation between eligible intermediaries and SBDC grantees. Congress expects that the Administrator award the two-year grants to those applicants that best demonstrate the capacity to deliver advice in a coordinated manner between SBDCs and eligible intermediaries.

SECTION 125. DRUG-FREE COMMUNITIES COALITIONS AS ELIGIBLE INTERMEDIARIES

Congress recognizes that there are numerous entities that receive grants under chapter 2 of the National Narcotics Leadership Act of 1988 but are not currently authorized to participate as eligible intermediaries under the Paul D. Coverdell Drug-Free Workplace Program. This section makes these National Narcotics Leadership Act grantees, which could provide valuable insight into establishing drug-free workplaces, eligible to receive awards under the Paul D. Coverdell Drug-Free Workplace Program. Inclusion of new additional parties should not be interpreted as directing the Administrator to favor them over others that apply for grants under the Paul D. Coverdell Drug-Free Workplace Program.

SECTION 126. PROMOTION OF EFFECTIVE PRACTICES OF ELIGIBLE INTERMEDIARIES

To ensure that the Paul D. Coverdell Drug-Free Workplace Program operates optimally, Congress mandates that the Administrator provide best practices to eligible intermediaries. The Administrator should use all of its available outreach resources, including SBDCs, Women Business Centers, and district offices to insure that eligible intermediaries are kept apprised of best practices.

Congress also believe that the performance of eligible intermediaries should be assessed and measured. Such evaluations will be useful to Congress when it considers what changes, if any, need to make the program even more effective. This section establishes the procedures for collecting data needed to evaluate the efficacy of the program.

SECTION 127. REPORT TO CONGRESS

This section requires the Administrator to use the data collected under §126 and report to Congress on the efficacy of the program and dissemination of drug-free workplace information. Congress expects the relevant committees to examine the report and make necessary legislative changes as a result to ensure optimal operation of the Paul D. Coverdell Drug-Free Workplace Program.

SECTION 131. LENDER EXAMINATION AND REVIEW

Current practice authorizes SBIC licensees to pay for examination and reviews conducted by the Administrator. Congress determined that the same principles should apply to lenders authorized to make government-guaranteed loans under §7(a). This section grants the Administration the authority to charge for examinations and reviews. The section also requires that the fees be directed to lender oversight activities including the payment of salaries and expenses of Administration personnel involved in such functions. This authority does not imply that the fees may be directed to the reimbursement of other functions of the Administration.

SECTION 132. GIFTS AND CO-SPONSORSHIP OF EVENTS

Gifts and co-sponsorships play a useful role in the Small Business Administration's performance of its outreach function to small businesses. Congress determined that even broader language than is currently permitted was necessary to ensure the Administration's continued ability to obtain gifts and seek co-sponsorships. In particular, Congress recognized that in many instances the Administration does not receive gifts but rather contributions are made by a co-sponsoring entity to an Administration event, such as small business forum. In other instances, the SBA uses gifts to pay for promotional materials, such as cards that are handed out in district offices to promote an event. This section clarifies and broadens the existing authority of the Small Business Administration to obtain gifts and co-sponsorships in order to expand the agency's outreach. To ensure appropriate clarity, Congress added the term "recognition events" which would include Small Business Week and sponsorship of dinners during that period. The section also requires the Administration to recognize the co-sponsors of such events but only to the extent of their contributions. No endorsements of the co-sponsors products or services are permitted.

In order to ensure that conflicts of interest do not arise in the solicitation or acceptance of gifts, Congress requires the General Counsel to determine whether a conflict of interest exists. If a determination that a conflict of interest exists, the General Counsel is empowered to prohibit the solicitation or acceptance. Finally, the language clarifies that the Administrator may delegate the approval of co-sponsorships to the Deputy Administrator, Associate Administrators, and Assistant Administrators. No personnel located in district or regional offices are permitted to approve co-sponsorships. Congress adopted this restriction to ensure close cooperation with the General Counsel of the Administration.

Congress also requires that the Inspector General audit the use of such gifts and co-sponsorships. This avoids potential abuses of the program through independent oversight of an official whose investigations cannot be impeded by the Administrator or Administration personnel. Congress wanted additional assurances (beyond the Inspector General audit) that the Small Business Administration achieved a proper balance between this new expanded authority and accountability. As a result, a sunset date of 2006 was added in order to properly monitor this new authority before considering making this language permanent in the Small Business Act.

SECTION 141. SERVICE CORPS OF RETIRED EXECUTIVES

Currently, the Administrator has the discretion whether to permit the Service Corps of Retired Executives (SCORE) to maintain offices at the headquarters of the Administration and pay employees of SCORE. Congress determined that the vitality of SCORE should not be subject to whims of the Administrator and therefore require that the Administrator maintain SCORE's offices at the Administration's headquarters and continue to pay for the salaries of SCORE personnel. Congress notes that this will not require any increased appropriation since these services and expenses are currently included in the Small Business Administration's budget.

SECTION 142. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM

Congress remains concerned that SBDCs were and may continue to be revealing the name of businesses that seek their advice to Administration employees for functions unrelated to the financial auditing or client surveys needed to oversee the operations of the SBDC grantees. Congress believes that such behavior is intolerable. This section prohibits the disclosure of client information (including the name, address, telephone and facsimile numbers, and e-mail address) of any concern or individual receiving assistance from a SBDC grantee or its subcontractors (who operate service centers that business owners can utilize to obtain advice) unless the Administrator is ordered to make such disclosure pursuant to a court order or civil or criminal enforcement action commenced by a federal or state agency. Congress expects that SBDC grantees will only respond to formal agency requests, such as civil investigative demands, and subpoenas.

Congress also recognizes that the Administrator has significant management responsibilities to ensure that federal taxpayer dollars are wisely used by grantees and are in compliance with the law, regulations, and the cooperative agreements signed by SBDC grantees. Congress authorizes the SBDC grantees to provide client names for the purposes of financial audits conducted by the Administrator or Inspector General and for client surveys to ensure that the SBDC grantees are satisfying certain aspects of their grant agreements. Congress recognizes that client surveys may be misused and impose restrictions on their use. Until regulations are in place to ensure that SBDC grantee client's privacy is protected to the maximum extent practicable given the management oversight responsibility of the Administrator, Congress requires client surveys to be approved by the Inspector General and any approval incorporated into the semi-annual report made to Congress.

This section also makes a technical change in wording of the SBDC program. It renames the certification program as an accreditation program. The change was made because institutions are accredited not certified. Since the program determines the quality of SBDCs, it makes sense to have them accredited not certified. An identical change is made in §20(a)(1)(D)-(E).

SECTION 143. ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS

Congress has determined that the federal government must provide better assistance and support to veterans in their efforts to form and expand small businesses. In 1999, as part of this effort, Congress established an Advisory Committee on Veterans Business Affairs. Its responsibilities included providing advice to Congress and the Small Business Administration on policy initiatives that would promote entrepreneurship by veterans. The responsibilities of this advisory board were to be taken over by the National Veterans Business Development Corporation on October 1, 2004. Congress determined that the Advisory Committee's role was sufficiently beneficial that it should not be subsumed within the National Veterans Business Development Corporation. As a result, Congress authorized an extension of the Advisory Committee as a separate entity to continue its functions through September 30, 2006.

SECTION 144. OUTREACH GRANTS FOR VETERANS

The Administration is authorized to provide outreach grants to help disabled veterans start and expand small businesses. Congress determined that the outreach grants should not be limited to disabled veterans. This section extends the authority to provide outreach programs to veterans and reservists.

SECTION 145. AUTHORIZATION OF APPROPRIATIONS

To express Congress' concern about adequate efforts to assist veterans, Congress determined that the Small Business Administration's Office of Veterans Affairs should have a separate authorization. This section provides for that separate authorization for fiscal years 2005 and 2006.

SECTION 146. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

A ruling by the Department of Justice concluded that the National Veterans Business Development Corporation was a federal agency for all purposes and thus subject to, among other things, federal administrative, personnel, and procurement laws. Congress, when it created the corporation, never intended that it would be considered a federal agency. The legislation mandated sufficient fundraising by the corporation that would eliminate the need for federal funding. While that fundraising continues, Congress determined that its original intent concerning the status of the corporation should be honored. This section makes it clear that the corporation is to be considered and treated as a private entity and not an agency or instrumentality of the Federal government.

SECTION 147. SMALL BUSINESS MANUFACTURING TASK FORCE

Manufacturing jobs in the United States have declined since their historic peak in 1979 and that loss has accelerated in recent years. Small business manufacturers constitute over 98 percent of our nation's manufacturing enterprises. It is impossible to overstate the role of small manufacturers within the overall manufacturing industry and our nation's economy. The House and Senate Small Business Committees have placed a high priority on trying to resuscitate the small business industrial base because economic security in the United States cannot occur in a purely post-industrial economy.

Section 147 establishes a Small Business Manufacturing Task Force within the Small Business Administration, charged with ensuring that the Administration is properly addressing the particular needs of small manufacturers. Specifically, the Small Business Manufacturing Task Force will: (a) evaluate and identify whether existing programs and services are sufficient to serve small manufacturers' needs, or whether additional programs or services are necessary; (b) actively promote the SBA's programs and services that serve small manufacturers; and (c) identify and study the unique conditions of small manufacturers, and develop and propose policy initiatives to support and assist them. This section also instructs the Small Business Manufacturing Task Force to submit a report of its findings and recommendations to the President and the Senate and House Small Business Committees not later than 12 months after the effective date of the bill and annually thereafter. In carrying out their obligations under this section, Congress expects that the Task Force will consult with other agencies that have manufacturing responsibilities, such as the Department of Commerce.

SECTION 151. STREAMLINING AND REVISION OF HUBZONE ELIGIBILITY REQUIREMENTS

The Historically Underutilized Business Zone (HUBZone) program was designed to direct portions of federal contracting dollars into areas of the country that in the past have been out of the economic mainstream. HUBZone areas, which include qualified census tracts, poor rural counties, and Indian reservations, often are out-of-the-way places that the stream of commerce passes by, and thus tend to be in low or moderate income areas also characterized by comparatively high unemployment. These areas can also include certain rural communities and tend generally to be low-traffic areas that do not have a reliable customer base to support business development. As a result, businesses have been reluctant to move into these areas and expend the necessary funds to develop the infrastructure for creation of jobs. It simply has not been profitable, without a customer base, to keep those businesses operating.

The HUBZone program seeks to overcome these problems by providing the means for Federal procurement activities to become customers for small businesses that locate in HUBZones. While a small business works to grow, expand its payroll, and establish a solid base of commercial or other customers, federal business opportunities can be of vital importance. Federal prime and subcontracts can become an important source of revenue for a HUBZone small business, and prime contracts in particular can help stabilize revenues, establish valuable past performance record, and maintain future profitability.

In past years, the HUBZone program has encountered issues relating to the statutory requirement that a HUBZone firm be entirely owned and controlled by individual U.S. citizens. This requirement means that all HUBZone applicants need to be owned by human beings directly and not human beings organized as business entities. However, many small business owners and small business investors prefer to take advantage of various corporate forms in order to limit the personal liability for themselves and their families. Exceptions for Alaska Native Corporations, Indian tribal governments, and community development corporations were added by the Small Business Act reauthorization legislation in 2000. Even with those changes, the presence of a corporate entity or a limited liability company with an ownership stake in a small business would have automatically disqualified an otherwise eligible firm from participation in the HUBZone program. Small agricultural cooperatives, which already maintain presence in rural HUBZones, would have faced similar restrictions. These rules unnecessarily impede the flow of capital to the very areas that need it the most and create compliance conflicts with other small business procurement programs.

Section 151 addresses this problem through streamlining and revision of the eligibility requirements for HUBZone small businesses to include small businesses that are 51 percent owned by United States citizens, as well as to include small businesses which are small agricultural cooperatives or are owned and controlled by small agricultural cooperatives.

In addition, HUBZone firms owned by the Indian tribes have been facing peculiar challenges due to statutory requirements that they must hire a certain percentage of its workforce performing a federal contract or subcontract from Indian reservations or adjacent areas. These requirements, while motivated by the desire to spur economic development of the tribes, over time had the unintended consequence of putting tribally-owned firms at a disadvantage in comparison with all other HUBZone concerns by imposing a geographic restriction on the kinds of contracts that tribally-owned HUBZone firms could perform. Geographic restrictions also impeded business synergies between tribally-owned HUBZone firms and Alaskan Native Corporations. To remedy this disparity, Section 151 is providing tribally-owned HUBZone concerns the option of qualifying for the program based on locating in, and hiring workers from, either Indian reservations or any other HUBZones on the same terms as available to other HUBZone firms. Congress notes that the Indian tribes, as owners of the HUBZone firms, will be receiving expanded economic benefits from new contracting opportunities.

SECTION 152. EXPANSION OF QUALIFIED AREAS

Congress observes that the HUBZone area qualifications are also in need of improvement. Paradoxically, economically distressed rural communities in states with high unemployment among the neediest of needy areas—currently do not qualify for the HUBZone program because rural areas currently must qualify in relation to the statewide unemployment average. As an example, in calendar year 2003, Alaska had a statewide unemployment rate of 8.0 percent. To qualify as a HUBZone area, it was necessary for an Alaskan rural community to have an 11.2 percent unemployment rate. But, in 25 of the 50 states, a rural community could have qualified as a HUBZone with an unemployment range of 7.8 percent or less.

Section 152 addresses this problem by modifying the definition of a "qualified nonmetropolitan county" to provide the option of comparing the unemployment statistic for that area to the statewide average or to the national average. The new statutory HUBZone definition should give the Small Business Administration flexibility to address both national and state-wide unemployment disparities without hurting the states that have comparatively low unemployment overall, but with pockets of serious unemployment.

Congress recognizes the drastic economic ramifications of military base closures and that the HUBZone program can uniquely harness the strength and the creativity of the private sector by providing incentive for small businesses to relocate to areas suffering such ramifications. According to congressional research, more than 300 military bases closed or realigned between 1988 and 2003 and more than 50 percent of these bases were located outside of a designated HUBZone. Therefore, Congress intends that, upon the later of the enactment of this act or the date of final closure, existing as well as future military base closure areas be designated as HUBZones for a period of five years in order to reinvigorate the productive capacity of such areas and leverage existing local customers and a skilled workforce. Congress believes that new businesses and new jobs created through the HUBZone small firms mean new life for areas affected by base closure.

Additionally, Congress notes the existence of numerous complaints that the current definition of HUBZone qualified areas based on census income data, in conjunction with the definition of HUBZone qualified redesignated areas, fail to provide adequate time to recoup a return on investment. These concerns appear justified. Congress observes that the HUBZone program is relatively young, and the federal government is not even close to meeting its statutory prime contracting goal of 3 percent. Because the HUBZone program was enacted into law in 1997, the initial HUBZone areas were designated on the basis of the 1990 Census. However, the federal government conducted another census in 2000. As a result, many areas were redesignated after only 3 years of the program's existence. The statute currently grandfathers the redesignated areas into the program for 3 years.

Congress notes that, at the time of the last redesignation, the small business community received comparatively few benefits from the HUBZone program despite the substantial workforce recruitment, compliance, and business development efforts that must be expended by each of the HUBZone firms. These small businesses, which made business decisions to pursue the HUBZone strategy by locating in a HUBZone, adjusting their ownership structure, and recruiting HUBZone residents are in danger of being penalized for the federal government's slow initial implementation of the HUBZone program. Further, anecdotal evidence indicates that it may take a long time for a new firm to secure a federal contract, and that multiple-order contracts commonly envision task orders over a number of years. In these circumstances, a 3-year grandfather clause would appear not to provide sufficient time for a small business to generate a return on the HUBZone investment. By comparison, companies under the §8(a) program can maintain such a designation for 9 years, and a general small business designation can be maintained indefinitely. Therefore, Congress imposes a moratorium on HUBZone area redesignations by providing for an extension of the redesignation period until the conclusion of the 2010 Census. No certified HUBZone firm shall be decertified as a result of either the redesignation process based on the 2000 Census data or any revised unemployment data subsequent to December 21, 2000, the date of passage of enactment of the HUBZone in the Native America Act. It is the intent of Congress to have the Small Business Administration reinstate any HUBZone firm previously decertified based on these two criteria.

Congress also finds that, concurrently with the moratorium, a study on the effectiveness of the HUBZone area definitions, including the redesignation period, must be conducted by the Office of Advocacy of the United States Small Business Administration. The Office of Advocacy is chosen to conduct this study for its particular expertise in small business procurement, rural small business development, and general small business matters. Congress directs the Office of Advocacy to examine the impact and effectiveness of the HUBZone definitions on small business development and jobs creation, and expect that the Office of Advocacy will periodically consult with congressional small business committees on matters concerning this study. Findings and recommendations of the study must be reported to congressional small business committees by May 1, 2008.

SECTION 153. PRICE EVALUATION PREFERENCE

With regards to the application of existing HUBZone price preferences to international food aid procurements conducted by the United States Department of Agriculture (USDA), Congress concludes that the preferences as they currently stand are hindering the goals of U.S. foreign humanitarian food assistance programs. This view is supported by extensive consideration of market data from the Kansas City auction office of the USDA Farm Service Agency, the structure of auction tenders and other auction processes, as well as data supplied by the industry. It appears that there is a risk of various unintended and undesirable consequences to applying the current HUBZone mandate to international food aid acquisitions. In particular, it appears that, in the context of food aid tender auctions, the claimed job gains fostered by the current price preference are offset by job losses in other communities, the non-HUBZone small businesses attempting to compete may experience undue harm, and the competitive supplier base may atrophy. In turn, this may undermine USDA's capacity to secure adequate foodstuffs for malnourished persons and increase the costs to the food aid programs without realizing adequate jobs creation and business development benefits.

The HUBZone price preference alternative adopted in this act (a 5 percent price evaluation preference on 20 percent of the contract) would alleviate these potentially damaging effects on the U.S. food aid system. Congress believes that this approach would preserve the HUBZone program's goal of providing HUBZone-eligible companies with a meaningful opportunity to compete while ensuring that the USDA has an adequate capacity of supply from which to draw to deliver emergency food aid in catastrophic situations. This approach would also eliminate the current HUBZone program's application problem which directly penalizes non-HUBZone small businesses due to the nature of the food aid auctions. The potential for job losses in other communities would be limited. Importantly, this approach also reflects the cornerstone of America's efforts to provide food assistance to the world's neediest people through competitive markets.

According to President Dwight D. Eisenhower and congressional architects of the Small Business Act, an overarching purpose of small business procurement programs is to assure a vibrant, competitive supplier base for the Federal Government. Price preferences are employed to further this purpose, and should be structured accordingly. Congress notes that, in general, price preferences have been a valuable tool for encouraging a more robust supplier base. Nevertheless, Congress believes that, in these very special circumstances, it is important to encourage competition by keeping multiple vendors actively bidding in our food assistance programs to secure the lowest cost procurement and emergency supply chains in the case of humanitarian crisis. This approach builds on the current small business 10 percent set-aside by an additional 20 percent allocation of every tender to small businesses and HUBZone applicants. It guarantees full and open competition, including competition pursuant to the Small Business Act, in food aid procurement tenders to assure that U.S. food aid programs do not suffer consequences inconsistent with the intent of the price preference program. The approach in this legislation safeguards the dual interests of a vibrant small business presence in federal procurements and robust food aid programs.

SECTION 151. HUBZONE AUTHORIZATIONS

Congress notes that the Federal Government has failed to meet its statutory HUBZone contracting goals every single year these goals have been in effect. Continuous, dedicated authorization of the HUBZone program is essential to continue the effort to bring economic opportunities to the HUBZone areas. Therefore, Congress extends the current authorization of appropriations of $10,000,000 for the SBA's HUBZone program through Fiscal Year 2006.

SECTION 155. PARTICIPATION IN FEDERALLY FUNDED PROJECTS

Section 155 removes the burdensome paperwork requirements for additional certification by firms seeking to perform any State, or political subdivison projects that utilize federal dollars if they are currently certified, or otherwise meet the applicable qualification requirements, for participation in any program under §8(a) of the Small Business Act.

This change will: (1) provide federally certified §8(a) small businesses with access to all State and local projects funded in whole or in part by the Federal Government; (2) eliminate the burden of requiring §8(a) small businesses to get certifications from the State or local government or both in addition to their federal certification under §8(a); and, (3) decrease certification costs and eliminate time delays associated with the burden of receiving additional State or local government certifications for businesses authorized to participate in program established by §8(a) of the Small Business Act.

SECTION 161. SUPERVISORY ENFORCEMENT AUTHORITY FOR SMALL BUSINESS LENDING COMPANIES

This section creates a new §23 of the Small Business Act. It gives the Administrator specific enforcement and supervisory authority over Small Business Lending Companies (SBLCs) and Non-Federally Regulated SBA Lenders as those terms are defined in §162 of this conference report. The vast majority of lenders authorized to make loans pursuant to the Small Business Act have their lending and other activities overseen and regulated by federal financial regulators, including loans and corporate transactions related to their general lending practices. The Administrator makes no effort at regulating lending institutions except for their authority to make §7(a) loans.

In contradistinction, there are a few institutions that are authorized to make loans pursuant to §7(a) of the Small Business Act that are not typical lending institutions. SBLCs (except for two which are wholly-owned by national banks) are subsidiaries of industrial corporations and thus not subject to any regulation by financial regulators, other than certain filings made with the Securities and Exchange Commission. Non-federally regulated SBA lenders have some state oversight but the extent varies according to state law. The only authority that the Administrator has with respect to these lenders is the ability to prohibit them from making loans pursuant to §7(a). The Administrator has no authority to take other regulatory action, similar to that available to banking regulators, to protect the public and the federal treasury. Congress concurs with the Administrator's request that greater authority is needed to regulate SBLCs and Non-Federally Regulated SBA Lenders.

The basic approach adopted by Congress enables the Administrator to supervise the soundness and safety of institutions authorized to make loans pursuant to §7(a) but are not otherwise subject to the strict oversight imposed by federal financial regulators. Congress concurs with the Administrator's request that specific enforcement and supervisory authority are needed. These authorities include the power to: issue cease and desist orders, impose civil money penalties, mandate capital standards, and remove officers and directors who are acting in an unsafe and unsound manner. The power and authority tracks closely the powers granted to the Administrator with respect to regulation of SBICs and their officers and employees. In some cases, Congress differentiated regulatory powers applicable to SBLCs and those applicable to Non-Federally Regulated Lenders. Nothing in this section grants the Administrator the authority to be extended to overall corporate management of the parent that owns a SBLC.

Congress provides for the Administrator to issue capital directives mandating maintenance of certain capital standards, including the requirement to increase its level of capital. The section also authorizes the Administrator to issue cease and desist orders by the SBLC or Non-Federally Regulated Lender. To ensure that the capital directive is used sparingly and only in appropriate circumstances, the Administrator is required to promulgate regulations on capital directives and may only delegate the authority to the Associate Administrator for Capital Access.

The Administrator also is empowered to suspend or remove officials that have management responsibility for the entity's lending pursuant to §7(a) of the Small Business Act. No authority, explicit or implied, is authorized to remove or suspend officials that do not have management responsibilities with respect to §7(a) lending. Thus, Congress expects that the Administrator take action not to suspend the Chief Executive Officer of General Electric Corporation but only its SBLC subsidiary.

Prior to the issuance of any order under this section except for a capital directive, the Administrator is required to provide any target of the order a hearing pursuant to §§554, 556, and 557 of the Administrative Procedure Act. The section delegates the responsibility of conducting the hearing to administrative law judges but the final responsibility on determining whether an order should issue rests with the Administrator based on the record developed at the adjudication. The approach is similar to that used by independent federal regulatory agencies such as the Federal Communications Commission or Federal Trade Commission. Those agencies use administrative law judges to conduct hearings and the commissioners use that record as the basis for their legal and policy determination. This bifurcation of the hearing from the decisionmaker ensures that the hearing will be fair and provide an opportunity for the target of an order to make the best possible case before an impartial fact-gathering tribunal.

The Administrator is authorized to issue orders prior to a hearing if extraordinary circumstances exist and the order is needed to protect the financial or legal position of the United States. The Administrator only should use the power to issue orders without a hearing only under those circumstances in which an agency issues a rule without notice and comment, i.e., a truly exigent circumstance, see, e.g., NRDC v. Evans, 316 F.3d 904, 912 (9th Cir. 2002); Utilities Solid Waste Group v. EPA, 236 F.3d 749, 754 (D.C. Cir. 2001) (good cause to forgo notice and comment applies only in emergency circumstances), or when a federal court would issue an ex parte temporary restraining order (but in order to preserve and protect the federal government rather than the status quo). Cf. Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers, 415 U.S. 423, 439 (1974) (noting that ex parte restraining orders necessary evil to protect status quo). The section then provides that the procedures for holding a hearing, including the notice requirement, be commenced within 2 days after the issuance of the order. Congress believes that this comports with the fundamental fairness exhibited by federal courts when issuing an ex parte temporary restraining order.

Congress' approach defines final agency action for purposes of a challenge to the issuance of an order by the Administrator and authorizes that a challenge may be commenced in federal court within 20 days after issuance of a final order. For purposes of fundamental fairness to individuals, Congress also believes that interim relief in federal court is appropriate for a stay of an order issued prior to hearing until the hearing itself is completed. Both of these provisions were added out of an abundance of caution. Although Congress believes that federal court jurisdiction challenging the Administrator's action may constitute a "federal question" pursuant to §1331 of the Title 28, United States Code, Congress determined that explicit authority to challenge the Administrator's orders in federal court removes any question that this decision has been remitted solely to the discretion of the agency and is not subject to review under Heckler v. Chaney, 470 U.S. 821 (1985).

This section authorizes a court to appoint a receiver for the entities subject to regulation pursuant to this section. The receiver is entitled to take possession of assets of the SBLC or Non-Federally Regulated SBA Lender. Congress intends this authority to extend only to the SBLC or Non-Federally Regulated Lender's portfolio of loans or other instruments guaranteed by the Administrator including any debentures, participating debt, or securities issued pursuant to the Small Business Investment Act.

Congress believes that suspension, revocation, or cease and desist is an extraordinary remedy. Each requires an extremely high burden of proof related to willful misconduct that may present a difficult case for the Administrator to prove. Therefore, the bill also provides the Administrator with the authority to seek court-imposed civil penalties for the failure to file reports required by the Administrator. Such penalties shall issue when the failure to file is willful and not due to neglect. The failure to file required reports for more than two reporting periods is, in the opinion of Congress, sufficient, but not the only evidence of willful neglect. Congress expects the Administrator to promulgate regulations outlining the factors that determine willful neglect for the purposes of civil penalties (as an aid to the entities regulated pursuant to §23). These regulations also must contain standards for exempting SBLCs and Non-Federally Regulated Lenders from the civil penalty provisions as well as the procedures used for determining whether the institution qualifies.

SECTION 162. DEFINITIONS RELATING TO SMALL BUSINESS LENDING COMPANIES

Almost all of the lenders authorized by the Administrator to issue guaranteed loans pursuant to §7(a) are lending institutions regulated by a federal financial regulator. However, there are a few institutions that make guaranteed loans that are not subject to federal financial regulatory oversight or regulation by a state banking authority. The Administrator classifies these institutions generically as "small business lending companies." However, that universe actually consists of two separate entities—small business lending companies (not financial institutions) and financial institutions not subject to any agency authorized to review the safety and soundness of depositary institutions. Since §161 adds a new §23 granting the Administrator power to regulate these entities, §162 adds two new subsections to the definitions in the Small Business Act defining small business lending companies and non-federally regulated SBA lenders.

SECTION 201. AMENDMENT TO DEFINITION OF EQUITY CAPITAL WITH RESPECT TO ISSUERS OF PARTICIPATING SECURITIES

Congress determined that changes were needed in the definition of equity capital with respect to any company that issues participating securities. Such companies, participating securities SBICs, commit to invest an amount equal to the outstanding face value of participating securities solely in equity capital. Equity capital refers to common or preferred stock or a similar instrument, including subordinated debt with equity features. Equity capital issued by participating securities SBICs previously provided for interest payments to be made to the Administration contingent upon—and limited to—the extent of earnings on equity capital. However, since the inception of the Participating Security SBIC program, the majority of SBICs have not realized sufficient profits with which to meet their financial obligations to the federal government. This has resulted in serious financial loss for the federal government. In order to mitigate these losses, the definition of equity capital has changed so that participating security SBICs do not have to realize profits on their investments in order to make payments to the Administration. If a participating security SBIC is experiencing overall losses on their investments but has other sources of funds such as invested excess funds, royalty payments, licensing fees and the like, Congress intends that these funds may be used to meet their obligations to the Administration.

SECTION 202. INVESTMENT OF EXCESS FUNDS

This section provides SBICs with additional flexibility for handling funds prior to investments in small businesses by allowing SBICs to invest such funds in additional types of securities. Currently, SBICs holding cash, prior to investing in a small business, are only permitted to invest directly in obligations of the United States, obligations guaranteed by the United States, or in certificates of deposit maturing within one year or savings accounts that are in institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. This section modifies the current restriction by permitting SBICs to invest in securities, mutual funds, or instruments, which themselves invest solely in the obligations that are currently permitted. For instance, Congress expects that SBICs will be able to invest in mutual funds that, in turn, invest in the government-backed obligations already authorized for investment in SBICs. Congress believes that this modification will provide SBICs with greater flexibility and a wider range of short-term investment options.

SECTION 203. SURETY BOND AMENDMENTS

Section 203(a) clarifies that the current $2 million limit on surety bonds applies to the bond guarantee and not the contract size. Congress adopted this clarification to prohibit contracting officers from determining that small businesses would not qualify for an Administration-backed surety bond for a contract worth less than $2 million even though it was part of a bundle of contracts that exceeded $2 million. For example, a small business might be denied a surety bond if the small business had a contract for $1.5 million, but that contract was part of a $12 million bundle of contracts that had been awarded simultaneously.

Section 203(b) requires that an audit of each participating surety shall occur every three years instead of annually. This reduction in the frequency of audits will save participating sureties time and money and allow them to allocate these resources to more productive uses. In addition, this will enable the Administrator to focus on more critical elements since the sureties already provide reports on a periodic basis that would identify problems during the interregnum between audits.

Currently certain sureties designated by the Administrator may issue, monitor, and service surety bonds issued pursuant to Title IV of the Small Business Investment Act. This authority ceased to be operative on September 30, 2003 (but has been extended for short periods of time on a temporary basis). Congress determined that the authority for this program should be made permanent. Section 203(b) makes that change by repealing §207 of the Small Business Reauthorization and Amendment Act of 1988.

SECTION 204. EFFECTIVE DATE OF CERTAIN FEES

Loans made pursuant to Title V of the Small Business Investment Act do not require any appropriation. Fees charged to borrowers and CDCs absorb the costs associated with the issuance of such loans. When the zero-subsidy for the program was instituted, Congress made the fee authority temporary to see whether the program could survive without an appropriation. The program has succeeded admirably and Congress does not expect that an appropriation to fund loans made by CDCs will be made for the foreseeable future. As a result, Congress determined it was pointless to continue, as temporary, the Administrator's authority to charge fees for loans made pursuant to Title V of the Small Business Investment Act. Section 204 grants the Administrator permanent authority to charge fees.

Mr. KERRY. Mr. President, I oppose language that has been included in the fiscal year 2005 Omnibus Appropriations that was authored by U.S. Representative DAVE WELDON the so-called Abortion Non-Discrimination Act amendment. This language will have a chilling effect on women's access to legal reproductive health services.

The Weldon language would allow a broad range of health-care entities to refuse to comply with existing Federal, State, and local laws and regulations pertaining to abortion services. This harmful language will severely limit patients' rights and access to services and information, thereby impeding their ability to make informed decisions about their health care options.

I join my colleagues in supporting a conscience clause that would allow doctors to opt-out from providing abortion services due to their moral or religious beliefs. That's why I worked with former Senator Dan Coats in 1996 to construct a conscience clause that is in law today that ensures medical students and medical teaching institutions have the ability to refuse to participate in abortion training if it is against their personal beliefs, while ensuring that women would have access to the highest quality medical care.

But this is not what the language in the Weldon amendment does. The Abortion Non-Discrimination Act is instead a sweeping new exemption from current laws and regulations pertaining to abortion services. Far from constituting a "conscience clause," as the sponsors claim, the language that is included in the Omnibus is an overly broad opt-out from compliance of state or local laws ensuring access to abortion services which could have the consequence of limiting the availability of safe and legal health care.

This language would change existing law to say that Federal, State, or local governments may not require a health-care entity—broadly defined to include insurance companies, hospitals, and HMOs, among others—to perform, provide coverage of, pay, or even, most shockingly, refer for abortion services. Any law or regulation that did so would be considered "discrimination" against the health-care entity, in the words of the bill, and the requirement could not be enforced. What's more, the State or local entity that tried to enforce that law, would lose all funding under this bill.

Further, this language ignores the fact that more than 40 states already have conscience clauses that are in law today that allow individuals—and in many states larger health entities—to opt out of providing abortion services. In doing so, the authors of this provision undermine what in many cases were hard fought and carefully crafted conscience clauses instituted by our State and local governments.

Instead of accepting the language included in the bill before us, the Senate must have the opportunity to work, as Senator Coats and I did in 1996, to devise a compromise that would result in a conscience clause that allows for conscientious objection without impairing the provision of health care in America.

I am opposed to the inclusion of this language in the omnibus. This language will have a detrimental effect on women's health, it will override a state's or a locality's ability to require access to these services and it will prevent women from exercising their right to decide what health care services they want to seek and limit their ability to access information about such services.

Senator BOXER has received a commitment to revisit this issue with consideration of legislation that would repeal this language before March 1, 2005. I join my colleagues in supporting a conscience clause but I object to the language included in this bill and the process that has brought us to this point today.

Mr. KERRY. Mr. President, I oppose the passage of the Omnibus appropriations conference report.

The bill before us was written in a process that is the legislative equivalent of painting a room in the dark. You don't know exactly how the room will look until you turn on the lights, but you can be sure that it will be a mess. And, of course, that is what has happened. This bill is a mess.

The Republican leadership has taken nine spending bills, funding 13 Government agencies with more than $388 billion, and combined them into a single bill that is more than 3,000 pages long. On top of all that spending, they have included several riders that make unrelated changes in Federal law. Most of these bills were never debated or amended by the full Senate. Many of the provisions haven't even had a committee hearing. The only people who have had a chance to review and amend the bill are the Republican leadership and the White House, and all of that went on behind closed doors. And the public, the press and almost every Member of Congress has had no real opportunity to review them before we vote and send them to the President to become law.

So it comes as no surprise that this massive spending bill, created by a terribly flawed process, is itself terribly flawed.

The Republican majority and the Bush administration have provided inadequate investments in education, housing, small business and a number of other important domestic priorities.

The Community Oriented Policing Systems program, called the COPS program, has been eviscerated, and funding for the Local Law Enforcement Block Grant program has been cut. Both of these programs help our cities and towns fight crime and protect our citizens but putting well-trained and well-equipped cops on the street. And both programs had played an increasingly important role in homeland security.

The bill does not keep our promise to care for our veterans. The funding level included in the conference report for veteran's healthcare, while above last year's level, is insufficient to meet the needs of our veterans. Today, 500,000 veterans are prevented from receiving health care through the Veterans Administration. New veterans are fighting to obtain the services they have earned. Thousands more are waiting for disability ratings. The Congress had an opportunity to make a real difference in the lives of those who have given so much for this country, and the Congress failed.

The bill harms small businesses by failing to provide access to the capital they need for investment and growth. As the ranking member of the Senate Committee on Small Business and Entrepreneurship, I know how critical small business loans are to expanding economic opportunity, especially in low-income neighborhoods. Unfortunately, the bill eliminates all funding and increases fees for the program at the Small Business Administration that is the largest source of small business loans in the Nation.

I will not try to list all the worthwhile programs that have been cut or eliminated, because the list is just too long. The point is simple: dozens of Federal investments that help our cities and towns, our schools, our small businesses, our police, our environment and much more have been needlessly cut. And those cuts will do needless harm to communities and families all across the country.

And along with the spending provisions of the bill, the White House and the Republican leadership have attached riders that make changes in Federal law. These are provisions that have not been considered by the House or Senate, and in many cases have not received a committee hearing or markup.

The bill includes a provision that will prevent Federal, State and local governments from requiring any institutional or individual health care provider to provide, pay for, or refer for abortion services. Ten of my female colleagues, including two Republicans, have expressed their strong opposition to that provision and affect it may have on reproductive health services. In a letter to the Appropriations Committee, they point out that the provision has never been considered and never had a hearing in the Senate. It comes down to this: whether you support or oppose this provision, and I oppose it, this is no way to do the people's work. Whatever you think of this provision, it does not belong in a 3,000 page spending bill. It deserves a hearing, a debate and vote.

Another provision that was included with no vote, hearing or discussion by the Senate would allow congressional staff access to the tax returns of individuals and businesses. There is absolutely no justification for such a provision in this bill or anywhere else. It is a shocking abuse of power by the Republicans. This provision, which would allow congressional staff to review any private citizen's tax return, is unacceptable. It tramples the rights of our citizens and grossly violates the public trust. I am pleased to hear the assurances of the majority leader that this provision will be removed from the bill. However, we need to understand how it came to be included in the conference report. Who in the Congress sponsored this provision? Who in the White House approved it, since we know the White House has blessed this bill?

Is there any good in this bill? Of course there are many worthwhile Federal programs that are funded. Like a broken clock is right twice a day, a bill spending $388 billion will get a few things right.

I am pleased that the conference report includes $62 million for the YouthBuild program, which is a highly effective comprehensive program that helps at-risk youth obtain an education and take responsibility for their lives and their communities. YouthBuild is the only national program that provides young adults an immediately productive role in the community while also providing equal measures of basic education toward a diploma, skills training toward a decent paying job, leadership development toward civic engagement, adult mentorship toward overcoming personal problems, and participation in a supportive mini-community with a positive set of values.

And there are other good programs this bill has funded adequately. I am grateful for the good that will come from this legislation, including funding for Federal projects and programs in Massachusetts.

On a whole, the bad outweighs the good in this bill, and I will vote against it.

Mr. LEVIN. Mr. President, it is difficult to vote against this omnibus appropriations bill because it provides funding for many programs that I support. In fact, it contains many provisions that I worked to have included.

However, we are confronted with this legislation containing funding for fiscal year 2005 which under normal circumstances would have been contained in nine separate appropriations bills and which should have been done prior to the beginning of this fiscal year last October 1. Once again, for the third consecutive year, and all too frequently in recent years, the Senate finds itself considering a massive appropriations bill, in this case totaling about 3,000 pages and spending nearly $400 billion, and containing important legislation which doesn't belong in an appropriations bill at all. We have had only a matter of hours to read and consider this bill.

This is a process which reflects poorly on the Congress both because it represents a failure to get the Nation's work done on time, and because of its huge size and the inclusion of matters which were not previously considered in the Senate hinders the kind of careful consideration and debate which wise decisionmaking demands. It is certain that Senators will only learn after the fact details about many provisions which have been added.

And perhaps most importantly, because these omnibus bills are delayed until the waning hours of each Congress, the White House is included in the meetings as the language is written, in order to avoid a Presidential veto. This weakens the constitutional prerogative of the legislative branch to control the Nation's purse strings and it undermines the critical oversight role which the Congress plays, in part, through its appropriations activities when they are conducted in the normal manner.

One example of the consequences of this hurried and extraordinary process is a provision in the bill late yesterday by our Republican colleagues that provides the chairman of the House or Senate Appropriations Committee or his or her staff access the tax returns and other tax return information of any corporation or individual. Further, it would exempt the chairman or staffer gaining access to these returns from any provision of law governing the disclosure of income tax returns. The House did not debate that provision. The Senate did not debate that provision. However, somehow it ended up in this bill. This is an outrage. The Senate passed a resolution earlier tonight in an effort to eventually remove this provision from law, however if this bill is adopted, this provision violating the privacy of income tax returns will become law and we will have to hope that the House of Representatives will follow through and the President will sign the resolution to remedy the situation.

For every egregious provision like the one above that we find, there could be several more that were missed.

I am also concerned about the failure of this bill to adequately fund vital education initiatives. The bill before us underfunds title I by $500 million below the President's budget request; this critical program provides aid to states and school districts to help educationally disadvantaged children achieve the same high academic performance standards as other students. The bill before us also underfunds the important Individual with Disabilities Education Act by $415 million and it underfunds the National Science Foundation at $62 million below the fiscal year 2004 funding level and $278 million below the budget request. Additionally, this legislation does not provide for an increase in the maximum Pell Grant award—the very foundation of aid for many needy students. It remains at the current level of $4,050, rather than increasing toward the authorized maximum award level of $5,800.

This bill also cuts funding for local law enforcement programs that could compromise the safety of communities around the country. Not only are our police on the beat essential for maintaining community safety, but they are the first line of defense against potential terrorist attacks. This bill cuts funding for the Community Oriented Policing Services, COPS, program by over $140 million from last year's funding level. This program provides vital funding to our first responders and I cannot support such a drastic cut in funding.

Throughout Michigan and the rest of the country, our cities are struggling to finance urgent upgrades to municipal sewer systems to prevent discharges to the environment or private property. These communities have very high water and sewer rates and cannot handle additional debt. The State Revolving Loan Fund, which has received $1.35 billion per year from Congress in the past several fiscal years, has helped to clean up polluted waters, however more money is needed to help communities such as ours in Michigan with significant needs. This bill does the opposite; it cuts funding for the State Revolving Loan Fund which will harm our ability to clean up our waters and upgrade our aging sewer systems.

This bill deletes a provision contained in both the House and Senate Labor-HHS appropriations bills that would have prohibited enforcement of the administration's overtime regulation that went into effect in August 2004.

I am also disappointed that this bill provides less funding for the IRS than the administration requested. This legislation provides $400 million less than the President requested. This overall dollar figure reflects $166 million less than requested for tax enforcement, which is a non-sensical and irresponsible decision. Tax enforcement is an unusual area of the budget where a relatively small increase pays for itself many times over by increasing the amount of revenue collected. Just days ago the IRS announced that its fiscal year 2004 enforcement revenue of $43 billion represented a roughly four-to-one return rate on its overall budget of $10.2 billion, a return that is even greater when only enforcement funding is taken into account. And this return on investment doesn't even take into account the fact that vigorous enforcement also has a word-of-mouth effect that goes beyond the direct revenue generated. Unfortunately, this conference report does not give the IRS nearly the resources it needs to ensure this vigorous enforcement, so we will continue to leave honest taxpayers shouldering an unfair share of the burden while many tax dodgers escape scot free. When only one in five known tax cheats is even chased by the IRS, and when fewer than 1 percent of the estimated 1 to 2 million individuals dodging taxes by using offshore bank accounts have pending IRS enforcement actions, there is obviously a lot more the IRS could be doing to improve enforcement.

Mr. President, while this bill funds many programs that I support, on balance I cannot support this legislation. For the reasons I have mentioned, and others, I will vote against this Omnibus bill.

Mr. CONRAD. Mr. President, I will vote against the omnibus appropriations conference report. The bill before the Senate contains 9 appropriations bills, 7 of which were never debated, amended, or voted upon by the Senate. The bill spends $388 billion, and, together with its explanatory language, it is 3,646 pages long.

Throughout the day today, I and several members of my staff have been reading and analyzing the provisions of this bill. During the examination, we discovered a particularly egregious provision. It would have allowed an agent of the chairman of the House or Senate Appropriations Committee to look at the tax return of anyone in America. And, further, it would have allowed them to release the private information contained in those returns without any civil or criminal penalty. That would have created the opportunity for an abuse of power almost unprecedented in our history.

Thankfully, my staff and I were able to catch this, and after strenuous debate, the provision will be nullified. But this is an indication of how completely flawed this process has become. None of us can know what other inappropriate provisions are in this bill. There simply has not been enough time to thoroughly scour the more than 3,600 pages in this bill.

There are a number of provisions in this bill that are good for North Dakota that I worked hard to have included, but it is clear to me this appropriations process is broken. Former President Ronald Reagan in his 1988 State of the Union Address told us we should not do business this way. He was right.

For that reason, I am obligated to oppose this conference report.

Ms. MIKULSKI. Mr. President, this is the toughest VA/HUD bill we have ever faced.

In putting this bill together, we were told by the Republican leadership that we had to do two things. First, we had to fund veterans medical care $1.2 billion above the President's budget request. Second, we had to fund NASA at the President's budget request of $16.2 billion. In addition, we had to provide enough money to renew Section 8 housing vouchers. Even though this was not a priority for the President, it was a priority for us.

I agree with these priorities. I have fought for these priorities. But in order to fund these priorities, we had to cut $3 billion from other programs. This is a shell game.

The Republican leadership gave us an allocation for conference that is $3 billion less than we had for our Senate bill. With the exception of VA medical care, Section 8 and NASA, we had to cut all other programs an average of 4 percent below last year.

For the first time in history, we had to cut essential programs to pay for these priorities. These are real cuts to programs that help people and communities. This is the illusion of being compassionate. We were forced to do this because of the budget caps that we are forced to live under by the Republican leadership.

These spending caps put a stranglehold on essential programs. The Republican leadership created this situation and unfortunately, the American people will pay the price.

Our No. 1 priority has always been our veterans. Senator BOND and I will always make veterans the number one priority in this bill. We have increased veterans medical care by $1.5 billion over last year, and $1.2 billion more than the President requested in his budget. We eliminated the President's proposal to increase deductibles and co-pays for veterans. It is wrong to ask veterans to pay more for their medical care, especially when we are fighting a war. We created a new prosthetics and holistic care program to find new ways to treat and care for veterans, especially for our veterans returning from Iraq and Afghanistan.

For this reason alone, we had to produce a bill, even under these circumstances. If we didn't produce a bill this year, we would not have enough money to care for our veterans, particularly our veterans returning from Iraq and Afghanistan.

We have increased funding for NASA to help fund the repairs to the Space Shuttle so we can return to flight next year and fix the Hubble Space Telescope.

Returning the Shuttle safely to flight is our top NASA priority. We are fully committed to implementing the recommendations of the Gehman Commission, and we have given NASA sufficient funding to accomplish this goal. We have provided the full budget request, $4.3 billion, to fund the Space Shuttle and we have provided NASA with unprecedented flexibility to add more funds for the Space Shuttle, if they need it.

We added $300 million to NASA's budget to fund a servicing mission to the Hubble Space Telescope, the most successful scientific instrument since Galileo's telescope. I have fought to save Hubble and I am proud that my colleagues have joined me in this fight by providing an additional $300 million to fund a servicing mission in 2007.

We also made a down payment on the President's Exploration Initiative so we can begin a new era in space exploration and we protected NASA's critical science programs such as Living With A Star and Earth science applications to help us better understand the Earth's environment.

For National Service, the overall budget was cut by over $3 million compared to last year but we were able to fund AmeriCorps at a level that supports 70,000 new volunteers, despite the cut in funding. This will allow us to maintain the momentum we started last year.

However, these increases come at a price. To provide these needed increases for veterans and NASA, we had to cut essential programs, "including housing programs. Senator BOND and I have a responsibility to fund the renewals of Section 8 vouchers. We added funding for Section 8 renewals, but we had to cut other programs to pay for it.

We were forced to cut housing for the elderly by $26 million. Housing for the disabled is cut by $10 million. The Community Development Block Grant Program, one of our most popular programs in this bill, and one of the most important programs for State and local governments, is cut by $200 million compared to last year. We should not have to be forced to shift funding from one essential program to another.

For EPA, we were forced to make cuts because of the budget cuts imposed on us by the Republican leadership. The clean water State revolving fund was cut by $250 million compared to last year. That means every State will get less money for sewer construction.

EPA's successful science and technology programs—the programs looking at innovative and cost effective solutions for environmental protection—are cut by $40 million compared to last year. Overall, EPA is cut by over $300 million compared to last year.

Thanks to the Republican budget cuts, we are shifting the burden of environmental protection to State and local governments. I am opposed to this and fought it every step of the way.

For NSF, Senator BOND and I have fought to incease funding for science and technology by fighting to double NSF's budget over 5 years. Yet, the budget cuts imposed on us forced us to cut $60 million from NSF's budget compared to last year.

Fortunately, we were able to increase funding for our historically black colleges and universities and maintain graduate stipends at $30,000 per year—two of my top priorities.

But we will not be able to maintain our leadership in science and technology if we are forced to cut NSF funding. We will not be able to produce the new technologies that lead to the new jobs if we have to cut basic research funding. This is not a sound policy.

Senator BOND and I have done the best we could do under the circumstances. We had no choice but to produce a bill. A CR would have been worse for our veterans and we could not let that happen. We have soldiers returning from Iraq and Afghanistan. Without an increase in VA medical care, we would not be able to care for them once they return and enter the VA system.

Senator BOND and I would never let that happen, but it is wrong to have to cut other important programs to pay for it. I hope that we will not face this situation next year.

Mr. BUNNING. Mr. President, today I voted to approve the Conference Report to Accompany H.R. 4818, the Consolidated Appropriations Act of Fiscal Year 2005. As many of my colleagues in both the Senate and the House of Representatives have discussed at length today, this bill contains a provision, Section 222, which could be interpreted in a way as to cause concern regarding the protection of the privacy of I.R.S. data of U.S. taxpayers. As a Member of the Senate, and particularly as a member of the Senate Finance Committee, I take the American taxpayers' rights to privacy regarding their personal income tax information very seriously. I supported a joint resolution, passed earlier today by the Senate, which calls for the removal of this provision from this conference report. In addition, I understand that the chairmen of the House Appropriations, Senate Appropriations, House Ways and Means and Senate Finance Committees have made clear their intentions to insure that this provision is deleted or otherwise removed at the earliest possible opportunity. I also understand that the President of the United States is expected to issue a statement indicating that this provision of the conference report shall be disregarded. It is with reliance upon these commitments, and with my intentions to follow this issue closely to insure that this situation is corrected at the earliest possible opportunity, that I cast my vote in support of this conference report today.

Mr. GRASSLEY. Mr. President, today the House and Senate are considering whether to approve the conference report to H.R. 4818. H.R. 4818 is what is commonly called in the Congress an omnibus appropriations bill. Basically, an omnibus bill rolls a number of other bills into a single legislative vehicle for an up-or-down vote on the final package. It is a method frequently used by the Appropriations Committee at the end of the legislative session after the committee has failed to complete its work in regular order. It enables the Appropriations Committee to appropriate funds at the end of the year. Without this appropriation, the Government would shut down. So, it is must pass legislation.

Work on this bill was completed last night around midnight. Since that time, my Finance Committee staff has been scouring the package to determine whether there are any provisions within the jurisdiction of the Finance Committee in the bill. Unfortunately, the Appropriations Committee often includes authorizing language on matters within the jurisdiction of my committee, but fails to notify us. The result is usually poorly drafted and short-sighted provisions, many of which have unintended effects. Unfortunately, this year is no different.

Let's just take one area—international trade. A few years ago, the Appropriations Committee included an amendment which required that monies collected as countervailing duties and antidumping duties be distributed to the petitioners who filed the underlying cases. Many of our trading partners thought this provision violated our international obligations because it enables petitioning industries to not only have duties placed against competing imports, but to also receive these duties. The World Trade Organization agreed and found the amendment to be contrary to our trade obligations. Nevertheless, the law is still on the books. As a result, many of our export industries may face retaliatory sanctions.

As I said, this amendment was slipped into an appropriations conference report without full debate in the Senate. The Finance Committee, as the committee of jurisdiction and the committee with expertise in international trade, never had a chance to review the amendment. Now, I'm not surprised that a bill that was never considered by the committee of expertise or even the full Senate was found to violate our international commitments.

But, even aside from the WTO ruling, there are a number of other problems with the way the amendment operates. For example, earlier this year the Congressional Budget Office issued a report in which it found that, regardless of the economic harm which can be caused by retaliation, the amendment is detrimental to the overall economic welfare of the United States. An earlier report issued by the Department of Treasury Inspector General found that the Bureau of Customs and Border Protection made $25 million in overpayments when disbursing funds. The report also faulted the Bureau of Customs and Border Protection because qualifying expenditures claimed by domestic producers are not verified on a routine basis. So, there are a lot of problems with the way this program functions that are totally independent from our WTO obligations.

But because the Finance Committee never had an opportunity to review the amendment, these problems were never addressed. Instead of working with the Committee to address these problems, they took a different tack. In this year's omnibus appropriations bill they decided to require our United States Trade Representative and the Department of Commerce to negotiate the right for WTO members to distribute monies collected from antidumping and countervailing duty measures. In short, they are directing our trade negotiators to go back to the negotiating table and try to negotiate for something which we have already lost. I doubt our trading partners will be sympathetic.

The Appropriations Committee also required the Office of the United States Trade Representative to create a new position of Chief Negotiator for Intellectual Property Rights Enforcement. Now, this may be good idea—but, again the Finance Committee has not had an opportunity to review this provision so we do not know if this is an appropriate use of government resources or not. We do know that the decision about whether to create new trade negotiating positions is up to the Finance Committee, not the Appropriations Committee.

Unfortunately Mr. President, these provisions are just exemplary. There are many other provisions in the bill dealing with international trade that, frankly, should not be in there. Whatever position you may take on the merits of these provisions, international trade negotiations and antidumping and countervailing duty laws are plainly matters within the jurisdiction of the Committee on Finance. The vast trade implications of these provisions were not carefully weighed by the Committee on Finance. This is bad precedent—and I sincerely hope we will not see similar actions in the future.

Mr. KOHL. Mr. President, I rise today to oppose the Omnibus appropriations bill. I think the American people would be appalled by the process under which the Senate is considering this bill. Provisions have been added that have never been debated, never had a hearing, and never had a vote in the Senate. It is thousands of pages long, and yet the Senate has had only a few hours to read the bill. We are just beginning to learn about all of the provisions that have been added.

Already, we have learned about an outrageous provision that would allow for a complete reversal of longstanding privacy protections. The bill contains a provision that allows Appropriations Committee chairman, or their designees, to review the tax returns of any American citizen. Any individual, any corporation could have their very private information poured over by any number of people. Not only would the private, sensitive tax information be available to the Chairmen and their staffs—they would be able to distribute that information without incurring any penalties. This egregious "oversight" is inexcusable. That a provision with this impact, on both privacy rules and on powers of the Senate, would be slipped in at the midnight hour with no oversight, is an offense to every Member of the Senate and most importantly, to the American people.

While I am relieved that promises have been made to remove this egregious provision, this is just an example of the danger that comes with rushing a bill like this through the Senate. This is simply indefensible. The American people deserve a more serious effort, and I cannot support a bill that has been rushed through in this manner.

I am also troubled by much of what we already know about this bill. This bill demonstrates that the budget deficit our Nation is facing today is causing real cuts in important programs and real pain for working families. These tight budget numbers are the consequence of a fiscal policy that puts reckless and expensive tax cuts for the wealthiest in our country above all other priorities. That policy has left us with huge deficits and the inability to fully fund some of our Nation's most pressing needs—needs like education, health care, law enforcement and housing. Clearly, we need to take another look at our Nation's fiscal policy and finally put together a budget plan that meet the needs of American families.

The Omnibus appropriations bill before us simply falls short on too many of our priorities. I recognize that it includes a $500 million increase for the title I education program for disadvantaged students and a $607 million increase for special education. I am grateful that increases were provided during these difficult times but let's not forget that even with these increases, funding for No Child Left Behind is still far below the levels authorized when the law passed. We are still not coming anywhere close to our commitment to fund 40 percent of the costs of special education. And once again, the maximum Pell Grant award has been frozen leaving more students with higher student loan debts or shut out of higher education altogether. These are just a few examples. I believe we should be able to do better when it comes to our Nation's students and schools.

In addition, I am very disappointed with the practical elimination of the COPS Universal Hiring program. The Omnibus appropriations bill allocates a paltry $10 million for this nationwide program—a program that has added tens of thousands of police officers to police departments across the country. Not surprisingly, the COPS program has been overwhelmingly popular among our local police departments in Wisconsin and beyond. Moreover, crime has been steadily decreasing in the past decade thanks in part to the COPS program. A mere $10 million is not enough for a program that received more than $300 million just a few years ago. Quite simply, this appropriations bill demonstrates an insensitivity to the needs of our police officers who are also the first line of defense in the war on terror.

This Omnibus bill also contains inadequate support for energy saving research. One of the programs that I was disappointed did not receive sufficient funding in this bill was the Department of Energy's Industrial Technologies program. This program is an important effort to invest in our manufacturing base by increasing energy efficiency. This program invests in research to improve industrial energy efficiency and environmental performance in eight basic, energy intensive industries named by DoE as Industries of the Future: aluminum, chemicals, forest products, glass, metal casting, mining, petroleum and steel.

An example of such a program in Wisconsin that is applicable to all eight DOE Industries of the Future in Wisconsin is the project "Wireless Sensor Network for Advanced Energy Management Solutions" which applies advanced communications and sensors technology to industrial motors. The projected benefits from this program in 2020 include energy savings of 279 trillion Btus, $1.3 billion and 116 million pounds of pollutant reduction.

It is my hope that DOE reconsider this very important technology development and that the Interior Appropriations subcommittee focus next year on this program because of the impact it will have on our manufacturing capabilities in the United States.

I am also very concerned about the across-the-board cut that is included in this bill. The bill includes a cut of 0.83 percent that will apply to every program. That means the increases some programs received will be scaled back, and those programs that received flat funding will actually get a cut from last year's levels after the across-the-board reduction goes into effect.

I am particularly disappointed that this bill fails to address one critical area that is very important to me regarding dairy. As I have stated many times before on the floor of the Senate, dairy is an extremely important part of the economy of the Upper Midwest. For Wisconsin alone, employment associated with dairy farming, processing and related activities is estimated to be about 160,000, generating roughly $5 billion in income annually.

During the 2002 farm bill, a new dairy program was created, called the Milk Income Loss Contract, MILC, program, to provide countercyclical assistance to all dairy farmers in the nation, whenever market prices for milk fall below certain trigger levels. The program provides assistance in the form of direct payments to producers, up to the first 2.4 million pounds of production annually, when market prices are low. While the MILC program uses the market as a reference price to trigger assistance, it does not directly intervene into the market.

In 2002 and the first half of 2003, dairy prices reached 25-year lows. During that time, the MILC program provided dairy producers with much needed assistance. Wisconsin dairy producers have received $413 million in assistance under the program to date.

Without a doubt, dairy producers prefer to receive their income from the marketplace. Fortunately, milk prices have recovered over the last year, and as a result, the MILC program is now dormant. However, the safety net provided by the MILC program has been extremely helpful, particularly during times of low market prices. Unfortunately, the MILC program is scheduled to expire in September of 2005, 2 years earlier than the rest of the farm bill commodity programs.

Recognizing this problem, a bipartisan, multiregional coalition of Senators sought to remedy the situation during this year's appropriations process by extending the MILC program for 2 more years. Such an extension would put the MILC program on equal footing with other farm bill commodity programs.

On October 7, the President of the United States personally entered the debate on MILC extension. He traveled to Wisconsin to voice his support for the MILC program and before a group of Wisconsin dairy families stated:

> I know that the Milk Income Lost Contract Program is important to the dairy farmers here in Wisconsin. The milk program is set to expire next fall. I look forward to working with Congress to reauthorize the program so Wisconsin dairy farmers and dairy farmers all across this country can count on the support they need.

Our effort to extend the MILC program was also endorsed by a bipartisan, multiregional group of Governors. I ask unanimous consent that the Governors' letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Nov. 12, 2004.

Hon. TED STEVENS,
Chair, Senate Appropriations Committee,
Hart Senate Office Building, Washington, DC.
Hon. ROBERT BYRD,
Ranking Member, Senate Appropriations Committee,
Hart Senate Office Building, Washington, DC.
Hon. BILL YOUNG,
Chair, House Appropriations Committee,
Rayburn House Office Building, Washington, DC.
Hon. DAVID OBEY,
Ranking Member, House Appropriations Committee,
Rayburn House Office Building, Washington, DC.

DEAR SENATORS STEVENS AND BYRD; REPRESENTATIVES YOUNG AND OBEY: We are writing today to urge you to support a two-year extension of the Milk Income Loss Contract (MILC) program, as was recently passed by the Senate Appropriations Committee by a vote of 18 to five.

The MILC program, created by the 2002 farm bill, has been extremely helpful to dairy producers nationwide, by providing financial assistance when milk prices fall below certain target prices. The program has helped to stem the tide of dairy farm loss in our states, especially when milk prices fell to historic lows in 2002 and the first half of 2003.

Without question, dairy producers in our states prefer to receive their income from the market. As designed, the MILC program is dormant when market prices are strong, as they have been during most of 2004. When milk prices fall, however, the MILC program provides an effective safety net for the dairy-dependent communities in our states.

Unfortunately, the MILC program is scheduled to expire on September 30, 2005, two years earlier than the other farm bill programs. The bipartisan Senate provision would extend the MILC program by two years, to bring it in line with the timing of the rest of the farm bill, assuring a continued safety net for dairy farmers nationwide in the event of future price declines.

We therefore strongly urge you to support the inclusion of the Senate MILC extension provision on one of the remaining Fiscal Year 2005 appropriations conference reports scheduled for enactment this year.

Sincerely,
Governor Jim Doyle, Wisconsin.
Governor Mark R. Warner, Virginia.
Governor Bob Holden, Missouri.
Governor Edward Rendell, Pennsylvania.
Governor John Baldacci, Maine.
Governor Jennifer Granholm, Michigan.
Governor Mike Rounds, South Dakota.
Governor Kathleen Babineaux Blanco, Louisiana.
Governor Tim Pawlenty, Minnesota.
Governor James H. Douglas, Vermont.
Governor Michael Easley, North Carolina.
Governor Dirk Kempthorne, Idaho.
Governor Tom Vilsack, Iowa.
Governor George E. Pataki, New York.
Governor Bob Taft, Ohio.
Governor John Hoeven, North Dakota

Mr. KOHL. Our MILC extension was adopted twice by Senate conferees on appropriations measures, and each time it was shot down by House negotiators. Notwithstanding assurances of executive support and gubernatorial support, House Republican negotiators thwarted our efforts to include MILC extension in the various appropriations measures. I am extremely disappointed they did so.

One can reasonably assume, given the President's assurances in Wausau, WI, that MILC extension will be a part of his budget submission next year. While that is welcome, I caution my fellow MILC supporters and dairy farmers all across the nation to take that eventual development with a grain of salt.

Budget resolutions themselves are not enacted into law. They form a blueprint for subsequent Congressional action. Putting MILC in the President's budget, by itself, won't get the job done. It will take concerted and cooperative effort on both sides of the capitol to extend the MILC program.

Despite the serious problems I have noted above, it is worth mentioning several positive things in this bill that are of importance to my State, and I want to thank the chairman and ranking member, Senators STEVENS and BYRD, for working to accommodate my priorities.

First, I am pleased that juvenile justice programs fared much better than the President's original budget request. In that proposal, juvenile justice programs—which fund afterschool and other juvenile crime prevention programs, intervention initiatives that work to redirect troubled teens, youth mentoring programs, substance abuse prevention and education projects, and programs that help keep kids out of gangs—received just under $200 million. Through our work with Senators GREGG and HOLLINGS throughout the year, we have been able to increase that number to $384 million in this appropriations bill and I thank my colleagues for their support and cooperation. Though encouraging, we must remember that juvenile justice programs and our children deserve more funding than that. Just three years ago, these programs received roughly $550 million. Dollars spent on juvenile crime prevention is a wise investment. We can and must do better.

I am also grateful for the efforts of Senators SPECTER and HARKIN in working so hard to accomodate my State's needs for additional funding for Hmong refugees. The U.S. Government announced in December, 2003, that 15,000 Hmong refugees living in Thailand would be resettled in our country, primarily in Wisconsin, Minnesota and California. The resources provided in this bill will provide job training, health care, education and other support services and help our communities assist them with their basic needs. I know it was very difficult to find scarce resources in this tight budget, and I greatly appreciate the hard work of Senator SPECTER and Senator HARKIN to meet this need.

The bill before us also makes progress in meeting the need to provide assistance for low-income people trying to pay their rising heating bills. Funding for LIHEAP has been seriously underfunded coming into the heating season. As the prices of heating oil and natural gas continue to go up, an economic disaster was around the corner for many working families. While this bill did not provide the entire $600 million in emergency funds that many of my colleagues and I thought was necessary, it did provide $300 million. This additional funding raises to $2.2 billion the amount of regular and emergency funding available to help families meet there energy needs. In my state of Wisconsin, this account is crucial to helping the disadvantaged make it through the long winter.

In addition, one of my top priorities this year has been to restore full funding for the Commerce Department's Manufacturing Extension Partnership program, so I am especially pleased that we have been able to provide a total of $109 million for this vital program, a dramatic increase above the fiscal year 2004 funding of $39 million and a $3 million increase above funding in fiscal year 2003. Wisconsin is one of the most manufacturing-dependent States in the Nation, second only to Indiana, and this budget will be able to support the Wisconsin Manufacturing Extension Partnership program and the Northwest Wisconsin Manufacturing Outreach Center, the two MEP centers in my State. MEP provides critical assistance to small- and medium-sized manufacturers throughout the Nation. It is one of the only Federal programs which exists to help manufacturers maintain their technological edge and thus, retain jobs. Unfortunately, the fiscal year 2004 budget and the administration's fiscal year 2005 budget request included deep cuts to the program leading to the firing of staff and the closing of local offices around the country. While we were able to get the Commerce Department to reprogram some funding at the end of fiscal year 2004 to stave off further cuts, it was essential that we put this program back on track for fiscal year 2005.

In addition, I am pleased we have added bipartisan legislation to the Omnibus that will extend the benefits of the Satellite Home Viewer Improvement Act for another five years. We needed to act quickly to extend some sections of the satellite law we passed in 1999 because they were set to expire this year. To be sure, compromises were made to achieve this goal. But, we feel a deal was struck that is fair to all parties—consumers, satellite companies, and broadcasters alike.

Let me discuss how this bill will further spur competition between cable and satellite, which in turn will benefit consumers. Our bill will allow satellite companies to retransmit "significantly viewed" stations into local markets on a royalty-free basis. Cable companies have enjoyed this privilege for years, and it is time to extend this right to the satellite industry. By doing so, satellite companies will be able to craft a local channel line-up more similar to what cable currently offers.

Furthermore, through working with my colleagues, particularly Senator HATCH, we were able to assist low power TV stations, like Channel 41 in Milwaukee, carry valuable local programming and sports broadcasts that other stations do not carry. Satellite television consumers in southeastern Wisconsin and around the country will benefit from more local programs and more choices. It represents a tremendous win for consumers and local sports fans. Simply, we extended a statutory license to low power TV stations in the same way those stations receive that privilege in the cable world. This is an important pro-consumer measure that we are able to successfully include in the Omnibus.

Finally, this bill includes funding for many important programs that will improve the lives of people in Wisconsin. Projects that provide job training, health care and dental care to uninsured families, afterschool programs, mental health services, caregiver training, transportation, crime prevention and economic development—all of these programs will have a real benefit for families and communities in my State. I am grateful for the hard work of the committee in accomodating these Wisconsin priorities.

As ranking member of the Agriculture Subcommittee, I would also like to make a few remarks about what is included in Division A of the bill, providing fiscal year 2005 appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

First of all, I want to congratulate Senator BENNETT who has now completed his second year as chairman of the Agriculture Subcommittee. In the period he has served as our chairman, his grasp of the policies, programs, and problems related to this subcommittee's jurisdiction has been outstanding. It has been a great pleasure for me to work with him, and I look forward to our continuing partnership next year.

Again this year the resources available to the Agriculture Subcommittee have witnessed a decrease from the previous year. Yet in spite of those constraints, Chairman BENNETT was able to provide some important increases to benefit American consumers and those who live and work in our rural areas. This conference report includes more than $5 billion for the WIC program. This amount is significantly higher than the fiscal year 2004 level or that of either the House or Senate bills. This appropriation will help meet caseload requirements for the coming year in spite of higher than expected food costs and participation rates.

This conference report includes new funding for a number of plant and animal disease problems including research for soybean rust, mad cow disease, avian influenza and a number of other emerging issues. More than $33 million is provided to establish a national animal identification program, as is funding related to conservation, rural development, food and drug safety, and more.

However, I must mention concerns I have with this conference report. I am concerned about reductions in the rural water and wastewater programs. Further, although the Public Law 480 title II program is funded at near the Senate level, worsening conditions around the world and the administration's reluctance to use the Emerson Humanitarian Trust, worries me that international food assistance may fall short and our contributions to humanitarian relief around the world may go wanting.

I also feel it is important to mention a growing, and unfortunate, practice on which this subcommittee has had to rely again this year. In order to achieve the funding levels for discretionary programs that we have in this conference report, serious reductions or rescissions in other programs had to be realized. This is not a wholly new occurrence. For many years, this subcommittee has effected limitations on a number of mandatory programs, notably those funded through various farm bills, in order to meet discretionary targets. However, due to a strangling of resources provided to this subcommittee in discretionary allocations, reductions in mandatory programs are becoming more and more severe.

My grave fear is if discretionary constraints continue at the rate we have seen the past couple of years, we will hit the limit on savings we can achieve and there will be nothing left to rescind. If and when that happens, the demands for carrying out farm programs, protecting American consumers, ensuring food and drug safety, keeping our environment clean, providing basic services for rural families, and meeting new challenges such as mad cow disease, soybean rust and all the rest will not diminish and we will simply not be able to provide what is necessary. On that day, we, and all of America, will be standing in the middle of a very tragic train wreck and we will all be asking each other how and why we let this happen. I hope that before that day comes, we will be able once again to have the resources necessary to meet the demands we were given the trust to overcome.

Having said that, I do want to praise the work of Chairman BENNETT. With the limitations I have just outlined, he has crafted a very balanced bill that will serve America well. He has done an outstanding job with limited resources and we should all be very proud of him for that.

I also want to recognize the majority staff who has worked so well with mine on putting this conference report together. I would like to mention Fitzhugh Elder, Hunter Moorhead, and Dianne Preece. I especially want to recognize the majority clerk, Pat Raymond, for her outstanding service, not just to his subcommittee, but to the Senate overall. I want to note that Pat will be leaving the Senate after the first of the year and we will all miss her and wish her well.

I would also like to recognize Galen Fountain, Jessica Arden, Bill Simpson, Tom Gonzales and Meagan McCarthy of the minority staff and Phil Karsting of my personal staff for all their hard work on this bill.

While I am pleased that the Omnibus appropriations bill includes many of my priorities, on balance, I cannot support it. First, this bill shortchanges too many of our nation's most important priorities. This Nation's fiscal policy throughout the last several years has led to large and irresponsible deficits, and as a result, we are facing an appropriations bill that is unable to meet some of the most pressing needs of our families and communities.

Finally, I cannot support this bill because the process by which it was put together and rushed through the Senate has been unacceptable. It is three thousand pages long and we have had only a matter of hours to review it. We have already learned about an egregious provision that would infringe on the privacy of Americans' tax returns, and as we have more time to review the bill, it is likely we will find more troubling provisions. I hope that this unfortunate process will not be repeated in the future. People in Wisconsin and across the Nation expect a more serious effort from the Senate. I urge my colleagues to oppose the conference report.

Mr. DODD. Mr. President, I regrettably voted against the adoption, of the conference report tonight. I say "regrettably" because I appreciate the efforts of Senator STEVENS, BYRD, and others to fashion sound legislation for the country, including the State of Connecticut. I am grateful to them. I applaud their efforts. However, I felt compelled to oppose this legislation because of the troubling way this bill was brought before this body and because of certain provisions about which I held deep concerns.

A few hours before the vote tonight, we were handed a piece of legislation 3,200 pages in length that combined nine appropriations bills worth over $380 billion. It is important to note that these appropriations bills did not follow the normal legislative process. Instead of being considered and voted on separately by the Senate and House and reconciled in a conference committee, they were combined into an existing conference report and sent to both the House and Senate with limited time for debate and no chance of amending. Furthermore, this omnibus bill was largely written under a shroud of secrecy—a shroud so thick that it became apparent this afternoon that not even the Senate leadership or Senate Appropriations Committee chairman knew fully what was contained in this legislation.

Thanks to our colleague Kent Conrad and his staff this afternoon, we learned of an extraordinary tax provision buried in the middle of this 3-foot thick bill—a provision apparently unbeknownst to the majority that launches an unprecedented assault on the personal privacy. This provision allows certain Members of Congress or their designees—designees that could include anybody from staff members to private contractors—to request the tax returns of any United States citizen without having to give any reason for requesting the returns and without having any limitations on how to use those returns. Simply put, it is an unprecedented abuse of congressional power and a frontal assault on our civil liberties.

I am told that the fact remains that this legislation contains a provision that strikes at the heart of our nation's civil liberties. Moreover, that this provision will be repealed by the House and Senate before becoming law. While I am comforted by this move, I remain deeply troubled that other damaging provisions such as the one above might remain in this bill.

A second issue over which I hold deep concerns is that this conference report essentially allows health care providers to "gag" medical professionals and deny women from obtaining medically necessary information and services concerning reproductive health. This so-called Federal refusal clause would exempt health care providers from any existing federal, state, or municipal law that ensures that women have legal access to abortion services and reproductive health information. It would also bar states and municipalities from enforcing their own access laws without jeopardizing all of their federal funding for health and educational initiatives. While supporters of this provision claim that it solely serves as a "conscience clause" that protects the religious beliefs of certain health care providers, it is clear to me that this provision is yet another veiled attempt to undermine a woman's constitutional right to choose.

I am encouraged that Senator BOXER has reached an agreement with the Senate leadership to introduce and consider a bill next year that will strip this provision. As legislators, I believe that we should not work to uphold the rights and freedoms proscribed by the Constitution. We should not work to stifle or remove them. Therefore, I urge my colleagues to support the constitutional rights of women as enshrined by Roe v. Wade. I urge them to support initiatives that properly and effectively make a woman's life and well-being a top priority.

Furthermore, I am concerned that this conference report fails to contain several important measures that were previously approved by the House and Senate. One such measure prevents the Labor Department to, in effect, deny overtime pay to as many as 8 million workers across our country. While both the House and the Senate opposed this policy by bipartisan majorities, that opposition was ignored by Republican conferees. Many workers who now qualify for overtime pay would find their jobs reclassified as a managerial or professional position, thus making them ineligible for overtime pay if they work in excess of 40 hours.

This change is significant because overtime pay can provide as much as 25 percent of a worker's annual income.

Instead of working toward creating new jobs and helping working families and individuals, the legislation creates yet another obstacle for millions of Americans to provide for themselves and their families.

Second, this conference report fails to stop the outsourcing of American jobs. The conference report that was before us tonight fails to reverse a Bush administration policy of allowing government functions to be outsourced to other countries—thereby causing thousands of job losses at home.

Finally, the conference report wholly underfunds important domestic initiatives such as education and health. It shows once again the current Administration's failure in guaranteeing the well-being of all Americans.

I regretted voting against this bill tonight because it does provide several million dollars for important initiatives in my home state of Connecticut and across the Nation. However, in my view, it carries too many negative provisions for me to support. I will continue to work with my colleagues in rectifying the bill's shortcomings in the coming months and new session of Congress.

Mr. STEVENS. I ask for passage of the bill, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back and all time has been used.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I am strongly opposed to a provision included in this omnibus bill that has never been debated or considered by the Senate. It denies millions of women basic information about their constitutional rights and endangers women who are in desperate situations in pregnancies caused by rape or incest or pregnancies that threaten their health or their life. Again, this provision has never been considered or debated by the Senate, yet it is included in this appropriations bill.

Given the rules of the Senate, there is no way I can strike this provision of the bill at this point. I could delay the passage of the bill, but I cannot strike this outrageous provision.

When the Senate returns to session in January, I will be introducing legislation to repeal this so-called Weldon provision. I feel strongly the Senate must debate, consider, and vote on this issue. It is too important to millions of American women to be slipped into an Omnibus appropriations bill. Therefore, I ask the majority and soon-to-be minority leaders to commit to bring before the Senate by April 30, 2005, my bill to repeal the so-called Weldon amendment, with a minimum of 4 hours of debate and an up-or-down vote on my bill without amendment. I ask the majority leader if he will comment on this?

Mr. FRIST. Mr. President, I thank Senator BOXER for allowing us to move toward completion of the Omnibus appropriations bill today. I commit to her that no later than April 30, 2005, the Senate will consider her bill to repeal the so-called Weldon amendment regarding abortion conscience clauses that is included in the Omnibus appropriations bill. When we consider that bill, we will have no less than 4 hours of debate equally divided on the bill, with Senator BOXER controlling half the time. There will be no amendment or other motions in order to the bill, and at the conclusion or yielding back of time the Senate will conduct an up-or-down vote on the Boxer bill.

I further commit to the Senator from California that this debate and vote will not occur on a Monday or a Friday and that it will not occur during the evening or a late night session.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I thank the majority leader for making this agreement and allowing the Senate to complete its work this year. I commit to the Senator from California that I will ensure the agreement that is reached today will be upheld.

Mrs. BOXER. I thank the two leaders and I urge the vote.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent. The Senator from Colorado (Mr. CAMPBELL), the Senator from New Hampshire (Mr. GREGG), and the Senator from Indiana, (Mr. LUGAR).

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from South Carolina (Mr. HOLLINGS), are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "no."

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 30, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—65

Alexander
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Cantwell
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Daschle
Dayton
DeWine
Dole
Domenici
Dorgan
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Harkin
Hatch
Hutchison
Inouye
Johnson
Landrieu
Lieberman
Lincoln
Lott
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nickles
Pryor
Reid
Roberts
Santorum
Schumer
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—30

Akaka
Bayh
Boxer
Byrd
Carper
Conrad
Corzine
Dodd
Durbin
Edwards
Ensign
Feingold
Graham (FL)
Hagel
Inhofe
Jeffords
Kennedy
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
McCain
Nelson (NE)
Reed
Rockefeller
Sarbanes
Sessions
Stabenow

NOT VOTING—5

Biden
Campbell
Gregg
Hollings
Lugar

The conference report was agreed to.

Mr. LEAHY. Mr. President, I rise today to applaud the fact that the Satellite Home Viewer Extension and Reauthorization Act of 2004 has been included in the Omnibus Appropriations conference report. The House is likely to pass the conference report later today. The fate of the conference report is less certain here in the Senate, and I still have not made up my mind how I will vote as I am still reviewing the text of the bill. I am pleased, however, that the Satellite Home Viewer Extension and Reauthorization Act of 2004 has been included. This new law marks important progress for rural Americans by providing greater access to more television options or these consumers, making more local TV channels available to them, encouraging more digital TV offerings, and providing head-to-head competition with cable TV.

I was pleased to sponsor the original Senate bill with Chairman HATCH, and Senators DEWINE and KOHL, which was introduced on January 21, 2004. At our Judiciary Committee hearing on the bill we heard from the President and CEO of Vermont Public Television, John King, who testified about the benefits of local-into-local television to Vermonters and the importance of getting both satellite carriers to offer it in Vermont. He also noted that all of the Vermont network stations should be offered statewide, including in Bennington and Windham counties. He testified that those counties receive local news from the Schenectady area and from the Boston TV market, respectively, not from Vermont stations.

I can recall hearing from many Vermont families over the years about this issue. In fact, in a letter dated February 20, 2004, I heard from almost 20 Vermont State representatives and State senators about the importance of getting satellite-delivered Vermont stations into Bennington and Windham counties. Indeed, the Vermont General Assembly adopted in both houses a joint resolution urging that "the Vermont Congressional delegation assist in assuring the availability of Vermont-based television stations on all home satellite delivery systems in the state." I am pleased to announce that this just got done with the passage of this new law.

Once the President signs this bill, both satellite carriers, the Dish Network, also known as EchoStar, and DirecTV will be able to offer all Vermont TV stations in all Vermont counties. The Dish Network has been offering Vermont TV stations over satellite for over 2 years, except in those two counties, and DirecTV announced this month that they would begin offering local TV service in Vermont.

Both of these national satellite companies will also be able to offer TV satellite service in analog—as they do now—and in digital after full implementation of this new satellite law.

The Hatch-Leahy Satellite Home Viewer Extension Act of 2004 was approved by the Senate Judiciary Committee on June 17, 2004. All the members of the Judiciary Committee supported that bill.

When the bill was reported out of committee, I noted that the bill does far more than just protect satellite dish owners from losing signals as had happened in 1997 and 1998. I pointed out that the new satellite bill protects subscribers in every state, expands viewing choices for most dish owners, promotes access to local programming, and increases direct, head-to-head, competition between cable and satellite providers.

Easily, this bill will benefit 21 million satellite television dish owners throughout the nation, and I am happy to note that around 90,000 Vermonters receive satellite TV.

I was pleased to work on this bill not only with the Vermont Congressional delegation but also with my colleagues from New Hampshire, Senator SUNUNU and Senator GREGG. We, along with Senator JEFFORDS, introduced legislation to ensure that satellite dish owners in every county in each of our States would be able to receive signals, via satellite, from our respective in-State television stations. While our two States represent a small television market as compared to some of the major population centers, this provision is nonetheless very important to residents in six of our collective counties—two in Vermont and four in New Hampshire. I also coordinated these efforts with Congressman SANDERS and Congressman BASS of New Hampshire. Viewers in both States in those counties will simply choose whether they want to watch WMUR from Manchester, or watch WVNY or any of the other Vermont stations. For the first time, these residents in both States will be able to receive home State news and programming via satellite.

For too long, Bennington and Windham counties have not been able to receive television news about what is happening in Vermont. Because of Vermont's alpine topography, with many towns in the saddles of our mountains, thousands of Vermonters did not receive Vermont television stations over the air. This new provision solves that problem.

I have received input from all Vermont stations on this effort. I also had my staff meet with representatives from all the Vermont stations to go over the details. I appreciate the input of Peter Martin of WCAX; John King and Ann Curran of Vermont Public Television; Bill Sally of Fox, WFFF; Paul Sands of WPTZ and WNNE, NBC; Ted Teffner of WCAX; Eric Storck and Ken Kazabowski of WVNY, ABC. My staff also met with representatives of Adelphia Cable, Vermont's largest cable provider, and other providers.

As I mentioned on the Senate floor in September, this effort will also allow additional programming via satellite through adoption of the so-called "significantly viewed" test now used for cable, but not for satellite subscribers. Generally applied that test means if a family were in an area in which most families in the past had received TV signals using a regular rooftop antenna, then those families could be offered that same signal TV via cable. By having similar rules, satellite carriers will be able to directly compete with cable providers who already operate under the significantly viewed test. This gives home dish owners more choices of programming.

In 1997, we found a way to avoid cutoffs of satellite TV service to millions of homes and to protect the local affiliate broadcast system. The following year we forged an alliance behind a strong satellite bill to permit local stations to be offered by satellite, thus increasing competition between cable and satellite providers.

I want to thank Chairman HATCH, along with Senators KOHL and DEWINE, for providing such strong leadership in this effort. In 1998 and 1999 we developed a major satellite law which transformed the industry by allowing local television stations to be carried by satellite and beamed back down to the local communities served by those stations. This marked the first time that thousands of TV owners were able to get the full complement of local network stations. In 1997 we found a way to avoid cutoffs of satellite TV service to millions of homes and to protect the local affiliate broadcast system. The following year we forged an alliance behind a strong satellite bill to permit local stations to be offered by satellite, thus increasing competition between cable and satellite providers.

We also worked with the Public Broadcasting System so they could offer a national feed as they transitioned to having their local programming beamed up to satellites and then beamed back down to much larger audiences.

Because of those efforts, dish owners in Vermont and most other States can watch their local stations instead of receiving signals from distant stations. Such a service allows television watchers to be more easily connected to their communities as well as providing access to necessary emergency signals, news and broadcasts.

The good news is that this bill is great for every state in the nation. Consumers in every county in every state will be offered, over time, more satellite TV choices. This effort is an example of how the Congress can work together on complex issues to benefit families all across America.

Many Members had a hand in crafting this bill. Subcommittee Chairman DEWINE, and his chief of staff, Pete Levitas, and David Bolling, and ranking member Senator KOHL and his staff, Jeff Miller and Jon Schwantes, were very helpful in crafting the Committee bill.

In the other body, Chairman SENSENBRENNER and subcommittee chairman LAMAR SMITH did a tremendous job on the Judiciary copyright issues. They worked with their Democratic colleagues including ranking member JOHN CONYERS and subcommittee ranking member HOWARD BERMAN to report out a strong bill.

The leaders of the Committee on Energy and Commerce worked on issues related to their jurisdiction and together with the Judiciary Committee developed a combined bill for House floor action. That was a great idea and they proposed a seamless package. As I have stated several times before, H.R. 4518 represented a very careful balancing of interests and was good for consumers, good for the affected industries, good for copyright holders and good for rural America. Staff of Senate and House leadership helped facilitate the process of working out some of the differences between different versions of the bill.

Many staff worked diligently on this effort, including David Jones with Senate Judiciary and David Whitney with House Judiciary, both of whom were instrumental in crafting good solutions to complex problems.

Many House and Senate Commerce Committee staff pitched in and worked together to get this bill done. James Assey, Bill Bailey, Rachel Welch, Gregg Rothschild, Alec French, Peter Filon, Sampak Garg, Neil Fried, Mike Sullivan and Howard Waltzman are some of the House staff on both Committees who worked hard to get the job done.

I know that my staff appreciated the helpful assistance provided by staff of Speaker HASTERT, Bill Koetzle; Majority Leader FRIST, Libby Jarvis; and Chairman STEVENS, Christine Kurth and Lisa Sutherland, in this difficult process.

I appreciate the efforts of my Judiciary counsel Ed Barron. As he did during the last reauthorization, Ed tried to work with everyone involved to help build a consensus on all the issues. Ed did an extraordinary job as he has done on all the other major projects I have asked him to do over the last 18 years.

In the next Congress, I look forward to monitoring the implementation of this law and am ready to work with all involved in this process to address any concerns that may arise.

Mr. ENSIGN. Mr. President, I rise today to report on a tremendous step forward for public safety, our economy, closing the digital divide, and bringing next generation high definition television to rural America. The House and Senate today passed legislation that will fundamentally impact the future of television especially in rural America. Today the U.S. Congress set aside entrenched special interest group wish lists and took a strong step forward toward making high definition digital television available in unserved areas.

The Satellite Home Viewer Extension and Reauthorization Act of 2004 enjoyed broad bipartisan support and is now headed to the President's desk. I applaud my colleagues from the Commerce and Judiciary Committees, from both sides of the aisle, and from both Chambers. The leaders of these committees did not bow down to the furious lobbying of those who have sought to slow down the digital transition and that attempted to gut the important pro-consumer digital white area provisions designed to make available high definition programming to rural Americans. This legislation sends an unmistakable message that we are not going to allow a digital divide like we have for broadband to occur in the new world of digital television. With this legislation, consumers who cannot receive digital television programming over the air, will now have a chance to receive it from satellite providers who are ready, willing and able to get high definition programming to unserved areas.

One of the most exciting benefits of this legislation, is that it creates incentives and pressures to speed the return of this valuable analog television spectrum. There are endless possibilities for powerful new innovations for consumers that will flourish when new unlicensed wireless spectrum is made available. Consumers will benefit from new devices and services we haven't even contemplated yet.

Public safety also needs to have access to this spectrum to ensure they have the ability to communicate in dark stairwells and wet basements. We know that the characteristics of this spectrum are such that they can penetrate walls and travel over greater distances. The 911 Commission tells us that we need to make this spectrum available.

The bill also mandates that satellite providers phase out their use of two-dish markets, across the country in 18 months. Currently, customers in some markets need a second dish to receive some stations and since many customers choose not to receive a second dish, some stations are not seen. This legislation ends that practice.

Our work today, while a tremendous victory, is but the first step forward in what I believe history will mark as the turning point in the U.S. Congress recognizing that blindly clinging to the world of 1940's analog television is only harming our economy, our most rural areas, public safety and is stifling innovation. Today the Congress made an affirmative determination that all Americans deserve to have equal access to digital television programming regardless of geographic location.

The purpose of this legislation is simple; to make sure consumers are not denied digital television based on where they live or whether the digital conversion has been completed in their area. People outside major market areas, like those in rural Nevada, should not be left behind in the DTV revolution.

This legislation includes strong protections against abuse, and tough penalties to ensure satellite providers comply with a fair and equitable process by which all Americans can take part in the digital transition in a realistic timeframe. Local broadcasters who have been unable to turn up a full-power digital signal due to circumstances beyond their control will not be unfairly penalized.

With the passage of the Balanced Budget Act of 1997, the Congress established a timeline for catching up our Nation's television broadcasting with rapidly changing technology. In fact, we gave broadcasters a multi-billion dollar public asset in the form of free spectrum for digital television with the explicit understanding that their analog spectrum be returned by December 31, 2006. Unfortunately, years of litigation, lobbying and foot dragging has made it likely that we will miss this deadline. Next year the Congress will be considering a new hard deadline for completion of this transition and it is my intention to work vigorously to ensure that these dates not be allowed to slip any longer than necessary.

Equally important will be ensuring that we do not forget about those consumers for whom a new digital television set, cable or satellite receiver or digital converter box does not fit in their near-term buying plans. The Senate Commerce Committee has considered numerous proposals to ensure that these consumer's screens don't go dark when a hard deadline passes. Next year the Congress needs to decide on an approach to ensure that especially lower income consumers will be adequately accommodated. There are many good proposals on how to best ensure we protect these consumers, and there is no doubt in my mind that the tremendous proceeds of the spectrum auctions will give us the resources necessary to ensure a successful transition.

Our work also remains unfinished for cable operators who wish to provide the same important services to rural Americans as will now be available to satellite customers. Consumers stand to benefit even further from competition in the multichannel video programming distribution marketplace if cable providers are afforded some of the same opportunities we have made available to satellite. We have to be careful not to tip the balance in favor of one industry over another. This is why the bill includes a provision requiring the FCC to study and report back to Congress in nine months on the impact of retransmission consent and certain blackout rules on competition in the multichannel video programming distribution market and, in particular, on the ability of rural cable television systems to provide their customers with digital broadcast television programming.

Millions of people in rural areas subscribe to cable television service, often from small cable operators. Once again, it is not our intent to create a competitive advantage for one technology over another consumers should not be forced to choose between DBS and cable in order to receive digital broadcast television signals. I look forward to receiving the commission's report and I am confident the committee will give serious consideration to any recommendations for additional legislative action contained therein.

This Congress sent a powerful message today that we understand the importance of the digital transition, and the powerful benefits for public safety, television viewers, innovation, public safety and our economy. I fully expect the momentum of this victory will carry forward into the next Congress where we can build on these great accomplishments for consumers.

TECHNICAL CORRECTIONS TO H.R. 4818

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 528, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 528) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

The Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 4076

Mr. FRIST. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Mr. STEVENS, proposes an amendment numbered 4076.

The amendment is as follows:

At the end of the resolution, insert the following:

Strike Section 222 of Title II of Division H.

The PRESIDING OFFICER. Under the previous order, the amendment at the desk is agreed to, and the concurrent resolution, as amended, is agreed to, and the motion to reconsider is laid upon the table.

The amendment (No. 4076) was agreed to.

The concurrent resolution (H. Con. Res. 528), as amended, was agreed to.

CONGRATULATING SENATOR STEVENS

Mr. FRIST. Mr. President, I congratulate the Senate Appropriations chairman, our President pro tempore, TED STEVENS. Since 1971, for 34 years, Senator STEVENS has served on the Appropriations Committee, and for the last 8 years, or almost 8 years, he served as chairman of that committee, with a 1-year interruption in 2002 to be its ranking member.

Beginning with the new Congress in January, the chairmanship of the committee will pass to another Senator. So today the chairman has brought to the floor the last appropriations bill under his chairmanship, the Consolidated Appropriations Act of 2005.

It is only appropriate that this final bill was put together—and we all saw it play out over the last several hours, days, and weeks—with the same hard work, the same focus, the same tenacity, and the same perseverance which has characterized his leadership of this committee over the last many years.

I do, on behalf of the Senate Republican caucus—indeed, the entire Senate—say, thank you, Mr. Chairman, for all you have done.

It would be a mistake, also, if as leader I did not recognize the extremely hard work of the chairman's staff under the superb leadership and guidance of the staff director, Jim Morhard. At the end of this Congress, Mr. Morhard will be leaving public service after over 26 years, most of it spent right here in the Senate.

Jim, we thank you for your dedication and your service to Government, to this institution, and to the Appropriations Committee.

There have been a lot of long days and long nights over the last several weeks for staff, and some staff, particularly those on the Energy and Water Appropriations Subcommittee, have literally gone for over 48 hours straight without sleep to bring us to this point today and tonight where we have passed this legislation. I know I speak for all Senators on both sides of the aisle when I say thank you for your work done under some very challenging and very difficult circumstances.

This has also been a challenging year for the budget and appropriations process. We were able, though, in spite of all those challenges, to establish an enforceable $821.9 billion spending limit for this year. The bill today, along with the other four appropriations bills enacted to date, have lived by that strict spending limit we established.

Total appropriations, excluding defense and natural disaster emergency spending, will increase 3.9 percent over last year with the enactment of the bill that we passed tonight.

More important, appropriations for nondefense, nonhomeland security spending will increase by less than 1.7 percent, and that is the smallest growth in nondefense spending in this area of the Federal budget in nearly a decade.

So, yes, this has been a very tough bill setting priorities and making difficult tradeoffs to stay within the spending limit, while at the same time addressing the priority items, all of which is not easy, to say the least, but within the strict confines of this bill, it does provide $19.5 billion for veterans medical care, $16.2 billion for NASA, $28.6 billion for the National Institutes of Health, and $57 billion for the Department of Education, among other important, significant domestic programs.

The bill also provides nearly $3 billion in necessary funding to address the pandemic of HIV/AIDS, and that is $700 million more than last year. It also provides $400 million, actually over $400 million in humanitarian and refugee assistance for Sudan and $1.5 billion for the Millennium Challenge Account.

Despite the tightness of this budget, Chairman STEVENS and Senator BYRD have brought a great bill before us today, and a great bill has been passed tonight. Yes, we know it does not please everyone; there is no way it possibly could. But it is the final product of this Congress that has been agreed to and a product of which we can be quite proud.

I do appreciate the Senators' support for this bill, and it does bring to completion the fiscal year 2005 appropriations process. Thank you, Chairman STEVENS.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I was reluctant to cast my vote against this bill which has a lot of good things in it, and it is not as bad as some bills that have come through, but I want to share some of my concerns and thoughts tonight.

We have had charges for sometime that we have used accounting gimmicks to get around the budget caps or limits in the bill. This bill's gimmicks are not as bad as we have had in some years, but there are some here, and I think we ought to talk about them.

Our budget for the year was $821.919 billion for the discretionary account. In order to comply with the budget resolution, this omnibus bill relies on roughly $1.6 billion in practices that many of us have described as gimmicks. And there is an additional $400 million in spending that was designated as an emergency which is not subject to the budget limitations. So it is basically $2 billion over what the budget limit should be, unpaid for and funded by freezing the debt in reality.

How did we get there? An $821 billion budget was the discretionary spending. The Senate insisted on $4 billion more in additional spending above the budget resolution. While insisting that spending remain within the overall limit, the administration sought funding for certain Presidential priorities at higher levels than provided either by the House or the Senate. As a result, the omnibus bill pays for this additional spending, I am pleased to say, with an across-the-board cut, across all the accounts, of .8 percent, less than 1 percent, but it did pay for most of that. It reduces the accounts in all bills and helps reduce the amount of debt that would be incurred by this spending bill. While we would prefer to live within our budget, this across-the-board cut is better than increased debt.

However, rather than paying for all of the increases with this across-the-board cut, which we could have done by perhaps having a 1-percent reduction across the board, the bill includes a series of at least four accounting maneuvers.

First, the omnibus bill includes an accounting shift regarding public housing authorities, PHAs.

Currently, the Federal Government subsidizes the operating costs of PHAs. However, the PHAs are on different fiscal years and normally get their full annual allocation at the beginning of their fiscal year, October 1. The omnibus bill will include language requiring all PHAs to convert to a calendar year budget, resulting in $1 billion in savings for 2005. No cuts, nothing but a maneuvering of the calendar year budget and that would save $1 billion. But it is not a saving, is it? The effect of the provision is to defer costs into the future to allow for additional spending now and spending that will likely be assumed into the baseline of our spending, and the baseline of spending is very important.

I will take a moment to discuss why baseline is so important. When we increase annual spending by $2 billion, that is a significant hit to the taxpayer. It does not sound like a lot out of a $821 billion budget. We have had worse years, I will admit, but still a significant hit.

Next year, when we begin the budget and appropriations season, that $2 billion will be assumed into the baseline, meaning to fund all the programs at the previous year's level, we will need to spend another $2 billion.

Second, the bill rescinds roughly $300 million in defense appropriations. It took $300 million from defense, raising the concern for some that defense spending may be reduced in priority and we ought not to take anything from defense we cannot fully justify, and I do not think we need to in this time of war take anything from defense.

In addition, it is unclear such a rescission will result in true savings. For instance, the fiscal year 2004 omnibus included a similar $1.8 billion rescission of defense and unused emergency spending from post-9/11 to help meet last year's budget resolution. That $1.8 billion was later restored in the Department of Defense conference report and it was labeled an emergency. So what happened? It is pretty clear, is it not? What happened was that last year we used this reduction of defense by $1.8 billion and later we declared it an emergency, which means it is not subject to the budget limitations of the budget, and we funded it by increasing the debt. In other words, we went around the budget limits, the budget caps, we agreed to.

Third, the bill relies on new data suggesting that receipts have increased in the Crime Victims Fund by $283 million. However, CBO, the Congressional Budget Office, does not publish an updated economic outlook until January and thus to have access to such funds it would be necessary to direct CBO to assume such revenues in its scorekeeping.

The committee has left the directed scorekeeping provision out of the text due in part to past objections by some conservatives to such provisions, and thus when a CBO score is finally produced, it will probably result in the omnibus exceeding the budget resolution.

Finally, the omnibus will also include an extra $300 million for the Low-Income Energy Assistance Program, LIHEAP, another $300 million beyond the regular appropriations, because of high energy prices. This will be designated as an emergency and it will not be counted against the budget resolution, even though past LIHEAP contingencies have been paid for within the budget parameters. So LIHEAP has been declared an emergency.

I do not think we need to be in a position of saying that simply an increase in the energy prices justifies a $300 million increase in spending straight to the debt and violating our budget. In addition, the bill provides an additional $100 million in emergency designations, $7 million for the Postal Service, and $93 million for Sudan.

If we measure our spending by maintaining the same rate of increase, we will not only have to spend the $2 billion next year, but we can assume more than $2 billion on top just to maintain the rate of increased baseline. So a $2 billion increase this year becomes a $4 billion increase next year, or at least an increase in the debt. And this is the way it works: We go over the budget this year by $2 billion. Then next year, we have to have a budget that funds that same $2 billion, and if our habits continue the same and our appropriators cannot stay within the $821 billion or whatever our budget number is next year, and it will be somewhat higher, then we will have another $2 billion or maybe more through additional gimmicks next year, because I do not think we have ever done an appropriations bill since I have been in the Senate that has been truly honest, without some gimmicks.

Now, I figured this out. If we did it just $2 billion—and, remember, often we have done worse than this bill and had more than $2 billion in gimmicks—then the next year there is another $2 billion plus the $2 billion we raised up this year, and so it is $4 billion up, and the next year it is $6 billion up, and next year it is $8 billion. Add those to the amounts that have been tapped and hit the country with deficit spending, in over 10 years I calculate it would be $132 billion. So this $2 billion a year is not a one-time deal. It tends to become part of the baseline of Federal spending, and as a result of that it grows exponentially over time. That is how we get out of control.

Now, the way we reached a surplus in our budget account and eliminated the deficit throughout the 1990s fundamentally was good control of spending—not perfect but pretty good. Remember, this Congress shut down the whole Government for a while, trying to contain and cut spending. At any rate, over a period of time we did a pretty good job of controlling spending. This year's budget is good on discretionary spending. It is less than a 1-percent increase. I am proud of the Senate for doing that. I am proud of President Bush for supporting it. It was the right decision. We have done a pretty good job of staying with that. But I want to point out that just this $2 billion excess can make a large difference in the total over a period of years.

If we would remain true to the limits we all agreed to in our budget, the $821 billion, and we stayed flat at that, it would make a big difference over time, a lot more than people think. If we had not had this offset, which I salute our appropriators and the leadership in this Senate for taking a .8-percent reduction across the board to fund most of this, we would have been in lot worse shape. We got so close. My concern is, why not go all the way? Why not be true to the budget we agreed to, the budget limits we had? If we had done that, I think we could be more proud of our work today.

I conclude by expressing my concern about the budget and the need to stay absolutely true to it. If we will, it will make a huge difference over a period of years in our goal to substantially reduce the deficits that are facing our country. Again, I want to say how much I appreciate the leadership of Senator FRIST, Assistant Majority Leader MCCONNELL, and Senator STEVENS for the work they have done on this bill. It is a very difficult job.

We do not need to be doing this every year. My best judgment is that we absolutely need to do a budget that is good for 2 years. We do not need to be doing this every year. We could work more carefully on it, more responsibly, and end up with a spending level we can agree to and not have two opportunities to break it—there would only be one opportunity to break it—and I believe we can make real progress in maintaining fiscal integrity in our Government by doing so.

I yield the floor.

Mr. DOMENICI. Parliamentary inquiry: Is now a time to speak or are we in some kind of special business?

The PRESIDING OFFICER. The Senator may be recognized.

Mr. DOMENICI. I seek recognition, to use 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TWO-YEAR BUDGETING

Mr. DOMENICI. Mr. President, I know it is late and there is nobody here. Somehow or another, it seems like, when you have things that are moving along and moving rather slowly, you have to regularly call them to the attention of the Senate.

I do not have anything but great praise for how we got here with this bill. Everybody is saying it could not be helped. Senator REID and I understand. A piece of this bill is ours. We could never get it done until late in the session because it seemed as if nobody wanted to understand the problem we had. We couldn't do the things we were supposed to do because there was a misunderstanding in the budget about how to pay for things. So that was done.

The thing is, if Senators had before them tonight, before this bill, a final vote on a measure that said we are going to do this every 2 years instead of every 1 year, and we are going to do a budget resolution for 2 years, do you know what would have happened? It would have passed with 75 votes because people around here understand we do not have to do this every year. You can do it for 2 years, with 2-year budgets and the right to have, in between those appropriations bills, the special kind of special needs appropriations.

It certainly would not be like it is now. You have those now and you have appropriations every year. You have the supplemental appropriations.

I took this minute to say someone, sometime—maybe before I leave here—will do that. I actually believe the House is ready. They voted on it. They didn't have the bill we would have, but we could go to conference. But I just want to use this last few minutes. Nobody is around and I ought to be out of here at home. I have some new grandchildren at home and they can't watch me at this late hour because they are too little, so I should be gone.

But it is good to have an example. Frankly, I think if we had 2-year appropriations, we wouldn't have this because I think the individual bills would be done, if you had, instead of every year, 2 years to do them. I think we would have a lot of time for oversight and other things we do not do. In fact, my memory is not as good as it was and I can't tell you the percent, but a huge amount of the Senate's voting time and floor time is used for just three things: budget, appropriations, and supplemental appropriations. That is a huge amount of the time. I don't know how we get all the other things done.

So if we could do it every 2 years, it seems to me we would all be the better for it. We would be less apt to have this kind of thing occur with an omnibus, meaning overall, many—all put in one.

I yield the floor.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TALENT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOY SCOUTS OF AMERICA

Mr. FRIST. Mr. President, in a bit we will be wrapping up. There is a lot of business that is being tended to and it will probably be 30 minutes or so before we officially wrap up. I thought I would address several issues that have come to my attention over the last several days and cover some of the events that have occurred earlier this week.

The first is an issue that leads from what we learned earlier this week when the Department of Defense warned American military bases worldwide to cease officially sponsoring the Boy Scouts of America.

The Department issued its directive in response to a lawsuit filed by the American Civil Liberties Union. The Illinois chapter of the ACLU accuses the U.S. Government of improperly supporting a group which administers a religious oath. The ACLU's legal attack has forced the Defense Department to suspend its decades long tradition of supporting Scouts and it may even prevent Scouts from celebrating their annual jamborees on Defense installations. But it does not stop here.

There is fresh evidence that the ACLU intends to end all Federal support for the Boy Scouts of America. In their view, where there is Government, there cannot be faith. The separation of church and state is a bedrock principle of our Republic, and Americans are grateful that we are free to worship as we choose without Government interference or fear of persecution. But to this legislator, the ACLU's continued attacks on the Boy Scouts is starting to become its own form of persecution.

The Boy Scouts of America is a congressionally chartered organization. It serves a patriotic, charitable, and educational purpose. Furthermore, its support by the Federal Government is outlined in U.S. law. I was a Boy Scout as a young boy in Nashville, TN. All three of my sons, Harrison, Jonathan, and Bryan, have been Boy Scouts here as we have lived in Washington, DC.

We have found, and it is generally accepted, that Boy Scouts and Scouting is a noble tradition, an honorable tradition, that inculcates the very best of our values. Since its founding in the early 20th century, scouting has served America's communities and families with distinction and with honor. The Boy Scouts and the Girl Scouts promote character in leadership by instilling in our youth values such as honor, duty, charity, integrity. These programs help prepare our young people for the ethical and moral choices that they will face throughout our lives.

It is for these reasons that I introduced a bill called the Save Our Scouts bill to reaffirm our longstanding commitment to the tradition of scouting. The legislation stipulates that no Federal law, including any rule, regulation, directive, instruction, or order shall be construed to limit any Federal agency from providing any form of support to the Boy Scouts of America or Girl Scouts of the United States of America or any organization chartered by the Boy Scouts of America or the Girl Scouts of the United States of America.

Activities supported include holding meetings, jamborees, camporees, or other Scouting activities on Federal property, or hosting or sponsoring any official event of such organization.

I am disappointed that this bill did not pass by unanimous consent, but I am hopeful that in the next Congress common sense will prevail and both Chambers will give their unanimous support to protecting the Scouts.

Scouting has served generations of American boys and girls. It has earned its place in the hearts of millions of Americans who look back fondly, just as I do, on that special time of merit badges, hikes, fellowship, and service. I am confident that we will preserve this honorable tradition for years and generations to come.

INDIVIDUALS WITH DISABILITIES ACT OF 2004

On a separate issue, late last night a very important bill called the Individuals with Disabilities Act of 2004 passed and is now on its way to the President's desk for his signature. Several years ago, I had the opportunity in this body to chair what was then called the Subcommittee on Individuals with Disabilities, and over that Congress, that 2-year period, spent a great deal of time focused on this particular legislation called IDEA, Individuals with Disabilities Education Act.

I commend the Senators from New Hampshire and Massachusetts who have done a tremendous job in their bipartisan work on this very important legislation. There are more than 6.5 million children with disabilities who are served through IDEA, along with more than 430,000 special education teachers. The Individuals with Disabilities Act of 2004 carefully addresses the needs of those disabled children and the schools they attend.

The bill refocuses Federal law on outcomes for disabled children, ensuring that States focus on academic results, not process, while still guaranteeing the rights of the child to be protected.

Teachers are now burdened with hours of paperwork that take away from classroom instruction. I have seen the paperwork requirement. Teachers have shown me stacks of forms that are 6 inches, even a foot high, page after page. They are required to complete these forms before they can take care of the needs of those disabled students.

This bill enables those teachers to devote more of their time and more of their energy to the classroom, and in turn their students benefit from more of their undivided attention. The attention is on the students with disabilities rather than on paper.

The staff of Senators GREGG and KENNEDY deserve great credit for their hard work and effort that made final passage of this conference report possible.

In particular, I recognize the tremendous work of staff members Denzel McGuire and Connie Gardner for their commitment, their dedication and labor on behalf of disabled students.

As I mentioned, it was late last night that that bill passed, and it is on the way to the President, again a tremendous achievement for this body. I congratulate the chairman and the ranking member on the success of this bill.

MEDICAL MODERNIZATION ACT

Mr. President, because we will be leaving tonight and will not be here over the course of the week, I want to address a bill called the Medicare Modernization Act. Next week is the 1-year anniversary of the Senate's historic passage of this act, the Medicare Modernization Act. Since we will not be here next week, I want to again just mention, on this anniversary, a few days early, the historic significance of this bill.

First, the Medicare Modernization Act represents the most significant improvement to the Medicare Program since its inception almost 40 years ago. It also represents one of the great bipartisan achievements of the 108th Congress. Because we acted, because this bill passed 1 year ago, seniors will gain access to more affordable prescription drugs, the most powerful tool in American medicine today.

Up until passage of that bill, this powerful tool in American medicine, prescription drugs, was not a part of the Medicare Program. They were not covered under Medicare at all. To me, it made no sense. To this Congress, it made no sense to deny affordable access to seniors to prescription drugs in this program if you are going to be promising it, if your obligation to them is true health care security.

Seniors and individuals with disabilities will enjoy better and more cost-effective care through disease management and chronic care management because of this bill. They will have access to expanded preventive care, such as annual physical exams, because of this bill. The overall quality of care will improve over time because Medicare will begin, for the first time in the program, to measure and, indeed, pay for quality performance.

We will also improve health care safety and efficiency through means such as electronic prescribing and other innovative reforms. We know this whole process of electronic prescribing or e-prescriptions will have a direct impact on reducing those unintended and unnecessary medical errors. It will improve patients' safety for our seniors when they receive their care.

Because we acted a year ago, seniors and individuals with disabilities will soon enjoy true health security. I am pleased to say that real help already is in place. The bill will not be fully implemented for another year yet but already help is in place. Less than 1 year after the Medicare bill became law, nearly 6 million seniors were already getting substantial savings on their prescription drugs through that Medicare prescription drug discount card.

As an aside, if you are a senior and you are receiving prescription drugs today, you are on prescription drugs today, and you do not have that Medicare prescription drug discount card, please call 1-800-MEDICARE and talk to the Medicare representatives and ask them how you can get that card because that card can give you immediate savings.

If you are a low-income senior, it is especially important because if you sign up for that card before the end of December, you get an additional $600 value on that card. I say an additional $600 value; that is in addition to the discounts of 15 or 20 or 25 or even 30 percent that everyone gets on that Medicare discount card.

I have a couple of examples in my home State of Tennessee. Almeta Chesney of Knoxville, TN, came to a drug card enrollment event I hosted in May. I had the opportunity to host several of these events across the State to help educate our seniors as to the advantages of this card. She enrolled in the prescription drug discount card program and is now saving over $230 every month. Before she had the card, before we passed the bill, she didn't have the card. She was having to pay an additional $230 which she is not paying today. That is $230 in savings that is in her pocket now, so she can save or invest or spend. Now, $230 a month is nearly $3,000 a year because of that prescription drug card that she can get through Medicare, that she got through Medicare.

Mary Surber, 86 years old, also signed up for a card at an event I held in October in Knoxville. She will save over $2,000 a year, a savings of 87 percent of her annual drug bills. Again, this Medicare Modernization Act in this first phase, where you can get that Medicare drug discount card, has huge potential savings for seniors who are on prescription drugs.

The Medicare Modernization Act is helping younger Americans gain access to more affordable health insurance coverage through portable and tax-free health savings accounts.

The health savings account, although we passed it in the Medicare bill, is available for people in this body, our colleagues. I do encourage my fellow Senators and other Federal employees to look at a health savings account. For the first time in the Federal Employees Health Benefits Program, FEHBP, our health care program, you can have that option of getting a health savings account. I look forward to looking at it very closely, and I expect I will sign up for a health savings account in the next couple of weeks, and I encourage others to look at that.

The advantage of these health savings accounts—and, again, they are new with the Medicare Modernization Act—is that they are portable. You can take them with you. If you change jobs, the personal savings account, health savings account, you can take it with you from job to job. If you don't use that savings account in 1 year, the good thing about it is you can roll it over to the next year. So it has this rollover component. It has the savings component which grows tax free. The interest actually grows, but you can put in money tax free and you can take money out tax free.

So these health savings accounts are tremendous. They are already giving younger Americans and others more control over their health care choices and hard-earned dollars, health savings accounts, being a high deductible policy coupled with this personal, portable health savings account that did become rolled over.

All of this was in the Medicare Modernization Act that was all passed by this body in a bipartisan way over a year ago—almost a year ago. I am deeply thankful for the cooperation and the hard work and dedication of my colleagues in this body to overcome years of partisan gridlock. We had hunkered down for years, having affordable access to seniors through Medicare, yet we never did it. It used to be just talk. But, indeed, a year ago we delivered that on the floor of the Senate. We finally have offered seniors the security they need and the choices they deserve.

I am very proud of our health care accomplishments, proud they provide a platform to build on on which we can take our next steps to making health care more affordable and more available and more dependable for all Americans.

Although we are bringing, really, tonight—and we will come back on December 7 for a very short period—to a close the 108th Congress, I am very excited about looking to that agenda in the 109th Congress on health care, where we address what bothers most Americans today, or what bothers most Americans, and that is the soaring cost of health care.

That has a huge impact on the number of uninsured in this country, as we look at issues such as medical liability, where in States such as Florida and Ohio and Pennsylvania there is a medical liability crisis, a lawsuit abuse crisis which has a direct impact on raising the cost of health care but, probably even more importantly, diminishing the access to health care in ways that are hurting people—hurting the quality of care, hurting the access where moms or future moms are losing their obstetricians; where you have to worry, if you are driving through parts of Ohio or Florida that, if you have an accident, if you are so unfortunate to have an accident, that there might not be a trauma surgeon on call.

Because of the impact these unnecessary frivolous lawsuits are having, it is driving physicians out of the practice of medicine, out of obstetrics. No longer can they afford to take a call at these trauma centers.

We have a great foundation to build on as we address health savings accounts, health care security and prescription drugs for seniors and individuals with disabilities. In that bill, we open the door to paying for performance and paying for quality of ownership of health care accounts, of stressing chronic disease management, managing for illnesses such as diabetes and hypertension, of being able to look at health care in an integrated way of pulling all the little stovepipes together in a way to the benefit of individual patients.

There has been real progress in the past, and I look forward to a really exciting future as we go forward to address this new agenda in health care that focuses on the individual patient, focusing on consumer-driven medicines, focusing on provider-friendly health care that is patient-centered and that is the model of the future, the model that we will continue to work toward.

SUDAN

Mr. FRIST. Mr. President, the fourth issue I want to mention is an issue that even before the last recess—I remember on the night before closing the Senate down we had a period of time similar to this before the final business and the final what we call wrapup was brought to the floor—I was talking about this very same issue. I was talking about a similar type of issue a year ago, and I am going to bring it back to the floor right now because it is an issue that is close to my heart. It is an issue that affects me in profound ways. It is an issue that I don't have the answer to yet, and no one does, but it is an issue that by continually focusing a shining light on it, by educating others, we can change the course of humanity in this part of the world. This part of the world is the Sudan in Africa.

This week the Sudan Government agreed once more to make peace with its southern region. Civil war has gone on for about 23 years. About 5 million people have been displaced from homes. Over 2 million people have died in this civil war which has now gone on for about a quarter of a century.

I have spent a little time in Sudan. I was there in August a couple of weeks before the Republican Convention, and I was there about 10 months or 11 months ago as well. I was there the year before that and the year before that and the year before that. So the Sudan is close to my heart.

While it is encouraging news that we are much closer to peace and the international community is hopeful, we still can't overlook a crisis. Again, this is a north-south civil war on which we are making real progress. But in the whole western part of this huge vast country of Sudan is a region called Darfur. This Darfur region that is about the size of France is a region that is in crisis.

For 22 months, the Sudanese Government has waged war against the people of the Darfur region. Despite two United Nations Security Council resolutions, pressure from the international community and neighboring countries, the government of Khartoum continues its genocidal campaign. Last week Khartoum ostensibly agreed to halt attacks, but within hours of their agreement Sudanese police raided a camp in southern Darfur destroying homes and driving out civilians.

Tens of thousands of innocent victims have died as a result of government-sponsored violence, and 1.8 million more have been displaced from this Darfur region. Entire villages have been burned to the ground. Women have been raped and children have been abducted and executed. Special United Nations envoy Jan Pronk warns that Darfur is on the brink of anarchy.

We cannot stand by as the people of Darfur suffer. We cannot allow another Rwanda. They are calling out to us. They are pleading for our help. We have a responsibility to act.

In about mid-August, I visited a refugee camp called Touloum in the country of Chad. The country of Chad is just to the west of Sudan and just to the west of this Darfur region, which is in the western aspect of Sudan. Touloum is several hours northeast from the capital N'Djamena.

I met with refugees and community leaders in this refugee camp. What I saw and what I have heard in Touloum in this camp was truly appalling. Thousands of refugees were housed in dust-covered tents. Many more lived in makeshift shelters of gathered wood and plastic sheathing. Some of the itinerant refugees just moving into the camp and waiting to get into the camp had simple sticks with either clothes or sheets or rugs, pulled together and slept there for days waiting to get into the refugee camp.

I remember the moms and many children running around, some way or another. The children are fairly malnourished and having been on the road for a period of time walking through the bush, what we call cachectic in medicine but skinny and clearly no muscle tissue at all and sunken faces but still smiling, still playing, and still fashioning, with a piece of balled up cloth, playing soccer.

There was a lot of dust there. The rainy season had not quite yet hit.

I had the opportunity to speak with a gentleman named Asman Adam Abdallah. In Darfur, he had been a man of prominence, an officer of his tribe, a government official. He was from a village called Jemeza just north of the regional capital of El Fasher.

During the attack on his village, he became separated from his family. That tends to be the rule. He didn't know if his family was still alive. He didn't know how he would be able to go back to find them.

He told me their story recounting that he watched 15 people of his village killed one by one by one by one. It had taken him about 18 days to reach the safety of this refugee camp called Touloum.

Sudanese Government planes bombarded Asman and his fellow survivors as they trekked first to the Tine, which is a town on the Sudanese-Chadian border.

Another refugee in that Touloum camp described how during a raid on her village several soldiers grabbed a baby to check and look at what the sex, what the gender of that child was. The soldiers began arguing back and forth as to whether to kill that little baby boy. She overheard one soldier remarking but "he is so young." It appeared that the soldiers were under orders to kill all male children.

I heard of a mentally disabled 15-year-old boy being thrown into a burning house and an old paralyzed man burned alive in his hut. I heard stories of women raped in front of their own children.

I asked one refugee in Touloum what would it take for him to go home. He said to me: I will go if you come with me and stay with me.

The Janjaweed attacks described to me were disturbingly similar. The Janjaweed are preceded by aerial attacks by Government planes flying overhead.

In some cases, soldiers in government uniforms participate on the ground and they made references, according to these witnesses and the villagers whom we talked to, references to orders from Khartoum. Survivors tell of racial slurs being probed at them as the Janjaweed swept through their villages, killed the men, killed the boys, and razed the homes.

The dictatorship in Khartoum claims it has no control over the Janjaweed, but I believe otherwise. I believe if they were sincere in their efforts to make peace, peace indeed would be at hand. The direct line between the Government of Sudan, the Janjaweed, and the raping, the pillaging and murder is so direct that I am convinced, with an order from the top, the crisis would stop. It would immediately end.

The regime in Khartoum, however, has cynically concluded it can survive a moderate amount of diplomatic pressure and continue the genocide. I refer, again, to this to be "genocide." Indeed, it was in the Senate that, through a resolution which was unanimously accepted, we called it genocide. That is what it is.

Khartoum seems to believe it can ignore the mostly rhetorical pressure that has been brought to bear by the international community. That, unfortunately, has been what the international community has done. The light has been shone on the tragedy that has occurred there, but the response from the international community has not yet been as strong or as bold as it must be.

Khartoum believes the threat of a Chinese veto at the United Nations Security Council will protect it from more serious sanctions. We have to prove them wrong.

About 7 years ago I first went into Sudan. Osama bin Laden left Sudan about 1996 and shortly thereafter I had the opportunity to first go into the Sudan as part of a medical mission team. I have been able to visit the Sudan, Uganda, Kenya, and now Chad, the countries surrounding Sudan, as part of this medical mission work. A little hospital called Lui in southern Sudan that I visited this August now sees about 40,000 patients a year. There is still no running water there, and there is still no electricity. There is a generator, but there is still no villagewide electricity. It is in the southern region of Sudan.

The first few times we flew into that area, there was no hospital, or the hospital had been locked up, with landmines all around, for about 18 years, and we could not operate in the little hospital. That has been closed down for almost two decades. So the first operations were performed in a little schoolhouse. I remember vividly driving up and they said, this is where you will be operating. It was clearly a little schoolhouse because you walked into the room we were operating in the next day and there was a big chalkboard there. There was a chalkboard on the opposing wall, literally. Within 24 hours we did those first operations.

After a couple of years operating in the schoolhouse, the landmines were taken out. It was demined. The old hospital was demined. Today, as I said, from the first few patients, almost 40,000 patients were seen last year, with thousands of operations performed, still under primitive conditions.

Once you have a health care entity or a doctor-patient relationship or surgery being performed, all of a sudden trust is reestablished. And although there was no village there at the time because people had been displaced from their homes and driven back into the surrounding hills, once that doctor-patient relationship began, soon thereafter a little commercial activity started and people would come and camp outside the facility. Then the next year I would go back and instead of having one little cart there selling tobacco or maize, there would be five or six. The next year there would be 30. Now there is a huge market. Now there is a church that has opened and a school that has opened. It has become a village now with people coming from hundreds of miles around to this, still, only full-service hospital or clinic in southern Sudan.

In the southern Sudan, this region of Lui, I also had the opportunity to go up to the Nuba mountains, which was an interesting first trip for me because the Nuba mountains had been closed for a period of time to all aid. There was no United Nations aid coming in because the Government at that time—again, this was 6 or 7 years ago—said it was too dangerous and they would not let relief agencies go in. I had the opportunity to go in. The fact I could get in—at the time I was a U.S. Senator but predominantly traveling as a medical missionary—it was safe enough for us, so aid could go in and aid is going in from around the world to that part of the world.

I had the opportunity to go to Bapong, a town in the upper west. I remember flying into Bapong and we treated a patient right off the field we landed in. Somebody brought a patient there. I remember vividly the patient would have died, if we had not come in, because of a huge abscess, infection, in his thigh. I remember it so vividly. By that very simple procedure, very, very simple procedure, this man's life was saved. In fact, as a surgeon, it was a very easy procedure, but there was a medic—we called him a medic; a medicine man—no formal training, who was responsible for the villagers. Because of superstition and because he had never done it, he did not know how far he could actually cut with the knife and the patient still be able to live. By grabbing his hand and my hand wrapped around his hand, it gave him confidence to go a little bit deeper. When we went a little bit deeper, the infection was released. I remember the joy in his face because he realized that action, indeed, had in essence saved this patient's life.

In Bapong, I was told by regional leaders that the government was deliberately targeting civilians and denying them basic medical needs. Ten days after my visit, government forces attacked Bapong and killed 2,000 people.

It is long past time for the Sudanese Government to cease and desist activities that have resulted in civil war and punishment. Countless innocent people have died. Now the crisis is risking—I hope it does not occur—but there is a risk of it spilling over into neighboring countries.

This fall, the Senate and House unanimously passed resolutions pressing for the immediate suspension of Sudan's membership on the United Nations Commission on Human Rights. All 535 legislators, 100 in this body and 435 in the House of Representatives, agreed that Sudan's membership on a commission to protect human rights is a travesty, a cruel trick at the same time that such oppression and death is going on in the Darfur region. It defies all decency that a nation that is actively engaged in genocide against its own people could occupy a position of honor and authority on a commission in the United Nations devoted to human rights. It does not make sense. It is wrong.

I applaud the President and Secretary Colin Powell for their effort to bring accountability to the Khartoum Government. This administration has shown immense leadership in addressing the crisis in Darfur. The United States is providing over 80 percent of the supplies flowing to Darfur in eastern Chad. It is something that we as a Nation should be proud of, we are proud of.

Since February of 2003, we, this body, our Government, have provided $218 million for Sudan. The Senate foreign operations bill provides $611 million more for fiscal year 2005 and an additional $75 million for African Union peacekeeping activities.

In September, Secretary Powell came before the Senate Foreign Relations Committee and unflinchingly declared the situation in Darfur to be government-sponsored genocide.

Last month, the President authorized the use of three C–130 transport planes to convey 3,300 Rwandan and Nigerian peacekeeping troops into Darfur. We have much to be proud of, but there is much more to do.

The United Nations Security Council is concluding its 2-day meeting in Nairobi, Kenya, right now. During this week's meeting, council members discussed all sorts of approaches, mainly carrot-and-stick approaches, to bringing Khartoum into compliance with those international human rights standards.

U.N. Ambassador Jack Danforth, a former colleague of ours from this body, has worked hard to press the U.N. to take bold and concrete action. I support him with every fiber in my body for this critical work, for this difficult work, for this challenging work.

As you can tell, I am deeply committed to the future of the Sudanese people. I will be back there on a regular basis. What I learn, I do bring back to this floor. And whether it is translating it into our Sudan Peace Act of years ago, or into our observations and declaration of genocide in the Darfur region, or increasing aid to that part of the world to facilitate peace, or to support the tremendous leadership and tremendous work of Ambassador Danforth, we must be there as a nation. And we will be there as a Senate.

The plight of the Sudanese people calls out to all freedom-loving nations, not just to the United States. So I encourage other nations to look, to observe, but then to act, and to assist or work side by side with the United

States of America as we address these challenges.

As a Senator speaking on this floor, as a physician, as a doctor, as a human being who cherishes life, I believe it is our duty to answer that call.

CLEAN WATER

Mr. FRIST. Mr. President, I am going to mention one final topic as we wait for the final wrapup business to be concluded. It is a topic that is related to the topic I just discussed because it centers on the continent of Africa. It focuses on a different issue, but an issue that has real global consequence.

I traveled to Africa last year with our colleagues from this body, Senator WARNER, Senator DEWINE, Senator ENZI, Senator ALEXANDER, and Senator COLEMAN. We visited a project to bring clean water to people. This was down in the southern part of Africa in Mozambique. The project is to get clean water to the village of Tshalala, Mozambique.

This particular project is funded by a wonderful organization whose leadership I admire tremendously, supported by generous people all over this country, indeed, around the world, the group called Living Water International.

Now, this was out in the bush. It was out in a very rural area. The project was located in a neighborhood that was small. It was a very dusty, very poor neighborhood. But that neighborhood had clean water, and it came from a simple well with a hand pump. We all pumped from this well. It functioned easily. It became the whole centerpiece, of course, and the real focus for that entire community.

Access to clean water is a women's issue. It is a public health issue. It is a sanitation issue. But I started by saying it is a women's issue because it is the women in Africa—all over the continent in Africa, in Mozambique and in Tshalala—who, before having a well, would be the ones who would walk for, not just minutes, but hours in order to get water for their family. But women in that part of Tshalala did not have to walk miles with jugs of water to provide for their families. Instead, the well supplied their households with clean drinking and bathing water.

What Living Water International does is very simple. It teaches residents to drill wells. It trains them in sanitation and equips them with the tools and knowledge to maintain water equipment.

The pump we saw in Tshalala cost, in American dollars, about $2,800. It improves the standard of living. It spares many of the women that backbreaking labor. It saves them time and allows them to be with their children. This well saves the lives of dozens of villagers.

From a public health standpoint, from a sanitary standpoint, it saves lives. It is exactly the sort of resource that is lacking in much of the world. Clean water ranks high among the world's health problems. The statistics are staggering. They should alarm any person of conscience.

What are they? According to the World Health Organization, over 1.8 million people die each year as a result of diarrheal disease. Almost all of it is caused by waterborne illness—1.8 million people.

Over 40 percent of the world's population, most of it in undeveloped regions of Africa and Asia, live without access to clean water. Without intervention, the problem could get much worse. In the next 50 years, 3 billion people will join the human family. Most will live in areas that lack clean water.

Economies in the poorest regions of the world will be unable to develop unless good water systems are in place. Agriculture alone consumes anywhere from 70 to 90 percent of available water supplies. Manufacturing, likewise, is nearly impossible without clean water.

Just as important, unsafe water poses a clear security threat. Water basins do not follow national borders, and conflict over them will escalate as safe water becomes even scarcer. These conflicts may come to threaten our own national security.

Modest, pragmatic, clean water projects that yield real measurable benefits will make things better. While we would like to build First World water systems everywhere, we obviously have to acknowledge limits of time and resources.

Over the last several decades, the United States, the United Nations, Japan, and dozens of other nations and organizations have worked to bring the world clean water. Despite sincere efforts, we have not made enough progress. There is much more to be done. Access to clean water has even declined in some parts of the world.

Our experiences in Africa showed us the magnitude of the problem we face. They offer four important lessons about how we can improve access to clean water, to safe water, to healthy water around the globe.

First, any strategy must involve the entire community that it serves.

Local businesses, nonprofits, and individuals should own, maintain, and improve the water sources that serve them. Without adequate local support and local expertise, water systems will fall apart.

We should also promote cost-sharing with water users to create a sense of ownership. At the Tshalala well, for example, community members contribute 5 percent of the total cost toward maintenance.

Second, the U.S. and other developed nations must mobilize both public and private resources to confront this problem.

This may require legislative action. A strategy should leverage resources to increase our projects' scale and avoid duplication of effort. Private organizations can provide a vast reserve of humanitarian and hydrological expertise. We should work to build coalitions of governments, international organizations, water utilities, and other private enterprises, foundations, scientific institutions, and NGOs.

Third, education should play a key role in any strategy.

Simple hand washing, for example, prevents disease transmission. But a single set of dirty hands can contaminate an entire water source. This aspect is going to take more than simple outreach. Real hygiene improvements will happen only if people have access to adequate, reliable, convenient water resources.

Fourth, where appropriate, clean water should rank high among our health aid priorities.

The developed world spends billions on health aid. Health care professionals have long understood the strong connection between clean water, basic sanitation, and good health.

Last year, USAID spent less than $325 million for international drinking water supply and sanitation. Less than $20 million of this amount went to Africa—the very region that has the most severe water crisis. Clearly, these are inadequate sums.

Our large and worthy investment in the battle against HIV/AIDS in Africa and around the world cannot succeed without clean water; they are interrelated. And neither can our vision for a safer, healthier, and more prosperous world.

The people of the world need clean water to live. They deserve it. With our help and firm commitment, they can get it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDOLEEZA RICE

Mr. FRIST. Mr. President, I come to the Senate floor to applaud President Bush on his nomination of Dr.

Condoleezza Rice for Secretary of State. She is an outstanding choice, and the American people are fortunate to have a public servant of her talent and intellect.

During her tenure as National Security Advisor, Dr. Rice has been a steady and trusted confidant to the President. In her role of crafting policy and helping guide decision making, she has demonstrated extraordinary skill. But this should come as no surprise. Dr. Rice is a woman of remarkable accomplishments. Throughout her life, she has applied her razor sharp mind and steely determination to reach the highest peaks of achievement.

Dr. Rice was born in 1954 in Birmingham, AL. By the age of 3 she was already a piano prodigy playing hymnals for her family. By age 5, she was playing beside her mother on the church organ bench.

At 19, Condoleezza earned her bachelors degree in political science cum laude, Phi Beta Kappa from the University of Denver and a year later, her Master's from Notre Dame. And at the young age of 26, having earned her Ph.D., Dr. Rice became an assistant professor at Stanford University.

A decade later, Dr. Rice was elevated to the post of Provost, essentially the chief operating officer of the University.

From 1989 to 1991, Dr. Rice served the first Bush administration as Director, and then senior Director, of Soviet and East European Affairs at the National Security Council.

During this time, Dr. Rice brought her considerable expertise in Eastern European affairs to the administration's handling of the collapse of the Berlin Wall, Germany's reunification, and the transition of the Soviet Union to the Russian Federation. This, combined with her years of foreign policy experience, particularly in the post 9/11 context, make her distinctly qualified to lead the Department of State.

As the President said in his announcement, we are a Nation at war. As Secretary of State, Dr. Rice will have the responsibility of advancing democracy and freedom across the globe, not only to protect us from attack, but to fulfill America's unique moral purpose.

Outlaw regimes must be confronted. Dangerous weapons proliferation must be stopped. Terrorist organizations must be destroyed. Dr. Rice has both the ability and experience, from fighting the Cold War to the War on Terror, to meet these daunting challenges.

Dr. Rice possesses a rare combination of management and administrative experience, public policy expertise, high academic scholarship, and not least importantly, a graciousness that will serve America's interests well. In these difficult and challenging times, America needs a leader of her caliber.

Dr. Rice has said that growing up, her father John, and her mother, Angelena, taught her that in a country where racial segregation and Jim Crow were an ugly fact of life, she had to be twice as good to get ahead. I think it is fair to say that she has surpassed this high charge.

Dr. Rice is an author, classically trained pianist, ice skater, and tennis player. She speaks Russian fluently and is an avid fan of football. We are grateful that she has set aside, at least for the moment, her ambition to become Commissioner of the National Football League.

A woman of deep faith in God, liberty, and freedom, Condoleezza Rice will protect and serve our national interests. I should also note that Dr. Rice would be the first African American woman to serve as Secretary of State.

I urge the Senate to give Dr. Rice their strong support. I hope and expect to see her confirmed swiftly so she can begin addressing the urgent threats and challenges that face our great Nation.

TRIBUTE TO RALPH BOLING

Mr. McCONNELL. Mr. President, I rise today to pay tribute to Mr. Ralph Boling, a fine Kentuckian who passed away at the age of 76 on September 27, 2004.

Mr. Boling, a native of Hancock County, KY, dedicated his life to serving others. His service began with a stint in the U.S. Army. After protecting his country, he returned to his beloved Hancock County and served as an auctioneer, an oil-well driller, the Hancock County road foreman, and the superintendent of the Hawesville Water Works.

In 1970, Mr. Boling was elected sheriff of Hancock County. He served until 1973, was reelected to a second term in 1978, and served until 1981. By taking this post, Mr. Boling was continuing a family tradition: Both his father, Claude, and his mother, Leva, had previously served as Hancock County sheriff. President Ronald Reagan then appointed Mr. Boling to serve as the United States Marshal for the western Kentucky district, a post he held for 12 years.

Mr. Boling resigned as a U.S. Marshal to run for judge-executive of Hancock County. On November 2, 1993, he defeated the two-term incumbent with over 58 percent of the vote; he carried each of the county's eight precincts as well as absentee ballots. During his 5-year tenure, Mr. Boling worked tirelessly with people across party lines to put the community first. He successfully closed the county's landfill and pushed for the creation of the county's career center. Thanks to Mr. Boling, the Hancock County Career Center is a resource for job opportunities, worker training and continuing education today.

Mr. Boling's proud family tradition of public service continues with his granddaughter, LeAnn Crosby, who works as a field representative in my Bowling Green, KY, office.

His dedication to the Hancock County community went beyond a career choice. He was a member of Hancock Lodge No. 115 and served various positions in the organization. He was a member of the Fraternal Order of Police and was active within the Blackford Baptist Church. And one of his greatest passions was rooting for my alma mater, the University of Louisville basketball team.

Today I ask my colleagues to joining me in paying tribute to the life of Mr. Ralph Boling. He will be missed by his family, his friends and constituents in Hancock County, and the entire Commonwealth of Kentucky.

TRIBUTE TO TONY CRUISE

Mr. McCONNELL. Mr. President, I rise today to pay tribute to Mr. Tony Cruise, the morning voice of WHAS radio in my hometown of Louisville, KY. His love of Louisville and his perseverance and dedication to WHAS is something to be commended. Tony and his family moved to Louisville in 1969. As a child, he fell in love with the city and the voices he heard on the local radio. While most members of the media community long for the "big time" of New York or Los Angeles, Tony's dream, since he was a young man, was to be the morning anchor for WHAS, home of such Kentucky radio giants as Van Vance and Wayne Perkey.

Tony received his first radio job at WWKY in Winchester as the Saturday afternoon disc jockey in 1980. His career almost ended after his first show. Fortunately for future WHAS listeners, Tony was a quick learner. He graduated from Eastern Kentucky University with a bachelor's degree in mass communications in 1982.

In 1992, there was a position available at WHAS. Tony wanted this position so badly that he waited outside the station for station manager Skip Essick to head home, so he could lobby for the position. His persistence paid off, when that October, Tony was hired. He hosted "Sports Talk," a call-in show that mainly focused on the interstate feud of athletic prowess between my alma mater, the University of Louisville, and the University of Kentucky.

In May of this year, Tony realized his lifelong dream, when he was named the newest morning show host at WHAS. Unlike many radio personalities these days who love to offend, Tony is a decent, honest man who opens his heart to his listeners every morning. No wonder he is welcome in so many Kentucky homes, including mine.

Tony is a friend of mine and I have been privileged to be a guest on his show. It is a terrific program. The Louisville community agrees, as some

120,000 people tune in to "The Cruiseman" as he is known, every week. I enjoy and commend him for his excellent work.

I ask all my colleagues to join me in paying tribute to Mr. Tony Cruise for his outstanding contributions to the Louisville community.

TRIBUTE TO JAMES PATTERSON

Mr. McCONNELL. Mr. President, I rise today to pay tribute to an upstanding and generous member of the Louisville, KY, community, Mr. James Patterson.

Born and raised in Louisville, Jim, as his friends call him, has always loved two things: his hometown, and baseball. He attended the University of Louisville, also my alma mater, where he starred on the Cardinal baseball team and graduated in 1955 with a degree in marketing.

After graduating, Jim served a stint as a Captain in the United States Air Force and eventually returned to Louisville, which is also my hometown, where he embarked on a very successful business career as a restaurateur. Quite frankly, if you have ever eaten in Louisville, chances are you ate in one of Jim's restaurants. In 1959, he became a franchisee of Jerry's Restaurant. Ten years later he founded the Long John Silver's seafood restaurant chain. Under Jim's leadership, Long John Silver's rose to number one in the country, and today is the largest seafood restaurant chain in the world.

Jim helped found Chi-Chi's Mexican Restaurant, Rally's Hamburgers, and Western Restaurants. He has also founded the companies AmeriCall Services, Resource America and First Phone, worked with Gulfstream Petroleum, and currently owns Pattco LLC, a privately held investment vehicle.

Jim has always believed in sharing his success with the city he loves. In 1998, he founded School Choice Scholarships, a privately funded program that helps low-income families pay tuition for their elementary-aged children to attend private schools. School Choice Scholarships provide assistance for 650 Louisville youths, 250 of whom owe their scholarships to Jim personally.

Jim has finally combined his two loves, Louisville and baseball, by donating a very generous sum to enable the University of Louisville to begin construction on a new, $10-million baseball stadium, which broke ground this October 7. In their gratitude, the university has named the facility the Jim Patterson Stadium.

Today, I ask my colleagues in the Senate to join me in paying tribute to Jim Patterson for his passion, kindness, and charity. He is a valuable member of the Louisville community.

TRIBUTE TO JAMES C. RUSSELL

Mr. McCONNELL. Mr. President, I rise today to pay tribute to one of Kentucky's barons of bourbon, Master Distiller James "Jimmy" C. Russell. This year marks Jimmy's 50th year of service at the Wild Turkey Bourbon Distillery in Lawrenceburg, KY. Jimmy is so beloved at Wild Turkey, they named one of their finest products after him in 2000—the 10-year-old Russell's Reserve. I recently toured the Wild Turkey Bourbon Distillery, where Jimmy showed me the bourbon-making process personally. The bourbon distillery tradition in Kentucky dates back to 1789, and has been handed down through generations of Kentuckians. Bourbon is truly a Kentucky product—named, in fact, for Bourbon County, Kentucky. Ninety percent of all bourbon worldwide is made in the Bluegrass State, and one of the most famous brands is Wild Turkey.

Jimmy was born and raised just 5 miles from the Wild Turkey distillery, and both his grandfather and father worked there. Jimmy entered the family business in 1954 when he got his first job at the Lawrenceburg distillery. He mastered the craft under Mr. Bill Hughes, Wild Turkey's second Master Distiller, and Mr. Ernest W. Ripy Jr. the son of one of the original owners of Wild Turkey.

Jimmy is especially proud that the family tradition will continue, as his son, Eddie, has worked at the Wild Turkey distillery for the past twenty years.

Jimmy has become a legend in the distilled-spirits community over the last five decades. He is a director of the Kentucky Distillers Association, and spends time as a goodwill ambassador for Wild Turkey Bourbon. Throughout the Wild Turkey Bourbon Distillery, he is known as a "master distillers' master distiller."

Jimmy is a respected figure in his hometown of Lawrenceburg. He is a deacon at his local church and a supporter of Anderson County High School athletics. He also adores his wife of fifty years, Joretta, and their rose garden.

Today I ask my colleagues to join me in honoring and recognizing Mr. James C. Russell, Master Distiller, and his 50 years of loyal service to the Wild Turkey Bourbon Distillery and the Lawrenceburg, KY, community.

COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT ACT OF 2004

Mr. LEAHY. Mr. President, I am pleased that the House has voted to pass the Cooperative Research and Technology Enhancement Act, the CREATE Act of 2004, sending this important and needed legislation to the White House for the President's signature. This past March, I joined with Senator Hatch, Senator Kohl, and Senator Feingold introducing the CREATE Act, which will provide a needed remedy to one aspect of our Nation's patent laws.

In 1980, Congress passed the Bayh-Dole Act, which encouraged private entities and not-for-profits such as universities to form collaborative partnerships that aid innovation. Prior to the enactment of this law, universities were issued fewer than 250 patents each year. Thanks to the Bayh-Dole Act, the number of patents universities have been issued in more recent years has surpassed 2,000—adding billions of dollars annually to the U.S. economy.

The CREATE Act corrects a provision in the Bayh-Dole Act which, when read literally, runs counter to the intent of that legislation. In 1997, the United States Court of Appeals for the Federal Circuit ruled, in Oddzon Products, Inc. v. Just Toys, Inc., that nonpublic information may in certain cases be considered "prior art"—a standard which generally prevents an inventor from obtaining a patent. The Oddzon ruling was certainly sound law, but it was not sound public policy, and as a result some collaborative teams have been unable to receive patents for their work. As a consequence, there is a deterrent from forming this type of partnership, which has proved so beneficial to universities, the private sector, the American worker, and the U.S. economy.

Recognizing Congress' intended purpose in passing the Bayh-Dole Act, the Federal Circuit invited Congress to better conform the language of the act to the intent of the legislation. The CREATE Act does exactly that by ensuring that non-public information is not considered "prior art" when the information is used in a collaborative partnership under the Bayh-Dole Act. The bill that the House passed today also includes strict evidentiary burdens to ensure that the legislation is tailored narrowly so as only to achieve this goal that—although narrow—is vitally important.

I also wish to draw attention to Senator Hatch's statement of June 25, 2004, in which he explained some of the more complex issues surrounding the CREATE Act. I agree entirely with his comments, which I will prove useful for those seeking a background understanding of this legislation.

Again, I thank the House for moving to pass this legislation as the 108th Congress drew to a close, and I would also like to thank in particular Senator Hatch, Senator Kohl, Senator Feingold, Senator Grassley, and Senator Schumer for their hard work in gaining this bill's passage.

HONORING OUR ARMED FORCES

CORPORAL JARROD L. MAHER

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to a fellow Iowan, Marine Cpl Jarrod Maher, who gave his life for his country in Iraq, and to express my heartfelt sympathy to his family. A native of Imogene, IA, Corporal Maher was serving in the Baghdad suburb of Abu Ghraib as a member of the 1st Battalion, 4th Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force stationed in Camp Pendleton, CA. Only 2 weeks after his graduation from Shenandoah High School, Maher became a marine. Corporal Maher is survived by his father and mother, Kevin and Jacque Maher, as well as numerous siblings.

Jarrod Maher will be missed by a great many people. His service and sacrifice represent Iowa at its best. In describing him, his father, Kevin Maher said, "He loved being a Marine, but he also loved coming home. He loved the farm. He loved to help." In honor of Jarrod's spirit of selflessness, I ask my colleagues in the Senate and my fellow Americans to join me in paying respect to Marine Cpl Jarrod Maher.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Mr. KOHL. Mr. President, I express my support for the Individuals with Disabilities Education Act conference report that passed the Senate yesterday. It is not a perfect bill, but I believe it represents a fair balance of the concerns of schools and parents of children with disabilities. Above all, it upholds the rights of all children with disabilities to a free, appropriate education in our public schools. It promises them access to a high quality education to help them succeed and live productive lives. And it includes strong monitoring and enforcement provisions to ensure that that promise is kept.

The bill includes several improvements over current law that will help secure the rights of children with disabilities and uphold the rights of parents advocating for their children. First, it holds schools accountable for educating disabled students by giving the Secretary of Education the tools to monitor how well States and schools are complying with the law and sanctioning those that fail to serve disabled students. It provides flexibility and resources for early intervention and preschool services for younger children, and promotes transition services for older students in order to prepare for their post-school years. It preserves the Individualized Education Programs to ensure that parents have quarterly reports of their child's progress and short-term objectives for those with the most severe disabilities. It provides for more teacher training and strengthens teacher quality requirements so that students are taught by highly qualified teachers. It also adds options for parents and schools to work together to resolve disputes, but preserves the right to due process if a school is out of compliance.

At the same time, this bill also responds to many of the concerns raised by schools and teachers. It provides relief from unnecessary and burdensome paperwork so that teachers can focus their attention on educational services. It provides more opportunities to resolve conflicts and disagreements other than through costly and acrimonious litigation. And it provides more resources for professional development so teachers are equipped to deal with the often complex but critical needs of students with disabilities.

This bill also addresses the serious issue of discipline—an issue that has caused many concerns over the years by both education officials and parents of children with disabilities. The bill includes a bipartisan compromise that clarifies and strengthens discipline provisions so that schools can remove children who pose a serious danger to themselves or others to an alternative setting, while ensuring that those children continue to receive services. At the same time, this compromise protects the rights of disabled children in disciplinary action by preserving the manifestation determination so that children are not punished for behavior caused by their disability, and continuing services if a child is placed in an alternative setting. I know that some parents are worried about these revised discipline provisions and would prefer current law. I agree that we must continue to monitor these provisions carefully to ensure they are implemented fairly and with the best interests of disabled children in mind.

Despite these positive features, I am very disappointed that this bill does not move us any closer to fully funding IDEA. When IDEA was first enacted in 1975, Congress made a commitment to fund 40 percent of the costs, in recognition of the added expenses schools would incur in serving disabled students. Today, the Federal Government is funding IDEA at the highest levels since it was created—but sadly, that funding only covers approximately 19 percent of the costs. I have cosponsored and supported legislation that would require mandatory full funding for IDEA, and as a member of the Appropriations Committee, I will continue to fight for full funding of IDEA. It is past time for the Federal Government to live up to its obligations.

The conference report is not a perfect bill. Clearly, there are provisions that will trouble both sides—both the educational community and the families of disabled children. But on balance, I think the bill represents a real compromise and has great potential to lead to improved educational services for children with disabilities. It attempts to create a balanced approach that recognizes the challenges faced by teachers and schools, while still ensuring that all children with disabilities have access to the highest quality education. I will continue to work to fully fund its provisions so that the promises it makes will become a reality. This bill is worthy of the Senate's support and I urge my colleagues to vote for it.

BOEING 767 TANKER LEASE

Mr. MCCAIN. Mr. President, yesterday I spoke on the Senate floor regarding the investigation into the Air Force proposal to acquire Boeing 767 aerial refueling tankers. During my 45 minute remarks, I had made reference to certain letters, press articles and e-mails I ask unanimous consent that that material at a cost of $3,200.00 be printed in the RECORD of today's proceedings.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Dec. 2, 2003.

Hon. PAUL WOLFOWITZ,
Deputy Secretary of Defense,
Washington, DC.

DEAR SECRETARY WOLFOWITZ: I commend the Secretary of Defense and yourself for the prompt actions you have taken regarding the Air Force's tanker aircraft program, in light of recent extraordinary personnel actions taken by the Boeing Company. Your decision to require a "pause" in the execution of any contracts to lease and purchase tanker aircraft is a prudent management step.

Further, I concur in your judgment to task the Department of Defense Inspector General, DOD–IG, to conduct an independent assessment. However, I believe that the DOD–IG assessment should go further than the review described ion your letter of December 1, 2003. The DOD–IG inquiry should pursue the trail of evidence wherever it leads, in accordance with standard IG procedures. This inquiry should examine the actions of all members of the Department of Defense and the Department of the Air Force, both military and civilian, top to bottom, who participated in structuring and negotiating the proposed tanker lease contract which was submitted to the Congress in July 2003.

Your recent actions clearly indicate that there are many outstanding questions that must be answered before proceeding with this program. I expect that you will consult further with the Congress as you receive the report of the DOD–IG and that no actions will be taken with respect to the lease and purchase of KC–767 tanker aircraft until the Congress has had an opportunity to review the DOD–IG report. Ultimately, this program, as restructured, must be executed in a manner that is fully consistent with Section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

With kind regards, I am

Sincerely,

JOHN WARNER,
Chairman.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Nov. 19, 2004.

Hon. DONALD H. RUMSFELD,
Secretary of Defense,
Washington, DC.

DEAR MR. SECRETARY: On December 2, 2003, Chairman Warner wrote to Deputy Secretary Wolfowitz to request that the Department of Defense Inspector General (DOD IG) conduct a thorough investigation of the KC–767A tanker aircraft program. According to Chairman Warner's letter "this inquiry should examine the actions of all members of the Department of Defense (DOD) and the Department of the Air Force, both military and civilian, top to bottom, who participated in structuring and negotiating the proposed tanker lease contract which was submitted to the Congress in July 2003." A copy of that letter is attached.

It was our understanding that the requested DOD IG review would assess not only individual responsibility for any allegations of criminal violations of law; but, equally important, individual accountability for management decisions and executive oversight. In essence, the Senate Committee on Armed Services, in order to conduct its necessary legislative oversight of the Department of Defense, needs to know what happened, who was accountable and what actions must be taken to prevent this situation from happening again.

It is astonishing to us that one individual could have so freely perpetrated, for such an extended period, this unprecedented series of fraudulent decisions and other actions that were not in the best interest of the Department of Defense.

We recently found out that no such managerial accountability review has been undertaken by the DOD IG. Rather, the DOD IG limited his review to determining whether there was evidence to press criminal charges. We are deeply concerned by this development. Given the Chairman's letter, why was a decision made not to do this work?

Congressional oversight of the proposed contract to lease 100 KC–767A tanker aircraft, a contract which is now prohibited by section 133 of the National Defense Authorization Act for Fiscal Year 2005, uncovered the most significant defense procurement scandal since the Ill Wind bribery and fraud cases of the 1980s. It is imperative that the Department take actions to hold those responsible accountable. Otherwise, the fallout from this Air Force procurement scandal will have disastrous effects on the integrity of the acquisition system.

In our view, an assessment of accountability should include a review of all members of the Department of Defense and the Department of the Air Force, both military and civilian, who participated in structuring and negotiating the proposed tanker lease contract. Most importantly, this should include Secretary of the Air Force Jim Roche, and Assistant Secretary of the Air Force Marvin Sambur. We reiterate the Committee's request that the DOD IG immediately initiate such an accountability review.

Again, we do not understand how one individual could have amassed so much power that she was able to perpetuate such fraud against the federal government and other actions that were not in the best interest of the Department of Defense. Where was the oversight? Where were the checks and balances? At a minimum, the acquisition chain of the Air Force, and perhaps DOD, was woefully inadequate. The fact that no Departmental review of these questions has been conducted raises significant accountability and oversight questions that go far beyond this one case. We trust you will endeavor to rectify the situation and hold those who are responsible accountable.

Sincerely,

CARL LEVIN,
Ranking Member.
JOHN MCCAIN,
U.S. Senator.

JOHN WARNER,
Chairman.

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, Nov. 19, 2004.

Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the Department soon will complete the analysis of alternatives (AoA) for recapitalization of the KC-135 tanker aircraft fleet, and that portion of a broader mobility capability study (MCS) related to aerial refueling. Based upon the recommendations of the Defense Science Board, I accelerated, to November of this year, the schedule for completion of these initiatives. The AoA and MCS will be critical to our development of a plan to recapitalize the tanker fleet, and to provide adequate aerial-refueling capabilities for military aircraft over the long term.

In structuring the AoA and MCS, we recognized that we should base the recapitalization of the fleet on a thorough and careful assessment of the ways in which we might perform the aerial-refueling mission. To ensure that we consider all viable solutions, the AoA addresses a wide range of alternatives, from the retention and re-engineering of KC–135E aircraft to the development of a new military tanker aircraft.

Let me be clear: After we have selected an appropriate alternative, we intend to require competition. No matter which alternative we choose, leasing is not an option without new congressional authority.

Sincerely,

PAUL WOLFOWITZ.

[From the Defense News, Nov. 3, 2003]

FULL DISCLOSURE

In March, Defense News published a commentary by Adm. Archie Clemins, former commander in chief of the U.S. Pacific Fleet. In it, he advocated a U.S. Air Force plan to lease 100 planes from Boeing Co., which would modify the 767s for the Air Force's aerial refueling mission. That a Navy man would back an Air Force program is what made it intriguing.

What we didn't know at the time was that Clemins did not write the piece. Nor did he think on his own to write it. Nor, for that matter, did he even think to send it to Navy Times, a sister publication, without prompting.

In truth, a Boeing representative came up with the idea, asked Clemins to write it, and provided a writer to help get the job done. Boeing also suggested where he ought to send it and provided him the e-mail address.

Clemins says he was not paid for the article and stands by what it says. We believe that.

But he acknowledged that prior to writing the article, he had done some paid consulting work for Boeing, and that he has since developed a more formal consulting arrangement with the company. He said he made no effort to "pull the wool over anyone's eyes."

In publishing the piece, regardless of who actually wrote it, we provided a forum for the free flow of ideas. That is the purpose of our Commentary pages.

But we failed to do some things we should have done. We should have asked Clemins if he had a financial relationship with the program or the contractor. We should have asked if he had, in fact, written the article himself. And we should have weighed his answers in our thinking, because that information is essential to the context of his article.

Had we known those things, we might still have published his opinion. But we would have included the other writer's name and noted Clemins' relationship with Boeing among his credentials at the end of the article. As it was, we merely noted that he was the former commander of the Pacific Fleet—true, but not the whole story.

Full disclosure is what we're after. Here, we fell short. We will work hard to ensure this doesn't happen again.

[From the Seattle Times, Nov. 18, 2004]

LOCKHEED ALLEGATIONS FOCUS ON BOEING'S CHIEF EXEC

Lockheed Martin has introduced evidence in a civil lawsuit that allegedly demonstrates Boeing Chief Executive Harry Stonecipher knew former Air Force acquisitions officer Darleen Druyun gave Boeing preferential treatment in the award of billions of dollars of Defense Department contracts before she joined the company last year.

Additionally, Lockheed introduced evidence it says shows Stonecipher and James Albaugh, chief executive of Boeing's Integrated Defense Systems unit, attended a September 1998 meeting with Druyun and Air Force Col. Richard McKinney in which Boeing allegedly received details of a confidential Lockheed proposal to provide rocket launches to the Air Force.

Druyun received a nine-month prison sentence last month for holding job talks with Boeing while still overseeing Boeing business at the Air Force. She further admitted to awarding more than $5 billion of Defense Department contracts to Boeing in exchange for jobs for her daughter, her son-in-law and herself.

Boeing and Stonecipher have been adamant that if Druyun showed the company any favoritism, Boeing was not aware of it.

"The statements Ms. Druyun made in her sentencing papers came as a total surprise," Boeing said last month.

However, Lockheed said in a court filing last week that it has "an e-mail written by Mr. Stonecipher admitting that Darleen Druyun had favored Boeing in the past."

It is not clear from the filing when the e-mail was written. The e-mail itself was placed under seal by the court.

Lockheed and Boeing officials could not be reached for comment.

Lockheed is pursuing a civil racketeering lawsuit against Boeing in Orlando, Fla., that accuses Boeing of using 40,000 pages of stolen Lockheed documents to gain an unfair advantage in a multibillion-dollar competition to provide satellite launches to the Air Force.

Druyun was not tied to that case originally. But after her guilty plea last month, Lockheed sought Boeing e-mails and other documents showing contacts between Boeing and Druyun concerning both the rocket competition and several other contracts she awarded to Boeing rather than Lockheed.

In October 1998, the Air Force awarded 19 launches to Boeing and seven to Lockheed.

The Air Force cited Boeing's lower price-per-launch as a major reason for giving Boeing so many launches.

Lockheed said in last week's court filing that handwritten notes of the September, 1998 meeting between Stonecipher, Albaugh, Druyun, McKinney and other Air Force officials suggest Boeing also received unfair treatment in the award of those launches by receiving confidential Lockheed pricing data.

"The fact that high-level Boeing officials discussed their proposal strategy and Lockheed Martin's pricing with Ms. Druyun shortly before the final (rocket) proposal submission is damning," Lockheed said.

The meeting notes, taken by David Schweikle, project manager for Boeing's Delta IV rocket program, were, like the Stonecipher e-mail, placed under seal.

U.S. Magistrate Judge Karla Spaulding last week agreed to let Lockheed lawyers question a Boeing representative about communications with Druyun on six contract competitions, including the rocket-launch contract.

"It may lead to admissible evidence about whether Boeing had improperly acquired proprietary information of Lockheed and others that it discussed with Druyun," the judge wrote.

Boeing lawyers objected to the judge's order, and a hearing was set for next month to resolve the objections.

The Boeing attorneys, in court filings, said Lockheed's request for information on Druyun is too broad, has nothing to do with the case and is an attempt by Lockheed Martin to concoct new complaints against Boeing.

CHIEF WEAPONS BUYER FOR AIR FORCE QUITS

WASHINGTON—The Air Force's chief weapons buyer said yesterday he is resigning to help clear the way for promotions bottled up in Congress over a stalled $23.5 billion plan to acquire Boeing 767 tanker aircraft.

Marvin Sambur said he had resigned as assistant Air Force secretary for acquisition effective Jan. 20, or sooner should President Bush's next choice for the job be confirmed before then.

"It's becoming pretty apparent that if I stayed it would be very difficult for the Air Force to have anybody confirmed," Sambur said in a telephone interview.

On Tuesday, Air Force Secretary James Roche resigned in a move aides said was also designed to free up nominations of officers whose Senate confirmations were held up by Armed Services Committee member John McCain, R-Ariz.

McCain had blocked a range of promotions over the Air Force proposal to acquire 100 Boeing 767 aerial tankers, which he slammed as a government handout to Boeing.

Sambur was once the boss of Darleen Druyun, who admitted improperly steering billions of dollars of Air Force contracts to Boeing before joining the company as a $250,000-a-year vice president in January 2003.

A former president and chief executive of ITT Defense, Sambur oversees the Air Force's $37 billion procurement budget.

[The Wall Street Journal, Sept. 3, 2003]

JOHN MCCAIN'S FLYING CIRCUS

No one denies that the U.S. Air Force needs more refueling tankers. The only questions are how and when to get them. Senator John McCain calls the Pentagon's answer, a leasing arrangement with Boeing, an unsavory example of the modern "military-industrial complex," a mistaken argument he will no doubt pursue today at hearings before his Commerce Committee. It's hard to overestimate the importance of these flying gas stations. Long-range bombers make it to their targets only because they can refuel in the air. It was our tankers that enabled coalition aircraft to circle high above Iraq's battlefields for hours, providing ground troops with the capability to call in immediate, precision air strikes on emerging targets. "Our tanker force is what makes us a global power" is the way the Air Force chief of staff, General John Jumper, puts it.

Yet for all that power, America's tanker fleet is in sad shape because the tankers are simply too old to keep flying. The Pentagon is hoping to remedy this quickly by leasing the tankers from Boeing, and three of the four relevant committees in Congress have given their approval to the contract. The fourth—the Senate Armed Services Committee will hold hearings tomorrow. Senator McCain's Commerce hearings today are his way of trying to preempt approval by running up his own Jolly Roger.

Let's hope he doesn't draw the fight out too long. The average tanker is now more than 43 years old. During a visit last year to Oklahoma's Tinker Air Base, then-Air Force Secretary James Roche realized the urgency of the problem when he peeled back the skin of a tanker being refurbished and found the metal underneath disintegrating.

Age isn't the only problem. Not only will the new Boeing 767s be able to refuel all planes in the military's inventory—unlike the existing KC 135E's—they carry up to 20% more fuel and three times the cargo. And the leasing arrangement used to get them to the Air Force is similar to the way foreign militaries buy planes, selecting off-the-shelf technology and then signing a contract for rapid delivery. This is how Israel and Singapore get the latest F–16s five years before the U.S. Air Force.

We're as opposed to sweetheart deals as anyone. But it seems to have escaped Senator McCain's notice that Boeing's main competitor here, the European consortium that produces Airbus, virtually defines corporate welfare. And so far as we can tell, the e-mails between Boeing, the Pentagon and the Air Force released by his committee last week seem to show only that Boeing was lobbying hard for a multibillion-dollar deal (surprise!) and that cost was a big concern.

In short, the real issue the Senate Armed Services Committee needs to zero in on here isn't just overall lifetime cost but value for money. The Air Force needs tankers now, and the leasing arrangement was deemed the way to get tankers into its hands most expeditiously, not least because it bypasses procurement procedures that could stretch out a buying decision for years.

Senator McCain and other critics like to talk about what he says are the billions more that a leasing deal will cost over buying these birds outright. Leaving aside the huge dispute over the price tag, let's hope the Armed Services Committee considers the costs our military might incur by not getting these tankers as soon as possible.

USAF E-MAILS ON BOEING 767 TANKER LEASE PROPOSAL

ORIGINATOR, DATE, SUBJECT

Roche, August 07, 2002, FW: Crosby Finds a Home at EADS; Bodie, Sept 04, 2002, Re: Fw: Defense Week Daily Update: EADS: Our Tanker Offer Cost Less Than Boeing's; Druyun, Sept 05, 2002, Our friend; Hodges, June 20, 2003, FW: KC–767 "Savings" for comment & Courtesy Copy of Memo; Wynne, June 23, 2003, Tankers; Weaver, May 7, 2003, 767 Lease; Druyun, Oct 9, 2002, Tanker Leasing; Calbis, Nov 7, 2001, CBO has questions about your scoring of the tankers; Roche, Friday, November 28, 2003, RE: Tankers; Roche, August 8, 2002, Re: hello?

Albaugh, Wednesday, September 18, 2002 8:03 PM, RE: Marvin Sambur; Ellis, Tuesday, December 17, 2002 9:36 PM, notes from jim Albaugh's meetings; Albaugh, Monday, June 23, 2003 3:00 PM, FW: Roche mtg 23 Jun 03; Wynne, Tuesday, July 08, 2003, Re: 767 and DepSecDef; Roche, Wednesday, April 16, 2003, RE: Tankers; Roche, Nov 19, 2002, 767 Lease; Roche, Monday, December 17, 2001 7:24pm, Re: 767 Leasing; Jumper, Tuesday, February 25, 2003 8:58pm, Re: Offsets for tanker lease; Wynne, Wednesday, June 25, 2003, RE: OSD(C) AND 767 LEASE; Lemkin, June 25, 2003, OSD(C) and 767 Lease.

Roche, Tuesday, July 08, 2003 9:44 pm, Re: Footnote; Roche, Tuesday, July 08, 2003, Lease; Roche, Wednesday, September 03, 2003, Re: Ken Kreig ltr; Wynne, Wednesday, July 09, 2003, RE: FW: Footnote; Cleveland, 15 May 2003, 1913, Re: Interview at NG; Jumper, June 22, 2002, RE: CNBC Interview—Tanker Recapitalization; Sambur, June 17, 2003, FW: USAF Green Aircraft Pricing; Sambur, October 10, 2002, RE: Tanker Leasing; Essex, August 03, 2002, FW: Potential OMB Problems with 767 Lease; Sambur, October 21, 2002, 767 meeting with OMB.

Sambur, September 11, 2002, 767 Tanker justification; Sambur, July 25, 2003, Re: SASC Tanker Lease Hearing; Sambur, November 19, 2003, FW: Tankers; Zakheim, November 25, 2002, RE: KC–767 Lease Delay; Wynne, July 08, 2003, RE: Footnote; Walker, August 21, 2003, Re: Revised OMB Circular A–11; Sambur, November 21, 2003, FW: 767 Update; Walker, Nov. 26, 2002, More Updates from GC; Wynne, June 24, 2003, Meeting; Wynne, July 17, 2003, Good Luck.

Wynne, November 01, 2003, RE: Two Issues—Tankers and Ship Funding; Burkhardt & Associates, May 3, 2002, WSJ; Roche, May 14, 2002, RE: Call from Boeing; Bodie, April 25, 2002, RE: US News; Roche, December 13, 2001, Fw: 767 lease; Roche, December 13, 2001, RE: Several items; Roche, March 30, 2002, RE: Tanker story; Custer, March 30, 2002, NDAA; Jumper, April 9, 2002, RE: Tanker Article; Roche, April 28, 2003, RE:.

Bodie, January 2, 2002, RE: Dear Bob: Aldridge, May 16, 2003, RE: Boeing; Roche, May 13, 2001, RE: 767 lease; Bodie, Friday, June 21, 2002 11:26 AM, RE: CNBC Interview—Tanker Recapitalization; Druyun, Wednesday, October 09, 2002 8:17 AM, OSD BRIEF TO LEASING WORK GROUP; Wynne, Tuesday, Jul 08, 2003, Re: FW: Footnote; Sambur, Tuesday, July 08, 2003 9:58 PM, Fw: Tanker Leasing Report to the Congress; Sambur, Tuesday, August 26, 2003 7:59 AM, $2B Issue with PA&E; Aldridge, Monday, November, 04, 2002 1:22 PM, Tankers and B-52's; Spruill, Tuesday, November 12, 2002 9:22 PM, RE: Tanker Leasing.

Some of the following records are transcriptions made by Senate staff of original documents provided by the Department of Defense.

USAF E-MAILS ON BOEING 767 TANKER LEASE PROPOSAL

From: James Roche
To: William Bodie
Date: August 07, 2002
Subject: FW: Crosby Finds a Home at EADS

Well, well. We will have fun with Airbus!

Jim.

From: Miriam Thorin
To: James Roche
Date: August 07, 2002
Subject: FW: Crosby Finds a Home at EADS

Paris.—European Aeronautic Defense & Space Co. NV (N. EAD) said Wednesday that it has appointed Ralph Crosby to head its North American operation. Until January, Crosby was president of Northrop Grumman's Integrated Systems division, EADS said in a statement.

"As our senior official in the U.S., (Crosby) will oversee our efforts to expand our business, develop industrial partnerships, and ensure strong customer relationships in this critical market," EADS said.

Crosby will assume his position on Sept. 1. Manfred von Nordheim, EADS's current top representative in the U.S., will continue to work as a senior adviser, the company said.

Cordially,

Alex.

From: Bill Bodie
To: James Roche
Date: Sept 04, 2002
Subj: Re: Fw: Defense Week Daily Update: EADS: Our Tanker Offer Cost Less Than Boeing's

We don't have to turn the other cheek, you know. I'm ready to tell the truth about Airbus's boom, footprint, and financial shortcoming. But maybe we should sleep on it.

W.C. BODIE,
Special Asst. to the Secretary and Director, Air Force Communications.

From: James Roche
To: Bill Bodie
Date: Sept 04, 2002
Subj: Re: Fw: Defense Week Daily Update: EADS: Our Tanker Offer Cost Less Than Boeing's
Importance: High

No, Sir, save it and blow him away. He admits that they were not technically qualified! And, we keep their record of bribes as our trump card! Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Darleen Druyun
To: James Roche
Date: Sept 05, 2002
Subj: Our friend

I read with disgust the article on Airbus tankers from the new EADS CEO of North America. What BS . . . should not have been surprised at the slime . . . his day of reckoning will come hopefully.

From: James Roche
Date: Sept 05, 2002
Subj: Re: Our friend

Oy. I agree. I had hoped you would have stayed and tortured him slowly over the next few years until EADS got rid of him! Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Williams Hodges
To: Marvin Sambur
CC: John Corley; Mark Murphy; Mark Beierle; Stephen Gray; James T. Rivard; Cheryl Allen; Nancy Lively; Allan Haenisch
Date: 6/20/2003
Subj: .FW: KC–767 "Savings" for comment & Courtesy Copy of Memo

DR. SAMBUR: I received a call from Dave Trybula, who works for Rick Burke in PA&E. HE stated he had just delivered a memo to Dr. Roche's office. I asked him if he could share what they had sent and he attached the memo in two files, below.

This was a total surprise and not ever mentioned in any of our discussions with Dr. Spruill or Dr. Schroeder. It appears that they have simply listed all their positions on the report and none of the accommodations reach with the leasing working group. Apparently, they no longer want to be part of the process.

I propose that we provide you with an email containing our counterpoints on their assertions, followed by a proposed response from Dr. Roche back to PA&E.

VR,

Wayne.

From: Marvin Sambur
To: James Roche
Date: June 20, 2003
Subj: FW: KC–767 "Savings" for comment & Courtesy Copy of Memo

BOSS: This is getting ridiculous!!!!

Marv.

From: James Roche
To: Michael Wynne
CC: Marvin Sambur
Date: June 22, 2003
Subj: FW: KC–767 "Savings" for comment & Courtesy copy of memo

MIKE: Ever since Pete left, the bureaucrats who opposed the 767 lease have come out of the woodwork to try to kill it-yet, once again. Mike, I won't sign a letter that makes the case that we shouldn't lease the planes. Ken Krieg's memo attached is a cheap shot, and I'm sure has already been delivered to the enemies of the lease on the Hill. It was a process foul. And Ken needs to be made aware of that BY YOU!

I can't control the corporate staff on acquisition issues. Mike, this is their way of asserting dominance over you. I know this sounds wild, but animals are animals. Pete had beaten them down. Now, they are taking you on. I'm sorry. Expecting professional behavior from them is something I gave up on a while back. Among other things, they are about to cause us to embarrass SecDef, who having approved the lease, will now have to explain why his staff is destroying the case for it. I'll do whatever I can to help you, Mike, but it's your job to get the corporate staff under control. If not now, then they will overrun you whenever you "don't behave" according to their desires. This is the same game they have played for years. They and OMB are trying to set the Air Force up to be destroyed by Sen McCain WITH OSD AND OMB ARGUMENTS. As you might imagine, I won't give them the chance, but I will make it clear who is responsible to Don. I refuse to wear my flack jacket backwards!

Sorry, Shipmate. Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Michael Wynne
To: James Roche
CC: Marvin Sambur
Date: June 23, 2003
Subj: RE: KC–767 "Savings" For comment & Courtesy Copy of Memo

JIM: Thanks for your note—I see this as an OSD discipline problem myself. I will be taking it to the Secretary as well—better he hear it from two sources.

Mike.

From: Michael Wynne
To: Ken Krieg, PA&E
Date: June 23, 2003
Subj: Tankers

KEN: If the purpose of your note is to run acquisition from PA&E, we have a problem that needs immediate resolution. I have plenty of problems, but being 'fragged' didn't seem to be one of them, now I worry. If the SecDef wants to kill this he will, so far not—your note was not helpful to either one of us. I will continue to make decisions that have the potential for successful execution of the lease unless SecDef waves me off.

Best Regards,

Mike.

From: Ken Krieg, PA&E
To: Michael Wynne
Date: June 23, 2003
Subj: RE: Tankers

MIKE: That's not what I intended and I may have used the wrong instrument to communicate my concerns. I just want to get together with you and Jim to make sure you understand what we are worried about. That's why I asked for us to get together this afternoon.

KJK.

From: Ken Krieg, PA&E
To: James Roche
Date: June 23, 2003
Subj: FW: tankers

JIM: Understand from Doc that you are as mad as Mike. I am not trying to walk back anything. I am trying to get the strategy to drive the deal; the deal and contract to set the numbers; the numbers to be reopened in the report without a lot of hype.

Probably should have called you but I will explain later.

Want to get together with you and Mike to clear air.

KJK.

KEN KRIEG,
Director, Program Analysis & Evaluation and Executive Secretary, Senior Executive Council.

From: James Roche
To: Ken Krieg, PA&E
Date: June 23, 2003
Subj: RE: Tankers

Kenny, I love you, and you know that. I think you have been had by some members of the famous PA&E staff. You never should have put what you put in writing. It will now be used against me and Don Rumsfeld.

Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Paul Weaver
To: James Roche
Date: May 7, 2003
Subj: 767 Lease

MR. SECRETARY: Rudy just called me and said that Marv Sambur was getting beat up by Mike Wynn again concerning the $125M dollar number per aircraft. Rudy would like to know if he needs to do anything like calling in the big guns to help out. I told him I would query you to get your advice.

GOD BLESS,

Paul.

From: Jim Roche
To: Paul Weaver
Date: May 07, 2003
Subj: Re: 767 lease

It's time for the big guns to quash Wynne! Boeing won't accept such a dumb contract form and price, and Wynne needs to "pay" the appropriate price! Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Darleen Druyun
To: James Roche; Marvin Sambur
Date: Oct 9, 2002
Subject: Tanker Leasing

I would like to informally brief Bill Schneider on tanker leasing when he gets back from Germany. I had briefed him during the transition about the idea of leasing as a viable acquisition alternative. He has apparently had a positive conversation with Wolfowitz on leasing and is interested in quietly helping us. If you give a nod we will use the same charts we used to brief Gingrich which was very positively received by him.

From: James Roche
To: Darleen Druyun
Date: Oct 9, 2002
Subject: Re: Tanker leasing

Please do. Thanks much, Jim.

Dr. James G. Roche.

From: Philip T. Calbis (OMB)
To: John McClelland, Rob Goldberg
Date: Nov 7, 2001
Subj: CBO has questions about your scoring of the tankers.

John-Joanne Vines from CBO called with questions about your scoring of the tankers. Specifically how did you get to the 18 billion? Her analysis shows the NPV closer to $20 billion.

I called her back after talking it over with Rob and found out that she had a copy of your spreadsheet from the Senate budget committee folks. She was meeting with Boeing and the AF this afternoon. I asked her not to share your table with them (she said no problem because she wasn't ready to share her numbers with them either).

She would like for you to call her tomorrow at 202-226-5707. Apparently, the Senate budget committee is pressuring her to see things the AF way so Conrad can do Stevens a favor. So, talk it over with Rob and give her a call right back.

From: Jim Roche
To: Robin Cleveland
Sent: 9 May 2003 1712
Subj: Peter Cleveland Resume & Cover letter attached for export

Be well. Smile. Give tankers now (Oops, did I say that? My new deal is terrific.) :) Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Jim Roche
To: Stephen Dyslas Northrup Grumman
Sent: 9 May 2003 1620
Subj: Peter Cleveland Resume and cover letter attached for export/import compliance attorney (DC) position–021495

STEVE: I know this guy. He is good. His sister (Robin) is in charge of defense and intel at OMB. We used to work together in Senate staff. If Peter Cleveland looks good to you, PLS add my endorsement. Be well. I've let Rummy con me one more time! Army! Best to Alice.

Jim.

From: Robin Cleveland
To: Jim Roche
Sent: 9 May 2003 1549
Subj: Peter Cleveland resume and cover letter/Import compliance attorney (DC) position-02 1495

JIM: This is my brother's stuff. I would appreciate anything you can do to help with NG. He is an incredibly hard working, disciplined guy—worked full time with two little kids putting himself through law school at night. I would be grateful. Thanks very much, Robin.

From: Robin Cleveland
To: Peter Cleveland
Sent: 15 May 2003 1913
Subj: Re: Interview at NG

Great hope it works before the tanker leasing issue get fouled up.

From: James Roche SAF/OS
To: Peter Teets Civ SAF/US
Date: Friday, November 28, 2003
Subj: RE: Tankers

Thanks, Pete. We can discuss on Monday.

Jim.

From: Peter Teets SAF/US
To: James Roche SAF/OS
Date: 11/27/2003
Subj: Tankers

JIM: I think it is important for you to know all I know about the situation surrounding the tankers. I sat in for you at the SecDef staff meeting last Tuesday. As we went around the table, Joe Schmitz (IG) mentioned the Boeing dismissal of Sears and Druyun. The SecDef then asked if in light of that should we take a second look at her involvement in any tanker lease related matters in order to deflect possible criticism from the SASC and unfavorable publicity. I said I thought that was a good idea, and that we (the Air Force) would do so. No further discussion on the subject occurred at the staff meeting. After the staff meeting I scheduled short separate meetings with Marv Sambur and Mary Walker for Tuesday afternoon following my return from a meeting at CIA. When I returned, I learned that Marv could not meet with me at the scheduled time because he was in Mike Wynne's office discussing Darlene's involvement with tankers. I then met with Mary and asked her to think through the Darlene situation, plus another matter regarding proper packaging of material on the AFA situation that Schmitz had said was required to be delivered to the SASC. Late Tuesday afternoon I then talked to Marv Sambur and got his assurance that a thorough review of the Darlene situation had been completed and that there was no way Darlene had any influence on our current plan for tankers. Furthermore, Marv said that a letter had been prepared for the DepSecDef to send over to the SASC indicating same, and notifying them of our intent to proceed. At that point, I thought the issue was resolved. On Wednesday morning I read the Wash Post article quoting Sec Rumsfeld as saying he had asked his staff to do a review of the tanker deal. I sent Marv and e-mail offering any help I could provide, and he responded with thanks, but it was clear that this situation had once again gotten out of control. I am sorry to report the news to you, but felt you needed the whole story as it unfolded.

Best Regards,

Pete.

From: Wynne, Michael Mr. OSD-ATL
To: Roche, James Dr. SAF/OS
Date: Tuesday, July 08, 2003
Subj: Re: 767 and DepSecDef

JIM: I am hoping this is about unity of command. Negotiations with OMB are down to a footnote. I've sent a stand-off note to Sen McCain and offered a meeting. Everyone's nervous as Boss testifies to SASC tomorrow.

Mike.

From: Roche, James Dr. SAF/OS
To: Wynne, Michael, Mr. OSD-ATL
Date: Tuesday, July 08, 2003
Subj: 767 and DepSecDef

Good friend and fellow prisoner of the Corporate Staff, please keep in mind, and do tell Paul, that neither you nor I will sign a stupid letter to the Congress regarding the KC–767's. Last time I checked, you have an IQ greater than room temperature—and, so do I. PA&E and OMB can kill the deal and make Pete Aldridge and Don Rumsfeld look like dopes. But, we shouldn't help them!

As you can tell, I finally got some time on my boat, and am feeling like my hero, Bull Halsey: Strike Fast, Strike Hard, Strike Often! Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Roche, James Dr. SAF/OS
To: Wynne, Michael Mr. OSD-ATL
Date: Wednesday, April 16, 2003
Subj: Re: Tankers

Sounds good, Mike, Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Wynne, Michael Mr OSD–ATL
To: Roche, James Dr. SAF/OS
Date: Wed Apr 16, 2003
Subj: Re: Tankers

JIM: Thanks for the input—Ralph was in to see me a few weeks ago, to touch base. I think I will keep this in that same vein; about if there is anything EADS can do over the near future to keep their long term prospects open. Cancelling would not be as soft.

Mike.

From: Roche, James Dr SAF/OS
To: Wynne, Michael Mr. OSD–ATL
Date: Wednesday, April 16, 2003
Subj: Re: Tankers

MIKE: One more thing that I forgot to pass to you on the phone: Don is rarely pissed at the French. Neither you nor I can attend the Paris Air Show, we are getting into a possible flap over inviting the Chief of the FAF to a gathering next September, and you are inviting them in for lunch? Hello? Within minutes of the invite, Crosby most likely used your call to butter this personal croissant in Paris, and EADS would then inform the Que d'Orsay in seconds. Be careful! Maybe you should consider postponing your lunch . . . Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Wynne, Michael Mr OSD-ATL
To: Roche, James Dr SAF/OS; Sambur, Marvin Dr SAF/AQ
CC: Aldridge, Pete Hon. OSD–ATL
Date: Wed Apr 16, 2003
Subject: Re: Tankers

JIM: I have not told Ralph of the meeting's purpose, as I wanted your feedback. But where will the competition come from?

Mike.

From: Roche, James Dr. SAF/OS
To: Wynne, Michael, Mr. OSD-ATL; Sambur, Marvin Dr. SAF/AQ
CC: Aldridge, Pete Hon. OSD-ATL
Date: Wednesday, April 16, 2003
Subject: Re: Tankers

Mike, you must be out of your mind!!! Crosby has lots of baggage, as does Airbus. We won't be happy with your doing this!

JGR.

DR. JAMES G. ROCHE,
Secretary, US Air Force.

From: Wynne, Michael, Mr. OSD–ATL
To: Sambur, Marvin Dr. SAF/AQ; Roche, James Dr. SAF/OS
Date. Wednesday, April 16, 2003
Subject: FW: tankers

Jim, Marv; I've invited Ralph Crosby in for lunch. Ralph is the President EAD's US. I am going to ask him how much a proposal would cost. They came in a couple of weeks ago and offered to build the majority here in America. You are welcome to attend, though, it may be best to let me in my present position do the probing. I will share with you, as I have in the other case, any findings. I'd suggest that this be held quietly, but I did want you to be aware. I am not sure where this will lead, but the benefits of competition may be revealing.

Best,

Mike.

From: Wynne, Michael Mr. OSD-ATL
To: Sambur, Marvin Dr. SAF/AQ
Date: Wednesday, April 16, 2003
Subject: Tankers

Marv: Some advance work for FY05 budgeting is in order. I suggest that you begin to probe whether there's sufficient funding to start a multi-year late in FY04 and in earnest in FY05. Not that we are done yet, IDA may surface changes that make it acceptable, but some of the arguments that were tabled make the case for tanker re-cap compelling.

If I had some spare change hanging around, I'd give another supplier enough money to make a proposal for this as well. I'm not saying to buy anything other than a proposal. But, I think the leverage from that 'spare change' would be enormous. For Boeing, the risk of losing the US tanker Franchise, no matter what our final intent is would be too embarrassing. I know the opposition would be vocal as well, but with the low probability of success, I think paying to prepare is fair. If chosen we could deduct it from the final deal.

While these are idle thoughts for now, the discontent within the administration for what they perceive Boeing's response for assistance was is not good, and would support this contrary approach.

Best,

Mike.

From: James Roche
To: William H Swanson
Date: August 8, 2002
Subject: Re: hello?

Oh, really. Mine is probably at "station 13" while the gang goes on August vacation. When I see it in November, I hope it's all there—and no empty wine bottles in the doors! Be well.

Jim.

From: William H Swanson
To: James Roche
Date: August 08, 2002
Subject: Re: Hello?

JIM: Understand. Move explains why you and I had issues in our previous assignments.

Still no red rocket on west coast. It has sat in DC for 2½ weeks waiting on transportation. I almost called to borrow (pay for) one of your transporters. It is finally now on the road and I will see it next Friday. This has been torture. Yours will be here before I get to see mine!

Bill.

From: James Roche
To: William H Swanson
Date: August 08, 2002
Subject: Re: Hello?

Right. Privately between us: Go Boeing! The fools in Paris and Berlin never did their homework. And, Ralphie is the CEO and Chairman of a marketing firm, for that's all there is to EADS, North America. The AF has problems with EADS on a number of levels. The widespread feelings about Crosby in the Air Staff, Jumper especially, will only make their life more difficult. Smiles.

JGR.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: William H Swanson
To: James Roche
Date: August 08, 2002
Subject: Re: Hello?

JIM: Sent out the action will try and have late afternoon or first thing Friday morning.

Did you see the notice on Ralph and EADS?

Bill.

From: James Roche
To: William H Swanson
Date: August 08, 2002
Subject: Hello?

Bill, BAE and ATFLIR? Hello?

Jim.

From: Jumper, John, Gen AF/CC
To: Roche, James Dr. SAF/OS
Date: Tuesday, February 25, 2003 8:58pm
Subj: Re: Offsets for tanker lease

Good, thanks.

John.

From: Roche, James Dr. SAF/OS
To: Jumper, John Gen AF/CC
Date: Tuesday, February 25, 2003 8:57pm
Subj: Re: Offsets for Tanker lease

Good idea. I'll be honored to join you.

Jim.

DR. JAMES ROCHE,
Secretary of the Air Force.

From: Jumper, John, Gen AF/CC
To: Roche, James Dr. SAF/OS
Date: Tue, Feb 25, 2003
Subj: Re: Offsets for tanker lease

Boss, there may be a trap in letting the corporate staff diddle us on the margins of what they will or won't allow. We should consider you and me taking this directly to Pete and Dov, around the corporate staff.

John.

From: Sambur, Marvin Dr. SAF/AQ
To: Roche, James Dr. SAF/OS; Jumper John Gen AF/CC
Date: Tuesday, February 25, 2003
Subj: Offsets for tanker lease

BOSS, CHIEF: We are getting tremendous pressure to show our offsets for the Tanker lease. As I explained to you in a previous email, the offset or affordability issue is not as big a deal as Dov makes it out to be. The Chief has seen the details and the full details will be briefed to you on Wednesday at 4pm. The issue is that Aldridge wants a briefings by Dr. Spruill (co chair of the leasing committee) at 8:30 am tomorrow and Zakheim wants a briefing at 3:30 pm. Since we have a good story to tell, I think it would only cause unnecessary irritation if we refuse to give them the details until you are fully briefed. Is it OK to allow BG Johns with Spruill to give the briefing to Aldridge and Zakheim before you see the full details. The Chief had no issues and as I explained to you the OSD hot points are in the 09 time frame and involve an unknown bomber and funding for LAIRCM.

Thanks!

Marv.

From: James Roche
To: Pete Aldridge
CC: Gen. John Jumper; Marvin Sambur; Bill Bodie
Date: Nov 19, 2002
Subject: 767 Lease

Pete, old Buddy, you have been our strongest supporter on the issue of the lease. I now hear that your staff is telling us that you are weakening. Please don't. Here is some food for thought:

(1) Regardless of OMB, the deal is a good one for the taxpayer.

(2) Every time we come forward with something good for the taxpayer, the bureaucrats (including yours) feel that they have to fight it (job security?)

(3) To delay for two years to do an AOA is simply silly. It just means two more years of wasted repair costs on the E models; a waste of taxpayers' money to some beltway bandit; more bureaucratic delays by PA&E; and an end which is predictable.

(4) Since neither ships, trucks, or tiny planes can serve as tankers, we will be looking at big planes. Guess what?

We're already there. We will waste money and have nothing to show for it.

(5) Hey, we can extend the life of the E's and re-engine them! We'll that doesn't pass Grant's lieutenant's test: it means we will be flying 80 year old planes in a few years!!!! Average age is now between 42 and 44 years. Re-engining won't solve the inherent catalytic corrosion problem. More waste of money.

(6) Gee, why didn't we for 50 or 60 or 70 year old Air Force Ones? How many of our bureaucrats fly in such old planes? I'm getting used to some in their late 40s, but I'm not so picky! But, why don't we make the Navy sail 60 year old destroyers? Or submarines? Because it's dumb.

(7) If we wait, there may not be a 767 line! Hey, can we covert used ones. Here we go again. We can waste money with half measurers that are penny wise and pound foolish. Why not do the same for ships? OK, so we'll be forced to buy French airplanes.

(8) To kill this idea in OSD is proof that there may be words like "acquisition reform," but they are hollow. The bureaucrats want to keep doing things the same old way, adding little value but lots of costs.

I can only keep my sanity by remembering Andy's advice to me years ago: "there are limits to the stupidity any one man can prevent." Off to Okinawa! Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Bill Bodie
To: Jim Roche
Date: Nov 20, 2002
Subject: Re: 767 Lease

Good for you, boss. Aldridge may deny he's been weakening, but the smoke signals are thick. Aldridge interviewed with Anne Marie yesterday, and although he wouldn't comment on specifics of any deal and was keeping an open mind, he indicated that in general terms he would have concerns about leasing when/if buying was cheaper. That doesn't jibe with his previous support for the lease from a NPV/cash flow management perspective. In addition, the spores seem to be pushing a "what's the rush?" line: buying is cheaper (we "exaggerate" the purchase cost of a green 767), therefore better; such a large expenditure requires more "rigorous analysis" than the back-of-the-envelope assertions by the AF, hence an AOA; the AF hasn't POM'ed for the lease, so how serious can we be? There is no "urgent" need, because the AF is starting to retire the E's next year even without an immediate replacement, so why can't we be more deliberative? Boeing will still be there, making airplanes, so what's the rush? Anyway, Airbus could make planes with enough American content if need be. I rebutted all these arguments with Jaymie (as you did with Pete), but we might be in the 'power' phase with OSD on this issue. If anyone can talk sense to Aldridge, however, it's you.

From: James Roche
To: Bill Bodie
Date: Nov 20, 2003
Subj: Re: 767 lease
Importance: high

Right. I'm relaxed on this one. They have to take the bureaucratic position. Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Roche, James Dr. SAF/OS
To: Druyun, Darleen, SAF/AQ
Date: Monday, December 17, 2001 7:21pm
Subj: Re: 767 Leasing

Darleen, thanks much. I'd like for us not to be embarrassed on the Third Floor. Also, we will have to see what the final language looks like. I'll be interested in the numbers, and whether our resident DeLoitte partner (Nelson) agrees. Jim

DR. JAMES G. ROCHE,
SECAF.

From: Wynne, Michael Mr. OSD–ATL
To: Roche, James Dr. SAF/OS
Date: Wednesday, June 25, 2003
Subject: RE: OSD(C) AND 767 LEASE

Usually opposition is loudest away from the decision maker—I think progress towards the door will crisp up the arguments, and allow the release. Keep the team MOOSHHING forward.

Best,

Mike.

From: Roche, James Dr. SAF/OS
To: Wynne, Michael, MR. OSD–ATL
Date: Wednesday, June 25, 2003
Subject: FW: OSD(C) and 767 Lease

MIKE: And, here I thought Stan and the Boys were under control!

You have more work to do.

Jim.

JAMES G. ROCHE,
Secretary of the Air Force.

From: Lemkin, Bruce S. SES, SAF/FM
To: Roche, James Dr. SAF/OS; Sambur, Marvin Dr. SAF/AQ
CC: Montelongo, Michael, Civ, SAF/FM
Date: Wednesday, June 25, 2003
Subject: OSD(C) and 767 Lease

MR. SECRETARY AND MARV: At this morning's Dov Zakheim meeting with Service FMs, Dov stated that he will not agree to including an AF position in the Report to Congress that is different from the OSD position. He directed me to "tell Jim and Marv" that he intends to send SECDEF a memo stating this. Szemborski piped up that PA&E has "formally non-concurred" to SECDEF.

After the meeting, I got hold of the Leasing Panel co-chair, Wayne Schroeder, and told him that our position is that SECDEF has approved the lease-how can one or more of his staff "non-concur?"—so, now, it is our obligation to work together to submit a Report to Congress that uncategorically supports the lease.

Marv—We in FM are standing by to continue to assist to break this free. Let me know how else we can help.

VR,
Bruce.

From: Bruce Lemkin [Principal Deputy Assistant Secretary AF, Financial Management]
To: James Roche; Marvin Sambur
CC: Michael Montelongo
Date: June 25, 2003
Subj: OSD(C) and 767 Lease

MR. SECRETARY AND MARV: At this morning's Dov Zakheim meeting with Service FMs, Dov stated that he will not agree to including and AF position in the Report to Congress that is different from the OSD position. He directed me to "tell Jim and Marv" that he intends to send SECDEF a memo stating this. Szemborski piped up that PA&E has "formally non-concurred" to SECDEF.

After the meeting, I got hold of the Leasing Panel co-chair.

Wayne Schroeder, and told him that our position is that SECDEF has approved the lease-how can one or more of his staff "non-concur?"—so, now it is our obligation to work together to submit a report that uncategorically supports the lease.

Marv—We in FM are standing by to continue to assist to break this free. Let me know how else we can help.

VR,
Bruce.

From: Marvin Sambur
To: Bruce Lemkin; James Roche
CC: Michael Montelongo
Date: June 25, 2003
Subj: RE: OSD(C) and 767 Lease

BRUCE: We have made every compromise possible. I do not understand Szembroski's position. I spoke to his boss this morning and I thought they were rewriting the non-concur. In any event, we are submitting the report this afternoon. I added a line the OMB wanted (lease decision was predominantly made due to schedule). However, I am not moving off the position that the fair market purchase price is $138.4 (not $131M which requires that we give them the money 4 years ahead of delivery) and that the lease is a wash art purchasing from a financial point of view. I will not give your enemies the tools to bury us!

Marv.

From: Roche, James Dr SAF/OS
To: Sambur, Marvin DR SAF/AQ
Date: Tuesday, July 08, 2003 9:44pm
Subj: Re: Footnote

Marv, what about my just adding my language? Why not? It's my letter. Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Sambur Marvin Dr SAF/AQ
To: Roche James Dr SAF/OS
Date: Tue Jul 08 2003
Subj: Re: Footnote

BOSS: Our introduction makes that point that the lease is the fastest way to get tankers given our funding constraints. What they are forcing us to say is that IF congress gave us permission to PURCHASE under the same MYP terms as the lease, then the lease is DUMB financially.

Robin wanted it in the text and Mike got her to accept it as a footnote. Wynne is not willing to go further. My point is that Mike has tossed the bomb back to us in a take it or leave it terms. He claims that we will still win and our enemies know about this already. I spoke to Dicks last week and he told me to hold firm and not to go along with Robin. I want to check again.

Marv.

From: Roche, James Dr. SAF/OS
To: Durnan, Jaymie CIV OSD
Date: Tuesday, July 08, 2003
CC: Bodie William C Civ SAF/OS
Subj: Lease

Jaymie, Mike Wynne has fallen for Cleveland's line that our letter must show the bogus calculation which is NPV negative by $1.9 billion.

Why bogus? If we had the budget, we wouldn't need to turn to a lease. But, we don't. Thus, to assume that it exists (wrong premise), and then to assume the Congress passed legislation which it didn't, and then to condemn ourselves in writing by stating the calculation based on a fantasy simply is crazy. It is a bureaucratic trick to make a fool out of Don as well as the Air Force. All this was "resolved" by Pete Aldridge before he left. To quote him: "We need to go forward with DoD's position. If OMB wants to comment, let them."

Point: we are running aground because PA&E and OMB want me to sign a suicide note. BUT I WILL NOT. This whole drill has gotten out of hand! Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Roche, James Dr SAF/OS
To: Wynne, Michael Mr. OSD–ATL
Date: Wednesday, September 03, 2003
Subj: Re: Ken Kreig ltr

Keep the faith, Baby, we'll need it tomorrow. Please be prepared to tell the SASC that we did discuss whether or not to do an AOA, and that one isn't required. Further, Sen McCain thinks Schmitz is an authority on the subject! Jim.

DR. JAMES G ROCHE,
Secretary of the Air Force.

From: Wynne, Michael Mr. OSD–ATL
To: Roche, James Dr. SAF/OS
Date: Wed Sep 03, 2003
Subj: Re: Ken Kreig Ltr

James, You are nearing sainthood, inspite of your youth. I think your sidebar with Tony C. Made a difference.

Best Regards,

Mike.

From: Wynne, Michael, Mr. OSD–ATL
To: Roche, James Dr. SAF/OS
Date: Wednesday, July 09, 2003
Subj: RE: FW: Footnote

I can only repeat that you are actually winning. To change subjects, the F–22 DAB went reasonably well, and will lead to a second IPR and decision DAB in September. I complimented Rick Lewis, and Tom Owen, but told them not to let up. September will come quickly.

Best,

Mike.

From: Roche, James Dr. SAF/OS
To: Wynne, Michael Mr. OSD–ATL
Date: Wednesday, July 09, 2003
Subject: RE: FW: Footnote

Mike, thanks for your candor. I will only add to the footnote of the letter I sign that "the funds to execute such an alternative could not be made available without harming combat capability." Then, no one can accuse Don of "wasting" $1.9B of taxpayer money. Stan Crock's article is another in a long series on varying issues where my friend missed the point. Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Wynne, Michael, Mr. OSD–ATL
To: Roche, James Dr. SAF/OS
Date: Wednesday, July 09, 2003
Subj: RE: FW: Footnote

Jim—Good on Pete—he left before the fight—I believe that this is a fair display. This is a footnote to a lengthy text, and offers a bone to the critics recently in Business Week who say that you and we tortured the economic argument to get what we want. I believe that addressing this point in this fashion takes the teeth out of their criticism. This will not embarrass at all the Secretary, as I would not even have considered it otherwise. This followed one full week of negotiation to remove it from the text and get it to only footnote status.

My advice to you is to take the deal as written, sign it out of this Building—get the term waiver, and let the House and Senate proponents, do their magic. I think you have a major victory, and are letting a minor math point get in front of a major policy win.

Best,

Mike.

From: Roche, James Dr. SAF/OS
To: Wynne, Michael, Mr. OSD–ATL
Date: Tuesday, July 08, 2003
Subject: RE: FW: Footnote

Mike, it's not that easy for you. Pete resolved these. You don't want to be put in a position of embarrassing Don: nor do I. If I refuse to sign, you will have to explain it anyhow! We should present DoD's position and let OMB add the bogus point not us. Bogus because we DON'T HAVE THE $$$ NOW WITHOUT GIVING UP COMBAT CAPABILITY! This was Pete's argument. We turned to a lease because of this reality. The footnote to which you agreed? NEVER mentions this point! That's just not wise. Don't you agree? Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Wynne, Michael, Mr. OSD–ATL
To: Roche, James, Dr. SAF/OS
Date: Wednesday, July 08, 2003
Subj: RE: FW: Footnote

JIM: I am out of this now—though I will front what you want. As a footnote, this could be any number, not one that either you and I must defend. At this juncture, it's up to you to sign or not. I hope you think it over and get it out of the building.

Best,

Mike.

From: Roche, James Dr. SAF/OS
To: Wynne, Michael Mr OSD–ATL
Date: Tuesday, July 08, 2003
CC: Sambur Marvin Dr. SAF/AQ
Subj: Re: FW: Footnote

Mike, I don't like it. Why? Because we don't agree with the calculation! As important, it fails to give an alternative, lease supportive case where the NPV is positive! If the addition to the footnote added: ". . . Similarly, if blah blah, then the NPV would favor a lease by $$$." As this stands, it is embarrassing to you, me, and the Sec Def. Senator McCain and others who oppose the lease will leap to this number! Why is this so hard for you to see, Mike? Further, the footnote missed Pete Aldridge's point that this is a hypothetical since the Air Force doesn't have the BA to enter into such a multi year contract, even if the Congress bent its rules to do so without limited production!

Marv, what do you think? Please get together with Mike to come up with a more palatable and balanced version of the footnote.

Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Wynne, Michael Mr OSD–ATL
To: Roche, James Dr. SAF/OS
Date: Tue Jul 08, 2003
Subject: FW: Footnote

JIM: I've gotten the 1.9B relegated to a footnote and I've made an agreement with OMB so that we can proceed. You can sign it in the morning if you agree if not I'm not sure what to do. Meeting with DSD went fine. Most are hoping that you refuse to sign. I told them not so fast.

Best,

Mike.

From: Spruill, Nancy Dr. OSD–ATL
To: Wynne, Michael Mr. OSD–ATL
Date: Tuesday, July 08, 2003
CC: Spruill, Nancy, Dr. OSD–ATL
Subject: Footnote.

MIKE: This is what I've copied for your convenience.

Thanks,

Nancy.

The Footnote is to the sentence that says: Applying the A–94 test, it was determined that the net present value of the multi-year lease option and a traditional purchase option results in a NPV favoring a purchase of $150 million, as shown in Table 1[1].

Footnote: [1] In evaluating the net present value of the lease and purchase options as required by OMB Circular A 94, the Air Force relied on the availability of multi-year lease authority granted by Congress in 2002 Defense Appropriations Act. Had the Congress chosen instead to provide multi-year procurement authority the NPV could favor purchase by up to $1.9 billion. While this information affords a measure of clarity in an equitable comparison of terms and NPV, it is provided with the understanding that multiyear procurement authority was not available and therefore not a viable option for the Administration's analytical consideration.

From: John Jumper AF/CC
To: William Bodie SAF/OS; James Roche SAF/OS
Date: June 22, 2002
Subj: RE: CNBC Interview—Tanker Recapitalization

Great themes, thanks. JJ.

From: William Bodie SAF/OS
To: James Roche SAF/OS; John Jumper AF/CC
Date: June 21, 2002
Subj: FW: CNBC Interview—Tanker Recapitalization

We've got Loren doing the Lord's work again. "3rd Party" support at its best.

From: T124C41
Sent: Friday, June 21, 2002 10:55 AM
To: carey
Cc: william bodie
Subject: CNBC Interview—Tanker Recapitalization

To: Mac Carey
From: Loren Thompson
Date: June 21, 2002
Subj: CNBC Interview—Tanker Recapitalization

Last Monday I was interviewed by CNBC for an upcoming segment on the Air Force tanker leasing controversy. I talked to CNBC anchor Marsha McCallum yesterday, and she said the segment is due to air at 3:15 pm on Monday. Senator McCain will also be on the segment.

CNBC will only use a small portion of what I said. For the record, though, here are the ten themes I told her, in some cases several times:

(1) Tankers are essential enablers of American military power, and will become more so as our network of overseas bases continues to shrink.

(2) Every bullet and bean America delivered to Afghanistan, not to mention every soldier and fighting system, got there on an airplane that had to be refueled in flight by a tanker.

(3) This month marks the 45th anniversary of the first delivery of a KC–135 tanker to the Air Force, reflecting the fact that 90% of the tanker fleet has grown quite aged.

(4) The fleet is so old that a third of airframes are in repair shops or waiting to go there on any given day.

(5) The planes must be replaced, and the Air Force has determined that the Boeing 767 is the best aircraft to use.

(6) Replacement of over 500 tankers may prove to be the biggest defense procurement program of this generation.

(7) But even if we begin buying planes at the rate of two dozen per year, it will take the Air Force 20 years to replace the fleet—by which time some of the KC–135s will be at twice their design lives.

(8) Flight hours is a useful indicator of airframe fatigue, but it tells you very little about the toll corrosion may be taking on the planes.

(9) Leasing is a common practice among commercial airlines to mitigate the cost impact of acquiring large aircraft.

(10) Senator McCain—the only critic of leasing in Congress—will not succeed in blocking a 767 lease because tanker replacement is critical and he has offered no alternative to leasing.

Martha and I have actually had a number of conversations outside the taping, allowing me to repeat some core themes. She seems thoughtful and open-minded, with no axe to grind. Incidentally, I told her the lease was the exact opposite of a Boeing "bailout"—it's a government attempt to get good terms from the company by taking advantage of a downturn in demand for commercial transports.

2004 Defense Planning Guidance directs a review of tanker replacement options, indicating the issue is now on OSD's radar screen.

From: Bodie, William C., Mr, SAF/OS
Sent: Friday, June 21, 2002 11:26 AM
To: Roche, James, Dr., SAF/OS
Subject : RE: CNBC Interview—Tanker Recapitalization

We'll track it to see if CNBC gives us a fair shot. Glad we're doing 737 stuff Monday.

From: James Roche
To: William Bodie
Date: June 21, 2002
Subj: RE: CNBC Interview—Tanker Recapitalization

Good work!

Jim.

JAMES G. ROCHE,
Secretary of the Air Force.

From: Bodie, William C., Mr, SAF/OS
Sent: Friday, June 21, 2002 11:08 AM
To: Roche, James, Dr., SAF/OS; Jumper, John, Gen. AF/CO
Subject: FW: CNBC Interview—Tanker Recapitalization

We've got Loren doing the Lord's work again. "3rd Party" support at its best.

From: T124C41
Sent: Friday, June 21, 2002 10:55 AM
To: carey
Cc: william.bodie
Subject: CNBC Interview—Tanker Recapitalization

TO: Mac Carey
FROM: Loren. Thompson
DATE: June 21, 2002
RE: CNBC Interview—Tanker Replacement

Last Monday I was interviewed by CNBC for an upcoming segment on the Air Force tanker leasing controversy. I talked to CNBC anchor Marsha McCallum yesterday, and she said the segment is due to air at 3:15 PM on Monday. Senator McCain will also be in the same segment.

CNBC will only use a small portion of what I said. For the record, though, here are the ten themes I told her, in some cases several times:

(1) Tankers are essential enablers of American military power, and will become more so as our network of overseas bases continues to shrink.

(2) Every bullet and bean America delivered to Afghanistan, not to mention every solider and fighting system, got there on an airplane that had to be refueled in flight by a tanker.

(3) This month marks the 45th anniversary of the delivery of a KC–135 tanker to the Air

Force, reflecting the fact that 90% of the tanker fleet has grown quite aged.

(4) The fleet is so old that a third of airframes are in repair shops or waiting to go there on any given day.

(5) The planes must be replaced, and the Air Force has determined that the Boeing 767 is the best aircraft to use.

(6) Replacement of over 500 tankers may prove to be the biggest defense procurement program of this generation.

(7) But even if we begin buying planes at the rate of two dozen per year, it will take the Air Force 20 years to replace the fleet—by which time some of the KC–135s will be at twice their design lives.

(8) Flight hours is a useful indicator of airframe fatigue, but it tells you very little about the toll corrosion may be taking on the plane.

(9) Leasing is a common practice among commercial airlines to mitigate the cost of acquiring large aircraft.

(10) Senator McCain—the only critic of leasing in Congress—will not succeed in blocking a 767 lease because tanker replacement is critical and he has offered no alternative to leasing.

Martha and I have actually had a number of conversations outside the taping, allowing me to repeat some core themes. She seems thoughtful and open-minded, with no axe to grind. Incidentally, I told her the lease was the exact opposite of a Boeing "bailout"—it's a government attempt to get good terms from the company by taking advantage of a downturn in demand for commercial transports.

2004 Defense Planning Guidance directs a review of tanker replacement options, indicating the issue is now on the OSD's screen.

From: Marvin Sambur SAF/AQ
To: Jim Albaugh
Date: June 17, 2003
Subj: FW: USAF Green Aircraft Pricing

Jim: I have been working with Bob to answer a question from McCain concerning his claim that Continental received a better deal than the USAF. I asked Bob for a simple statement that, accounting for inflation and airworthiness directives, we received a better deal than anyone else. Given the assault that McCain is mounting on this deal (see attached) and our claims that we received the best deal, we need such a statement. Thanks!

Marv.

From: Bob Gower
To: Marvin Sambur SAF/AQ
Date: June 16, 2003
Subj: RE: USAF Green Aircraft Pricing

We have the McCain request. I am traveling to DC in the morning for Hill visits the next few days. I will take your response up the chain.

From: Marvin Sambur SAF/AQ
To: Bob Gower
CC: Arlene Marvin
Date: June 16, 2003
Subj: Re: USAF Green Aircraft Pricing

Bob: This is unacceptable. McCain will eat us for lunch. See attached.

From: Bob Gower
To: Sambur SAF/AQ
Date: 6/16/2003
Subj: USAF Green Aircraft Pricing

Marv: We looked at providing some type of certification for the "green" aircraft pricing and would prefer not to do this for two primary reasons.

First, we have hurt our commercial airline market enough through the concessions, profit cap, and most favored customer clause. To provide an additional measure of certainty would set a new standard for the Boeing company that we prefer not to set. All elements of this deal are very visible and this would not be good for our other markets. Our best customers have understood the Most Favored Customer clause because some of them have seen these in the past but these have been forward looking with no commitment to historical pricing.

Second, we believe Boeing providing additional commitments has little or no additional political benefit. I believe that if the USAF attempted to stand behind a Boeing statement that our enemies would unjustly attack Boeing's credibility.

Therefore, my proposed solution is for the USAF to stand behind the facts which I see as:

The USAF is confident we have received a most competitive price on the basic 767 aircraft. The USAF has ensured this through multiple means:

(1) We obtained confidential information directly from a major airline that validates we obtained a very competitive price from a historical position.

(2) We obtained a Most Favored Customer clause that protects the USAF on a going forward basis since it requires Boeing to refund the USAF should they ever sell a 767 for less than what the USAF paid, and

(3) The USAF has capped Boeing's earnings to ensure the maximum profits they could make are in line with DoD profit guidelines, insuring the USAF would benefit in the future should cost come in lower than predicted. Should cost be higher, Boeing bares the risk.

With this firm, fixed price contract and Boeing responsible for all development costs, we believe this agreement is unprecedented in its protection for the taxpayer, and insure not only have we received the best pricing possible, but we will continue to obtain the best pricing from Boeing in the future.

Regards,

Bob.

From: Marvin Sambur SAF/AQ
To: Darleen Druyun SAF/AQ; James Roche SAF/OS
Date: October 10, 2002
Subj: RE: Tanker Leasing

Jamie Durnan stopped me this morning to tell me that OMB "will fight us to the death on the lease." I asked why and he told me that they do not believe our numbers and their analysis shows that it is better to purchase. (At the leasing meeting the OMB number was about $50M favorable to purchase out of about $18B fly away cost.) I told him that we admit that the deal is probably a push but if we buy according to the same funding stream as leasing, we only get 6 tankers by 2009 versus 67 by leasing. The quicker delivery acts as an insurance policy against the unknown effects of aging and accelerating usage. He thought that was a compelling argument.

Marv.

From: Bill Essex SAF/AQQ
To: Marvin Sambur SAF/AQ
Date: August 03, 2002
Subj: FW: Potential OMB Problems with 767 Lease

Sir: Our take on the OMB letter to Sen. McCain is below. Mr. Daniels went out of his way to slam 767 lease even though he does not really know much about it yet. Looks like an interesting fight shaping up.

VR,

Bill.

From: Marvin Sambur
To: James Roche
Date: October 21, 2002
Subj: 767 meeting with OMB

Boss: We spent three hours with Robin this AM going over the issues they highlighted for discussion and additional data. These topics were: Requirements justification, price of the green a/c, why our proposal meets the requirements of an operating lease and a better understanding of the legal ramifications of a Special Purpose Entity that would hold title to the tanker a/c. She was quite upset when she learned from the introductions that Boeing was present to answer any questions. When we saw her "angst" we told her they would leave or we could have an executive session with government only participants. She told us the damage was done and did not take up the options we outlined to her. We invited Boeing in to respond to questions she and her staff had and frankly they were very helpful in filling in some details and adding credibility. This was not a negotiation meeting and Boeing was only to provide answers on the pricing. I expect she will express to you her anger over Boeings presence.

Robin and her staff asked for additional data which we are preparing to send over in the following read: What would the AF budget look like per FY to purchase the same number of aircraft being built and delivered under the lease? (The insurance argument of getting the lease tankers 5 years earlier with about the same net present value resonated with her. In addition, the point that Boeing will stop producing the 767 and if we delay, the price will rise considerable was also a strong argument to her.) However, they believe our price for the green a/c is too high and have asked for other large airline purchases, config and what the discount was from the list price. Apparently her staff made a bunch of phone calls and claim their number is lower than ours but she is the first to admit that she does not know the real validity behind them. We need to give them the maintenance costs of the 135s vs. The proposed 767 tankers. She will want a separate session on tanker termination liability issues. I believe we probably talked passed each other on this and I have directed my staff to prepare very clear charts on this to set the record straight. He also wants a copy of the draft contract T's and C's. In addition, she directed we rerun the numbers using a 6 years OMB discount rate in addition to the 15 year period. We have this and will give to them to OMB.

I expect she will call you. We firmly believe the contractors attendance at the meeting was very helpful but she will probably blast us for it. We will keep you posted on our progress.

From: Marvin Sambur
To: James Roche
Date: September 11, 2002
Subj: 767 Tanker justification

Boss: I kicked off the effort to establish a "need" justification for the tankers. Hope to have a conceptual framework ready by the end of the week.

Spoke to Robin after the meeting to tell her that the economic justification is not a slam dunk for either position (purchase or lease.) It is more a push and a slight change in the interest rates can flip the analysis. At the end of the day, we have to prove that there is a TRUE need and that there are other advantages to leasing (earlier delivery, affordability, etc) that make it a good business deal. It is going to be a tough sell given the other factors such as liability and indemnification.

Marv.

From: Marvin Sambur
To: James Roche; Scott Custer
CC: Peter Teets; John Jumper; Robert Foglesong; Joseph Wehrle, William Bodie; John Corley; Janet Therlanos; Debra Henderson; Warren Henderson; Judy Fedder; David Rue; Robert Pavelko; Bob Edmonds; Skip Daly; Christopher Bowman; Gregory Christ; John Handy; Paul Essex; William Hodges; Michael Zettler; Michael Montelongo; Stephen Lorenz; Duncan McNabb; Gary Heckman; Kevin Chilton; Raymond Johns; Ronald Rand
Date: July 25, 2003
Subj: Re: SASC Tanker Lease Hearing

But remember, they can not play the game without the football and where the football goes determines the end result!

Marv.

From: James Roche
To: Marvin Sambur
CC: Peter Teets; John Jumper; Robert Foglesong; Joseph Wehrle, William Bodie; John Corley; Janet Therlanos; Debra Henderson; Warren Henderson; Judy Fedder; David Rue; Robert Pavelko; Bob Edmonds; Skip Daly; Christopher Bowman; Gregory Christ; John Handy; Paul Essex; William Hodges; Michael Zettler; Michael Montelongo; Stephen Lorenz; Duncan McNabb; Gary Heckman; Kevin Chilton; Raymond Johns; Ronald Rand
Date: July 25, 2003
Subj: RE: SASC Tanker Lease Hearing

Yes, but for whom? I always wondered what it would feel like to be the football! Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Marvin Sambur
To: James Roche
CC: Peter Teets; John Jumper; Robert Foglesong; Joseph Wehrle, William Bodie; John Corley; Janet Therlanos; Debra Henderson; Warren Henderson; Judy Fedder; David Rue; Robert Pavelko; Bob Edmonds; Skip Daly; Christopher Bowman; Gregory Christ; John Handy; Paul Essex; William Hodges; Michael Zettler; Michael Montelongo; Stephen Lorenz; Duncan McNabb; Gary Heckman; Kevin Chilton; Raymond Johns; Ronald Rand
Date: July 25, 2003
Subj: RE: SASC Tanker Lease Hearing

And they are playing the Jets. This is a good omen.

From: James Roche
To: Scott Custer
CC: Peter Teets; John Jumper; Robert Foglesong; Joseph Wehrle, William Bodie; John Corley; Janet Therlanos; Debra Henderson; Warren Henderson; Judy Fedder; David Rue; Robert Pavelko; Bob Edmonds; Skip Daly; Christopher Bowman; Gregory Christ; John Handy; Paul Essex; William Hodges; Michael Zettler; Michael Montelongo; Stephen Lorenz; Duncan McNabb; Gary Heckman; Kevin Chilton; Raymond Johns; Ronald Rand
Date: July 25, 2003
Subj: Re: SASC Tanker Leasing Hearing

Goodie! The same day as the opening day of Redskins football! JGR.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Scott Custer
To: James Roche
CC: Peter Teets; John Jumper; Robert Foglesong; Joseph Wehrle, William Bodie; John Corley; Janet Therlanos; Debra Henderson; Warren Henderson; Judy Fedder; David Rue; Robert Pavelko; Bob Edmonds; Skip Daly; Christopher Bowman; Gregory Christ; John Handy; Paul Essex; William Hodges; Michael Zettler; Michael Montelongo; Stephen Lorenz; Duncan McNabb; Gary Heckman; Kevin Chilton; Raymond Johns; Ronald Rand
Date: July 25, 2003
Subj: SASC Tanker Lease Hearing

Sir, looks like 4 Sep for the SASC tanker hearing . . . with you as the AF witness.

V/R Scott.

From: Robert Pavelko
Date: July 24, 2003
Subj: SASC Tanker Lease Hearing

Just received a telephone call from Mr. Tom McKenzie, SASC [202-224-9347]. He wanted to give us a heads up the SASC will be calling a hearing on the AF Tanker Lease. Projected date is 4 September in the morning. Witness invites: SECAF, Director of OMB, and Sec Wynne. His POC is Bill Greenwalt, 202-224-6778.

V/R,

Robert J. Pavelko.

From: Marvin Sambur
To: James Roche
Date: November 19, 2003
Subj: FW: Tankers

FYI.

From: Scott Custer
To: Marvin Sambur
Date: November 19, 2003
Subj: Tankers

SIR: Mr. Wynne is quoted as saying we would pay up front not purchase on delivery, that it will probably be 2 contracts, and that the price would likely need to be renegotiated . . . not helpful. I don't know how this got so messed up but I think we still need to proceed with the deal we want . . . and take it to the SASC for their views. And, we must do it quickly as the pending omnibus may be the only vehicle left to get any language changes we'll need to make it work.

V/R,

Scott.

From: Dov Zakheim
To: Marvin Sambur
Date: November 25, 2002
Subj: RE: KC-767 Lease Delay

I have a simple question? Where is the USAF money to fund this lease?

From: Marvin Sambur
To: Pete Aldridge; Dov Zakheim
Date: November 22, 2003
Subj: KC-767 Lease Delay

PETE AND DOV: I understand the suggestion we delay the KC-767 lease two years has come up again at high levels within OSD (though this time without necessarily paying to re-engine KC-135Es) in order to do a format AoA. As a follow-up to my recent e-mail on this subject:

A formal AoA will cost money, delay the program two years, and still come up with the same answer we have today. There are only a few aircraft that can serve as tankers, they are already in production, and so analyzing their respective capabilities and costs won't take long—in fact, it's already been done and the results passed to OSD. What's left to study?

For the last 45 days, OSD has had enough data to support a decision analysis—all they really need is the A-11 A-94 model we provided to determine that the deal is a good one.

A complete contract is not required for OSD to analyze the lease; contracts are written to match the programs approved and justified through analysis; our A-11 A-94 model is the primary analytical tool upon which we are building our contract; if OSD analyzes the model (which we believe they have not done), they will be analyzing the proposed program.

If restarted negotiations in 2005 resulted in a real price increase of just 5%, we will have to drop one aircraft per year to live within our budget. This will add further cost and stretch-out the KC-135 recapitalization effort two more years in addition to the two-year late start.

A 5% price increase due to loss of negotiation leverage will add more than $700M to the cost of the first 100 KC-767s.

Bottom line: the penalty for delaying the lease we've negotiated today could be substantial even without the added burden of paying for maintaining KC-135Es. Please keep in mind that the low-cost deal we have today is the result of negotiating with a manufacturer suffering the impacts of an industry-wide downturn. That downturn is not expected to continue for another two years. As the facts show, our negotiating team got a better deal on these 767s than a major airline did with theirs with a 20-yr exclusive contract—we likely won't do as well when the industry recovers. How, then, would we explain this two-year delay to Congress?

Marv.

From: Michael Wynne
To: Marvin Sambur
Date: July 08, 2003
Subj: RE: Footnote

MARV: At long last, this is the best that I could get—relegating the non-available comparison to a footnote. I have been to the speakers office, and they don't care how it reads, just get it over to congress and let them get it done.

At this point, it is up to Jim to sign or not.

Best,

Mike.

From: Marvin Sambur
To: James Roche; Michael Wynne
Date: July 08, 2003
Subj: Re: Footnote

The primary reason for the lease is because it affords us the ability to recapitalize faster. By putting in the footnote, we allow our enemies to stall with the excuse that the AF should go to Congress and ask for a MYP. The OSD position is that the financials are a wash, so way cloud the issue and cause problems. Submit without the footnote and we will prevail. Submit with the footnote and we have a battle on the wrong issue that will cause big time delays.

Marv.

From: Mary Walker
To: James Roche
Date: August 21, 2003
Subj: Re: Revised OMB Circular A-11

BOSS: I had the same question. It would be nice to say we comply either way. Will see. Moreover in my opinion, now in preparation, I could speak to this. You may be asked.

Mary.

From: James Roche
TO: Daniel Ramos
CC: Marvin Sambur, William Hodges, Ty Hughes, Mary Walker, Janet Therianos, John Jumper
Date: Aug 21, 2003
Subj: Re: Revised OMB Circular A-11

Dan, thanks much. Good work. How does our lease fare under the new circular? If it fails, then OMB may be in for an attack from Sen McCain. What dumb time to change the rules!!!

JGR.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Daniel Ramos
To: James Roche
CC: Marvin Sambur, William Hodges, Ty Hughes, Mary Walker, Janet Therianos
Date: Aug 21, 2003
Subj: Revised OMB Circular A–11

SIR: Earlier this week Ms. Walker provided you with a copy of a revised version of OMB Circular A-11 issued on July 25, 2003. Among other things, the revised A–11 adds new guidelines for distinguishing between operating leases, capital lease the KC–767s requires that it be an operating lease based on the definition provided by OMB "at the time of the lease." The statute does not state whether "at the time of the lease" means when the lease is signed or when it was first submitted to OMB for review, so it is possible that the revised A–11 could apply to the KC-767 transaction. We immediately engaged with OMB on this issue, and as of this afternoon OMB has verbally agreed to the following: OMB will issue a clarifying letter stating that the revised A–11 applies only to transactions approved by OMB after July 25, 2003. At our request, OMB will then issue a letter addressed to you stating that OMB approved the Air Force KC–767 transaction prior to July 25, 2003, and therefore the revised A-11 does not apply. OMB plans to issue the clarification early next week and the letter to the Air Force by the end of next week. If there is any change to this plan, we will let you know.

From: Marvin Sambur
To: James Roche
Date: November 21, 2003
Subj: FW:767 Update

FYI.

From: Ty Hughes
TO: Marvin Sambur
CC: Scott Custer, Mary Walker, Daniel Ramos, Ted Bowlds
Date: Nov 21, 2003
Subj: 767 Update

Dr. SAMBUR: OMB General Counsel called DoD GC this afternoon and asked for a legislative proposal to address the obligation of funds for the tanker. OMB also asked what the Air Force can with respect to obligation of funds if there is no new legislation.

DoD has prepared language that would allow obligation of funds upon delivery of the aircraft. The draft language would solve the problem. It should go over this evening. OMB is considering offering the language for inclusion in the Omnibus Appropriations Act.

Without legislation, the DoD fiscal lawyer is still of the view that the Air Force must obligate all of the funds for purchase when the aircraft are ordered. We have scheduled meeting for 0900 on Monday with the DoD lawyers to discuss this.

Ty Hughes.

From: Mary Walker
To: James Roche
CC: John Jumper, Peter Teets, William Bodie, Janet Therlanos
Date: Nov. 26, 2002
Subj: More Updates from GC

BOSS: Welcome back! (With the thought you are reading this after Thanksgiving . . .) Since I won't be here when you get in on Monday the 2nd (I'll be on my way to give a speech at the USAFE JAG conference . . .), I wanted you to have my long list of accumulated updates so you can be current with the issues we are working that are of known or suspected importance to you. Don Fox will be covering for me until I get back on Dec. 6th. This will fill you in.

767 Tanker Lease (legal issues):

While most of the lease terms have been agreed upon, a number of terms have been elevated to SAF. The most important ones include the following:

(1) A very significant issue just surfaced and may require us to obtain additional legislation. Boeing representatives told us the investors need assurance that the Air Force will not terminate the lease agreement while the aircraft are under the 3-year construction. We are concerned about the fiscal consequences of such an assurance since 40+ aircraft may be in various stages of construction at any one time. We are analyzing this issue under the limited statutory guidance for this program and past precedent, which is also limited because leasing of major systems has been so rare. FI we are unable to resolve this issue with the staff in DoD GC, we may need to seek another provision in law to provide adequate authority to meet our needs.

(2) Boeing wants a clause advising the government of the tax treatment it wants reflected in the transaction. We have told them that the tax treatment is a matter between Boeing and the IRS, not the Air Force. Boeing is considering whether to seek a Revenue Ruling or informal advice form the IRS. If they decide to go that route, we may want to ask the IRS to expedite consideration of their request.

(3) The bond rating agency wants the government to agree not to initiate a bankruptcy petition against the lessor until one year and a day after the final lease payment. While we understand this is a standard provision in commercial aircraft lease, DOJ, not the Air Force, decides when to file documents (such as bankruptcy petitions). We will ask Boeing to discuss this matter with the bond rating agency to see if they can make an exception for a government lessee or lese tailor the clause in a way that would not bind DOJ. If not, we will work the issue with Justice.

(4) Boeing also wants indemnification under Public Law 85–804 for "unusually hazardous risks." You approved such indemnification in the case of the 737 lease. However, Boeing's request is now broader and the company seeks indemnification for the lender and officers of the various entities involved. The Air Force has not provided such broad indemnification in the past. We are currently reviewing whether we have the legal authority to do this and then there is the policy issue of whether this is something we want to consider. We also are working on the definition of unusually hazardous risk in this case.

From: Michael Wynne
To: James Roche
Date: June 24, 2003
Subj: Meeting

JIM: Thanks for hosting on Tankers—flavor just right, but I may need to borrow that reverse flak jacket yet.

Best,

Mike.

From: Michael Wynne
To: James Roche
Date: July 17, 2003
Subj: Good Luck

JIM: I wanted to say again congrats to get to the next phase fight on Tankers, likely less than the fight so far. Good Luck as well on the nom and confirm process. I'll be somewhere behind you. President willing.

Best,

Mike.

From: Michael Wynne
TO: Nancy Spruill, Ronald Sega, William Porter
CC: Richard Wiersema: Raymond Jones: Robert Nemetz
Date: November 01, 2003
Subj: RE: Two Issues—Tankers and Ship Funding

I think I responded but if not—I thought we could support two R&D ships if in different yards, and so stretch R&D a little. Incremental for production would be a stretch. Tankers—aaaaarrrrgggghhh!!! enough said.

Best,

Mike.

From: Nancy Spruill
To: Michael Wynne; Ronald Sega; William Porter
CC: Richard Wiersema; Raymond Jones; Robert Nemetz
Date: November 1, 2003
Subj: RE: Two Issues—Tankers and Ship Funding

MIKE: This evening Deputy Secretary Wolfowitz, Dr. Sega, Marv Sambur, Dave Patterson, Dan Stanley and I met with Joel Kaplan and others from OMB/WH/VP's office.

The issue was a legislative strategy for the way ahead on the tanker lease, in light of the proposed Warner amendment/press articles/interactions with Congress/etc.

There was a lot of support to go with the amendment but AF argued that there were other players—HASC and appropriators—so we should let the process work its way out. Dr. Wolfowitz raised the issue of a compromise and asked for an additional 28 hours to get a Department position to Joel Kaplan.

Dave Patterson will have the lead and Ron Sega and I will work w/him.

They are aware of your recommendation about where to get offsets, if we went with 20/80.

From: James Roche
To: Paul Weaver
Sent: May 21, 2002
Subject: (No subject)

Thanks, Paul. You are correct re KC 767's. Let's wait until we have a deal. We just completed negotiations on the four 737's for Congressional travel. Re F-22's, the ANG is welcome to make the following points:

(1) The F-22 is needed, and will be a formidable weapon system.

(2) It will be important for the ANG to be part of this program.

(3) If the program is cut, the chance to put F-22's in the Guard effectively will evaporate.

Be well.

Jim.

From: Paul Weaver
To: James Roche
Sent: May 21, 2002
Subject: (No subject)

MR. SECRETARY: I just returned on Monday from the Adjutants General's conference in Boise. Great turnout and great support for our Air Force. Gen Kane and Killey briefed them on their meeting with you and all voiced overwhelming approval to help out in AF modernization where ever they can. Led by the TAG from Arizona, who's Phoenix unit flies the oldest KC–135E's, want to start working the Hill for support for the KC–767. They do not want Sen. McCain to hurt the proposal. They want to get out the straight facts on the old E's. I advised them to hold off until a deal is finally cut between the AF and Boeing. I want to make sure that that is still your position. They will all respect your wishes and will move out when you give the signal to do so.

They also want to do whatever it takes to keep the F–22's in production and have the ANG as part of it.

Danny did a great job and I'm sure he will do well in the future as the Director.

God Bless,

Paul.

From: Burkhardt & Associates
To: James Roche
Sent: May 3, 2002
Subject: WSJ

Not very helpful article this morning. Here's the short outside the beltway reaction. (If you want the long version, give me a call)—

(1) Why the secrecy of your Wall street advisors? I think you got lousy legal advice on that memo. (If the article is accurate and you're using Wall Street advisors). You're the client. I can't envision a circumstance under which whoever is structuring this deal for you wants the fact that their doing so is kept quiet. It's red meat to Congress to tell them they can't know something.

(2) Claiming confidentiality is like claiming executive privilege. Even if it's correct in a narrow technical sense (and I'm not at all convinced it is) it only hurts you– larger public case. You can't defeat the claims that you're not disclosing something (by implication—something bad) (esp from someone as visible as McCain) without real information. I'd distribute a one page memo saying the per plane cost of the lease will not be greater than x and have x be less than the last lease Boeing did for some commercial entity—or that x is y dollars less than the cost of a new tanker.

From: James Roche
To: Dr. Marvin Sambur
Sent: May 14, 2002
Subject: RE: Call from Boeing

I love Ya, Big Guy. Give it to the Blue Eyed Arabs of the North (the expression we used for Boeing).

Jim.

From: Dr. Marvin Sambur
To: James Roche
Sent: April 9, 2002
Subject: RE: Call from Boeing

BOSS: Gerry Daniels called to discuss the tankers. He started the conversation by reminding me that McCain was a minority view and if the AF brought the deal forward it would easily pass. I stated that the AF would not bring this forward unless it was a good deal. Apparently, he never took this message seriously as he was surprised at this response. I explained our business model and indicated that if Boeing could not fir into this model we would shake hands and disengage. I arranged to have him and his team share our model. I ended the conversation by telling him that the AF's reputation was at stake and we are committed to getting a good deal or else there would be no deal. Boeing must take some risks given the future value of this initial contract. We are pointed towards an end of May conclusion as to whether to disengage.

Marv.

From: William Bodie
To: James Roche
Sent: April 25, 2002
Subject: RE: US News

Don't worry, I was never "good" enough to be an altar boy. I liked girls too much.

From: James Roche
To: William Brodie
Sent: April 25, 2002
Subject: RE: US News

God love you, my Son. Oops. I sound like one of those dangerous clerics!!

Jim.

From: William Brodie
To: James Roche
Sent: April 25, 2002
Subject: RE: US News

Yes, Camelot is always a 'brief, shining moment.' Iorizzo is no King Arthur, or even a Lancelot. If we can get through this goddam fight about tankers, we'll have another Camelot in the AF.

From: James Roche
To: William Brodie
Sent: April 25, 2002
Subject: RE: US News

I hope I didn't spoil the opera for you. I think Wally is still talking. We left. It was very much of a Westinghouse affair.

Jim.

From: William Brodie
To: James Roche
Sent: April 25, 2002
Subject: RE: US News

Okay. I've gone to battle stations. Leroy knows and will call friendly staffers like Cortese to give them a heads up, and perhaps to do something. I saw Rudy DeLeon at the Kennedy Ctr and politely asked the Great White Arab Tribe of the North to unleash their falcons on out behalf for once. And, I talked to Loren, who is standing by to comment to this reporter about the national security imperatives of tanker modernization. Vago is also standing by. I will get with Sambur first thing to rehearse talking points. Will get with you before we talk to the reporter.

Say hi to Wally.

From: James Roche
To: William Brodie
Sent: April 25, 2002
Subject: RE: US News

The call was from a very senior guy at the rag. I've talked to Marv and told him to hook me in sometime between 10:00 and 10:30 tomorrow. Thanks much.

Jim.

From: William Brodie
To: James Roche
Sent: April 25, 2002
Subject: RE: US News

I think your original guidance was right. Secaf takes first Q on when did we know, and you both take the second. We can do by phone tomorrow. We shouldn't get too excited, there is no expose. Just certain scare mongers.

From: James Roche
To: William Bodie
Sent: December 13, 2001
Subject Fw: 767 lease

Damn it! JGR.

From: Marvin Sambur
To: James Roche
Sent: December 13, 2001
Subject Fw: 767 lease

Yesterday, I was asked to prepare an enhanced point paper on the 767 lease for the Vice. The number that was given to me from AQ on this enhanced paper were different from those developed for the point paper prepared for you. I questioned these numbers and received fuzzy answers in return. I decided to do the calculation myself using an excel spreadsheet. I found to my dismay that the numbers were correct according to the OMB definitions but very misleading in a true financial sense. The deal was not good from a true financial basis and I briefed the Vice at 7:30PM of the misleading nature of the numbers and advised my people that we needed to get a better deal from Boeing to make this financially attractive.

Nelson Gibbs reached the same conclusions.

I need to make sure that in the future our financial calculations are both accurate and business based. I am sorry for not catching this sooner!

Marv.

From: James Roche
To: William Bodie
Sent: December 13, 2001
Subject: RE: Several items

Bill, thanks much. I like the ROE charts a lot. Well done. I want to brief the one with XI, and I've sent John a msg asking whether or not we should refer specifically to the C2ISR Center being double-hatted. Re 767, I am hearing of some weakness in our numbers, damn it. I'll forward Marv's msg to you. We may want to have Rand be "more circumspect" in a reply. Re Chip, he is wonderful, but would have the same problem with the PA&E spores that Barry has.

Jim.

From: William Bodie
To: James Roche
Sent: December 13, 2001
Subject: RE: Several items

BOSS: Hope the trip is going well, and we'll save some eggnog for you. Bill Davidson's gang is faxing you a couple of charts and "ROE" on headquarters reorg that we are set to announce along with the Army next week. Reason for the fax is to get your input prior to briefing Hill folks in time to make the announcement. The charts are fine for the Hill and they satisfy all Title 10 concerns. I worry that folks internally will get the impression that we're tinkering at the edges, not transforming. One battle at a time, I guess.

Oh, I'm polishing up a draft article for your signature on "AF transformation" that is set to appear in the next issue of Joint Force Quarterly (I got them to commit to putting the F22 on the cover). Will send you electrons and also have hard copy for you when you return.

Rand working on a response for Novak on 767—we still might want to think about a 5 minute conversation between you and Novak on it.

Had dinner with Chip last night. He wanted me to pass on his best to you, and is proud you're doing Bob Anthony's event. He seems to have made peace with the idea of doing strategic planning, NCTA, etc., ceding marketing to Carpenter. I would put in him charge of the DC Office if I were Sugar, or at least a major supporting role in govt. relations. Maybe he should fo PA&E!

Bill.

From: James Roche
To: William Bodie
Sent: March 30, 2002
Subject: RE: Tanker story

Fine story. EADS is quoted. And Loren's comment basically is fine.

Jim.

From: William Bodie
To: James Roche
Sent: March 30, 2002
Subject: RE: Tanker story

Vernon Loeb's piece is in the back of the sports section in today's WP. The "statement" he refers to is the RTQ which the LL guys made available to staffers on request. Not a bad story, no errors, but not as good as Vago's. Loren apologizes for saying you told him that all KC135s need to be replaced on a 1 for 1 basis. He didn't think it would be in the piece.

From: Custer Scott MajGen
To: James Roche
Sent: March 30, 2002
CC: Jumper John Gen AF/CC; Moseley Michael Gen AF/CV
Subject: NDAA

Sir, it looks like the Auth bill will go to the floor today. As suspected, the bill language may not be what the lawyers and acquisition folks think we need to sign the lease. However, the early conference report language looked to me like it contains all we need to proceed. We are just going to have to wait until later today to see how this turns out. My gut feel is that each document was written for precise reasons (to pacify certain factions) and that ultimately we will be able to execute the lease/buy as we want it done. It also looks like we are only going to be able to retire 12 vs 44 135E's in FY)$ . . . even after all of our attempts to engage the Hill on this I'm not surprised as this is really a BRAC optics issue. As we get more visibility into the NDAA, we will provide you with a summary of other major issues affecting the AF.

From: John Jumper
To: James Roche
Sent: April 9, 2002
Subject: RE: Tanker Article

Agree, I don't think there was malice, but the wording of his statement could be used as evidence against out efforts. As you said this morning, we just have to articulate the problem we are trying to fix.

John.

From: James Roche
To: John Jumper
Sent: April 9, 2002
Subject: RE: Tanker Article

John, even Dick would want us to begin to retire 43 plus year tankers which will be about 47 to 50 years by the time we actually replace them. At least, I think he would!

Jim.

From: John Jumper
To: James Roche
Sent: April 9, 2002
Subject: RE: Tanker Article

Boss: you'll see this morning's EB has a statement from Dick Myers that says the tanker fleet we have can fully meet requirements now and out into the future, suggesting we don't have the problem with tankers we claim to have. We are bound to be asked this and I have our people working on a response.

John.

From: James Roche
To: Robin Cleveland
Sent: April 28, 2003
Subject: RE:

Ok. I'll speak with Paul on Wednesday (I'm off to speak yet again with my Little Darlings at the Academy). Let's see if we can put together a Gov't Team for Best and Final. Re IDA, I'd never go to them for investment banking advice! And Larry has been altogether too detached. When all is said and done, it's still a negotiation between the Monopsonist (the USG) and the Monopoly (add the French, and it's the Duopoly).

Jim.

From: William Bodie
To: James Roche
Sent: January 2, 2002
Subject: RE: Dear Bob

Boss: here's a cut at a letter to Novak (remember, this is not for him to publish, but hopefully to shut him up). Still waiting for Rand to give details on name of Novak's person who called PA and when.

Bill.

From: Pete Aldridge
To: James Roche
Sent: May 16, 2003
Subject: RE: Boeing

I agree.

From: James Roche
To: Pete Aldridge
Sent: May 16, 2003
Subject: RE: Boeing

Thanks, Pete. I cannot bring myself to speak to That Person, so I'll only forward a copy of whatever Boeing sends us on Monday.

It's time DoD made a decision as to what is right for our Combat Air Forces.

Jim.

From: Pete Aldridge
To: James Roche
CC: Dr. Marvin Sambur
Sent: May 16, 2003
Subject: RE: Boeing

Great. According to Paul's schedule he will not be back until Tuesday. I will set it up for then.

From: James Roche
To: Pete Aldridge
Sent: May 16, 2003
Subject: RE: Boeing

Pete/Marv. Boeing will provide us a 15% max profit certification with audit on the green plane. Phil is fighting off attempts by his commercial guys to add economic clauses (with our help). We should have something on Monday morning. Pete, do you want to make the appointment with DepSecDef? We now have a fixed price deal with taxpayer protection against overruns or windfall profits from the plane and/or the mods. Enough already.

Jim.

From: James Roche
To: Marvin Sambur
Sent: May 13, 2001
Subject: RE: 767 lease

Oh shit! PLS fix ASAP. How did Darleen miss this?

Jim.

From: Marvin Sambur
To: James Roche
Sent: May 13, 2003
Subject: RE: 767 lease

Yesterday, I was asked to prepare an enhanced point paper on the 767 lease for the Vice. The number that were given to me from AQ on this enhanced paper were different from those developed for the point paper prepared for you. I questioned these numbers and received fuzzy answers in return. I decided to do the calculation myself using an excel spreadsheet. I found to my dismay that the numbers were correct according to the OMB definitions but very misleading in a true financial sense. The deal was not good from a true financial basis and I briefed the Vice at 7:30PM of the misleading nature of the numbers and advised my people that we needed to get a better deal from Boeing to make this financially attractive.

Nelson Gibbs reached the same conclusions.

I need to make sure that in the future our financial calculations are both accurate and business based. I am sorry for not catching this sooner!

Marv.

From: Druyun, Darleen., SAF/AQ
Sent: Wednesday, October 09, 2002 8:17 AM
To: Roche, James, Dr., SAF/OS; Jumper, John, Gen, AF/CC; Sambur, Marvin, Dr., SAF/AQ; Foglesong, Robert, Gen, AF/CV; Wehrle, Joseph H. Jr., Lt Gen, AF/CVA; Plummer, Stephen B., LtGen, SAF/AQ; Gibbs, Nelson, Mr, SAF/IE
Subject: OSD BRIEF TO LEASING WORK GROUP

We were asked if we thought the Congress would give us; language on the termination liability coverage. We told them we did not know and would have wait for the FY 03 appropriations to be passed by the Congress. Privately I would tell you that the language we asked for is supposed to be in the bill per several telecons from the hill. This is still fairly "close hold". Once they digest this material they will reconvene a follow on meeting. Meanwhile we will continue to work this subject with OSD and try to win them over, including OMB. Col DeWillis from SAF/AQQ has an excellent working relationship with the OMB and continues to work closely with them. Will keep you posted.

To: Wynne, Michael, Mr, OSD ATL
Cc: Sambur Marvin Dr SAF/AQ
Sent: Tuesday, Jul 08, 2003
Subject: Re: FW: Footnote

Mike I don't like it. Why? Because we don't agree with the calculation! As important, it fails to give an alternative lease supportive case where the NPV is positive! If the addition to the footnote added: ". . . Similarly, if blah blah, then the NPV would favor a lease by $$$." As this stands, it is embarrassing to you, me, and the SecDef. Sen McCain and others who oppose the lease will leap to this number! Why is this so hard for you to see, Mike? Further, the footnote misses Pete Aldridge's point that this is a hypothetical since the Air Force doesn't have the BA to enter into such a multiyear contact, even if the Congress bent its rules to do so without limited production!

Marv, what do you think? Pls get together with Mike to come up with a more palatable and balanced version of the footnote. Jim.

DR. JAMES R. ROCHE,
Secretary of The Air Force.

From: Wynne, Michael, Mr, OSD/ATL
To: Roche, James Dr SAF/OS
Sent: Tue Jul 08 17:04:31 2003
Subject: FW: Footnote

JIM, I've gotten the 1.9B relegated to a footnote and I've made an agreement with OMB so that we can proceed. You can sign it in the morning if you agree if not I'm not sure what to do. Meeting with DSD went fine. Most are hoping that you refuse to sign. I told them not so fast.

Best Mike.

From: Spruill, Nancy, Dr, OSD-ATL
Sent: Tuesday, July 08, 2003 4:19 PM
Cc: Spruill, Nancy, Dr, OSD ATL
Subject: Footnote

MIKE. This is what I have copied for your convenience.

Thanks.

Nancy.

The footnote is to the sentence that says:

Applying the A-94 test, it was determined that the net present value of the multiyear lease option and a traditional purchase option results in a NPV favoring a purchase of $150 million, as shown in Table 1(1).

FOOTNOTE: [1] In evaluating the net present value of the lease and purchase options as required by OMB Circular A-94, the Air Force relied on the availability of mulityear lease authority granted by Congress in 2002 Defense Appropriations Act. Had the Congress chosen instead to provide mulityear procurement authority the NPV could favor purchase by up to $1.9 billion. While this information affords a measure of clarity in an equitable comparison of terms and NPV, it is provided with the understanding that multiyear procurement authority was not available and therefore not a viable option for the Administration's analytical consideration.

From: Sambur Marvin Dr SAF/AQ
Sent: Tuesday, July 08, 2003 9:58 PM
To: Roche James Dr SAF/AQ
Subject: Fw: Tanker Leasing Report to the Congress

BOSS. Just received this from Nancy. It is worth a shot speaking to Robin or are you like me in that you would rather take poison.

Marv.

From: Spruill, Nancy, Dr, OSD ATL
To: Hodges William Maj Gen (S) SAF/AQQ
CC: Spruill, Nancy, Dr, OSD ATL; Schroeder, Wayne, OUSDC
Sent: Tue Jul 08 21:49:50 2003
Subject: Tanker Leasing Report to the Congress

Marv/ Wayne H.

I believe Dr. Roche is not happy with the compromise. So I believe it is now between Dr. Roche and Ms. Cleveland. As far as I know, we're in limbo. I'm sure something will change tomorrow. But I'm optimist.

Thanks.

Nancy.

From: Hodges William Maj Gen (S) SAF/AQ
Sent: Tuesday, July 08, 2003 4:51 PM
To: Sambur Marvin Dr SAF/AQ
Cc: Spruill, Nancy, Dr , OSD-ATL; Buhrkuhl, Robert, Dr, OSD ATL; Schroder, Wayne, OUSDC: Schoonover, Joanne, Col, OSD-ATL; Jones, Raymond, LTC, OSD-ATL; Nemetz, Robert, Mr, OSD ATL; Custer Scott MajGen SAF/LL; Christ Gregory M Lt. Col SAF/LLW; Bunce Pete Col SAF/FML; Ryan Jim Lt. Col SAF/FML; Barefield James Lt. Col SAF/AQ; Beierle Mark T Lt. Col SAF/AQ; Corley John Lt. Gen SAF/AQ; Gray Stephen Col SAF/AQ; John Lt Col SAF/AQ Fisher (Email); Murphy Mark Lt. Col SAF/AQ; Canavan Michael F Maj AFPEO/AT; Ted Bowlds (Email); Allen Cheryl Lt. Col SAF/AQQM; Cloud Patricia Lt. Col SAF/AQ; Haenisch Allan Civ SAF/AQQM; Leister William Maj SAF/AQQM; Lively Nancy LtCol. SAF/AQQ; Rivard James T Col SAF/AQQM; Stipe Paul Col SAF/AQQ
Subject: FW: Waiver of Termination Liability

DR. SAMBUR: As you will see below, OMB will support the language OSD proposed if we support adding the OMB text as a footnote. I clipped it from previous emails so you can see it all together here. Mr. Wynne approved.

Request your approval. (We're ready to go final and send the package to SAF/LL for Dr. Roche's signature.)

From: Spurill, Nancy, Dr , OSD ATL
Sent: Tuesday, July 08 , 2003 4:05 PM
To: Hodges William Maj Gen (S) SAF/AQQ; Sambur Marvin DR SAF/AQ
Cc: Leister William Maj SAF/AQQM; Buhrkuhl, Robert, Dr, OSD ATL; Schroeder, Wayne, , OUSDC; Schoonover, Joanne, Col, OSD ATL; Spurill, Nancy, Dr, OSD-ATL; Jones, Raymond LTC, OSD-ATL; Nemetz, Robert, Mr, OSD ATL
Subject: FW: Waiver of Termination Liability

Marv/ Wayne

Over to you.

I'm sure Mr. Wynne is willing to talk w/ you.

I hope you come onboard.

If you do, I need a clean copy of the report, OMB has asked for one for their internal use only.

Thanks.

Nancy.

From: Wynne, Michael, Mr, OSD-ATL
Sent: Tuesday, July 08, 2003 3:55 PM
To: Spurill, Nancy, Dr, OSD-ATL
Subject: Re: Waiver of Termination Liability

From: Robin-Cleveland
Sent: Tuesday, July 08, 2003 3:33 PM
To: Michael, Wynne
Subject: Re: Waiver of Termination Liability

Yes make it a footnote and we got a deal.

From: Sambur Marvin Dr SAF/AQ
Sent: Tuesday, August 26, 2003 7:59 AM
To: Szemborski, Stanley R., VADM, OSD PA&E
Cc: Krieg, Ken, CIV, OSD-PA&E; Zakheim, Dov Hon, OSD COMPT; Roche James Dr SAF/OS; Wynne Michael, Mr, OSD-ATL, McNabb Duncan Lt. Gen AF/XP
Subject: $2B Issue with PA&E

STAN: At my staff meeting this morning, my folks again (see email below) reported that PA&E was pushing our folks for sources for the $2B upfront payment for the lease. As I mentioned at our previous meeting on this subject, the AF was told by Mr. Aldridge that this payment would come from DOD "reserves" and Aldridge still reiterates that position. In an event it is too early to start the process. In addition, Mr Zakhiem stated at the earlier meeting that he has no "reserves" but will seek sources for the $2B from ALL the Services. We can call another meeting (with Aldridge) to addresses the issue if that is not your understanding

Marv.

From: Stipe Paul Col SAF/AQ
Sent: Monday, August 11, 2003 3:54 PM
To: Sambur Marvin Dr SAF/AQ
Cc: Corley John Lt. Gen SAF/AQ; Gray Stephen Col SAF/AQ; Barfield James Lt. Col SAF/AQ; Fisher John Lt. Col SAF/AQ; Rivard James T Col SAF/AQQM; Hodges William Maj Gen SAF/AQQ; Marzo David Maj SAF/FMCE; Louden Philip LtCol with PA&E
Subject: Head's Up on Tanker 42B Issue with PA&E

SIR: Just to keep you in the loop, PA&E is still trying strong-arm tactics with our programmers concerning the $2B funding excursion mentioned in the 767 Congressional Report as an out year option for shaping the budget bow-wave. As you may recall Mr. Wynne told us that the AF should consider this new money. That aside, it is premature (in FY03) to be working a program budgetary change on a program that has not yet been approved. Further, decisions on FY08 actions can be addressed in 2006. Finally, as an operating lease, we would need some indication from Congress that they intend for us to buy these aircraft for a buy-down scenario to become a reality. The report did not commit us to the path, but rather, committed the Department of Defense to exploring options like these in the future if it becomes necessary. The $2B excursion was one such option. We expect AF/XP to bring this issue to your attention. We have already been working with their actions to provide background, and to indicate that this appears to be an initiative from PA&E, not from OSD as a whole, or from AT&L.

V/R,

PAUL M. STIPE, COL, USAF,
Deputy Director, Global Reach Programs.

From: Aldridge, Pete, Hon, OSD ATL
Sent: Monday, November, 04, 2002 1:22 PM
To: Wynne, Michael, Mr. OSD ATL; Lamartin, Glenn, Dr, OSD-ATL; Diane, Ms, OSD ATL
Subject: Tankers and B-52's

Steve Cambone tells me that PA&E is coming out against the tanker lease. Their problem seems to be the infrastructure costs modifying and maintenance facilities to beddown the 767, vice 135s. I do not recall that the KC-10s caused that much problem.

Also, I need a short paper on the B-52 reengining study done by the DSB. Apparently, they are coming out in favor of doing this primarily because of the positive impact on the tanker fleet. I understand that the study is in a draft form now.

From: Aldridge, Pete, Hon, OSD-ATL
Sent: Tuesday, November 12, 2002 5:11 PM
To: Cambone, Stephen, CIV, OSD PA&E; Szemborski, Stanley R., RADM, OSD-PA&E
Cc: Spurill, Nancy, Dr, OSD-ATL; Lamartin, Glenn, Dr, OSD ATL
Subject: KC-135 Recap Issue Paper

Steve/Stan; I just reviewed the KC-135 Recap paper. It is a very good and convincing. Based on the analysis I would support Option 3—Convert the E's to R's, and defer new tanker procurement (or lease).

In a related issue, the DSB just completed a study on the re-engineering the B-52. Unlike past studies, which showed that this was not cost-effective, this new study took into account the impact on tankers. The result is a much more favorable analysis supporting such a plan. This would further increase tanker availability for other uses. I am to receive a paper and briefing and may have a more definite position soon.

From: Spurill, Nancy, Dr, OSD ATL
Sent: Tuesday, November 12, 2002 9:22 PM
To: Aldridge, Pete, Hon, OSD ATL; Link, Jon, Col, OSD ATL; Wilson, Charles, CAPT, OSD-ATL; Lamartin, Glenn, Dr, OSD ATL; Buhrkuhl, Robert, Dr, OSD ATL; Aucoin, Cassandra, Ms, OSD-ATL
Subject: RE: Tanker Leasing

SIR: Re: tanker leasing, in addition to PA&E, CAIG, OMB, and Comptroller are trying to decide whether to support leasing or not but have not gotten all the information they need yet from AF. AF is suppose to give it to the leasing review panel working group this week.

Once we get the information from AF it will take several more weeks-the CAIG is the long pole in the tent.

If we go with the reengining of KC-135Es/converting them to Rs, as you suggest, the purchase vs. lease issue could be addressed much more deliberately in POM 05.

You can give us further guidance when we see you at 0800 Wednesday am.

V/R,

Nancy.

From: Glenn Lamartin OSD-ATL
To: Pete Aldridge OSD-ATL
CC: Nancy Spruill; Diane Wright; Jon Link; Charles Wilson
Date: November 12, 2002
Subj: B-52 Re-engining

We are preparing the paper you requested and the short briefing that will make the case. We just got a copy of the DSB task force's executive summary and will work with them to make sure that we get the details right.

Glenn.

From: Pete Aldridge
To: Michael Wynne, Glenn Lamartin, Diane Wright
Date: November 04, 2002
Subj: Tankers and B-52s

Steve Cambone tells me that PA&E is coming out against the tanker lease. Their problem seems to be the infrastructure cost of modifying hangers and maintenance facilities to bed-down the 767, vice 135s. I do not recall that the KC-10s caused that much problem.

Also, I need a short paper on the B-52 re-engining study done by the DSB. Apparently they are coming out in favor of doing this primarily because of the positive impact on the tanker fleet. I understand that the study is in a draft form now.

DRU SJODIN NATIONAL SEX OFFENDER PUBLIC DATABASE ACT OF 2004

Mr. HATCH. Mr. President, I rise today to commend my colleagues on passage of S. 2154, Dru's Law. After last year's abduction of Dru Sjodin in North Dakota, Senator DORGAN introduced this bill to address a problem with our sex offender registry. The problem is simple, yet great: There is no public national sex offender registry. Each State maintains its own registry of sex offenders, but there is no national database for the public to search.

I was pleased to support this legislation when it was referred to the Judiciary Committee and was happy to work with Senator DORGAN to improve the language of the final bill. Dru's law directs the Attorney General to make available to the public, via the Internet, a national registry of sex offenders. It also requires each State to provide timely notice to the State's attorney general of the impending release of a high-risk sex offender; and upon such notification, the State's attorney general is required to consider whether to institute a civil commitment proceeding. States must intensively monitor for at least 1 year any high-risk sex offender who has not been civilly committed and has been unconditionally released from incarceration.

I want to thank my colleague Senator DORGAN for his dedication to this legislation.

SENATE FAILS NATIVE AMERICAN ENTREPRENEURS

Mr. JOHNSON. Mr. President, I am pleased that Congress will soon complete it's work on the remaining fiscal year 2005 Appropriations measures. While this bill is not perfect, it represents an important and sincere effort to work in a bipartisan effort to fund the nations goals and priorities.

I am, nonetheless, sincerely disappointed that extensive authorization language regarding the Small Business Administration was inappropriately inserted into this important bill. The inclusion of this language is a deliberate and deceptive effort to circumvent the legislative process. It prevents honest and important debate about important issues that face this Nation, and ultimately it characterizes an enormous failure on behalf of the bill's authors.

A quality SBA reauthorization bill could stand on it's merits. The bill's authors would come to the floor and deliberate these matters openly. We would have an honest discussion about how to best serve the entrepreneurial interests of our country. We would pursue a full and complete review of these matters by all Members, and we would seek to enhance and improve the bill in every way we could.

Unfortunately, this bill is terribly lacking. So the sponsors have chosen to hide it in this Omnibus Appropriations bill and walk away from their responsibility to the entrepreneurs of America.

This is a shameful perversion of the legislative process. However, these matters will become law, not because Congress has debated and passed this bill on behalf of the American people, but because it was attached to a bill funding nearly every spending program that exists in the country.

The plight of the first-Americans and reservation communities is among the most glaring and disappointing omissions to this SBA reauthorization legislation. These communities remain among the most disadvantaged and disenfranchised in the nation. They face significant barriers to investment capital, technical assistance, and related entrepreneurial opportunities.

The concerns of Native Americans are not addressed in this legislation. Their opportunities will not be enhanced in this legislation. There will be no debate or discussion about initiatives to bring prosperity to their communities. In fact, any reference to Native American and tribal concerns is utterly lacking.

This is a disturbing oversight, it is a tremendous failure, and I could not be more disheartened on behalf of those who continue work to overcome the serious challenges they face in bringing prosperity to their communities.

BILL CLINTON—A PLACE IN HISTORY

Mr. KENNEDY. Mr. President, many of us had the opportunity to be in Little Rock, AR, yesterday for the opening of former President Bill Clinton's Presidential Library. It was an extraordinary and very moving ceremony, and all of us who were there will always remember it.

That evening, to conclude such an extraordinary day, ABC News broadcast a special edition of its popular television program, "Primetime Live," an hour-long interview of President Clinton by Peter Jennings about the President's new library, his years in office, and his plans for the future.

I believe all my colleagues will be interested in the interview, and I ask unanimous consent that a transcript may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Primetime Live—A Place in History, ABC News, November 18, 2004

PETER JENNINGS: Tonight, America's 42nd president. His library, his legacy and his future. "A Place in History."

Hello, everyone. I'm Peter Jennings. And this is the very modern edge of Bill Clinton's Presidential Library, on the banks of the Arkansas River. We are here this week for a first tour of the library. And a conversation with Mr. Clinton about his presidency and about his future. The building is, well, appropriately dramatic, for a man whose presidency was dramatic and divisive, and full of accomplishment.

CHELSEA CLINTON, DAUGHTER: I hereby present to you and the American people, the keys to the William Jefferson Clinton Foundation Center and Library. Thank you.

PETER JENNINGS: President Clinton calls this place on the banks of the Arkansas River, a bridge to the 21st century. It is the largest and most expensive Presidential library. This week, Little Rock is crowded with people who are attracted by the Clinton magic.

LOCAL RESIDENT, FEMALE: He's a uniter. And I just love him.

LOCAL RESIDENT, MALE: He's a credit to Arkansas, as well as a credit to the nation.

PETER JENNINGS: With all the Democrats there, it has the slight feel of a political convention. The people there from Washington and Hollywood, and Arkansas, of course. In a Little Rock concert hall, one of the President's friends celebrates.

ARETHA FRANKLIN, SINGER: He seems to have the goodwill and interest of all the people.

PETER JENNINGS: His recent heart surgery notwithstanding, Mr. Clinton had several events to go to in the last few days. The swearing in of public service volunteers at Little Rock Central High School. And today, the dedication.

EMCEE, MALE: Ladies and gentlemen, the President of the United States, former Presidents William Jefferson Clinton, Jimmy Carter, and George Walker Herbert Bush.

FORMER PRESIDENT JIMMY CARTER: Bill Clinton brought insight, wisdom and determination to bear on the issues that he addressed.

FORMER PRESIDENT GEORGE H.W. BUSH: Through his indefatigable determination, not only did he lift himself and his family up, he also went on to touch the lives of millions of people around the world, as President of the United States, giving them hope.

PRESIDENT GEORGE W. BUSH: The William J. Clinton Presidential Library is a gift to the future by a man who always believed in the future. And today, we thank him for loving and serving America.

PETER JENNINGS: Bill Clinton has been planning his Presidential library ever since he was in the White House. At the beginning of September, for a few days before his heart surgery, well, he might have missed the opening.

Is it true that if the prospect of death is suddenly more apparent, that your attitude towards life changes?

FORMER PRESIDENT BILL CLINTON: I think it's changed mine. But not in the way it does some people. Apparently most people have a period of depression. Perhaps because it's the first time they've ever confronted their own mortality. But since my father died before I was born, and I've been living with death all my life, I have never viewed it with the morbid fear some people do. On the other hand, if you dodge a bullet like I did—and, you know, I was about to leave on a 21-day, 6-nation tour of Asia, to help my foundation and promote my book. I think I'd probably have had a heart attack. Might well have died. When that happens, you have to ask yourself, "Well, you got a little extra time here. What are you going to do with it?" And so, today, when I take these hourly walks that are part of my recovery, you know, when I walk past 40 trees, I can probably tell you what color 30 of them were. You know, I find birds that I used to miss. I'm more alive to just the pace of daily life than I used to be. And I'm very grateful for things that are easy to take for granted.

PETER JENNINGS: First of all, has it turned out how you wanted it to turn out?

FORMER PRESIDENT CLINTON: Yes. By and large, it has.

PETER JENNINGS: You clearly love it.

FORMER PRESIDENT CLINTON: I do. You know, I worked really hard on this. I literally approved every word.

PETER JENNINGS: Down the center of the library are eight dramatic panels, each one a time line for a year of his presidency. And on the back, interactive computer screens that allow visitors to call up videos of important moments, documents on policy, even the President's schedule, for every day of his eight years in office. On the outer walls, 18 separate alcoves. Each one devoted to a different theme that defined his presidency. There is a huge amount of interactivity.

FORMER PRESIDENT CLINTON: Huge. A lot of it. Thousands and thousands of things that people can pull up. But here, this is how we dealt with the major religious, racial, ethnic conflicts of our time. This is Northern Ireland.

PETER JENNINGS: Middle East.

FORMER PRESIDENT CLINTON: This is the Middle East and what happened there. There're some artifacts there.

PETER JENNINGS: Former Yugoslavia.

FORMER PRESIDENT CLINTON: These are the Balkans. Bosnia and Kosovo. And a letter to a person—I know how much you cared about this. That's a letter I got from—you remember her? The young girl that wrote the book.

PETER JENNINGS: I do. These are all leaders with whom you worked.

FORMER PRESIDENT CLINTON: That's right.

PETER JENNINGS: Who was the toughest to negotiate with?

FORMER PRESIDENT CLINTON: Oh, I don't know. All these guys were my friends, you know.

PETER JENNINGS: Well, what does that mean, they were your friends?

FORMER PRESIDENT CLINTON: Well, I mean, they were my friends. I liked them personally. And I felt that we were always working for the same ends, even when we disagreed.

PETER JENNINGS: What was it like? For example, Boris Yeltsin didn't speak English.

FORMER PRESIDENT CLINTON: No.

PETER JENNINGS: And did you simply become accustomed after a while to having that third voice, the interpreter between you?

FORMER PRESIDENT CLINTON: We had a wonderful interpreter, who was there most of the time. An American. And I got to know his Russian interpreter. And they became like a member of our relationship. It's funny. You just learn to deal with it. Yeltsin, I thought, had extraordinary strengths. Everybody knows he had some weaknesses. But he was completely committed to democracy. Completely against Communism. And completely committed to having positive relationships with the West.

PETER JENNINGS: Somebody told me the other day, sir—I was in Ramallah for Arafat's funeral. This is a slightly embarrassing question, perhaps. Somebody told me that when you and he and Barak were meeting in those final days, he'd asked you that if things didn't go well, that you not blame him publicly.

FORMER PRESIDENT CLINTON: At Camp David in June, he asked me that. And I said I won't, because we still have six months to go. Let me tell you what happened. The reason that I put in so much effort, and the reason I got so angry about this, because we were also at the same time trying to end North Korea's missile program, is that I personally asked Arafat again, six weeks before I left office. I said, now, you just tell me, I'm going to put a deal out here. It's going to be really hard for Israel. And if you accept it, then we can say that's the basis of a peace that we'll either finish by the time I leave, or right after. I said, do you intend to get a deal before I leave office? I said, 'cause otherwise, you gotta let me go to North Korea and Asia. 'Cause I only have six weeks left and I can't do both. It was the only time he ever cried in my presence. He said, you have to do it. He said, if we don't make peace now, after all the trouble that you've taken and all the things we've done together, it'll be another five years and countless deaths before we make peace. So, I took him at his word. I stayed. I got the deal. I think he intended to do it. But for whatever reason, he didn't.

PETER JENNINGS: Nelson Mandela.

FORMER PRESIDENT CLINTON: He's wonderful. And you know, his image is as the world's saint. The truth is, he's a saintly man but he's also a very tough and shrewd politician. And a very, very loyal friend. He is a ferociously loyal friend. And he was fabulous to me the whole time I was there. And he was a great President. But these are just people from around the world that I had good relationships with, that I think are fascinating and that I admired. Of course, Rabin and Hussein I just love. I loved Rabin as much as I ever loved another man. I had an unusual relationship with him. And I never met anybody like him.

PETER JENNINGS: Can I ask you a couple questions about Iraq? You said at one point, I'm not precisely sure when, that Iraq will do pretty well when Saddam Hussein is gone. Want to revise that at all?

FORMER PRESIDENT CLINTON: Well, I think that even I underestimated the level of opposition, at least given the troop strength we had there. You know, my position on the Iraq war was different from almost everybody else's that I've heard talking. And I supported giving the President the authority to take action against Saddam Hussein, if he did not cooperate with the UN inspectors or if he was found to have had weapons of mass destruction he wouldn't give up. I did believe that the Administration made a mistake going to war when they did. And that's what alienated the world. And most Americans still haven't focused on this.

PETER JENNINGS: Iraq does not look good at the moment. Do you think the United States could lose there?

FORMER PRESIDENT CLINTON: Oh, I suppose we could. But I don't think we will. I don't think we will. I think that the President's re-election gives him an opportunity, first of all, to ask for and get more help from other countries. Senator Kerry made a suggestion, in the campaign, that I think he should consider. He should consider going to the Congress and asking for the authority and the budget to increase the size of the Army, even if we have to pay a little more to recruit them. And between getting more help and sending more troops, to try to shore up more places. I think, ironically, we'll be able to get our troops out quicker if, in the short run, we have more there.

PETER JENNINGS: Is there some code among ex-Presidents, about what you say about the current President, as an ex or former President? Are you constrained about what you can say?

FORMER PRESIDENT CLINTON: Well, I think there has been. But I think there are reasons for that. We've all made our own mistakes and then we've all been told that we were finished and full of mistakes when we weren't. So, I think we're just a little reluctant to do that. You know, my job is not the same thing as yours, for example. Your job is to question what Presidents do, and whether it will work. Former Presidents, our job, I think, is to try to make America and the world a better place.

PETER JENNINGS: Walking through this two-story hall, it is clear, as in all Presidential libraries, that this is the life and times of the President, presented as he most wants to be remembered. In his words and on his terms.

FORMER PRESIDENT CLINTON: This is about the new threats, 21st century threats. So, this is what we did on weapons of mass destruction, and the work we did around the world to try to secure the stocks of weapons of mass destruction. And this is what we did on nonproliferation, modernizing the military and getting new weapons there. And this is a section on terror.

PETER JENNINGS: Why did you put the ten most-wanted poster in here of Bin Laden? You've been taking flak on bin Laden.

FORMER PRESIDENT CLINTON: Yeah, but not from anybody who knows the facts. I mean, to be fair, most of it was highly political. If you look at the 9/11 Commission's report about what we did and how we prepared for, we had 9/11-style threats for the millennium. And the extent of preparations and the work we did. The number of terrorists we brought to justice. The 20 al Qaeda cells we broke up. If you look at all that and the fact that we apparently came closer to getting Bin Laden than anybody has since, even though they have a lot more options, military options that we had. I wish that I had gotten him.

PETER JENNINGS: There are stories around, as you know, that the Sudan offered him to you, not once, not twice, but three times. Any truth to that?

FORMER PRESIDENT CLINTON: That's not true. It's not true, and I've done everything I could to run that down. It is simply not true. They were always playing a double-game, the Sudanese. The guy running Sudan was in business with Bin Laden. And we did try to get him out of there because, at the time, Sudan was worse than Afghanistan as a harbor for terrorists. But they never offered him to us. At least I can't find it in any document, talking to any person. The first time I heard that, I went to an extraordinary amount of trouble to find out if it was true, and I urged the 9/11 Commission to try to find out if it was true. I just don't believe it's true.

PETER JENNINGS: This library has been a labor of love for President Clinton. He was involved in every detail. Hours before it opened, he was still telling the architect, James Polshek, and the designers, a little corrections he wanted made here and there.

Did you fuss a lot?

FORMER PRESIDENT CLINTON: A lot.

PETER JENNINGS: I mean, when it was over, did they think you'd been a pain in the neck?

FORMER PRESIDENT CLINTON: I think so. They now say I was a perfect client. But Polshek said I was the only guy he ever had who would go away for three or four months and come back, and if he changed one line on the drawing, I would know. And I said, well, you know, I care about this. I want it to work.

PETER JENNINGS: Why did you want this here, in this particular place, on this bank of the river?

FORMER PRESIDENT CLINTON: Well, first of all, I wanted it to come home to Arkansas because these people made me President. And I wanted it here. I wanted it to be in the heartland, in the middle of the country, where people don't have access to things like this, so they could learn about their government, how it works, what the decisions were. And I wanted it on this river because I love this river. It was a big part of my childhood. I first swam in this river, 40 years ago or more.

PETER JENNINGS: You're saying that your soul is still in Arkansas, even though you live in New York?

FORMER PRESIDENT CLINTON: Well, a lot of me is still here and always will be. And I will come home a lot. I'll be here a lot.

PETER JENNINGS: There is an apartment and an office for him on the top floor. This is the largest of all 12 Presidential libraries. And at $165 million, certainly the most expensive. Mr. Clinton has visited many of the other libraries. His architects have studied them all.

JAMES POLSHEK, CLINTON LIBRARY ARCHITECT: Each Presidential library takes on certain characteristics of the President. So that Johnson's is very imperial. Kennedy's is elegant. Reagan's is folksy. You know, and Bush gets the word hokey. Clinton's is very progressive, very forward-looking.

PETER JENNINGS: The President refers to the architecture here as like a bridge to the 21st century. Which was, you'll remember, his theme in office. Like other libraries, it has millions of documents available to historians and thousands of presidential gifts and other mementoes for us all to see. Every library seems to have some sports equipment. And invariably there are Presidential vehicles. Mr. Clinton has a Presidential limo right inside the front door. John F. Kennedy's library has his sailboat. George Bush's library has a fighter bomber, similar to the one he flew in World War II. The Reagan library has the Boeing 707 Mr. Reagan used as Air Force One. Presidents love it, of course, when people visit. President Johnson had a novel way of suggesting to football fans at the nearby University of Texas that they come on over.

MICHAEL BESCHLOSS, PRESIDENTIAL HISTORIAN: Johnson had ordained that an announcement be made at half time saying, anybody who wants to use the bathroom or get some cool water can get it at the Johnson Library across the street. Thousands of people flowed through the front doors. And by the end of 1971, the Johnson Library was just about the best-attended presidential library in the United States.

PETER JENNINGS: Presidents save a vast amount of material. Right down to the White House menus. Who knows what will turn out to be significant?

MICHAEL BESCHLOSS: Only last year in the Truman Library, someone came across what looks like sort of a junky desk diary. They found a number of pages in which Harry Truman had recorded in his own hand diary entries day by day in 1947. Had that thing been thrown out, we would have lost it.

PETER JENNINGS: The Clinton Library ultimately houses 630 tons of Mr. Clinton's past. Mr. Clinton is so enthusiastic about his library, we suspect he will be giving tours. President Truman, who spent six days a week sometimes at his library, often gave tours.

JAMES POLSHEK: That would surprise me if he didn't. You know, he loves to give tours. And he would give tours in the White House frequently to anybody who would come along.

PETER JENNINGS: As soon as the President arrived, we started off in his favorite room.

FORMER PRESIDENT CLINTON: This is an exact replica of the Oval Office, with replicas of the paintings I had there, the sculpture I had there. And these are actually books I had in the Oval Office.

PETER JENNINGS: I heard that yesterday you were in here fiddling with the desk.

FORMER PRESIDENT CLINTON: Yes. Well, I was trying to make sure these are all my things. These are Robert Berke's sculptures that he gave me of Harry Truman and FDR.

PETER JENNINGS: I got the feeling that at this pace our tour might have lasted for several weeks. Obvious question here is, how nostalgic are you?

FORMER PRESIDENT CLINTON: Oh, it makes me happy being in here. That's a globe that Hillary and Chelsea gave me. That pot was given to me by King Hussein.

PETER JENNINGS: That staff?

FORMER PRESIDENT CLINTON: It's a Moroccan Berber stick, given to me by Hillary.

PETER JENNINGS: It was time to move on.

FORMER PRESIDENT CLINTON: Here are some of the interesting things . . .

PETER JENNINGS: That people gave you?

FORMER PRESIDENT CLINTON: Yes. This is Lance Armstrong's bike. He gave me one of his speed bikes, as you see, and a jersey and a helmet after he won the Tour de France.

This guy makes cowboy boots for all the Presidents.

PETER JENNINGS: Are some of the presents that a President gets really tacky?

FORMER PRESIDENT CLINTON: Yes. Some are. We got a few of them up here that are of some question. There's kind of a little cartoon-like thing. There's a great picture of Hillary and me as James and Dolly Madison.

PETER JENNINGS: Not very flattering, sir.

FORMER PRESIDENT CLINTON: No. As I said, I didn't look very good in those tights. There's my dog, Buddy. These are some of my saxophones. I had saxophones that I was given from Germany, from France, from China, from Japan. You see, here's some of the compelling art here we got.

PETER JENNINGS: As we said, Presidents hold on to everything.

This Presidential library is a revealing testament, both to your style and your character. What are some of the misconceptions you're trying to clarify?

FORMER PRESIDENT CLINTON: Well, the biggest one I think, is kind of much bigger than me. And that is, I think politics. There's more and more of an attempt to turn every political race into an identity race. You know, do you identify with this candidate or that? Does he share your values? Is he on your team or on the other team? What I wanted to show people here is that leaders make choices. And those choices, if implemented as policies, have consequences, positive or negative. They're people, and they also make mistakes, and I made my fair share of them. But I also believe that no one could fairly come into this library and read this stuff and look at these exhibits and hear these other people talk about the work they did and the feelings they had, people around the world and people here at home, without believing that this matters a lot. That these choices matter. People are affected in ways that are quite profound by the decisions that our leaders make.

PETER JENNINGS: Now in the entire library, this is—I'm not sure I'm using the right word. But this is the most militant alcove.

FORMER PRESIDENT CLINTON: You think it is?

PETER JENNINGS: I do. I do. This is about your struggle with the Republicans and others. Why don't you just tell us why you did this?

FORMER PRESIDENT CLINTON: What I'm trying to show here is this whole, long litany of things, where the ideological fights, in my opinion, went too far. Spending $70 million on Whitewater, which was a land deal I lost money on, that no one disputed. One of the great political con jobs in the history of the American Republic that they could get that much money spent. And then, we go to the impeachment. We had 800 Constitutional scholars who said there was no basis for impeachment. Gingrich, privately, acknowledged they shouldn't impeach me. They did it because they wanted to put a black mark on me in history.

PETER JENNINGS: Do you think they did put a black mark on your presidency that is indelible?

FORMER PRESIDENT CLINTON: No. I mean, it's there. But I think the more time goes on, the more people will see it for exactly what it was. Doesn't mean I didn't make a terrible personal mistake. But I certainly paid for that. But what they did was legally and constitutionally wrong, and it was done for political reasons. The overwhelming majority of Republican and Democratic legal and Constitutional scholars agree. And I think in history, it will all come out just fine. I've always believed that. I think things come out in the wash. But, you know, people are always being written and rewritten in history.

PETER JENNINGS: You love history, sir. Rate yourself as a President.

FORMER PRESIDENT CLINTON: I'm not going to do that. Anything I say is wrong. It's a lose/lose deal. My wife's in public service. I'm still trying to do things as a former President. And I have no business being the judge of my own presidency right now.

PETER JENNINGS: But at the end of the President's term, historians did feel free to judge. Fifty-eight historians, as I think you may know, did this for C-SPAN. And they were all across the political spectrum. And they came out, in general terms, that you were 21st. And on public persuasion and economic management, they gave you a fifth. Pretty good.

FORMER PRESIDENT CLINTON: Pretty good.

PETER JENNINGS: They gave you a 41st on moral authority.

FORMER PRESIDENT CLINTON: They're wrong about that.

PETER JENNINGS: After Nixon.

FORMER PRESIDENT CLINTON: They're wrong about that. You know why they're wrong about that? They're wrong about it.

PETER JENNINGS: Why, sir?

FORMER PRESIDENT CLINTON: Because we had $100 million spent against us on all these inspections. One person in my Administration was convicted of doing something that violated his job responsibilities while we were in the White House. Twenty-nine in the Reagan/Bush years. I'll bet those historians didn't even know that. They have no idea what I was subject to and what a lot of people supported. No other President ever had to endure someone like Ken Starr indicting innocent people because they wouldn't lie, in a systematic way. No one ever had to try to save people from ethnic cleansing in the Balkans and the people in Haiti from a military dictator who was murdering them. And all of the other problems I dealt with, while every day, an entire apparatus was devoted to destroying him. And still, not any example of where I ever disgraced this country, publicly. I made a terrible personal mistake. But I paid for it. Many times over. And in spite of it all, you don't have any example where I ever lied to the American people about my job, where I ever let the American people down. And I had more support from the world, and world leaders and people around the world, when I quit than when I started. And I will go to my grave being at peace about it. And I don't really care what they think.

PETER JENNINGS: Oh, yes, you do, sir. Excuse me, Mr. President, I can feel it across the room. You feel it very deeply.

FORMER PRESIDENT CLINTON: No, I care. You don't want to go here, Peter. You don't want to go here. Not after what you people did and the way you, your network, what you did with Kenneth Starr. The way your people repeated every, little sleazy thing he leaked. No one has any idea what that's like. That's where I failed. You want to know where I failed? I really let it hurt me. I thought I lived in a country where people believed in the Constitution, the rule of law, freedom of speech. You never had to live in a time when people you knew and cared about were being indicted, carted off to jail, bankrupted, ruined, because they were Democrats and because they would not lie. So, I think we showed a lot of moral fiber to stand up to that, to stand up to these constant investigations, to this constant bodyguard of lies, this avalanche that was thrown at all of us. And, yes, I failed once. And I sure paid for it. And I'm sorry. I'm sorry for the American people. And I'm sorry for the embarrassment. But they ought to think about how the rest of the world reacted to it. When I got a standing ovation at the United Nations from the whole world, the American networks were showing my grand jury testimony. Those were decisions you made, not me. I personally believe that the standing ovation I got from the whole world at the United Nations, which was unprecedented for an American President, showed not only support for me, but opposition to the madness that had taken hold of American politics.

PETER JENNINGS: I think somewhere you say that it was Nelson Mandela who taught you about forgiveness?

FORMER PRESIDENT CLINTON: Yes. He was unbelievable. When I was going through all this, he was really mad. You know, he came to the White House and defended me, and said the Congress should leave me alone. And he gave a blistering defense in the White House, the day before Gingrich gave him the Congressional gold medal.

NELSON MANDELA, FORMER PRESIDENT OF SOUTH AFRICA: We have often said that our morality does not allow us to desert our friends.

FORMER PRESIDENT CLINTON: I said, how did you ever let go of your hatred? I said, didn't you hate those people, even when they let you go? He said, "Briefly, I did. But when I was walking out of my compound for the last time, I said to myself, they've had you 27 years. If you hate them when you get through that door, they will still have you." He said, "I wanted to be free. And so I let it go." And then he looked at me, and he grabbed my arm and he said, "So should you."

PETER JENNINGS: This Presidential library is a reminder of how much is behind you. Make you feel old a bit?

FORMER PRESIDENT CLINTON: Oh, a little bit. But like I said, I'm very optimistic. I'm always thinking about the future. And I've got, you know, this huge agenda with my foundation. I like the life I had but I don't dwell on it. You know, some days I feel like being President is something that just finished yesterday, and it's all just real and alive to me. Some days it seems like 100 years ago. I wanted to give this gift to America, of this library, and tell the story about how we moved into the 21st century, and how it changed the way we lived and related to the rest of the world. But now, I want to focus the rest of my life on what I'm going to do tomorrow and on the work of my foundation and whether we can save a couple million people from dying from AIDS. Whether we can bring economic opportunity to people who aren't part of this global economy. I believe in global trade. But half the people are left out of this system. And that's why there's so much anti-globalization. I believe in racial and religious reconciliation. There's still a lot of people who haven't done it. So, I've got a lot of work to do here.

PETER JENNINGS: You're 58 years old, and you had two terms. And like a world-class athlete, you're suddenly yanked off the mound. Somebody compared it to pulling Sandy Koufax out of a baseball game.

FORMER PRESIDENT CLINTON: Yeah. I'm sorry he quit when he did too.

PETER JENNINGS: Doesn't it feel like that at times?

FORMER PRESIDENT CLINTON: It did. But, you know, sometimes it's a blessing. Sometimes it's a blessing to go out on top. You know, I had a, I don't know, 62, 63 percent approval rating. The country was in great shape. There have been many times since then that I wish I had been able to help the American people and the world with problems that come across the President's desk.

PETER JENNINGS: John Quincy Adams said there was nothing so pathetic in life as an ex-President. That's no longer true, I gather.

FORMER PRESIDENT CLINTON: No. And it certainly wasn't true of him. What he meant was, you didn't want to sit around and pontificate about the way things used to be and pine away about not being President. And he didn't spend the rest of his life whining about the fact that he didn't get reelected. He just went to work. Jimmy Carter did the same thing. He said, okay, what did I care about as President where I can still have an impact? What are the needs of the world? What can I do that won't be done if I don't do it? And he went out there and did it. And, you know, I admire that. I mean, that's what we're all supposed to do. When you've been President, you have received the greatest gift, if you love public service, that anyone could ever get. So, I just feel like you owe it the rest of your life to try to give it back.

PETER JENNINGS: What do you want to do, most of all?

FORMER PRESIDENT CLINTON: Just what I'm doing. I want to be a servant. I'm going to obviously, over time, broaden the sphere of my foundation work. We are working with five African countries, virtually the whole Caribbean, India, China. Money shouldn't determine who lives and who dies from AIDS. That's what I'd like to do now because I think there are more lives on the line. And I believe we can do more to have people feel better about America and about the West, by helping keep people alive.

PETER JENNINGS: Why did you choose AIDS?

FORMER PRESIDENT CLINTON: It's the most maddening of all problems. That's why. One in four people will die of AIDS, TB, malaria and infection. AIDS is 100 percent preventable. There's medicine that prevents mother to child transmission for pregnant women. There's medicine that for most healthy people, can turn it from a death sentence into chronic illness. And yet, there's 6.2 million people who desperately need the medicine. Over 40 million people infected. It's madness. So, this is something where I just figure the system's broken. And this is something a former President ought to do. Just go in there and try to put it together. And that's what I'm doing.

PETER JENNINGS: Bill Clinton is hugely popular in other parts of the world. Often regarded by countries as an honorary citizen and treated like a rock star. He has that particular touch with people in all walks of life. We also talked for a minute or two, about potential new leadership at home.

PETER JENNINGS: If Senator Clinton runs for the presidency, will you be her chief political adviser?

FORMER PRESIDENT CLINTON: Oh, I don't know. First, I don't know if she's going to run. I think she wants to run for re-election. I have no idea if she's gonna run for president.

PETER JENNINGS: Really?

FORMER PRESIDENT CLINTON: If she did, I would do whatever she asks me to do. You know, I think of all the people I've ever known in public life, she has the best combination of mind and heart, of management skills and compassion. I think she's very tough-minded. She has strengths I don't have. And I think she's learned a lot from me over the years about the things that I was good at that she needed to get better at. But, you know, she's got a mind of her own and she's going to make up her own mind in due course. I have no idea what she's going to do.

PETER JENNINGS: This has been a very tiring time for the President. After we saw him, everyone wanted to know how was his recovery going.

FORMER PRESIDENT CLINTON: As far as I know I'm doing well. I'm walking an hour a day. Up hills, vigorously. I still get tired easily. I haven't recovered my stamina. But everybody who's done this says I will.

PETER JENNINGS: No interview with President Clinton is complete without a little bit of trivia. You were, after all, the pop culture President. So, I'd be grateful if you'd give me maybe one-liners on the following subjects. The last movie you saw.

FORMER PRESIDENT CLINTON: "Ray." It's unbelievable. I knew Ray Charles and I talked to him a couple weeks before he died. I liked him very much. And I love music, as you know. It's a fabulous movie.

PETER JENNINGS: Your favorite singer now.

FORMER PRESIDENT CLINTON: I like Tony Bennett. I like Bono. I like Barbara Streisand. I like Judy Collins. I like Sheryl Crow. I love Aretha Franklin.

PETER JENNINGS: The Presidential perk you most miss.

FORMER PRESIDENT CLINTON: Working in the Oval Office. It's the best work space on earth.

PETER JENNINGS: Your favorite food now.

FORMER PRESIDENT CLINTON: Turkey or vegetarian chili.

PETER JENNINGS: And the one you most miss?

FORMER PRESIDENT CLINTON: Steak.

PETER JENNINGS: The country you'd like to live in, if it were not here.

FORMER PRESIDENT CLINTON: Probably Ireland.

PETER JENNINGS: You want to be a mystery writer at some point in your life, I gather?

FORMER PRESIDENT CLINTON: I'd like to write one book that was kind of frivolous. A Dylan mystery.

PETER JENNINGS: So, write the first line of the mystery novel.

FORMER PRESIDENT CLINTON: The President's aide was found dead on a street in Southeast Washington from unnatural causes.

PETER JENNINGS: And the very last one. A living person, not already encountered, who you'd most like to meet?

FORMER PRESIDENT CLINTON: Someone I have never met? I would like to meet the new President of Kenya. Because he abolished school fees for poor children and a million extra children showed up at school. I think that that's something that's likely to affect more lives positively than almost anything any other political leader will do this year.

PETER JENNINGS: Thank you, sir.

FORMER PRESIDENT CLINTON: Thanks.

THE 108TH CONGRESS AND MISSED OPPORTUNITIES TO SUPPORT WORKING FAMILIES

Mr. FEINGOLD. Mr. President, as the 108th Congress draws to a close, it is time to reflect on a number of opportunities to support working families that this Congress missed.

American workers are the backbone of our economy. They have built this country, brick by brick and industry by industry. Too many of them have seen their factories closed and their jobs shipped overseas due to bad tax policy and dismal trade agreements. As the Senate meets today, families around our country are struggling to make ends meet in a sluggish economy. This Congress has missed opportunity after opportunity to support these families.

As consumer and health care prices continue to rise and families must make difficult decisions about what to buy and what to go without, the 108th Congress will adjourn without even considering an increase in the Federal minimum wage. Congress last voted to increase the minimum wage 8 years ago, to the current level of $5.15. The Congressional Research Service notes that the Federal minimum wage would have had to have been raised to $8.49 in February of this year to equal the purchasing power that it had in February of 1968. Increases in the minimum wage have not kept up with inflation or with rising consumer prices, and workers earning minimum wage are struggling to make ends meet, often working two or more jobs. And many of these jobs do not provide basic benefits such as health insurance and paid sick leave. To that end, I am proud to be a cosponsor of legislation introduced by the Senator from Massachusetts (Mr. KENNEDY) that would require certain employers to provide paid sick leave benefits, and I look forward to continuing to support this and other legislation to support working families when the 109th Congress convenes next year.

This Congress did little to help workers who are scraping by and who, too often, have to choose between their jobs and their families. And for those laid-off workers who have been unable to find family-supporting employment in these tough economic times, this Congress has done even less.

For the second year in a row, Members of Congress will go home for the holidays without acting on legislation to extend the Temporary Extended Unemployment Compensation Program. Many unemployed workers who are actively seeking employment have simply been unable to find jobs, and are relying on unemployment benefits and related programs to support themselves and their families. I regret that, despite the support of a bipartisan majority in the Senate for extending these important benefits, a minority of members have used Senate budget rules to block passage of this important extension. And I am stunned that, despite bipartisan support for extending these important benefits in both the Senate and the House, Congress will adjourn for the year without sending an extension to the President.

In addition, this Congress has built upon the regrettable record of the 107th Congress with respect to undermining basic worker protections. Members of the House and of the Senate have gone on record a total of six times in opposition to the Bush administration's overtime rule. This rule, which will rob millions of hard-working Americans of the overtime pay that they deserve, went into effect on August 23, despite bipartisan opposition in Congress. And for the third time, the administration has saved this ill-conceived rule by issuing a veto threat against legislation containing a provision to block that rule. I commend the Senator from Iowa (Mr. HARKIN) for his leadership on this issue, and I will continue to support efforts to roll back the harmful provisions of this rule.

This Congress also missed a number of opportunities to ensure that good-paying jobs stay in this country. The bill that was recently enacted in response to a World Trade Organization ruling against the foreign sales corporation and extraterritorial income provisions in our tax code presented Congress with an opportunity to restructure our tax code in a way that supports domestic manufacturers and their employees. Sadly, while the measure did provide some help to domestic manufacturers, the bill that was signed into law missed this opportunity in many respects. Congress should act at the next opportunity to close down the tax provisions in this law that actually provide incentives for corporations to move facilities overseas.

I was also disappointed that the final Omnibus bill that the Senate is expected to take up soon did not include provisions approved by the Senate responding to the disturbing trend of the outsourcing of American jobs. These provisions would have prohibited Federal funding from being used to support the outsourcing of goods and services contracts that are entered into by the Federal Government, or by the States if those contracts are being supported by Federal dollars. With this bill, Congress could have supported American workers by ensuring that taxpayer money is not used to encourage companies to relocate American jobs. Because of the deletion of this outsourcing provision, we missed an opportunity for the Federal Government to set a strong example of buying its goods and services from American companies that use American workers.

All told, the 108th Congress provided little support, and too much harm, to working families, and the examples that I have cited are just the tip of the iceberg of missed opportunities in this area. Congress can and should do more to ensure that workers and their families have a decent standard of living, including access to affordable health care, child care, and housing. We should also do more to strengthen job training and education, including expanding access to higher education.

I fervently hope that the 109th Congress will reject the antiworker tone of the past two Congresses and will make every effort to support the working men and women and their families who we have been elected to represent. I intend to continue to work hard to ensure that their voices are heard here in the Senate.

NORTHERN CALIFORNIA COASTAL WILD HERITAGE ACT

Mrs. BOXER. Mr. President, I am pleased that the Northern California Coastal Wild Heritage Act has been included in the Senate amendment to H.R. 620. I, along with my colleague from California, Senator FEINSTEIN, are the sponsors of the Senate companion measure, S. 738. I would like to thank Senator DOMENICI, the Chairman of the Committee on Energy and Natural Resources, and Senator BINGAMAN, the Ranking Democratic Member, for working with us to achieve passage of this very important legislation. I would like to enter into a colloquy with Senators FEINSTEIN, DOMENICI and BINGAMAN to clarify our intent behind some of the wilderness management provisions in the bill.

Mrs. FEINSTEIN. The first issue I would like to address concerns horsepacking into wilderness. I want to make sure horsepackers can keep using these wilderness areas. I recognize that the wilderness areas created by this act are currently enjoyed by hikers, people on horseback, hunters and anglers. In addition, many visitors are serviced by commercial outfitters using horses as pack animals. I believe horsepacking is an important use of wilderness, and I know it is a use that was well established in wilderness prior to the passage of the Wilderness Act in 1964. Unlike some other units of the National Wilderness Preservation System, the areas designated by this act are not heavily used by horses at this time. While fully recognizing the responsibilities of the land managers to monitor visitor use and respond appropriately to any resource damage that may result from overuse, I believe that current levels of horsepacking use in these areas are consistent with wilderness designation. Do my colleagues agree?

Mrs. BOXER. I fully concur, and I thank my colleague for raising this issue. I would like to ask the chairman and ranking Democratic member whether they share our view that the designation of these areas as wilderness does not preclude their continued use by horsepackers, subject to the agency's management discretion to protect area resources.

Mr. DOMENICI. I agree with the Senator from California.

Mr. BINGAMAN. I likewise agree.

Mr. DOMENICI. We are all in agreement on this issue.

Mrs. FEINSTEIN. In working through the bill, the Forest Service stressed a need to develop a plan to restore the late successional reserve LSR forest of the Sanhedrin wilderness area. We agreed that wilderness designation could be fully compatible with such restoration treatments.

I agree with the Forest Service observation that this area has been altered by human influences, including the suppression of natural burning. As the Forest Service develops its plan in accordance with this act and with the goal of LSR restoration, I believe the old growth characteristics of the LSR are a primary value of the wilderness. I also believe that the Forest Service can achieve its goal of LSR restoration in accordance with this act and the Forest Service manual direction on wilderness. The relevant portion of the manual, FSM 2323.35a states:

> Manipulation of Wildlife Habitat. The objective of all projects must be to perpetuate the wilderness resource: projects must be necessary to sustain a primary value of a given wilderness or to perpetuate a federally listed threatened or endangered species. To qualify for approval by the Chief, habitat manipulation projects must satisfy the following criteria:
>
> The condition needing change is a result of abnormal human influence.
>
> The project can be accomplished with assurance that there will be no serious or lasting damage to wilderness values.
>
> There is reasonable assurances that the project will accomplish the desired objectives.

Do my colleagues share my views that treatments to promote old growth in the Sanhedrin LSR are fully consistent with this act?

Mr. DOMENICI. I agree with the senior Senator from California.

Mrs. BOXER. I agree as well.

Mr. BINGAMAN. I, too, share this understanding of the bill.

Mrs. FEINSTEIN. Some people have voiced concerns about hunting and fishing in wilderness areas. I want to make perfectly clear that nothing in this bill alters the fact that the State of California retains jurisdiction of wildlife management in these wilderness areas which includes the issuance of hunting and fishing licenses.

Mrs. BOXER. I fully concur.

Mr. BINGAMAN. I likewise agree.

Mr. DOMENICI. We all seem to be in agreement on this issue as well.

Mrs. FEINSTEIN. I would like to raise one other issue. Since the enactment of the King Range Act in 1970, property owners Linda Smith Franklin and Mary Smith Etter have been granted access to their land by the Bureau of Land Management via the Smith-Etter Road. This legislation has designated the Smith-Etter Road as providing access to private property owners and their invitees. It is my understanding that nothing in this act should in any way alter the access currently granted to Franklin and Etter under existing policies. I believe that Franklin and Etter should continue to receive the access that they currently enjoy.

On the subject of fire suppression in this same area, I note that this act provides the land management agencies with the necessary flexibility to conduct fire suppression activities to protect human life and property. For example, in the King Range Honeydew fire in 2003, which resulted in 14,000 acres of fire damage in the King Range Conservation Area, the Bureau of Land Management authorized a fire truck and a 3-member crew to be stationed at the bottom of Telegraph Ridge, within a four mile range of the Franklin property in order to allow easy, quick access to the Franklin property in the event that fire suppression activities were warranted. As a result, firefighters were able to fend off the fire and prevent damage to the Franklin property. It is my understanding that nothing in this Act would prevent BLM from continuing this practice when so warranted by fire danger.

Do my colleagues share my understanding of these access and fire suppression issues in the King Range?

Mrs. BOXER. I do, and I thank my colleague from California for her work on this issue.

Mr. DOMENICI. I likewise share this understanding of how the bill should be implemented.

Mr. BINGAMAN. I agree as well.

Mrs. FEINSTEIN. I thank my colleagues.

GILA RIVER WATER SETTLEMENT

Mr. KYL. Mr. President, with Congress having passed S 437, I make a commitment to the San Carlos Apache Tribe to work next year to help attain and have enacted a fair Gila River water settlement for the tribe.

The Gila River runs through the tribe's reservation. San Carlos Reservoir is located within their reservation. The tribe deserves a fair settlement of its water rights claims to that river and I want my colleagues and others to know that I am absolutely committed to achieving that.

I had hoped to have been able to bring to the Senate legislation that would include a Gila River water settlement for this tribe. Unfortunately, we were unable to do that. The tribe is working toward a settlement with a number of groups that use the Gila River. I hope that the tribe, the United States, and the local non-Indian water users will be able to settle the tribe's water rights claims in the coming year. In connection with that effort, I want to send a strong message to the settlement negotiators: I expect everyone to negotiate in good-faith toward a fair settlement.

I encourage all parties, including the San Carlos Apaches, to engage earnestly and vigorously to complete a Gila River water settlement as soon as possible. I will then work with both the Senators from New Mexico and my

Senate colleagues to see that such an agreement is ratified through legislation next year.

INTELLIGENCE REFORM

Mr. LAUTENBERG. Mr. President, earlier today, we were led to believe that we had an agreement with House conferees to pass a bill that will reform our intelligence community and make America safer from the threat of terrorism. Now we find out that House Republicans have killed the bill.

This morning, I was one of 11 Senate conferees—6 Republicans, 5 Democrats—who signed the conference report to the Intelligence Reform bill.

Remember: the conference report is to a bill the Senate passed 96–2. The bill the Senate passed, in turn, was based on the recommendations of a unanimous 9/11 Commission—5 Republicans, 5 Democrats.

Now, we find out that House Republican conferees have rejected the conference report. They have snatched defeat from the jaws of victory.

From what I gather, the problem is not with House Intelligence Committee Chairman HOEKSTRA, who has been leading the conference committee.

What these House Republican conferees have done is a slap in the face of the Senate, the bipartisan 9/11 Commission, and the 9/11 families who have worked so hard to make something positive happen in the wake of a horrific national tragedy.

New Jersey lost 700 of its citizens on 9/11; I have to wonder if these House Republican conferees would be behaving differently if they went through what we in New Jersey went through.

I have been in the U.S. Senate for 20 years now. I have been involved in my share of conference committees. In all those years, I don't believe I have ever seen a little cabal of Members act more unreasonably. These House Republican conferees have killed a bill that 16 of 21 conferees have voted for. Talk about obstructionism.

The fact of the matter is that the conference report we were poised to adopt today is a far cry from the 9/11 Commission recommendations and the bill the Senate passed so overwhelmingly. But there is enough in the conference report to merit going forward. It creates a National Director of Intelligence with real budget authority; it creates a National Counter-Terrorism Center; it bolsters border and transportation security. And it has some provisions to safeguard our civil liberties.

It is time for truth-telling here. House Republicans and the Bush administration have been opposed to this bill from the start. And now they have gotten their way.

I think it is incumbent for the President and for the House Republican conferees who have killed this bill to sit down in person with the 9/11 families, look them in the eye, and tell them that the status quo—that doing nothing—is better than passing a bill so many people worked so long and hard to get.

We are told that we won't adjourn sine die today; that we will come back on December 6 to give the conferees more time to reach an agreement.

The House Republican conferees are absolutely intransigent. It is hard for me to believe that we will be any more successful in the next few weeks than we have been in the past several weeks. I hope I am wrong, but given the President's complete lack of leadership on this matter, it is hard for me to be optimistic.

I have to say I think what has happened is totally contrary to the principles of our democracy, as we turn the power of the people over to a couple of bullies who refused to accept a virtually unanimous vote of the U.S. Senate, the recommendations of the 9/11 Commission, and the will of the largest share of the American people as expressed by their elected representatives.

TAX ISSUES OUTSIDE THE FINANCE COMMITTEE

Mr. GRASSLEY. Mr. President, as I listen to the debate tonight about Section 222, which invades the privacy rights of taxpayers, I would like to point out an important lesson in all of this.

The lesson is that tax measures should be left to the tax writing committees. Only the Finance Committee and the Ways and Means Committee have the jurisdiction and the technical expertise to write our Nation's tax laws. And tax laws are technical. As Section 222 in this bill shows, one had better know what they are doing when they write a tax provision. They had better understand the history of the measure and all of its ramifications. In the Finance Committee, we use great care in drafting our tax provisions, and we do it in an open manner. All members can see what we are doing and have a chance to understand why we are doing it, and to comment on it. But frequently the Finance Committee has to go through a rite of scrubbing appropriations bills to remove poorly conceived and poorly drafted tax provisions that try to sneak in at the dark of night. It is not just appropriations bill where this occurs. It happens on many other bills as well. Often, these provisions have been rejected by the Finance Committees as bad policy, only to turn up in an unseen attack on our committee's jurisdiction. As the bill shows tonight, it is not necessarily Members that do this. It is sometimes staff who add an idea. This allows staff to bypass the scrutiny of the entire Finance Committee; 21 senior Members of the Senate are deprived of their right to pass judgment on a tax measure. Let me give some examples of what we have had to fend off lately. Last week, we had to defeat an appropriations proposal that would have cut off funding for Federal agencies that help the IRS obtain information about Americans investing in foreign countries.

That measure would have undercut U.S. tax law enforcement and damaged our initiatives to combat tax shelters. It would have damaged our international competitiveness and undermined our Nation's efforts to combat money-laundering and terrorist financing.

I am confident that the proponents of this measure never knew about its broader ramifications. But that is what happens when tax proposals evade the scrutiny of the Finance Committee.

Here is another example. Recently, the Armed Services Committee sought to create a charity for assisting servicemen and their families. On its face, this is certainly a good cause that we can all support.Unfortunately, the statutory language drafted by the Armed Services Committee had very serious flaws and was unworkable under the Tax Code. It was only after significant time and energy by the Finance Committee, exerted after the fact, that we fixed something that shouldn't have been broken in the first place. If Members will learn to work with the Finance Committee, instead of bypassing it, we can usually achieve the results they seek.

Here is an example. The House Appropriations Committee tried to expand the definition of census areas for determining eligibility for a certain tax program. This provision was not agreed to by the Senate Appropriators. The provision was later passed in the JOBS bill. This highlights that we try in good faith to work with Members who will work with the committee. So let me send a very clear message. The controversy around this appropriations bill should serve as a warning to all who would bypass the jurisdiction and expertise of the congressional tax writing committees. We work to defeat stealth tax measures not just to protect our committee's jurisdiction, but to protect the American people from bad ideas.

In the Senate it is the Finance Committee, and only the Finance Committee, that has the experience, expertise, and seasoned resources to process tax laws for our Nation.

Members and staff should remember today's events the next time they are approached to insert a "harmless" tax measure into an unrelated bill.

ADDITIONAL STATEMENTS

REED IRVINE

• Mr. SESSIONS. Mr. President, I rise to commemorate the life of a noted conservative journalist, media critic, and a leading authority on media bias, Reed Irvine. Reed Irvine passed on November 16, 2004, and is known as the man who founded the organization Accuracy in Media. He leaves a legacy of fighting a left-leaning media and was a long-time critic of the big three networks at a time when only three network nightly news shows dominated the distribution of information to the public.

Reed Irvine was born in Salt Lake City, UT, the son of William J. and Edna May Irvine. He graduated from the University of Utah at the age of 19 in 1942, having been elected to Phi Beta Kappa. He enlisted in the Navy and was selected to take a crash program in the Japanese language, emerging as an interpreter-translator with a commission in the U.S. Marine Corps. He participated in the campaign of Saipan, Tinian, Okinawa as an intelligence officer with the 2nd Marine Division, and served in the occupation of Japan from 1945 to 1948.

After the war, Mr. Irvine was an economist, Fulbright scholar and former Federal Reserve official. He joined the Federal Reserve Board in 1951 as an economist in the Far East Section of the Division of International Finance. Mr. Irvine wrote extensively about the free market and advocated sound monetary and fiscal policy.

He founded Accuracy in Media in 1969 and its sister organization, Accuracy in Academia, in 1985. Mr. Irvine pioneered the concept of a citizens' media watchdog organization that criticized the errors and omissions of the mainstream press, buying ads to publicize serious errors and buying stock in media companies to enable Accuracy in Media representatives to attend their annual meetings to discuss its complaints with the chairman. Irvine was tenacious in his quest for the full truth in media.

Mr. Irvine is survived by his wife of 56 years, Kay Araki Irvine, his son and three grandchildren. Reed Irvine will be remembered as being at the forefront of the conservative movement's attack on media bias and has left us four books that study the bias of the media.

In 1969, when Reed Irvine began his crusade, most Americans trusted the mainstream media. Americans received the biased news coverage and believed it. Today, the liberal bias in media, Hollywood, and academia is widely accepted as a fact of life.

Some day, I hope that the mainstream media will lose its leftwing bias. I hope for the day when academia will focus all its attention on scholarship and leave the liberal indoctrination for the pundits. But, I do not expect those days to come very soon. However, thanks in large part to the life's work of Reed Irvine and the movement he helped launch, Americans have now accepted media bias as a fact of life. The American Society of Newspapers published a study in 1999 that showed 78 percent of Americans believe there is a bias in the media.

I believe this understanding by the American public promotes a more informed democracy. People watch the news with a critical eye. Students question their professors. Americans are seeking out talk radio, alternative media. The Internet is flourishing.

Thanks to dedicated watchdogs such as Reed Irvine, the American people now see through the bias in the media. Dan Rather's ludicrous reporting on President Bush's National Guard service was debunked in no time on the Internet and talk radio. A liberal bias that was once lamented by conservatives and ignored by the public has now become a running joke among conservatives and an accepted fact in the minds of Americans. People, who once powerlessly accepted the news however they could get it, are now voting with their remote controls.

When President Bush delivered his acceptance speech at the Republican National Convention this year, 7.3 million people saw it on Fox. Meanwhile, 5.9 million watched on NBC, 5.1 million on ABC, 5 million on CBS, 2.7 million on CNN and 1.7 million on MSNBC, according to Nielsen Media Research. Fox also beat the broadcast networks throughout the rest of the Republican Convention coverage—this, despite the fact that ABC, CBS, and NBC are available in about 110 million homes, while Fox is carried in about 85 million. Reed Irvine's message has been received, and the people are fighting back.

News is now reported in countless ways, 24 hours a day, and the American people are deciding for themselves what it all means. For this new coverage we can thank the Fox News channel, and the countless talk show hosts, magazines, Internet sites, and organizations. However, I think the most important gift that has been given to our country is the critical eye of the American public. A voting public that watches the news with a critical eye is one that cannot be easily manipulated. A college student who asks his professor tough questions will end up better educated and ready for the world.

For this wonderful gift, we owe a special thanks to Reed Irvine.●

TRIBUTE TO DR. SAM BILLISON

● Mr. BINGAMAN. Mr. President, today I wish to mark the passing of Dr. Sam Billison, a recipient of a Congressional Silver Medal, who died earlier this week. He was a great American.

In 2001, the President of the United States awarded Congressional Gold and Silver Medals to Sam and his fellow Navajo Code Talkers. Of all the honors Congress can bestow, these Medals are often considered the most distinguished, expressing the gratitude of the Congress and the entire nation.

With this award, the Code Talkers joined the ranks of an exclusive group of people—Robert Kennedy, Harry Truman, General H. Norman Schwarzkopf, Nelson Mandela, General Colin Powell, and President Reagan, to name a few.

As with many other recipients, Sam and his fellow WWII Code Talkers were recognized for valor, for their contributions to the national good, for their defense of freedom and democracy. However, unlike the others, they set several precedents, not the least of which that they were the first Native American Indians to receive Congressional Gold Medals.

This is especially poignant when one realizes the cultural context in which Sam and his fellow Navajo were raised. Subjected to alienation in their own homeland, discouraged from speaking their own language, this group of Native Americans rose above adversity, voluntarily came forward to develop the most significant and successful military code of the time saving countless American lives, and then honored their oath of secrecy by stepping back into the obscurity from which they came.

Many of these marines have finally come forward to be appropriately recognized and honored, but many took their secret to the grave. I am happy that in the twilight of Sam's life, he was able to see Congress finally mark that place in history so long overdue the Navajo Code Talkers.

We, as a nation, are but a product of those who have come before us—their accomplishments, their contributions, and their sacrifice in the struggle for freedom and democracy. We must never forget that our society is made possible only through the sacrifice and hard work of thousands of American men and women.

Sam Billison, Navajo Code Talker, was one of an elite group of veterans, and yet he was more. He was a teacher, a school principal and a superintendent, helping educate thousands of young people, and setting an example for all to follow. In all sense of the word, he was a true American hero. He shall be dearly missed.●

TRIBUTE TO SENIOR AIRMAN NICHOLAS P. SEMONELLE, THE UNITED STATES AIR FORCE AIRMAN OF THE YEAR

● Mr. SESSIONS. Mr. President, I rise today to recognize the United States Air Force Airman of the Year for 2004, Senior Airman Nicholas P. Semonelle from Enterprise, Alabama.

Senior Airman Semonelle's recognition stems from his unique act of courage and bravery. On January 18, 2003, Senior Airman Semonelle was faced with a dangerous situation. Senior Airman Semonelle observed smoke from a nearby house that had caught fire and immediately called 911. Upon learning from a 14-year-old babysitter that three children were trapped inside. Semonelle immediately broke through a window and entered the burning structure to try to find the children. Despite the smoke and heat, Senior Airman Semonelle searched room to room locating a 7-year-old boy and evacuating him from the building. Without hesitation and regard for his own personal safety, he again risked his life to go back inside the home, now ablaze and filled with smoke, to locate and carry out a second child, a 3-year-old girl. Senior Airman Semonelle began a third rescue attempt of an 18-month-old baby girl still trapped in the now engulfed structure. Despite repeated attempts, the little girl could not be found. Emergency rescue personnel arrived to find the structure engulfed in flames, and were unable to locate the third child who did not survive. Senior Airman Semonelle, his brother-in-law who had helped with the rescues, and the two lucky children eventually collapsed on the ground in front of the house, exhausted and coughing from smoke inhalation.

Senior Airman Semonelle's quick action to enter the burning home and rescue those inside resulted in saving the lives of two children. His disregard for his own personal safety to save others is an act of bravery that warrants our gratitude. I commend this 1996 Elba High School graduate for his service to our country and for his bravery. He continues to distinguish himself, serving our country overseas in his assignment to the United States Air Force 435th Logistics Readiness Squadron at Ramstein Air Base, Germany. He is truly deserving of the recognition that the United States Air Force and the United Services Organization have bestowed on him as Airman of the Year.●

TRIBUTE TO PAT RAYMOND

● Mr. BENNETT. Mr. President, Pat Raymond prefers to be the person behind the person. She prefers to work behind the scenes, and as I can attest, late at nights, weekends, and holidays. For 30 years she has served the Senate faithfully, professionally, tirelessly, and as a stalwart advocate. But today I would like to put Pat front and center and thank her for her service to me and to the Senate.

For the past 2 years, Pat has worked as the clerk of the agriculture appropriations subcommittee that I chair. I have benefited from her institutional knowledge, her counsel, and her judgment. Because of consecutive reductions in the budget of the United States Department of Agriculture the last 2 years have been very challenging, but Pat has been up to the task. In 2003, even though the allocation to the subcommittee was nearly $1 billion below the prior years enacted level, we produced a bill that the Senate approved with only one dissenting vote. Pat has developed strong working relationships not only with the staff of Senator KOHL, the subcommittee ranking member, but also with the staffs of Representatives BONILLA and KAPTUR, the House agriculture appropriations chairman and ranking member. These relationships have enabled the agriculture appropriations subcommittees of both chambers to work together and overcome the challenges posed by being required to do more with less.

After 30 years of service Pat will retire at the end of this Congress. I thank her for her dedication, for her hard work, and for a job well done. More than that, I wish her well, as she travels to Florida for a well deserved rest. But I know that "rest" won't last long—Pat is too young, too vigorous, and has too much to contribute not to get involved in something important right from the start.●

IN HONOR OF SUPERVISOR REX BLOOMFIELD

● Mrs. BOXER. Mr. President, it is my honor to speak in recognition of Supervisor Rex Bloomfield, a strong advocate for the preservation of open space, improvement of county services, and balanced planning for the future of Placer County.

Rex Bloomfield has dedicated the last 12 years as Supervisor to improving his community and Placer County. His many accomplishments are testament to his strong leadership and devotion to public service. By creating the Placer Legacy Program he has helped to preserve thousands of acres of open space and agricultural lands in Placer County. Committed to the fight for clean air, he initiated the Sacramento Ozone Summit and worked hard to adopt regional policies to reduce smog, for which he received the American Lung Association's regional award for outstanding leadership. Supervisor Bloomfield established Placer County's first redevelopment area to help fund community projects, such as the Squaw Valley Community Park. Throughout his three terms in office he has made many improvements to his district. Four parks were built, miles of new trails for recreation were constructed, a new library was built with two others expanded, fire safe councils and fire fuels reduction programs were created. Sheriff substations in outlying areas were added, emergency personnel were provided more safety equipment and medical supplies, and a computerized emergency telephone system to warn residents of pending danger was established.

Rex Bloomfield has not only committed himself to the betterment of Placer County as supervisor, but also as a teacher and involved member of the community. His teaching career has spanned 31 years. He is currently teaching fifth grade at Alta Vista School in Auburn. He has been a board member with the Sierra Economic Development District, Sierra Planning Organization, Foothill Airport Land Use Commission, Placer County Air Pollution Control District, Placer County Flood Control and Water Conservation District, Colfax Veterans Memorial Hall Board, and Foresthill Veterans Memorial Hall Board.

I commend Rex for dedicating his life to his family and his community. His accomplishments have touched the lives of many, and his impact on his community and Placer County will be long remembered. I extend my sincere best wishes for his continued health, happiness, and good work. Rex Bloomfield is a distinguished member of the community, and it is with great pleasure that I recognize him today.●

TAXATION OF FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION MITIGATION GRANTS

● Mr. NELSON of Florida. Mr. President, in these final days of the 108th Congress, I would like to call attention to an issue of great consequence to the people of Florida and to other States that recently have been victimized by natural disasters.

This year, four hurricanes wrought a path of damage and destruction across Florida and other areas. The U.S. Congress was quick to provide Federal relief for victims of the storms, and we are grateful for this. Yet a June Internal Revenue Service ruling determines that this assistance ought to be taxed.

This means that if a homeowner accepts a $25,000 Federal grant to elevate their flood prone home, the grant would be included in their taxable income. This unexpected tax liability could be financially devastating to a retiree living on a fixed income after already having faced the costs of hurricane cleanup. It also creates a strong disincentive for homeowners to participate in Federal mitigation programs, increasing the risk of damage and expense in future disasters. The IRS policy runs counter to good public policy and common sense.

Senator KIT BOND and Representative MARK FOLEY have introduced S. 2886 and H.R. 5206, respectively, identical bills that would fix this problem by exempting mitigation grants from being included as taxable income. These bills have drawn support from both sides of the aisle and a large number of the Florida Congressional delegation. I am disappointed that we will not have an opportunity to pass these bills before Congress adjourns. If we fail to act early on in the 109th Congress, come April, some homeowners could be in for a rude awakening in the form of a higher tax bill from the IRS.

To help ease the minds of Floridians and other Americans living in disaster prone areas of the country. I joined Senator LANDRIEU in sending a letter to Finance Committee Chairman GRASSLEY and Ranking Member BAUCUS asking them to direct the Treasury and the IRS to delay implementing this policy until Congress has the opportunity to act.

I will continue to work with my colleagues in the Senate to find a solution to this problem.•

WOOL TRUST FUND

• Mr. BAUCUS. Mr. President, today I make note of a technical error in the drafting of the Wool Trust Fund, which was included in H.R.1047, the "Miscellaneous Trade and Technical Corrections Act of 2004." Section 4002, entitled "Extension and Modification of Duty Suspension on Wool Products, Wool Research Fund, Wool Duty Refunds," extends the current Wool Trust Fund through December 31, 2007. The purpose of this provision is to extend the current program, as well as to provide grants to textile mills, for an additional 2 years beyond the current date of expiration, which is December 31, 2005. This fact is reflected in the conference report of H.R. 1047, in which the conferees observe that the House recedes to the Senate proposal "so that all programs are extended by two years beyond the current date of expiration of the current programs." In other words, all provisions—including all programs and all tariff reductions—are to be in effect through 2007.

Unfortunately, a drafting error occurs in section 4002(a)(5), entitled "Fabrics of Combed Wool," and mistakenly terminates the extension of duty reductions, for the goods identified in that subsection, at the end of 2006, rather than 2007. This error is clearly and patently inconsistent with the expressed intention of the conferees to extend the program through 2007.

I urge the Members of the 109th Congress to correct this technical error, in order to allow the program to operate as clearly and expressly intended by the 108th Congress.•

MESAGES FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests to concurrence of the Senate:

H.R. 5370. An act to designate the facility of the United States Postal Service located at 4985 Moorehead Avenue in Boulder, Colorado, as the "Donald G. Brotzman Post Office Building".

The message also announced that the House has passed the following bill, without amendment:

S. 2618. An act to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 8. Concurrent resolution expressing the sense of Congress that there should be established a "National Visiting Nurse Association Week."

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1113. An act to authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

H.R. 1417. An act to amend title 17, United States Code, to replace copyright arbitration royalty panels with a Copyright Royalty Judge, and for other purposes.

H.R. 1446. An act to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

H.R. 1964. An act to assist the States Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

H.R. 3936. An act to amend title 38, United States Code, to increase the authorization of appropriations for grants to benefit homeless veterans, to improve programs for management and administration of veterans' facilities and health care programs, and for other purposes.

H.R. 4516. An act to require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

H.R. 4593. An act to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 3:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the act (H.R. 1630) to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate.

H.R. 5382. An act to promote the development of the emerging commercial human space flight industry, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 528. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

At 4:22 p.m., a message from the House of Representative, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, having met, have agreed, that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment.

The message further announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

At 5:08 p.m., message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3818. An act to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes.

H.R. 5419. An act to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E 911 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system; and to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time.

The message also announced that the House has passed the following bill, without amendment:

S. 2192. An act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2873. An act to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

S. 3014. An act to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 529. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that House agree to the amendment of the Senate to the bill (H.R. 2655) to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 1047. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.R. 1630. An act to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

H.R. 2912. An act to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government.

H.J. Res. 110. Joint resolution recognizing the 60th anniversary of the Battle of the Bulge during World War II.

H.J. Res. 111. Joint resolution appointing the day for convening of first session of the One Hundred Ninth Congress.

The enrolled bills and joint resolutions were signed subsequently by the President pro tempore (Mr. STEVENS).

At 10:42 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. STEVENS).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–10055. A communication from the Chief, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Increase in Rates Payable Under the Survivors' and Dependents' Educational Assistance Program" RIN2900–AL64( ) received on November 5, 2004; to the Committee on Veterans' Affairs.

EC–10056. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Trends in Educational Equity of Girls and Women: 2004"; to the Committee on Health, Education, Labor, and Pensions.

EC–10057. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on November 16, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–10058. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–10059. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Antiperspirant Drug Products for Over-the-Counter Human Use; Final Monograph; Partial Stay; Reopening of the Administrative Record" received on November 16, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–10060. A communication from the Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Corporation's Performance and Accountability Report for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–10061. A communication from the Attorney General, Department of Justice, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2004; to the Committee on the Judiciary.

EC–10062. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Political Committee Status, Definition of Contribution, and Allocation for Separate Segregated Funds and Nonconnected Committees" received on November 18, 2004; to the Committee on Rules and Administration.

EC–10063. A communication from the Chief, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve" (RIN2900–AL80) received on November 5, 2004; to the Committee on Veterans' Affairs.

EC–10064. A communication from the Chief, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Standards for Collection, Compromise, Suspension, or Termination of Collection Effort, and Referral of Civil Claims for Money, Property; Regional Office Committees on Waivers and Compromises; Salary Offset Provisions; Delegations of Authority" (RIN2900–AK10) received on November 5, 2004; to the Committee on Veterans' Affairs.

EC–10065. A communication from the Chief, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Waivers" (RIN2900–AK29) received on November 5, 2004; to the Committee on Veterans' Affairs.

EC–10066. A communication from the Chief, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Veterans' Education: Increased Allowances for the Educational Assistance Test Program" (RIN2900–AL81) received on November 5, 2004; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 2635. A bill to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of the United States and to address the homeland security needs of Federal, State, and local governments (Rept. No. 108–420).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mr. LEAHY):

S. 3021. A bill to provide for the protection of intellectual property rights, and for other purposes; considered and passed.

By Mr. McCAIN:

S. 3022. A bill to enhance the Federal investment in research and development and the development of innovative technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 3023. A bill to improve funeral home, cemetery, and crematory inspection systems, to establish consumer protections relating to funeral service contracts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 3024. A bill to establish the National Center for Transportation Solutions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN:

S. 3025. A bill to strengthen efforts to combat slavery and trafficking in persons, within the United States and around the world; to the Committee on Foreign Relations.

By Mr. FRIST (for himself and Mr. ENSIGN):

S. 3026. A bill to support the Boy Scouts of America and the Girl Scouts of the United States of America; to the Committee on the Judiciary.

By Mr. DeWINE (for himself, Mr. SARBANES, Ms. MIKULSKI, Mr. SMITH, Mrs. CLINTON, Mr. ALLEN, Mr. CORZINE, Mr. HAGEL, and Mr. DURBIN):

S. 3027. A bill to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes; considered and passed.

By Mr. HATCH (for himself and Mr. BIDEN):

S. 3028. A bill to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied; considered and passed.

By Mr. STEVENS:

S.J. Res. 42. A joint resolution to make a correction in the Conference Report to accompany H.R. 4818; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG:

S. Res. 479. A resolution establishing a special committee administered by the Committee on Governmental Affairs to conduct an investigation involving Halliburton Company and war profiteering, and other related matters; to the Committee on Rules and Administration.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 480. A resolution extending the authority for the Senate National Security Working Group; considered and agreed to.

By Mr. SANTORUM:

S. Res. 481. A resolution expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement of Major Richard D. Winters (Ret.) during World War II , and commending him for leadership and valor in leading the men of Easy Company; considered and agreed to.

By Mr. KENNEDY (for himself, Mr. REED, Mr. KERRY, Mr. DODD, Mr. JEFFORDS, Mr. SUNUNU, and Mr. CHAFEE):

S. Res. 482. A resolution congratulating the Boston Red Sox on winning the 2004 World Series; considered and agreed to.

ADDITIONAL COSPONSORS

S. 2789

At the request of Mr. BROWNBACK, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2789, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2889

At the request of Mr. ALEXANDER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Florida (Mr. GRAHAM), the Senator from Idaho (Mr. CRAIG), the Senator from Nevada (Mr. REID), the Senator from Oklahoma (Mr. INHOFE), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2889, a bill to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an endangered species under the Endangered Species Act of 1973, and for other purposes.

S. 2956

At the request of Mr. BOND, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2956, a bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a program to provide a support system for members of the Armed Forces who incur severe disabilities.

S. 3011

At the request of Mr. DAYTON, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Virginia (Mr. WARNER) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 3011, a bill to amend title XVIII of the Social Security Act to provide payments to Medicare ambulance suppliers of the full cost or furnishing such services, to provide payments to rural ambulance providers, and suppliers to account for the cost of serving areas with low population density, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 3023. A bill to improve funeral home, cemetery, and crematory inspection systems, to establish consumer protections relating to funeral service contracts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DODD. Mr. President, I rise today to introduce the Federal Death Care Inspection and Disclosure Act of 2004, a bill which I believe will go a long way in restoring the trust that Americans place in the funeral and death care industries.

None of us like to think about death and dying. It is a painful and uncomfortable subject, and most Americans, understandably, choose not to confront matters related to the death of a loved one until the death actually occurs. And when a loved one does pass on, we turn to our friends and family to grieve. Certainly, the last thing anyone wants to do at such a painful time is to spend hours or days negotiating or shopping for a funeral, casket, or other goods and services. Instead, we leave most of these arrangements in the hands of funeral service providers, turning to them to ensure that our loved ones are cared for and treated with respect and dignity after their passing.

We place a great deal of trust in funeral service providers. A funeral, after all, represents one of the largest purchases many consumers will ever make, just behind a home, college education, and a car. However, unlike these transactions, the purchase of funeral services is most often done under intense emotional duress, with very little time to spare, and without the benefit of the type of consumer information generally available when making such a large purchase. As a result, we trust funeral service providers to give us fair prices, to represent goods and services accurately, and to not take advantage of us during our moments of greatest grief and vulnerability.

For the most part, this trust is well deserved. I have no doubt, that the majority of individuals working in the funeral industry are good men and women who practice their profession with the honor and gravity it demands. However, recent revelations of abuses in the industry have shown us that not all members of the death care industry are honest and upstanding. We all remember hearing recently of the discovery of over 200 bodies strewn in the woods near a crematorium in Noble, GA. There is also evidence of desecration of graves and remains at cemeteries in Florida, California, Hawaii, and my own State of Connecticut. These incidents, as well as developments in the funeral industry as a whole, compel us to reexamine the regulatory structure we currently have in place for this industry.

Currently, the death care industry is regulated by a patchwork of state and local laws. These regulations may have been sufficient years ago, but the character of the industry has changed substantially since many of these laws were passed. The industry has become surprisingly large and diverse. The death care industry generates annual revenues of over $15 billion and employs over 104,000 Americans. The 1990's saw the rise of multi-state "consolidators" who purchased local funeral homes across the country. Even for small local firms, the business has become increasingly complex. As more and more Americans travel and live in places far from where they were born, the industry has become one that frequently does business across state and county lines.

There have also been changes in Americans' cultural expectations of funeral services. For example, the percentage of cremations has risen from 5 percent in the 1970's to 25 percent today. However, only 12 States have substantive laws which cover cremation. In fact, in the case in Georgia I mentioned earlier, the crematorium in question was statutorily exempt from inspection, allowing the abuses to continue undiscovered.

The only significant federal regulation of the industry exists in the Federal Trade Commission's Funeral Rule, promulgated nearly 20 years ago. Again, this rule has not kept up with the nature of the industry. Perhaps most importantly, the rule does not cover numerous sectors of the industry such as cemeteries, crematories, and casket makers. It also does not effectively regulate prepaid funeral contracts, which have become an increasingly popular option in recent years.

In 2002, I chaired a hearing of the Subcommittee on Children and Families in which we examined developments in the industry and how they have impacted American families. Since that hearing, I have worked with both consumer and industry groups to craft legislation to protect Americans from potential abuse by funeral service providers. The Federal Death Care Inspection and Disclosure Act of 2004 would provide Federal funding to allow States to hire and train inspectors and give consumers the right to legal action against those who violate regulatory standards. In order to be eligible for funding, states would have to adhere to standards which are outlined in the legislation. The act would also codify and strengthen the existing FTC regulations governing licensing and registration, recordkeeping, inspection, resolution of consumer complaints, and enforcement of state laws in the industry. It would clarify regulations to prevent deceptive trade practices in the industry and ensure that consumers can make informed decisions as they make funeral arrangements. Finally, the FTC rules would be expanded to cover all segments of the death care industry.

I am aware that as we are in the closing days of this Congress, we will not have the opportunity to pass this legislation this year. However, I would like to take this opportunity to raise this issue with my colleagues today, and I hope that we will be able to move on this issue when we reconvene for the 109th Congress. It is my firm belief that this bill will help both consumers and industry. Consumers will have the peace of mind knowing that they are being treated fairly during their time of grief and distress, while the industry will benefit from regaining the high level of consumer confidence and trust that it has traditionally enjoyed.

I urge my colleagues to join me by supporting this legislation.

By Mr. DODD:

S. 3024. A bill to establish the National Center for Transportation Solutions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DODD. Mr. President, I rise to introduce the Center for Transportation Solutions Act of 2004.

I am deeply troubled that the Federal Government is not doing enough to address important national and regional transportation issues from a systemic perspective. There is too little research being devoted to profound questions that have a long-term impact on the future viability of our nation's transportation network. Such questions may include: How well is our transportation system responding to the global economy? How can transportation meet the needs of greater environmental sustainability? How can people become more involved in transportation planning in their communities? What transportation technologies will be important in the future? Are there more effective ways to finance improvements to our transportation infrastructure? What will be the demand for various modes of transportation in the future? How well do the various modes of transportation interact? Is there a better way to reduce transportation accidents and enhance safety?

In fact, the Federal Government does not adequately invest in finding answers to these and other important questions. The United States Department of Transportation spends approximately 1.5 percent of its budget on research. This amount is insufficient when compared to the 2.8 percent spent by the Department of Agriculture, 4.8 percent by the Department of Health and Human Services, 8.1 percent by the Environmental Protection Agency, and 14.9 percent spent by the Department of Defense.

Much of that 1.5 percent spent by the Department of Transportation is focused on short-term, highly applied research activities, such as the performance of varieties of asphalt in different climates. Too few resources, however, are devoted to research in finding solutions to our most intractable long-term transportation problems.

The consequences of this lack of foresight are significant. As Dennis Christiansen, Deputy Director of the Texas Transportation Institute, testified before the House Subcommittee on Highway, Transit, and Pipelines last year: "In the private sector, failure to innovate may mean one goes out of business. In the public sector, failure to innovate may simply mean that we do things less efficiently and at a higher cost." In addition, the American Public Transportation Association commented at the same hearing that "without research and training, innovation withers and American jobs are lost offshore."

The lack of adequate investments in long-term transportation research, however, is not the only concern. The Nation's transportation research and technology programs are highly decentralized as well. There are state and federal transportation agencies, universities, contractors, and material suppliers all participating in transportation research activities. While this decentralization has its benefits in that the same broad array of institutions that are conducting the research are involved in its implementation, it also has its drawbacks. It poses challenges to effective priority-setting, and can lead to unnecessary duplication, results that are not transferable, and significant research gaps.

The legislation that I am introducing will address these important issues by establishing a Center for Transportation Solutions as an independent agency in the executive branch of the government. Its purpose will be to develop and encourage the execution of a long-term national policy for the promotion of research and development related to multimodal transportation.

The Center is modeled after the National Science Foundation. It will be under the leadership of a Director appointed by the President and a Board composed of sixteen individuals with expertise in transportation research and policy. Like the National Science Foundation, the Center will be organized into a series of research divisions on such issues as safety, the environment, infrastructure, intermodal connections, and transportation economics and financial policy. Regional Centers for Transportation Solutions will also be established to investigate these important issues from a regional perspective.

The new Center will not supplant existing transportation research activities but supplement them. It will award competitive, merit-based grants to academic, public, and private research institutions to support long-term strategic transportation objectives. According to the Transportation Research Board, "competition for funds and merit review of proposals are the best ways of ensuring the maximum return on investment of research funding and addressing strategic national transportation system goals." Sadly, much of the funding that is designated for transportation research today is earmarked for specific projects or research institutions without open competition.

Finally, the Center will facilitate the interchange of transportation research data among interested parties, work closely with the United States Department of Transportation in setting research priorities, and coordinate its scientific research programs with public and private research groups.

This legislation is a work in progress. In the coming months, I intend to further refine it for reintroduction in the 109th Congress. Nevertheless, the bill embodies an important goal namely, the need for increased resources and strategic planning devoted to tackling the nation's long-term transportation needs.

I realize that the 108th Congress is nearing completion. I am also aware that the Senate and the House of Representatives will likely revisit the reauthorization of surface transportation programs soon after the 109th Congress convenes in 2005. That legislation would be the perfect opportunity for Congress to look farther into the future—even beyond the traditional six-year scope of the surface transportation bill—and begin to make the investments necessary for solving our nation's most difficult transportation problems. After all, if we can devote resources to finding a cure for cancer and other life-threatening illnesses, shouldn't we do the same and find a cure for traffic congestion?

By Mr. FRIST (for himself and Mr. ENSIGN)

S. 3026. A bill to support the boy Scouts of America and the Girl Scouts of the United States of America; to the Committee on the Judiciary.

Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUPPORT OUR SCOUTS.

(a) Definition.—In this section the term "Federal agency" means each department, agency, instrumentality, or other entity of the United States Government.

(b) In General.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support to the Boy Scouts of America or the Girls Scouts of the United States of America (or any organization chartered by the Boy Scouts of America or the Girl Scouts of the United States of America), including—

(1) holding meetings, jamborees, camporees, or other scouting activities on Federal property if such organization has received permission from the appropriate Federal official responsible for such property; or

(2) hosting or sponsoring any official event of such organization.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 479—ESTABLISHING A SPECIAL COMMITTEE ADMINISTERED BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS TO CONDUCT AN INVESTIGATION INVOLVING HALLIBURTON COMPANY AND WAR PROFITEERING, AND OTHER RELATED MATTERS

Mr. LAUTENBERG submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 479

Resolved,

SECTION 1. ESTABLISHMENT OF SPECIAL COMMITTEE.

(a) Establishment.—There is established a special committee administered by the Committee on Governmental Affairs to be known as the "Special Committee to Investigate Halliburton, War Profiteering, and Related Matters" (referred to in this resolution as the "special committee").

(b) Purposes.—The purposes of the special committee are—

(1) to conduct an investigation and public hearings into, and study of, whether any contracts awarded to Halliburton, its subsidiaries or affiliates (referred to in this resolution as "Halliburton") were improperly coordinated by the Vice President's office, or any other office or component of the executive branch;

(2) to conduct an investigation and public hearings into, and study of, the propriety of the no-bid Restore Iraqi Oil ("RIO") Contract awarded to Halliburton by the Department of Defense;

(3) to conduct an investigation and public hearings into, and study of, whether Halliburton overcharged the government for meals, gasoline, and other goods and services, in connection with either—

(A) any contract that was not competitively bid; or

(B) any other contract;

(4) to conduct an investigation and public hearings into, and study of, whether Halliburton deliberately or negligently wasted taxpayer funds in order to inflate the value of any "cost-plus" contract;

(5) to conduct an investigation and public hearings into, and study of, whether Halliburton or any of its employees either—

(A) accepted kickbacks or other improper considerations in return for awarding subcontracts; or

(B) engaged in any other improper behavior in awarding subcontracts;

(6) to conduct an investigation and public hearings into, and study of, whether Halliburton or its employees violated United States sanctions laws by conducting prohibited activities with respect to Iran, Syria, Libya, North Korea, Cuba, or Iraq;

(7) to conduct an investigation and public hearings into, and study of, whether Halliburton violated United States or international laws or standards in its treatment of its subcontractors, foreign and United States employees in Iraq;

(8) to conduct an investigation and public hearings into, and study of, whether Halliburton appropriately documented its expenses in Iraq;

(9) to conduct an investigation and public hearings into, and study of, the ultimate uses of United States Government funds that Halliburton spent in Iraq;

(10) to conduct an investigation and public hearings into, and study of, payments by the Department of Defense to Halliburton, including—

(A) whether the Department of Defense erred in not withholding 15 percent from its payments of Halliburton's invoices, as required under Federal Acquisition Regulations; and

(B) whether improper influence was used in determining payments to Halliburton;

(11) to conduct an investigation and public hearings into, and study of, whether the Department of Defense improperly allowed Halliburton access to confidential records or discussions in connection with Halliburton's contract negotiations with the Department of Defense;

(12) to conduct an investigation and public hearings into, and study of, Halliburton's financial relationship with the Government of Nigeria or officials of the Government of Nigeria, including—

(A) whether Halliburton paid bribes in connection with business in Nigeria; and

(B) if Halliburton did pay such bribes, whether those bribes were used by their recipients to fund illicit activities;

(13) to make such findings of fact as are warranted and appropriate;

(14) to make such recommendations, including recommendations for legislative, administrative, or other actions, as the special committee may determine to be necessary or desirable; and

(15) to fulfill the constitutional oversight and informational functions of Congress with respect to the matters described in this subsection.

SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.

(a) Membership.—

(1) In general.—The special committee shall consist of—

(A) the members of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs;

(B) the chairman and ranking member of the Committee on the Judiciary, or their designees from the Committee on the Judiciary;

(C) the chairman and ranking member of the Committee on Armed Services.

(2) Senate rule XXV.—For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as the chairman or other member of the special committee shall not be taken into account.

(b) Organization of Special Committee.—

(1) Chairman.—The chairman of the Committee on Armed Services shall serve as the chairman of the special committee (referred to in this resolution as the "chairman").

(2) Ranking member.—The ranking member of the Committee on Armed Services shall serve as the ranking member of the special committee (referred to in this resolution as the "ranking member").

(3) Quorum.—A majority of the members of the special committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate. A majority of the members of the special committee, or ⅓ of the members of the special committee if at least one member of the minority party is present, shall constitute a quorum for the conduct of other business. One member of the special committee shall constitute a quorum for the purpose of taking testimony.

(c) Rules and Procedures.—

(1) In general.—Except as otherwise specifically provided in this resolution, the special committee's investigation, study, and hearings shall be governed by the Standing Rules of the Senate and the Rules of Procedure of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.

(2) Additional rules.—The special committee may adopt additional rules or procedures not inconsistent with this resolution or the Standing Rules of the Senate if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures shall become effective upon publication in the Congressional Record.

SEC. 3. STAFF OF THE SPECIAL COMMITTEE.

(a) Appointments.—To assist the special committee in the investigation, study, and hearings authorized by this resolution, the chairman and the ranking member each may appoint special committee staff, including consultants.

(b) Assistance From the Senate Legal Counsel.—To assist the special committee in the investigation, study, and hearings authorized by this resolution, the Senate Legal Counsel and the Deputy Senate Legal Counsel shall work with and under the jurisdiction and authority of the special committee.

(c) Assistance From the Comptroller General.—The Comptroller General of the United States is requested to provide from the Government Accountability Office whatever personnel or other appropriate assistance as may be required by the special committee, or by the chairman or the ranking member.

SEC. 4. PUBLIC ACTIVITIES OF THE SPECIAL COMMITTEE.

(a) In General.—Consistent with the rights of persons subject to investigation and inquiry, the special committee shall make every effort to fulfill the right of the public and Congress to know the essential facts and implications of the activities of officials of the United States Government and other persons and entities with respect to the matters under investigation and study, as described in section 1.

(b) Duties.—In furtherance of the right of the public and Congress to know, the special committee—

(1) shall hold, as the chairman (in consultation with the ranking member) considers appropriate and in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Senate, hearings on specific subjects;

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall make a final comprehensive public report to the Senate which contains—

(A) a description of all relevant factual determinations; and

(B) recommendations for legislation, if necessary.

SEC. 5. POWERS OF THE SPECIAL COMMITTEE.

(a) In General.—The special committee shall do everything necessary and appropriate under the laws and the Constitution of the United States to conduct the investigation, study, and hearings authorized by section 1.

(b) Exercise of Authority.—The special committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978, including the following:

(1) Subpoena powers.—To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the special committee. A subpoena or order may be authorized by the special committee or by the chairman with the agreement of the ranking member, and may be issued by the chairman or any other member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or outside of the borders of the United States to the full extent permitted by law. The chairman, or any other member of the special committee, is authorized to administer oaths to any witnesses appearing before the special committee. If a return on a subpoena or order for the production of documentary or physical evidence is incomplete or accompanied by an objection, the chairman (in consultation with the ranking member) may convene a meeting or hearing to determine the adequacy of the return and to rule on the objection. At a meeting or hearing on such a return, one member of the special committee shall constitute a quorum. The special committee shall not initiate procedures leading to civil or criminal enforcement of a subpoena unless the person or entity to whom the subpoena is directed refuses to produce the required documentary or physical evidence after having been ordered and directed to do so.

(2) Compensation authority.—To employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as the special committee, or the chairman or the ranking member, considers necessary or appropriate.

(3) Meetings.—To sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

(4) Hearings.—To hold hearings, take testimony under oath, and receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study. Unless the chairman and the ranking member otherwise agree, the questioning of a witness or a panel of witnesses at a hearing shall be limited to one initial 30-minute turn each for the chairman and the ranking member, or their designees, including majority and minority staff, and thereafter to 10-minute turns by each member of the special committee if 5 or more members are present, and to 15-minute turns by each member of the special committee if fewer than 5 members are present. A member may be permitted further questions of the witness or panel of witnesses, either by using time that another member then present at the hearing has yielded for that purpose during the yielding member's turn, or by using time allotted after all members have been given an opportunity to question the witness or panel of witnesses. At all times, unless the chairman and the ranking member otherwise agree, the questioning shall alternate back and forth between members of the majority party and members of the minority party. In their discretion, the chairman and the ranking member, respectively, may designate majority or minority staff to question a witness or a panel of witnesses at a hearing during time yielded by a member of the chairman's or the ranking member's party then present at the hearing for his or her turn.

(5) Testimony of witnesses.—To require by subpoena or order the attendance, as a witness before the special committee or at a deposition, of any person who may have knowledge or information concerning any of the matters that the special committee is authorized to investigate and study.

(6) Immunity.—To grant a witness immunity under sections 6002 and 6005 of title 18, United States Code, provided that the independent counsel has not informed the special committee in writing that immunizing the witness would interfere with the ability of the independent counsel successfully to prosecute criminal violations. Not later than 10 days before the special committee seeks a Federal court order for a grant of immunity by the special committee, the Senate Legal Counsel shall cause to be delivered to the independent counsel a written request asking the independent counsel promptly to inform the special committee in writing if, in the judgment of the independent counsel, the grant of immunity would interfere with the ability of the independent counsel successfully to prosecute criminal violations. The Senate Legal Counsel's written request of the independent counsel required by this paragraph shall be in addition to all notice requirements set forth in sections 6002 and 6005 of title 18, United States Code.

(7) Depositions.—To take depositions and other testimony under oath anywhere within the United States, to issue orders that require witnesses to answer written interrogatories under oath, and to make application for the issuance of letters rogatory. All depositions shall be conducted jointly by majority and minority staff of the special committee. A witness at a deposition shall be examined upon oath administered by a member of the special committee or an individual authorized by local law to administer oaths, and a complete transcription or electronic recording of the deposition shall be made. Questions shall be propounded first by majority staff of the special committee and then by minority staff of the special committee. Any subsequent round of questioning shall proceed in the same order. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to answer on the basis of relevance or privilege, the special committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling on the objection from the chairman. If the chairman overrules the objection, the chairman may order and direct the witness to answer the question, but the special committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to answer after having been ordered and directed to answer.

(8) Delegations to staff.—To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The special committee, or the chairman with the concurrence of the ranking member, may delegate to designated staff members of the special committee the power to issue deposition notices authorized pursuant to this paragraph.

(9) Information from other sources.—To require by subpoena or order—

(A) any department, agency, entity, officer, or employee of the United States Government;

(B) any person or entity purporting to act under color or authority of State or local law; or

(C) any private person, firm, corporation, partnership, or other organization;

to produce for consideration by the special committee or for use as evidence in the investigation, study, or hearings of the special committee, any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material relating to any of the matters or questions that the special committee is authorized to investigate and study which any such person or entity may possess or control.

(10) Recommendations to the Senate.—To make to the Senate any recommendations, by report or resolution, including recommendations for criminal or civil enforcement, which the special committee may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or to answer interrogatories, in compliance with a subpoena or order;

(B) the willful failure or refusal of any person to answer questions or give testimony during the appearance of that person as a witness before the special committee, or at a deposition, or in response to interrogatories; or

(C) the willful failure or refusal of—

(i) any officer or employee of the United States Government;

(ii) any person or entity purporting to act under color or authority of State or local law; or

(iii) any private person, partnership, firm, corporation, or organization;

to produce before the special committee, or at a deposition, or at any time or place designated by the committee, any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material in compliance with any subpoena or order.

(11) Consultants.—To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(12) Other government personnel.—To use, on a reimbursable basis and with the prior consent of the Government department or agency concerned, the services of the personnel of such department or agency.

(13) Other congressional staff.—To use, with the prior consent of any member of the Senate or the chairman or the ranking member of any other Senate committee or the chairman or ranking member of any subcommittee of any committee of the Senate, the facilities or services of the appropriate members of the staff of such member of the Senate or other Senate committee or subcommittee, whenever the special committee or the chairman or the ranking member considers that such action is necessary or appropriate to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution.

(14) ACCESS TO INFORMATION AND EVIDENCE.—To permit any members of the special committee, staff director, counsel, or other staff members or consultants designated by the chairman or the ranking member, access to any data, evidence, information, report, analysis, document, or paper—

(A) that relates to any of the matters or questions that the special committee is authorized to investigate or study under this resolution;

(B) that is in the custody or under the control of any department, agency, entity, officer, or employee of the United States Government, including those which have the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States without regard to the jurisdiction or authority of any other Senate committee or subcommittee; and

(C) that will assist the special committee to prepare for or conduct the investigation, study, and hearings authorized by this resolution.

(15) REPORTS OF VIOLATIONS OF LAW.—To report possible violations of any law to appropriate Federal, State, or local authorities.

(16) EXPENDITURES.—To expend, to the extent that the special committee determines necessary and appropriate, any money made available to the special committee by the Senate to carry out this resolution.

(17) TAX RETURN INFORMATION.—To inspect and receive, in accordance with the procedures set forth in sections 6103(f)(3) and 6104(a)(2) of the Internal Revenue Code of 1986, any tax return or tax return information, held by the Secretary of the Treasury, if access to the particular tax-related information sought is necessary to the ability of the special committee to carry out section 1(b)(3)(B).

SEC. 6. PROTECTION OF CONFIDENTIAL INFORMATION.

(a) NONDISCLOSURE.—No member of the special committee or the staff of the special committee shall disclose, in whole or in part or by way of summary, to any person other than another member of the special committee or other staff of the special committee, for any purpose or in connection with any proceeding, judicial or otherwise, any testimony taken, including the names of witnesses testifying, or material presented, in depositions or at closed hearings, or any confidential materials or information, unless authorized by the special committee or the chairman in concurrence with the ranking member.

(b) STAFF NONDISCLOSURE AGREEMENT.—All members of the staff of the special committee with access to confidential information within the control of the special committee shall, as a condition of employment, agree in writing to abide by the conditions of this section and any nondisclosure agreement promulgated by the special committee that is consistent with this section.

(c) SANCTIONS.—

(1) MEMBER SANCTIONS.—The case of any Senator who violates the security procedures of the special committee may be referred to the Select Committee on Ethics of the Senate for investigation and the imposition of sanctions in accordance with the rules of the Senate.

(2) STAFF SANCTIONS.—Any member of the staff of the special committee who violates the security procedures of the special committee shall immediately be subject to removal from office or employment with the special committee or such other sanction as may be provided in any rule issued by the special committee consistent with section 2(c).

(d) STAFF DEFINED.—For purposes of this section, the term "staff of the special committee" includes—

(1) all employees of the special committee;

(2) all staff designated by the members of the special committee to work on special committee business;

(3) all Senate staff assigned to special committee business pursuant to section 5(b)(13);

(4) all officers and employees of the Office of Senate Legal Counsel who are requested to work on special committee business; and

(5) all detailees and consultants to the special committee.

SEC. 7. RELATION TO OTHER INVESTIGATIONS.

(a) PURPOSES.—The purposes of this section are—

(1) to expedite the thorough conduct of the investigation, study, and hearings authorized by this resolution;

(2) to promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) to engender a high degree of confidence on the part of the public regarding the conduct of such investigation, study, and hearings.

(b) SPECIAL COMMITTEE ACTIONS.—To carry out the purposes stated in subsection (a), the special committee is encouraged—

(1) to obtain relevant information concerning the status of the investigation of the independent counsel, to assist in establishing a hearing schedule for the special committee; and

(2) to coordinate, to the extent practicable, the activities of the special committee with the investigation of the independent counsel.

SEC. 8. SALARIES AND EXPENSES.

A sum equal to not more than $1,000,000 for the period beginning on the date of adoption of this resolution and ending on February 28, 2006, shall be made available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the special committee under this resolution, which shall include not more than $750,000 for the procurement of the services of individual consultants or organizations thereof, in accordance with section 5(b)(11). Payment of expenses shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

SEC. 9. REPORTS; TERMINATION.

(a) COMPLETION OF DUTIES.—

(1) IN GENERAL.—The special committee shall make every reasonable effort to complete, not later than February 1, 2006, the investigation, study, and hearings authorized by section 1.

(2) EVALUATION OF PROGRESS.—The special committee shall evaluate the progress and status of the investigation, study, and hearings authorized by section 1 and, not later than January 15, 2006, make recommendations with respect to the authorization of additional funds for a period following February 28, 2006. If the special committee requests the authorization of additional funds for a period following February 28, 2006, the majority leader and the minority leader shall meet and determine the appropriate timetable and procedures for the Senate to vote on any such request.

(b) FINAL REPORT.—

(1) SUBMISSION.—The special committee shall promptly submit a final public report to the Senate of the results of the investigation, study, and hearings conducted by the special committee pursuant to this resolution, together with its findings and any recommendations.

(2) CONFIDENTIAL INFORMATION.—The final report of the special committee may be accompanied by such confidential annexes as are necessary to protect confidential information.

(3) CONCLUSION OF BUSINESS.—After submission of its final report, the special committee shall promptly conclude its business and close out its affairs.

(c) RECORDS.—Upon the conclusion of the special committee's business and the closing out of its affairs, all records, files, documents, and other materials in the possession, custody, or control of the special committee shall remain under the control of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.

SEC. 10. COMMITTEE JURISDICTION AND RULE XXV.

The jurisdiction of the special committee is granted pursuant to this resolution, notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

SENATE RESOLUTION 480—EXTENDING THE AUTHORITY FOR THE SENATE NATIONAL SECURITY WORKING GROUP

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was submitted and read:

S. RES. 480

Resolved, That Senate Resolution 105 of the One Hundred First Congress, 1st session (agreed to on April 13, 1989), as amended by Senate Resolution 149 of the One Hundred Third Congress, 1st session (agreed to on October 5, 1993), as further amended by Senate Resolution 75 of the One Hundred Sixth Congress, 1st session (agreed to on March 25, 1999), as further amended by Senate Resolution 383 of the One Hundred Sixth Congress, 2d session (agreed to on October 27, 2000), and as further amended by Senate Resolution 355 of the One Hundred Seventh Congress, 2d session (agreed to on November 13, 2002), is further amended—

(1) in section (1)(a)(3)—

(A) by striking subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (A) the following new subparagraphs:

"(B) The Working Group may also study any issues related to national security that the Majority Leader and Minority Leader jointly determine appropriate.

"(C) In addition, the Working Group is encouraged to consult with parliamentarians and legislators of foreign nations and to participate in international forums and institutions regarding the matters described in subparagraphs (A) and (B).";

(2) by striking each section designated as section 4; and

(3) by adding at the end the following new section:

"SEC. 4. The provisions of this resolution shall remain in effect until December 31, 2006.".

SENATE RESOLUTION 481—EXPRESSING THE GRATITUDE AND APPRECIATION OF THE SENATE FOR THE ACTS OF HEROISM AND MILITARY ACHIEVEMENT OF MAJOR RICHARD D. WINTERS (RET.) DURING WORLD WAR II, AND COMMENDING HIM FOR LEADERSHIP AND VALOR IN LEADING THE MEN OF EASY COMPANY

Mr. SANTORUM submitted the following resolution: which was submitted and read:

S. RES. 481

Whereas historians have written that World War II began on September 1, 1939, when Nazi Germany, without a declaration of war, invaded Poland: and following Poland's surrender, the Nazis quickly moved to invade and occupy Denmark, Norway, Luxembourg, the Netherlands, and Belgium;

Whereas following the Japanese sneak attack on the United States at Pearl Harbor, Hawaii on December 7, 1941, the United States declared war on Japan and entered the conflict on the side of freedom and democracy;

Whereas when the fate of the free world was in jeopardy as a direct result of Adolf Hitler and the Nazi regime's desire for world conquest, the "greatest generation ever" took up the task of ridding the world of Nazi and Fascist regimes;

Whereas in 1944 the military forces of the United States, the United Kingdom, and Canada landed at 5 beaches (Utah Beach, Omaha Beach, Gold Beach, Juno Beach, and Sword Beach) in Normandy, France with the goal of liberating Europe from the Nazi forces;

Whereas according to military historians, in preparation for the amphibious invasion at Normandy, Allied planes pounded the Nazi defenders and dropped thousands of paratroopers behind German lines the night before the seaborne landings;

Whereas Major Richard D. Winters (Ret.), a native of Lancaster, Pennsylvania and a graduate of Franklin & Marshall College, served the United States honorably and with great distinction as 1st Lieutenant, Company E, 2nd Battalion, 506th Parachute Infantry Regiment, 101st Airborne Division;

Whereas landing at the town of Ste. Mere-Eglise on June 6, 1944, Lieutenant Winters took command of "Easy Company" following the death of the company commander in the airborne drop, and received orders to destroy a four-gun battery of German 105mm howitzers at a French farmhouse named "Brecourt Manor", 3 kilometers from Ste. Marie-du-Mont;

Whereas Lieutenant Winters, with only 12 men, proceeded to assault this enemy battery which was directing heavy fire against the 4th Infantry Division as they landed on Utah Beach;

Whereas against great odds, and through extraordinary bravery, Lieutenant Winters and his men were able to overcome a platoon of 50 elite German soldiers guarding the battery;

Whereas Lieutenant Winters personally led the attack and repeatedly exposed himself directly to enemy fire while performing his military duties;

Whereas this gallant action by Lieutenant Winters and his men, 4 of whom gave their lives, and 2 of whom were wounded, saved countless lives among the soldiers of the 4th Infantry Division; and

Whereas Lieutenant Richard D. Winters received the Distinguished Service Cross in recognition of his outstanding military service and achievement during the Normandy campaign: Now, therefore, be it

Resolved, That the Senate—

(1) salutes the accomplishments of Lieutenant Richard D. Winters and the men of "Easy Company" for their actions to ensure control over Utah Beach at Normandy;

(2) commends the heroism and bravery shown by Lieutenant Richard D. Winters in the face of death and severe hardship to accomplish his mission and save the lives of Allied Forces landing at Utah Beach;

(3) acknowledges the historical achievements of Lieutenant Richard D. Winters and the men of "Easy Company" in assuring the success of the Allied Normandy campaign, begun on June 6, 1944; and

(4) expresses its gratitude for the selfless service of Lieutenant Richard D. Winters, the men of "Easy Company," and all veterans who served in World War II in restoring freedom to the world and for defeating the elements of evil and oppression.

SENATE RESOLUTION 482—CONGRATULATING THE BOSTON RED SOX ON WINNING THE 2004 WORLD SERIES

Mr. KENNEDY (for himself, Mr. REED, Mr. KERRY, Mr. DODD, Mr. JEFFORDS, Mr. SUNUNU, and Mr. CHAFEE) submitted the following resolution; which was submitted and read:

S. RES. 482

Whereas on October 27, 2004, the Boston Red Sox won their first World Series title in 86 years in a four-game sweep of the St. Louis Cardinals;

Whereas the Red Sox won their sixth world title in the 104-year history of the storied franchise;

Whereas the 2004 Red Sox World Champion team epitomized sportsmanship, selfless play, team spirit, determination, and heart in the course of winning 98 games in the regular season and clinching the American League Wild Card playoff berth;

Whereas the 2004 Red Sox World Champion team honored the careers of all former Red Sox legends, including Joe Cronin, Bobby Doerr, Carlton Fisk, Jimmie Foxx, Carl Yastrzemski, Cy Young, Johnny Pesky, Dom DiMaggio, Jim Rice, and Ted Williams;

Whereas the 2004 postseason produced new Red Sox legends, including Derek Lowe, Pedro Martinez, Curt Schilling, Tim Wakefield, Jason Varitek, Keith Foulke, Manny Ramirez, David Ortiz, Johnny Damon, Trot Nixon, Orlando Cabrera, Kevin Millar, Mike Timlin, Alan Embree, Mark Bellhorn, Bill Mueller, and Dave Roberts;

Whereas Red Sox Manager Terry Francona brought fresh leadership to the clubhouse this year, and brought together a self-proclaimed "band of idiots" and made them into one of the greatest Red Sox teams of all time;

Whereas Red Sox owners John Henry and Tom Werner and Red Sox President and Chief Executive Officer Larry Lucchino never wavered from their goal of bringing a World Series Championship to Boston;

Whereas Red Sox General Manager Theo Epstein assembled a team with strong pitching, a crushing offense, and most important, the heart and soul of a champion;

Whereas the Red Sox never trailed in any of the 36 innings of the World Series;

Whereas the Red Sox set a new major league record by winning eight consecutive games in the postseason;

Whereas Derek Lowe, Pedro Martinez, and Curt Schilling delivered gutsy pitching performances in the postseason worthy of their status as some of the best pitchers in Red Sox history;

Whereas the Red Sox starting pitching in Games 2, 3, and 4 of the World Series had a combined earned run average of 0.00;

Whereas Manny Ramirez won the 2004 World Series Most Valuable Player award in the World Series after batting .350 in the postseason with two home runs and 11 runs batted in;

Whereas the Red Sox staged the greatest comeback in baseball history in the American League Championship Series against their rivals, the New York Yankees, by winning four consecutive games after losing the first three games of the series;

Whereas the Red Sox prevailed in four consecutive American League Championship Series games, while producing some of the most memorable moments in sports history, including Dave Roberts stealing second base in the bottom of the ninth inning of Game 4, David Ortiz securing a walk-off home run in the 12th inning of Game 4, David Ortiz singling in the winning run in the bottom of the 14th inning in Game 5, and Johnny Damon making a grand slam in Game 7;

Whereas the entire Red Sox organization has a strong commitment to charitable causes in New England, demonstrated by the team's 51-year support of the Dana-Farber Cancer Institute's Jimmy Fund in the fight against childhood cancers;

Whereas fans of the Red Sox do not live only in Boston or New England, but all across the country and the world, and a grateful "Red Sox Nation" thanks the team for bringing a World Championship home to Boston;

Whereas the 2004 Boston Red Sox and their loyal fans believed; and

Whereas this IS next year: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the Boston Red Sox for winning the 2004 Major League Baseball World Series and for their incredible performance during the 2004 Major League Baseball season; and

(B) the eight Major League Baseball teams that played in the postseason;

(2) recognizes the achievements of the Boston Red Sox players, manager, coaches, and support staff whose hard work, dedication, and spirit made this all possible;

(3) commends—

(A) the St. Louis Cardinals for a valiant performance during the 2004 season and the World Series; and

(B) the fans and management of the St. Louis Cardinals for allowing the Red Sox fans from Boston and around the Nation to celebrate their first title in 86 years at their home field; and

(4) directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2004 Boston Red Sox team;

(B) Red Sox Manager Terry Francona;

(C) Red Sox General Manager Theo Epstein;

(D) Red Sox President and Chief Executive Officer Larry Lucchino;

(E) Red Sox Principal Owner John Henry; and

(F) Red Sox Chairman Tom Werner.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4074. Mr. MCCAIN proposed an amendment to the bill S. 3021, to provide for the protection of intellectual property rights, and for other purposes.

SA 4075. Mr. MCCAIN (for Ms. COLLINS) proposed an amendment to the bill S. 2657, to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

SA 4076. Mr. STEVENS proposed an amendment to the concurrent resolution H. Con. Res. 528, Official Title Not Available.

SA 4077. Mr. FRIST (for Ms. COLLINS (for herself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2635, to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of the United States and to address the homeland security needs of Federal, State, and local governments.

SA 4078. Mr. FRIST (for Mr. INOUYE) proposed an amendment to the bill S. 2488, to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

SA 4079. Mr. FRIST proposed an amendment to the concurrent resolution H. Con. Res. 529, Official Title Not Available.

TEXT OF AMENDMENTS

SA 4074. Mr. MCCAIN proposed an amendment to the bill S. 3021, to provide for the protection of intellectual property rights, and for other purposes; as follows:

TITLE II—PROFESSIONAL BOXING SAFETY

SEC. 201. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Professional Boxing Amendments Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 201. Short title; table of contents.
Sec. 202. Amendment of Professional Boxing Safety Act of 1996.
Sec. 203. Definitions.
Sec. 204. Purposes.
Sec. 205. United States Boxing Commission approval, or ABC or commission sanction, required for matches.
Sec. 206. Safety standards.
Sec. 207. Registration.
Sec. 208. Review.
Sec. 209. Reporting.
Sec. 210. Contract requirements.
Sec. 211. Coercive contracts.
Sec. 212. Sanctioning organizations.
Sec. 213. Required disclosures by sanctioning organizations.
Sec. 214. Required disclosures by promoters and broadcasters.
Sec. 215. Judges and referees.
Sec. 216. Medical registry.
Sec. 217. Conflicts of interest.
Sec. 218. Enforcement.
Sec. 219. Repeal of deadwood.
Sec. 220. Recognition of tribal law.
Sec. 221. Establishment of United States Boxing Commission.
Sec. 222. Study and report on definition of promoter.
Sec. 223. Effective date.

SEC. 202. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

SEC. 203. DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) COMMISSION.—The term 'Commission' means the United States Boxing Commission.

"(2) BOUT AGREEMENT.—The term 'bout agreement' means a contract between a promoter and a boxer that requires the boxer to participate in a professional boxing match for a particular date.

"(3) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

"(4) BOXING COMMISSION.—The term 'boxing commission' means an entity authorized under State or tribal law to regulate professional boxing matches.

"(5) BOXER REGISTRY.—The term 'boxer registry' means any entity certified by the Commission for the purposes of maintaining records and identification of boxers.

"(6) BOXING SERVICE PROVIDER.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

"(7) CONTRACT PROVISION.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

"(8) INDIAN LANDS; INDIAN TRIBE.—The terms 'Indian lands' and 'Indian tribe' have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

"(9) LICENSEE.—The term 'licensee' means an individual who serves as a trainer, corner man, second, or cut man for a boxer.

"(10) MANAGER.—The term 'manager' means a person other than a promoter who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

"(11) MATCHMAKER.—The term 'matchmaker' means a person that proposes, selects, and arranges for boxers to participate in a professional boxing match.

"(12) PHYSICIAN.—The term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action and who has training and experience in dealing with sports injuries, particularly head trauma.

"(13) PROFESSIONAL BOXING MATCH.—The term 'professional boxing match' means a boxing contest held in the United States between individuals for financial compensation. The term 'professional boxing match' does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Commission.

"(14) PROMOTER.—The term 'promoter'—

"(A) means the person primarily responsible for organizing, promoting, and producing a professional boxing match; but

"(B) does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

"(i) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

"(ii) there is no other person primarily responsible for organizing, promoting, and producing the match.

"(15) PROMOTIONAL AGREEMENT.—The term 'promotional agreement' means a contract, for the acquisition of rights relating to a boxer's participation in a professional boxing match or series of boxing matches (including the right to sell, distribute, exhibit, or license the match or matches), with—

"(A) the boxer who is to participate in the match or matches; or

"(B) the nominee of a boxer who is to participate in the match or matches, or the nominee is an entity that is owned, controlled or held in trust for the boxer unless that nominee or entity is a licensed promoter who is conveying a portion of the rights previously acquired.

"(16) STATE.—The term 'State' means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

"(17) SANCTIONING ORGANIZATION.—The term 'sanctioning organization' means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

"(A) between boxers who are residents of different States; or

"(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

"(18) SUSPENSION.—The term 'suspension' includes within its meaning the temporary revocation of a boxing license.

"(19) TRIBAL ORGANIZATION.—The term 'tribal organization' has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).".

(b) CONFORMING AMENDMENT.—Section 21 (15 U.S.C. 6312) is amended to read as follows:

"SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization may establish a boxing commission to regulate professional boxing matches held on Indian land under the jurisdiction of that tribal organization.

"(b) STANDARDS AND LICENSING.—A tribal organization that establishes a boxing commission shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

"(1) the otherwise applicable requirements of the State in which the Indian land on which the professional boxing match is held is located; or

"(2) the guidelines established by the United States Boxing Commission.

"(c) APPLICATION OF ACT TO BOXING MATCHES ON TRIBAL LANDS.—The provisions of this Act apply to professional boxing matches held on tribal lands to the same extent and in the same way as they apply to professional boxing matches held in any State.".

SEC. 204. PURPOSES.

Section 3(2) (15 U.S.C. 6302(2)) is amended by striking "State".

SEC. 205. UNITED STATES BOXING COMMISSION APPROVAL, OR ABC OR COMMISSION SANCTION, REQUIRED FOR MATCHES.

(a) IN GENERAL.—Section 4 (15 U.S.C. 6303) is amended to read as follows:

"SEC. 4. APPROVAL OR SANCTION REQUIREMENT.

"(a) IN GENERAL.—No person may arrange, promote, organize, produce, or fight in a professional boxing match within the United States unless the match—

"(1) is approved by the Commission; and

"(2) is held in a State, or on tribal land of a tribal organization, that regulates professional boxing matches in accordance with standards and criteria established by the Commission.

"(b) APPROVAL PRESUMED.—

"(1) IN GENERAL.—For purposes of subsection (a), the Commission shall be presumed to have approved any match other than—

"(A) a match with respect to which the Commission has been informed of an alleged violation of this Act and with respect to which it has notified the supervising boxing commission that it does not approve;

"(B) a match advertised to the public as a championship match;

"(C) a match scheduled for 10 rounds or more; or

"(D) a match in which 1 of the boxers has—

"(i) suffered 10 consecutive defeats in professional boxing matches; or

"(ii) has been knocked out 5 consecutive times in professional boxing matches.

"(2) DELEGATION OF APPROVAL AUTHORITY.—Notwithstanding paragraph (1), the Commission shall be presumed to have approved a match described in subparagraph (B), (C), or (D) of paragraph (1) if—

"(A) the Commission has delegated in writing its approval authority with respect to that match to a boxing commission; and

"(B) the boxing commission has approved the match.

"(3) KNOCKED-OUT DEFINED.—Except as may be otherwise provided by the Commission by rule, in paragraph (1)(D)(ii), the term 'knocked out' means knocked down and unable to continue after a count of 10 by the referee or stopped from continuing because of a technical knockout.".

(b) CONFORMING AMENDMENT.—Section 19 (15 U.S.C. 6310) is repealed.

SEC. 206. SAFETY STANDARDS.

Section 5 (15 U.S.C. 6304) is amended—

(1) by striking "requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:" and inserting "requirements:";

(2) by adding at the end of paragraph (1) "The examination shall include testing for infectious diseases in accordance with standards established by the Commission.";

(3) by striking paragraph (2) and inserting the following:

"(2) An ambulance continuously present on site.";

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

"(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site."; and

(5) by striking "match." in paragraph (5), as redesignated, and inserting "match in an amount prescribed by the Commission.".

SEC. 207. REGISTRATION.

Section 6 (15 U.S.C. 6305) is amended—

(1) by inserting "or Indian tribe" after "State" the second place it appears in subsection (a)(2);

(2) by striking the first sentence of subsection (c) and inserting "A boxing commission shall, in accordance with requirements established by the Commission, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.";

(3) by striking "should" in the second sentence of subsection (c) and inserting "shall, at a minimum,"; and

(4) by adding at the end the following:

"(d) COPY OF REGISTRATION AND IDENTIFICATION CARDS TO BE SENT TO COMMISSION.—A boxing commission shall furnish a copy of each registration received under subsection (a), and each identification card issued under subsection (b), to the Commission.".

SEC. 208. REVIEW.

Section 7 (15 U.S.C. 6306) is amended—

(1) by striking "that, except as provided in subsection (b), no" in subsection (a)(2) and inserting "that no";

(2) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

"(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.";

(3) by striking subsection (b); and

(4) by striking "(a) PROCEDURES.—".

SEC. 209. REPORTING.

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking "48 business hours" and inserting "2 business days";

(2) by striking "bxoing" and inserting "boxing"; and

(3) by striking "each boxer registry." and inserting "the Commission.".

SEC. 210. CONTRACT REQUIREMENTS.

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

"SEC. 9. CONTRACT REQUIREMENTS.

"(a) IN GENERAL.—The Commission, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxer-manager contract, and promotional agreement. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

"(b) FILING AND APPROVAL REQUIREMENTS.—

"(1) COMMISSION.—A manager or promoter shall submit a copy of each boxer-manager contract and each promotional agreement between that manager or promoter and a boxer to the Commission, and, if requested, to the boxing commission with jurisdiction over the bout.

"(2) BOXING COMMISSION.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and approved by it.

"(c) BOND OR OTHER SURETY.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission.".

SEC. 211. COERCIVE CONTRACTS.

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting "OR ELIMINATION" after "MANDATORY" in the heading of subsection (b); and

(3) by inserting "or elimination" after "mandatory" in subsection (b).

SEC. 212. SANCTIONING ORGANIZATIONS.

(a) IN GENERAL.—Section 11 (15 U.S.C. 6307c) is amended to read as follows:

"SEC. 11. SANCTIONING ORGANIZATIONS.

"(a) OBJECTIVE CRITERIA.—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2004, the Commission shall develop guidelines for objective and consistent written criteria for the rating of professional boxers based on the athletic merits and professional record of the boxers. Within 90 days after the Commission's promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.

"(b) NOTIFICATION OF CHANGE IN RATING.—A sanctioning organization shall, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers—

"(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, including an explanation of the change, for a period of not less than 30 days;

"(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Commission;

"(3) provide the boxer an opportunity to appeal the ratings change to the sanctioning organization; and

"(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.

"(c) CHALLENGE OF RATING.—If, after disposing with an appeal under subsection (b)(3), a sanctioning organization receives a petition from a boxer challenging that organization's rating of the boxer, it shall (except to the extent otherwise required by the Commission), within 7 days after receiving the petition—

"(1) provide to the boxer a written explanation under penalty of perjury of the organization's rating criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer); and

"(2) submit a copy of its explanation to the Association of Boxing Commissions and the Commission for their review.".

(b) CONFORMING AMENDMENTS.—Section 18(e) (15 U.S.C. 6309(e)) is amended—

(1) by striking "FEDERAL TRADE COMMISSION," in the subsection heading and inserting "UNITED STATES BOXING COMMISSION"; and

(2) by striking "Federal Trade Commission," in paragraph (1) and inserting "United States Boxing Commission,".

SEC. 213. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.

Section 12 (15 U.S.C. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting "Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization, if any, for that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match, a written statement of—";

(2) by striking “will assess” in paragraph (1) and inserting “has assessed, or will assess,”; and

(3) by striking “will receive” in paragraph (2) and inserting “has received, or will receive,”.

SEC. 214. REQUIRED DISCLOSURES BY PROMOTERS AND BROADCASTERS.

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking “promoters.” in the section caption and inserting “promoters and broadcasters.”;

(2) by striking so much of subsection (a) as precedes paragraph (1) and inserting the following:

“(a) Disclosures to Boxing Commissions and the Commission.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match—”;

(3) by striking “writing.” in subsection (a)(1) and inserting “writing, other than a bout agreement previously provided to the commission.”;

(4) by striking “all fees, charges, and expenses that will be” in subsection (a)(3)(A) and inserting “a written statement of all fees, charges, and expenses that have been, or will be,”;

(5) by inserting “a written statement of” before “all” in subsection (a)(3)(B);

(6) by inserting “a statement of” before “any” in subsection (a)(3)(C);

(7) by striking the matter in subsection (b) following “Boxer.—” and preceding paragraph (1) and inserting “Within 7 days after a professional boxing match of 10 rounds or more, the promoter of the match shall provide to each boxer participating in the bout or match with whom the promoter has a bout or promotional agreement a statement of—”;

(8) by striking “match;” in subsection (b)(1) and inserting “match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match;”; and

(9) by adding at the end the following:

“(d) Required Disclosures by Broadcasters.—

“(1) In general.—A broadcaster that owns the television broadcast rights for a professional boxing match of 10 rounds or more shall, within 7 days after that match, provide to the Commission—

“(A) a statement of any advance, guarantee, or license fee paid or owed by the broadcaster to a promoter in connection with that match;

“(B) a copy of any contract executed by or on behalf of the broadcaster with—

“(i) a boxer who participated in that match; or

“(ii) the boxer's manager, promoter, promotional company, or other representative or the owner or representative of the site of the match; and

“(C) a list identifying sources of income received from the broadcast of the match.

“(2) Copy to boxing commission.—Upon request from the boxing commission in the State or Indian land responsible for regulating a match to which paragraph (1) applies, a broadcaster shall provide the information described in paragraph (1) to that boxing commission.

“(3) Confidentiality.—The information provided to the Commission or to a boxing commission pursuant to this subsection shall be confidential and not revealed by the Commission or a boxing commission, except that the Commission may publish an analysis of the data in aggregate form or in a manner which does not disclose confidential information about identifiable broadcasters.

“(4) Television broadcast rights.—In paragraph (1), the term ‘television broadcast rights’ means the right to broadcast the match, or any part thereof, via a broadcast station, cable service, or multichannel video programming distributor as such terms are defined in section 3(5), 602(6), and 602(13) of the Communications Act of 1934 (47 U.S.C. 153(5), 602(6), and 602(13), respectively).”.

SEC. 215. JUDGES AND REFEREES.

(a) In General.—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting “(a) Licensing and Assignment Requirement.—” before “No person”;

(2) by striking “certified and approved” and inserting “selected”;

(3) by inserting “or Indian lands” after “State”; and

(4) by adding at the end the following:

“(b) Championship and 10-Round Bouts.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Commission.

“(c) Role of Sanctioning Organization.—A sanctioning organization may provide a list of judges and referees deemed qualified by that organization to a boxing commission, but the boxing commission shall select, license, and appoint the judges and referees participating in the match.

“(d) Assignment of Nonresident Judges and Referees.—A boxing commission may assign judges and referees who reside outside that commission's State or Indian land.

“(e) Required Disclosure.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian land a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Commission.”.

(b) Conforming Amendment.—Section 14 (15 U.S.C. 6307f) is repealed.

SEC. 216. MEDICAL REGISTRY.

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

“SEC. 14. MEDICAL REGISTRY.

“(a) In General.—The Commission shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.

“(b) Content; Submission.—The Commission shall determine—

“(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and

“(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

“(c) Confidentiality.—The Commission shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—

“(1) protect the health and safety of boxers by making relevant information available to the boxing commissions for use but not public disclosure; and

“(2) ensure that the privacy of the boxers is protected.”.

SEC. 217. CONFLICTS OF INTEREST.

Section 17 (15 U.S.C. 6308) is amended—

(1) by striking “enforces State boxing laws,” in subsection (a) and inserting “implements State or tribal boxing laws, no officer or employee of the Commission,”;

(2) by striking “belong to,” and inserting “hold office in,” in subsection (a);

(3) by striking the last sentence of subsection (a);

(4) by striking subsection (b) and inserting the following:

“(b) Boxers.—A boxer may not own or control, directly or indirectly, an entity that promotes the boxer's bouts if that entity is responsible for—

“(1) executing a bout agreement or promotional agreement with the boxer's opponent; or

“(2) providing any payment or other compensation to—

“(A) the boxer's opponent for participation in a bout with the boxer;

“(B) the boxing commission that will regulate the bout; or

“(C) ring officials who officiate at the bout.”.

SEC. 218. ENFORCEMENT.

Section 18 (15 U.S.C. 6309) is amended—

(1) by striking “(a) Injunctions.—” in subsection (a) and inserting “(a) Actions by Attorney General.—”;

(2) by striking “enforces State boxing laws,” in subsection (b)(3) and inserting “implements State or tribal boxing laws, any officer or employee of the Commission,”;

(3) by inserting “has engaged in or” after “organization” in subsection (c);

(4) by striking “subsection (b)” in subsection (c)(3) and inserting “subsection (b), a civil penalty, or”; and

(5) by striking “boxer” in subsection (d) and inserting “person”.

SEC. 219. REPEAL OF DEADWOOD.

Section 20 (15 U.S.C. 6311) is repealed.

SEC. 220. RECOGNITION OF TRIBAL LAW.

Section 22 (15 U.S.C. 6313) is amended—

(1) by insert “or tribal” in the section heading after “state”; and

(2) by inserting “or Indian tribe” after “State”.

SEC. 221. ESTABLISHMENT OF UNITED STATES BOXING COMMISSION.

(a) In General.—The Act is amended by adding at the end the following:

“TITLE II—UNITED STATES BOXING COMMISSION

“SEC. 201. PURPOSE.

“The purpose of this title is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.

“SEC. 202. UNITED STATES BOXING COMMISSION.

“(a) In General.—The United States Boxing Commission is established as a commission within the Department of Commerce.

“(b) Members.—

“(1) In general.—The Commission shall consist of 3 members appointed by the President, by and with the advice and consent of the Senate.

“(2) Qualifications.—

“(A) In general.—Each member of the Commission shall be a citizen of the United States who—

“(i) has extensive experience in professional boxing activities or in a field directly related to professional sports;

“(ii) is of outstanding character and recognized integrity; and

“(iii) is selected on the basis of training, experience, and qualifications and without regard to political party affiliation.

“(B) Specific qualifications for certain members.—At least 1 member of the Commission shall be a former member of a local boxing authority. If practicable, at least 1 member of the Commission shall be a physician or other health care professional duly licensed as such.

“(C) Disinterested persons.—No member of the Commission may, while serving as a member of the Commission—

“(i) be engaged as a professional boxer, boxing promoter, agent, fight manager, matchmaker, referee, judge, or in any other capacity in the conduct of the business of professional boxing;

“(ii) have any pecuniary interest in the earnings of any boxer or the proceeds or outcome of any boxing match; or

“(iii) serve as a member of a boxing commission.

“(3) Bipartisan membership.—Not more than 2 members of the Commission may be members of the same political party.

“(4) Geographic balance.—Not more than 2 members of the Commission may be residents of the same geographic region of the United States when appointed to the Commission. For purposes of the preceding sentence, the area of the United States east of the Mississippi River is a geographic region, and the area of the United States west of the Mississippi River is a geographic region.

“(5) Terms.—

“(A) In general.—The term of a member of the Commission shall be 3 years.

“(B) Reappointment.—Members of the Commission may be reappointed to the Commission.

“(C) Midterm vacancies.—A member of the Commission appointed to fill a vacancy in the Commission occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that unexpired term.

“(D) Continuation pending replacement.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

“(6) Removal.—A member of the Commission may be removed by the President only for cause.

“(c) Executive Director.—

“(1) In general.—The Commission shall employ an Executive Director to perform the administrative functions of the Commission under this Act, and such other functions and duties of the Commission as the Commission shall specify.

“(2) Discharge of functions.—Subject to the authority, direction, and control of the Commission the Executive Director shall carry out the functions and duties of the Commission under this Act.

“(d) General Counsel.—The Commission shall employ a General Counsel to provide legal counsel and advice to the Executive Director and the Commission in the performance of its functions under this Act, and to carry out such other functions and duties as the Commission shall specify.

“(e) Staff.—The Commission shall employ such additional staff as the Commission considers appropriate to assist the Executive Director and the General Counsel in carrying out the functions and duties of the Commission under this Act.

“(f) Compensation.—

“(1) Members of commission.—

“(A) In general.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

“(B) Travel expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

“(2) Executive director and staff.—The Commission shall fix the compensation of the Executive Director, the General Counsel, and other personnel of the Commission. The rate of pay for the Executive Director, the General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“SEC. 203. FUNCTIONS.

“(a) Primary functions.—The primary functions of the Commission are—

“(1) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and

“(2) to ensure uniformity, fairness, and integrity in professional boxing.

“(b) Specific functions.—The Commission shall—

“(1) administer title I of this Act;

“(2) promulgate uniform standards for professional boxing in consultation with the Association of Boxing Commissions;

“(3) except as otherwise determined by the Commission, oversee all professional boxing matches in the United States;

“(4) work with the boxing commissions of the several States and tribal organizations—

“(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

“(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

“(C) to improve the status and standards of professional boxing in the United States;

“(5) ensure, in cooperation with the Attorney General (who shall represent the Commission in any judicial proceeding under this Act), the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

“(6) review boxing commission regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Commission under this title;

“(7) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

“(8) if the Commission determines it to be appropriate, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Commission;

“(9) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Commission determines to be reasonable; and

“(10) promulgate rules, regulations, and guidance, and take any other action necessary and proper to accomplish the purposes of, and consistent with, the provisions of this title.

“(c) Prohibitions.—The Commission may not—

“(1) promote boxing events or rank professional boxers; or

“(2) provide technical assistance to, or authorize the use of the name of the Commission by, boxing commissions that do not comply with requirements of the Commission.

“(d) Use of name.—The Commission shall have the exclusive right to use the name ‘United States Boxing Commission’. Any person who, without the permission of the Commission, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Commission for the purpose of inducing the sale or exchange of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Commission for the remedies provided in the Act of July 5, 1946 (commonly known as the ‘Trademark Act of 1946’; 15 U.S.C. 1051 et seq.).

“SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

“(a) Licensing.—

“(1) Requirement for license.—No person may compete in a professional boxing match or serve as a boxing manager, boxing promoter, or sanctioning organization for a professional boxing match except as provided in a license granted to that person under this subsection.

“(2) Application and term.—

“(A) In general.—The Commission shall—

“(i) establish application procedures, forms, and fees;

“(ii) establish and publish appropriate standards for licenses granted under this section; and

“(iii) issue a license to any person who, as determined by the Commission, meets the standards established by the Commission under this title.

“(B) Duration.—A license issued under this section shall be for a renewable—

“(i) 4-year term for a boxer; and

“(ii) 2-year term for any other person.

“(C) Procedure.—The Commission may issue a license under this paragraph through boxing commissions or in a manner determined by the Commission.

“(b) Licensing fees.—

“(1) Authority.—The Commission may prescribe and charge reasonable fees for the licensing of persons under this title. The Commission may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Commission.

“(2) Limitations.—In setting and charging fees under paragraph (1), the Commission shall ensure that, to the maximum extent practicable—

“(A) club boxing is not adversely effected;

“(B) sanctioning organizations and promoters pay comparatively the largest portion of the fees; and

“(C) boxers pay as small a portion of the fees as is possible.

“(3) Collection.—Fees established under this subsection may be collected through boxing commissions or by any other means determined appropriate by the Commission.

“SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.

“(a) Requirement for registry.—The Commission shall establish and maintain (or authorize a third party to establish and maintain) a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

“(b) Contents.—The information in the registry shall include the following:

“(1) Boxers.—A list of professional boxers and data in the medical registry established under section 114 of this Act, which the Commission shall secure from disclosure in accordance with the confidentiality requirements of section 114(c).

"(2) OTHER PERSONNEL.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Commission as performing a professional activity for professional boxing matches.

"SEC. 206. CONSULTATION REQUIREMENTS.

"The Commission shall consult with the Association of Boxing Commissions—

"(1) before prescribing any regulation or establishing any standard under the provisions of this title; and

"(2) not less than once each year regarding matters relating to professional boxing.

"SEC. 207. MISCONDUCT.

"(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—

"(1) AUTHORITY.—The Commission may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Commission finds that—

"(A) the license holder has violated any provision of this Act;

"(B) there are reasonable grounds for belief that a standard prescribed by the Commission under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license; or

"(C) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest.

"(2) PERIOD OF SUSPENSION.—

"(A) IN GENERAL.—A suspension of a license under this section shall be effective for a period determined appropriate by the Commission except as provided in subparagraph (B).

"(B) SUSPENSION FOR MEDICAL REASONS.—In the case of a suspension or denial of the license of a boxer for medical reasons by the Commission, the Commission may terminate the suspension or denial at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Commission shall prescribe the standards and procedures for accepting certifications under this subparagraph.

"(3) PERIOD OF REVOCATION.—In the case of a revocation of the license of a boxer, the revocation shall be for a period of not less than 1 year.

"(b) INVESTIGATIONS AND INJUNCTIONS.—

"(1) AUTHORITY.—The Commission may—

"(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this Act or any regulation prescribed under this Act;

"(B) require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated;

"(C) in its discretion, publish information concerning any violations; and

"(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this Act, in the prescribing of regulations under this Act, or in securing information to serve as a basis for recommending legislation concerning the matters to which this Act relates.

"(2) POWERS.—

"(A) IN GENERAL.—For the purpose of any investigation under paragraph (1) or any other proceeding under this title—

"(i) any officer designated by the Commission may administer oaths and affirmations, subpoena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records the Commission considers relevant or material to the inquiry; and

"(ii) the provisions of sections 6002 and 6004 of title 18, United States Code, shall apply.

"(B) WITNESSES AND EVIDENCE.—The attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the United States, including Indian land, at any designated place of hearing.

"(3) ENFORCEMENT OF SUBPOENAS.—

"(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may file an action in any district court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Commission to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

"(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that court.

"(C) PROCESS.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

"(4) EVIDENCE OF CRIMINAL MISCONDUCT.—

"(A) IN GENERAL.—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Commission, in obedience to the subpoena of the Commission, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

"(B) LIMITED IMMUNITY.—No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning the matter about which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(5) INJUNCTIVE RELIEF.—If the Commission determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this Act, or of any regulation prescribed under this Act, the Commission may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

"(6) MANDAMUS.—Upon application of the Commission, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Commission.

"(c) INTERVENTION IN CIVIL ACTIONS.—

"(1) IN GENERAL.—The Commission, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a district court of the United States.

"(2) AMICUS FILING.—The Commission may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

"(d) HEARINGS BY COMMISSION.—Hearings conducted by the Commission under this Act shall be public and may be held before any officer of the Commission. The Commission shall keep appropriate records of the hearings.

"SEC. 208. NONINTERFERENCE WITH BOXING COMMISSIONS.

"(a) NONINTERFERENCE.—Nothing in this Act prohibits any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this Act.

"(b) MINIMUM STANDARDS.—Nothing in this Act prohibits any boxing commission from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Commission under this Act.

"SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

"Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Commission, upon the request of the Commission, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

"SEC. 210. REPORTS.

"(a) ANNUAL REPORT.—The Commission shall submit a report on its activities to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include—

"(1) a detailed discussion of the activities of the Commission for the year covered by the report; and

"(2) an overview of the licensing and enforcement activities of the State and tribal organization boxing commissions.

"(b) PUBLIC REPORT.—The Commission shall annually issue and publicize a report of the Commission on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing, which shall include comments on issues of continuing concern to the Commission.

"(c) FIRST ANNUAL REPORT ON THE COMMISSION.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

"SEC. 211. INITIAL IMPLEMENTATION.

"(a) TEMPORARY EXEMPTION.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

"(b) EXPIRATION.—The exemption under subsection (a) with respect to a license issued by a boxing commission expires on the earlier of—

"(A) the date on which the license expires; or

"(B) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2004.

"SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated for the Commission for each fiscal year such sums as may be necessary for the Commission to perform its functions for that fiscal year.

"(b) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

"(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

"(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

"(3) shall remain available until expended.".

(b) CONFORMING AMENDMENTS.—

(1) PBSA.—The Professional Boxing Safety Act of 1996, as amended by this Act, is further amended—

(A) by striking section 1 and inserting the following:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Professional Boxing Safety Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Section 1. Short title; table of contents.
"Sec. 2. Definitions.

"TITLE I—PROFESSIONAL BOXING SAFETY

"Sec. 101. Purposes.
"Sec. 102. Approval or sanction requirement.
"Sec. 103. Safety standards.
"Sec. 104. Registration.
"Sec. 105. Review.
"Sec. 106. Reporting.
"Sec. 107. Contract requirements.
"Sec. 108. Protection from coercive contracts.
"Sec. 109. Sanctioning organizations.
"Sec. 110. Required disclosures to State boxing commissions by sanctioning organizations.
"Sec. 111. Required disclosures by promoters and broadcasters.
"Sec. 112. Medical registry.
"Sec. 113. Confidentiality.
"Sec. 114. Judges and referees.
"Sec. 115. Conflicts of interest.
"Sec. 116. Enforcement.
"Sec. 117. Professional boxing matches conducted on Indian lands.
"Sec. 118. Relationship with State or Tribal law.

"TITLE II—UNITED STATES BOXING COMMISSION

"Sec. 201. Purpose.
"Sec. 202. United States Boxing Commission.
"Sec. 203. Functions.
"Sec. 204. Licensing and registration of boxing personnel.
"Sec. 205. National registry of boxing personnel.
"Sec. 206. Consultation requirements.
"Sec. 207. Misconduct.
"Sec. 208. Noninterference with boxing commissions
"Sec. 209. Assistance from other agencies.
"Sec. 210. Reports.
"Sec. 211. Initial implementation.
"Sec. 212. Authorization of appropriations.";

(B) by inserting before section 3 the following:

"TITLE I—PROFESSIONAL BOXING SAFETY";

(C) by redesignating sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 22 as sections 101 through 118, respectively;

(D) by striking subsection (a) of section 113, as redesignated, and inserting the following:

"(a) IN GENERAL.—Except to the extent required in a legal, administrative, or judicial proceeding, a boxing commission, an Attorney General, or the Commission may not disclose to the public any matter furnished by a promoter under section 111.";

(E) by striking "section 13" in subsection (b) of section 113, as redesignated, and inserting "section 111";

(F) by striking "9(b), 10, 11, 12, 13, 14, or 16," in paragraph (1) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114,";

(G) by striking "9(b), 10, 11, 12, 13, 14, or 16" in paragraph (2) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114";

(H) by striking "section 17(a)" in subsection (b)(3) of section 116, as redesignated, and inserting "section 115(a)";

(I) by striking "section 10" in subsection (e)(3) of section 116, as redesignated, and inserting "section 108"; and

(J) by striking "of this Act" each place it appears in sections 101 through 120, as redesignated, and inserting "of this title".

(2) COMPENSATION OF MEMBERS.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Members of the United States Boxing Commission.".

SEC. 222. STUDY AND REPORT ON DEFINITION OF PROMOTER.

(a) STUDY.—The United States Boxing Commission shall conduct a study on how the term "promoter" should be defined for purposes of the Professional Boxing Safety Act.

(b) HEARINGS.—As part of that study, the Commission shall hold hearings and solicit testimony at those hearings from boxers, managers, promoters, premium, cable, and satellite program service providers, hotels, casinos, resorts, and other commercial establishments that host or sponsor professional boxing matches, and other interested parties with respect to the definition of that term as it is used in the Professional Boxing Safety Act.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study conducted under subsection (a). The report shall—

(1) set forth a proposed definition of the term "promoter" for purposes of the Professional Boxing Safety Act; and

(2) describe the findings, conclusions, and rationale of the Commission for the proposed definition, together with any recommendations of the Commission, based on the study.

SEC. 223. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect on the date of enactment of this Act.

(b) 1-YEAR DELAY FOR CERTAIN TITLE II PROVISIONS.—Sections 205 through 212 of the Professional Boxing Safety Act of 1996, as added by section 221(a) of this title, shall take effect 1 year after the date of enactment of this Act.

SA 4075. Mr. MCCAIN (for Ms. COLLINS) proposed an amendment to the bill S. 2657, to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes; as follows:

On page 3, line 10, insert "or an employee organization defined under section 8901(8)" after "companies)".

On page 8, line 9, insert "area" after "delivery".

On page 12, line 15, strike "General Accounting Office" and insert "Government Accountability Office".

On page 13, line 1, strike "General Accounting Office" and insert "Government Accountability Office".

On page 15, line 4, insert "or an employee organization defined under section 8901(8)" after "companies)".

On page 19, line 20, "area" after "delivery".

On page 23, line 25, strike "General Accounting Office" and insert "Government Accountability Office".

On page 24, line 11, strike "General Accounting Office" and insert "Government Accountability Office".

On page 25, line 18, strike all through page 26, line 19.

On page 26, line 20, strike "**SEC. 7.**" and insert "**SEC. 6.**".

On page 27, line 7, strike "**SEC. 8.**" and insert "**SEC. 7.**".

SA 4076. Mr. STEVENS proposed an amendment to the concurrent resolution H. Con. Res. 528, Official Title Not Available; as follows:

Strike Section 222 of Title II of Division H.

SA 4077. Mr. FRIST (for Ms. COLLINS (for herself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2635, to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of the United States and to address the homeland security needs of Federal, State, and local governments; as follows:

On page 9, line 10, after "institution," insert "Department of Energy national laboratory,".

SA 4078. Mr. FRIST (for Mr. INOUYE) proposed an amendment to the bill S. 2488, to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes: as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Debris Research Prevention and Reduction Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The oceans, which comprise nearly three quarters of the Earth's surface, are an important source of food and provide a wealth of other natural products that are important to the economy of the United States and the world.

(2) Ocean and coastal areas are regions of remarkably high biological productivity, are of considerable importance for a variety of recreational and commercial activities, and provide a vital means of transportation.

(3) Ocean and coastal resources are limited and susceptible to change as a direct and indirect result of human activities, and such changes can impact the ability of the ocean to provide the benefits upon which the Nation depends.

(4) Marine debris, including plastics, derelict fishing gear, and a wide variety of other objects, has a harmful and persistent effect on marine flora and fauna and can have adverse impacts on human health.

(5) Marine debris is also a hazard to navigation, putting mariners and rescuers, their vessels, and consequently the marine environment at risk, and can cause economic loss due to entanglement of vessel systems.

(6) Modern plastic materials persist for decades in the marine environment and therefore pose the greatest potential for long-term damage to the marine environment.

(7) Insufficient knowledge and data on the source, movement, and effects of plastics and other marine debris in marine ecosystems has hampered efforts to develop effective approaches for addressing marine debris.

(8) Lack of resources, inadequate attention to this issue, and poor coordination at the Federal level has undermined the development and implementation of a Federal program to address marine debris, both domestically and internationally.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish programs within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with other Federal and non-Federal entities;

(2) to re-establish the Inter-agency Marine Debris Coordinating Committee to ensure a coordinated government response across Federal agencies;

(3) to develop a Federal information clearinghouse to enable researchers to study the sources, scale and impact of marine debris more efficiently; and

(4) to take appropriate action in the international community to prevent marine debris and reduce concentrations of existing debris on a global scale.

SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Prevention and Removal Program to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

(b) PROGRAM COMPONENTS.—Through the Marine Debris Prevention and Removal Program, the Under Secretary for Oceans and Atmosphere (Under Secretary) shall carry out the following activities:

(1) MAPPING, IDENTIFICATION, IMPACT ASSESSMENT, REMOVAL, AND PREVENTION.—The Under Secretary shall, in consultation with relevant Federal agencies, undertake marine debris mapping, identification, impact assessment, prevention, and removal efforts, with a focus on marine debris posing a threat to living marine resources (particularly endangered or protected species) and navigation safety, including—

(A) the establishment of a process, building on existing information sources maintained by Federal agencies such as the Environmental Protection Agency and the Coast Guard, for cataloguing and maintaining an inventory of marine debris and its impacts found in the United States navigable waters and the United States exclusive economic zone, including location, material, size, age, and origin, and impacts on habitat, living marine resources, human health, and navigation safety;

(B) measures to identify the origin, location, and projected movement of marine debris within the United States navigable waters, the United States exclusive economic zone, and the high seas, including the use of oceanographic, atmospheric, satellite, and remote sensing data; and

(C) development and implementation of strategies, methods, priorities, and a plan for preventing and removing marine debris from United States navigable waters and within the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear.

(2) REDUCING AND PREVENTING LOSS OF GEAR.—The Under Secretary shall improve efforts and actively seek to prevent and reduce fishing gear losses, as well as to reduce adverse impacts of such gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

(B) development of voluntary or mandatory measures to reduce the loss and discard of fishing gear, and to aid its recovery, such as incentive programs, reporting loss and recovery of gear, observer programs, toll-free reporting hotlines, computer-based notification forms, and providing adequate and free disposal recepticals at ports.

(3) OUTREACH.—The Under Secretary shall undertake outreach and education of the public and other stakeholders, such as the fishing industry, fishing gear manufacturers, and other marine-dependent industries, on sources of marine debris, threats associated with marine debris and approaches to identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigational safety. Including outreach and education activities through public-private initiatives. The Under Secretary shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915).

(c) GRANTS.—

(1) IN GENERAL.—The Under Secretary shall provide financial assistance, in the form of grants, through the Marine Debris Prevention and Removal Program for projects to accomplish the purposes of this Act.

(2) 50 PERCENT MATCHING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), Federal funds for any project under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Under Secretary may waive all or part of the matching requirement under subparagraph (A) if the Under Secretary determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(3) AMOUNTS PAID AND SERVICES RENDERED UNDER CONSENT.—

(A) CONSENT DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) OTHER DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) ELIGIBILITY.—Any natural resource management authority of a State, Federal or other government authority whose activities directly or indirectly affect research or regulation of marine debris, and any educational or nongovernmental institutions with demonstrated expertise in a field related to marine debris, are eligible to submit to the Under Secretary a marine debris proposal under the grant program.

(5) GRANT CRITERIA AND GUIDELINES.—Within 180 days after the date of enactment of this Act, the Under Secretary shall promulgate necessary guidelines for implementation of the grant program, including development of criteria and priorities for grants. Such priorities may include proposals that would reduce new sources of marine debris and provide additional benefits to the public, such as recycling of marine debris or use of biodegradable materials. In developing those guidelines, the Under Secretary shall consult with—

(A) the Interagency Marine Debris Committee;

(B) regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(C) State, regional, and local governmental entities with marine debris experience;

(D) marine-dependent industries; and

(E) non-governmental organizations involved in marine debris research, prevention, or removal activities.

(6) PROJECT REVIEW AND APPROVAL.—The Under Secretary shall review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of the Act. Not later than 120 days after receiving a project proposal under this section, the Under Secretary shall—

(A) provide for external merit-based peer review of the proposal;

(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

(C) provide written notification of that approval or disapproval to the person who submitted the proposal.

(7) Project Reporting.—Each grantee under this section shall provide periodic reports as required by the Under Secretary. Each report shall include all information required by the Under Secretary for evaluating the progress and success in meeting its stated goals, and impact on the marine debris problem.

SEC. 4. COAST GUARD PROGRAM.

The Commandant of the Coast Guard shall, in cooperation with the Under Secretary, undertake measures to reduce violations of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels. The measures shall include—

(1) the development of a strategy to improve monitoring and enforcement of current laws, as well as recommendations for statutory or regulatory changes to improve compliance and for the development of any appropriate amendments to MARPOL;

(2) regulations to address implementation gaps with respect to the requirement of MARPOL Annex V and section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) that all United States ports and terminals maintain receptacles for disposing of plastics and other garbage, which may include measures to ensure that a sufficient quantity of such facilities exist at all such ports and terminals, requirements for logging the waste received, and for Coast Guard comparison of vessel and port log books to determine compliance;

(3) regulations to close record keeping gaps, which may include requiring fishing vessels under 400 gross tons entering United States ports to maintain records subject to Coast Guard inspection on the disposal of plastics and other garbage, that, at a minimum, include the time, date, type of garbage, quantity, and location of discharge by latitude and longitude or, if discharged on land, the name of the port where such material is offloaded for disposal;

(4) regulations to improve ship-board waste management, which may include expanding to smaller vessels existing requirements to maintain ship-board receptacles and maintain a ship-board waste management plan, taking into account potential economic impacts and technical feasibility;

(5) the development, through outreach to commercial vessel operators and recreational boaters, of a voluntary reporting program, along with the establishment of a central reporting location, for incidents of damage to vessels caused by marine debris, as well as observed violations of existing laws and regulations relating to disposal of plastics and other marine debris; and

(6) a voluntary program encouraging United States flag vessels to inform the Coast Guard of any ports in other countries that lack adequate port reception facilities for garbage.

SEC. 5. INTERAGENCY COORDINATION.

(a) Interagency Marine Debris Committee Established.—There is established an Interagency Committee on Marine Debris to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, State governments, Indian tribes, and other nations, as appropriate, and to foster cost-effective mechanisms to identify, determine sources of, assess, reduce, and prevent marine debris, and its adverse inpact on the marine environment and navigational safety, including the joint funding of research and mitigation and prevention strategies.

(b) Membership.—The Committee shall include a senior official from—

(1) the National Oceanic and Atmospheric Administration, who shall serve as the chairperson of the Committee;

(2) the United States Coast Guard;

(3) the Environmental Protection Agency;

(4) the United States Navy;

(5) the Maritime Administration of the Department of Transportation;

(6) the National Aeronautics and Space Administration;

(7) the U.S. Fish and Wildlife Service;

(8) the Department of State;

(9) the Marine Mammal Commission; and

(10) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

(c) Meetings.—The Committee shall meet at least twice a year to provide a public, interagency forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(d) Definition.—The Committee shall develop and promulgate through regulation a definition of the term "marine debris".

(e) Reporting.—

(1) Interagency report on marine debris impacts and strategies.—Not later than 12 months after the date of the enactment of this Act, the Committee, through the chairperson, and in cooperation with the coastal States, Indian tribes, local governments, and non-governmental organizations, shall complete and submit to the Congress a report identifying the source of marine debris, examining the ecological and economic impact of marine debris, alternatives for reducing, mitigating, preventing, and controlling the harmful affects of marine debris, the social and economic costs and benefits of such alternatives, and recommendations regarding both domestic and international marine debris issues.

(2) Contents.—The report submitted under paragraph (1) shall provide recommendations on—

(A) establishing priority areas for action to address leading problems relating to marine debris;

(B) developing an effective strategy and approaches to preventing, reducing, removing, and disposing of marine debris, including through private-public partnerships;

(C) providing appropriate infrastructure for effective implementation and enforcement of measures to prevent and remove marine debris, especially the discard and loss of fishing gear;

(D) establishing effective and coordinated education and outreach activities; and

(E) ensuring Federal cooperation with, and assistance to, the coastal States (as defined in section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), Indian tribes, and local governments in the identification, determination of sources, prevention, reduction, management, mitigation, and control of marine debris and its adverse impacts.

(3) Annual progress reports.—Not later than 2 years after the date of the enactment of this Act, and every year thereafter, the Committee, through the chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purposes of this Act. The report shall include—

(A) the status of implementation of the recommendations of the Committee and analysis of their effectiveness;

(B) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;

(C) a review of the National Oceanic and Atmospheric Administration program authorized by section 3 of this Act, including projects funded and accomplishments relating to reduction and prevention of marine debris;

(D) a review of United States Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and

(E) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.

(f) Monitoring.—The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration and in cooperation with the Administrator of the Environmental Protection Agecny, shall utilize the marine debris data derived under this Act and title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

(1) the Committee in ensuring coordination of research, monitoring, education, and regulatory actions; and

(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) in ensuring compliance under section 2201 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1913).

(g) Conforming Amendment.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is repealed.

SEC. 6. INTERNATIONAL COOPERATION.

The Interagency Marine Debris Committee shall develop a strategy and pursue in the International Maritime Organization and other appropriate international and regional forums, international action to reduce the incidence of marine debris, including—

(1) the inclusion of effective and enforceable marine debris prevention and removal measures in international and regional agreements, including fisheries agreements and maritime agreements;

(2) measures to strengthen and to improve compliance with MARPOL Annex V;

(3) national reporting and information requirements that will assist in improving information collection, identification and monitoring of marine debris;

(4) the establishment of an international database, consistent with the information clearinghouse established under section 7, that will provide current information on location, source, prevention, and removal of marine debris;

(5) the establishment of public-private partnerships and funding sources for pilot programs that will assist in implementation and compliance with marine debris requirements in international agreements and guidelines;

(6) the identification of possible amendments to and provisions in the International Maritime Organization Guidelines for the Implementation of Annex V of MARPOL for potential inclusion in Annex V; and

(7) when appropriate assist the responsible Federal agency in bilateral negotiations to effectively enforce marine debris prevention.

SEC. 7. FEDERAL INFORMATION CLEARINGHOUSE.

The Under Secretary, in coordination with the Committee, shall maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested parties to improve source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data. The clearinghouse shall include—

(1) standardized protocols to map locations of commercial fishing and aquaculture activities using Geographic Information System techniques;

(2) a world-wide database which describes fishing gear and equipment, and fishing practices, including information on gear types and specifications;

(3) guidance on the identification of types of fishing gear fragments and their sources developed in consultation with persons of relevant expertise; and

(4) the data on mapping and identification of marine debris to be developed pursuant to section 3(b)(1) of this Act.

SEC. 8. DEFINITIONS.

In this Act:

(1) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(2) COMMITTEE.—The term "Committee" means the Interagency Marine Debris Committee established by section 5 of this Act.

(3) UNITED STATES EXCLUSIVE ECONOMIC ZONE.—The term "United States exclusive economic zone" means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as "eastern special areas" in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

(4) MARPOL; ANNEX V; CONVENTION.—The terms "MARPOL", "Annex 5", and "Convention" have the meaning given those terms in paragraphs (3) and (4) of section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year 2005 through 2009

(1) to the Secretary of Commerce for the purpose of carrying out sections 3 and 7 of this Act, $10,000,000, of which no more than 10 percent may be for administrative costs; and

(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out sections 4 and 6 of this Act, $5,000,000, of which no more than 10 percent may be used for administrative costs

Amend the title so as to read: "A Bill To establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

SA 4079. Mr. FRIST proposed an amendment to the concurrent resolution H. Con. Res. 529, Official Title Not Available; as follows:

On page 1, line 2, strike from "that" through the end of page 2, line 9 and insert in lieu thereof the following:

"When the House adjourns on Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, December 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and when the Senate recesses or adjourns from Saturday, November 20, 2004, through Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 6, 2004, or Tuesday, December 7, 2004, or until such other time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until the time of reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first."

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the approprite provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
England	Pound		740.00						740.00
Senator Thad Cochran:									
England	Pound		740.00						740.00
Senator Richard Shelby:									
England	Pound		555.00						555.00
Jim Morhard:									
England	Pound		740.00						740.00
Terry Sauvain:									
England	Pound		740.00						740.00
Sid Ashworth:									
England	Pound		555.00						555.00
Jennifer Chartrand:									
England	Pound		555.00						555.00
Mazie R. Mattson:									
England	Pound		740.00						740.00
Dona Pate:									
England	Pound		555.00						555.00
Lindsay Leonard:									
England	Pound		740.00						740.00
Kay Webber:									
England	Pound		740.00						740.00
Stewart Holmes:									
England	Pound		555.00						555.00
Charlie Houy:									
England	Pound		555.00						555.00
Kathy Casey:									
England	Pound		555.00						555.00
Dr. John Eisold:									
England	Pound		555.00						555.00
Tim Rieser:									
Kenya	Dollar		150.00				20.00		170.00
Rwanda	Dollar		101.00		20.00		395.00		516.00
Tanzania	Dollar		920.00		350.00		140.00		1,410.00
United States	Dollar				3,860.00				3,860
Stewart Holmes:									
Italy	Euros		604.00						604.00
Germany	Euros		480.00						480.00
United States	Dollar				3,708.60				3,708.60
Jessica Roberts:									
United States	Dollar				7,193.52				7,193.52
United Kingdom	Pound		729.00						729.00
Turkey	Dollar		1,380.00						1,380.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Katherine Hennessey:									
United States	Dollar				7,193.52				7,193.52
United Kingdom	Pound		729.00						729.00
Turkey	Dollar		1,380.00						1,380.00
Katherine Ulrich:									
United States	Dollar				7,193.52				7,193.52
United Kingdom	Pound		729.00						729.00
Turkey	Dollar		1,380.00						1,380.00
Scott Gudes:									
Colombia	Dollar		992.00						992.00
Ecuador	Dollar		908.00						908.00
United States	Dollar				2,722.00				2,722.00
Paul L. Grove:									
Haiti	Dollar		215.00						215.00
United States	Dollar				798.50				798.50
Tim Rieser:									
Haiti	Dollar		390.00				35.00		425.00
United States	Dollar				798.00				798.00
Total			18,807.00		31,115.66		590.00		50,512.66

TED STEVENS,
Chairman, Committee on Appropriations, Sept. 22, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), AMENDED FROM 3RD QUARTER, COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sid Ashworth:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Jim Morhard:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Charlie Houy:									
China	Yuan		831.00						831.00
United States	Dollar				2,549.30				2,549.30
Betsy Schmid:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
DeLynn Henry:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Mimi Braniff:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Kay Webber:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Karina Waller:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Suzanne Palmer:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Jennifer Mies Lowe:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
George Lowe:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Marsha Lefkovits:									
China	Yuan		1,547.00						1,547.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), AMENDED FROM 3RD QUARTER, COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Richard Quick:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Joe Maupin:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Senator Ted Stevens:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Senator Thad Cochran:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Senator Daniel Inouye:									
China	Yuan		831.00						831.00
United States	Dollar				2,549.30				2,549.30
Senator Pat Roberts:									
China	Yuan		831.00						831.00
United States	Dollar				2,523.00				2,523.00
Senator E. Benjamin Nelson:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Senator Bill Frist:									
China	Yuan		1,008.00						1,008.00
Julia Hart:									
China	Yuan		1,108.00						1,108.00
United States	Dollar				3,316.80				3,316.80
Mark Esper:									
China	Yuan		1,048.00						1,048.00
Senator Ernest F. Hollings:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Robert Stevenson:									
China	Yuan		1,108.00						1,108.00
United States	Dollar				3,316.80				3,316.80
Senator Jeff Bingaman:									
China	Yuan		1,108.00						1,108.00
United States	Dollar		3,754.68						3,754.68
Total			63,031.88		18,009.88				81,041.76

TED STEVENS,
Chairman, Committee on Appropriations, Nov. 15, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pat Roberts:									
United Kingdom	Pound		555.00						555.00
Judith A. Ansley:									
United Kingdom	Pound		455.00						455.00
Joseph T. Sixeas:									
United States	Dollar				2,888.80				2,888.80
United Kingdom	Pound		663.00				107.00		770.00
Italy	Euro		317.00						317.00
Maren R. Leed:									
United States	Dollar				4,007.57				4,007.57
United Kingdom	Pound		544.00				370.00		914.00
Italy	Euro		209.00				150.00		359.00
Senator Jeff Sessions:									
United States	Dollar				7,665.96				7,665.96
Qatar	Dollar						7.00		7.00
Pakistan	Rupee		516.00						516.00
United States	Dollar						60.00		60.00
Senator Joseph I. Lieberman:									
United States	Dollar				6,954.07				6,954.07
Qatar	Dollar		689.71						689.71
Israel	Dollar		200.00						200.00
Frederick M. Downey:									
United States	Dollar				6,954.07				6,954.07
Qatar	Dollar		692.71						692.71

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Israel	Dollar		203.00						203.00
Senator Wayne Allard:									
France	Euro		884.68						884.68
United Kingdom	Pound		1,758.00						1,758.00
Senator John Cornyn:									
France	Euro		718.38						718.38
United Kingdom	Pound		1,339.30						1,339.30
L. David Cherington:									
France	Euro		884.68						884.68
United Kingdom	Pound		696.00						696.00
Donald R. Stewart:									
France	Euro		884.68						884.68
United Kingdom	Pound		743.00						743.00
Jayson Roehl:									
France	Euro		884.68						884.68
United Kingdom	Pound		673.00						673.00
Gregory T. Kiley:									
United States	Dollar				5,405.22				5,405.22
Germany	Dollar		221.00						221.00
Romania	Lei		179.00						179.00
Bulgaria	Lev		178.40						178.40
Turkey	Dollar		104.00						104.00
Italy	Euro		272.00						272.00
Michael J. McCord:									
United States	Dollar				5,571.82				5,571.82
Germany	Dollar		145.00						145.00
Romania	Lei		50.00						50.00
Bulgaria	Lev		163.00						163.00
Turkey	Dollar		62.00						62.00
Italy	Euro		220.00						220.00
Lucian L. Niemeyer:									
United States	Dollar				5,571.82				5,571.82
Germany	Dollar		156.00						156.00
Romania	Lei		121.00						121.00
Bulgaria	Lev		211.00						211.00
Turkey	Dollar		76.00						76.00
Italy	Euro		158.00						158.00
Belgium	Euro		18.00						18.00
Senator John McCain:									
Ukraine	Dollar		631.25						631.25
Latvia	Dollar		167.20				86.75		253.95
Estonia	Dollar		130.45				46.00		176.45
Norway	Dollar		442.00				52.20		494.20
Senator Susan Collins:									
Ukraine	Dollar		596.53						596.53
Latvia	Dollar		167.20						167.20
Estonia	Dollar		86.15				7.72		93.87
Norway	Dollar		442.00				48.21		490.21
Senator Lindsey Graham:									
Ukraine	Dollar		597.58				63.00		660.58
Latvia	Dollar		167.20						167.20
Estonia	Dollar		130.45						130.45
Norway	Dollar		442.00						442.00
Richard H. Fontaine, Jr.:									
Ukraine	Dollar		563.91						563.91
Latvia	Dollar		167.20						167.20
Estonia	Dollar		130.45						130.45
Norway	Dollar		442.00				9.10		451.10
Hillary Rodham Clinton:									
United States	Dollar				2,684.31				2,684.31
Estonia	Dollar		130.45						130.45
Norway	Dollar		411.00				174.62		585.62
Andrew J. Shapiro:									
United States	Dollar				2,875.31				2,875.31
Estonia	Dollar		130.45						130.45
Norway	Dollar		442.00				104.62		546.62
Huma M. Abedin:									
United States	Dollar				2,690.31				2,690.31
Estonia	Dollar		130.45						130.45
Norway	Dollar		411.00						411.00
Total			23,804.14		53,269.26		1,286.22		78,359.62

JOHN WARNER,
Chairman, Committee on Armed Services, Nov. 4, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Sessions:									
Belgium	Euro		264.96				234.11		499.08
Germany	Euro		57.00				181.86		238.86
Italy	Euro		108.00				197.96		305.96
Spain	Euro		83.03				217.23		300.26
Arch Galloway II:									
Belgium	Euro		264.96				179.00		443.96
Germany	Euro		57.00				126.75		183.75
Italy	Euro		108.00				142.85		250.85
Spain	Euro		83.03				162.12		245.15
Senator Saxby Chambliss:									
Belgium	Euro		611.00						611.00
Germany	Euro		250.00						250.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Italy	Euro		367.00						367.00
Spain	Euro		282.00						282.00
Teresa McLean Ervin:									
Belgium	Euro		611.00						611.00
Germany	Euro		250.00						250.00
Italy	Euro		367.00						367.00
Spain	Euro		282.00						282.00
Senator James M. Inhofe:									
Burundi	Dollar		120.00				140.00		260.00
Germany	Dollar		222.50				70.00		292.50
United States	Dollar				3,176.17				3,176.17
Mark Powers:									
Burundi	Dollar		81.00				140.00		221.00
Germany	Dollar		222.50				70.00		292.50
United States	Dollar				4,141.00				4,141.00
Senator John Warner:									
France	Euro		402.00						402.00
Cord Sterling:									
France	Euro		386.00						386.00
Senator Daniel Akaka:									
France	Euro		513.00						513.00
Senator Mark Pryor:									
France	Euro		141.79						141.79
Senator Bill Nelson:									
Colombia	Dollar						33.00		33.00
United States	Dollar				2,076.54				2,076.54
Dan Shapiro:									
Colombia	Dollar						106.00		106.00
Venezuela	Dollar		315.90				250.10		566.00
United States	Dollar				2,548.54				2,548.54
Total			6,450.67		11,942.25		2,250.98		20,643.90

JOHN WARNER,
Chairman, Committee on Armed Services, July 19, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
Guatemala	Dollar		630.00						630.00
Honduras	Dollar		440.00						440.00
El Salvador	Dollar		123.00						123.00
Nicaragua	Dollar		440.00						440.00
Costa Rica	Dollar		440.00						440.00
New Zealand	Dollar		300.00						300.00
Australia	Dollar		1,490.00						1,490.00
Thailand	Baht		928.00						928.00
Bhutan	Ngultrum		292.00		718.00				1,010.00
India	Rupee		221.00						221.00
Germany	Euro		358.00						358.00
Kathleen L. Casey:									
Guatemala	Dollar		530.00						530.00
Honduras	Dollar		530.00						530.00
El Salvador	Dollar		106.00						106.00
Nicaragua	Dollar		106.00						106.00
Costa Rica	Dollar		420.00						420.00
New Zealand	Dollar		300.00						300.00
Australia	Dollar		1,490.00						1,490.00
Thailand	Baht		928.00						928.00
Bhutan	Ngultrum		292.00		718.00				1,010.00
India	Rupee		221.00						221.00
Germany	Euro		358.00						358.00
Randel L. Zeller:									
Nigeria	Naira		240.00						240.00
Angola	Dollar		184.00						184.00
Cameroon	Dollar		303.00						303.00
United States	Dollar				5,399.76				5,399.76
Anne Caldwell:									
New Zealand	Dollar		300.00						300.00
Australia	Dollar		1,490.00						1,490.00
Thailand	Baht		696.00						696.00
United States	Dollar				3,970.80				3,970.80
Victoria Cox:									
New Zealand	Dollar		300.00						300.00
Australia	Dollar		1,490.00						1,490.00
Thailand	Baht		696.00						696.00
United States	Dollar				3,970.80				3,970.00
Gregory J. Dean:									
China	Renminbi		1,308.00		914.00				2,222.00
United States	Dollar				6,306.50				6,306.50
Total			18,047.00		21,997.86				40,044.86

RICHARD SHELBY,
Chairman, Committee on Banking, Housing, and Urban Affairs, Sept. 24, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Don Nickels:									
United States	Dollar				8,721.96				8,721.96
Qatar	Dollar		628.00						628.00
Pakistan	Dollar		585.00						585.00
Roy Phillips:									
United States	Dollar				8,721.96				8,721.96
Qatar	Dollar		629.00						629.00
Pakistan	Dollar		568.00						568.00
Roy Phillips:									
United States	Dollar				4,962.14				4,962.14
Germany	Euro		156.00		55.00				211.00
Romania	Lei		121.00						121.00
Bulgaria	Lev		205.00						205.00
Turkey	Dollar		73.00						73.00
Italy	Dollar		85.00		55.00		85.00		225.00
Total			3,050.00		22,516.06		85.00		25,651.06

DON NICKLES,
Chairman, Committee on Budget, Sept. 22, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Amy Fraenkel:									
Italy	Euro		2,513.00		25.36				2,538.36
United States	Dollar				900.77				900.77
Senator Frank R. Lautenberg:									
Thailand	Baht		928.00						928.00
Bhutan	Ngultrum		292.00		718.00				1,010.00
India	Rupee		221.00						221.00
Germany	Euro		358.00						358.00
United States	Dollar				3,555.55				3,555.55
Floyd DesChamps:									
Estonia	Kroon		149.23						149.23
Norway	Kroner		599.87						599.87
United States	Dollar				611.37				611.37
Total			5,061.10		5,811.05				10,872.15

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation, Sept. 30, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Peter B. Lyons:									
Netherlands	Euro		119.04						119.04
France	Euro		1,162.42		32.20				1,194.62
United States	Dollar				6,664.24				6,664.24
Total			1,281.46		6,696.44				7,977.90

PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources, Sept. 20, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator James M. Jeffords:									
United States	Dollar				5,133.00				5,133.00
Finland	Euro		443.00						443.00
Iceland	Krona		1,116.00						1,116.00
Margaret Wetherald:									
United States	Dollar				5,133.00				5,133.00
Finland	Euro		537.00						537.00
Iceland	Krona		1,005.00						1,005.00
Emma Munger:									
United States	Dollar				5,133.00				5,133.00
Finland	Euro		475.00						475.00
Iceland	Krona		1,007.00						1,007.00
Geoffrey Brown:									
United States	Dollar				5,133.00				5,133.00
Finland	Euro		518.00						518.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Iceland	Krona		1,226.00						1,226.00
Delegation Expenses:									
							314.68		314.68
Total			6,327.00		20,532.00		314.68		27,173.68

JAMES INHOFE,
Chairman, Committee on Environment and Public Works, July 27, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Anya Landau:									
Cuba	Dollar		1,050.00						1,050.00
Anya Landau:									
United States	Dollar				777.19				777.19
David Johanson:									
Switzerland	Franc		645.72						645.72
Total			1,695.72		777.19				2,472.91

CHARLES GRASSLEY,
Chairman, Committee on Finance, Oct. 14, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Brownback:									
Israel	Shekel		449.54						449.54
United States	Dollar				4,976.32				4,976.32
Senator Chuck Hagel:									
Germany	Euro		358.00						358.00
Angola	Kwanza		184.00						184.00
Cameroon	Franc		303.00						303.00
Nigeria	Naira		240.00						240.00
United States	Dollar				5,399.76				5,399.76
Senator Richard Lugar:									
Turkey	Lira		652.00						652.00
Switzerland	Franc		2,270.00						2,270.00
United States	Dollar				5,405.00				5,405.00
Senator Richard Lugar:									
Germany	Euro		443.00						443.00
United Kingdom	Pound		1,907.00						1,907.00
United States	Dollar				6,011.76				6,011.76
Senator Richard Lugar:									
Italy	Euro		2,250.00						2,250.00
Albania	Lek		305.00						305.00
Bosnia and Herzegovina	Marka		192.00						192.00
Georgia	Lari		640.00						640.00
Ukraine	Hryvnia		359.00						359.00
Iceland	Krona		804.00						804.00
United States	Dollar				5,028.94				5,028.94
Senator Bill Nelson:									
United States	Dollar				1,592.40				1,592.40
Senator John Sununu:									
Ukraine	Hryvnia		597.00						597.00
Latvia	Lat		195.00						195.00
Estonia	Kroon		130.45						130.45
Norway	Kroner		485.43						485.43
Jonah Blank:									
United Arab Emirates	Dirham		770.00						770.00
Afghanistan	Afghani		230.00						230.00
United States	Dollar				7,371.26				7,371.26
James Branegan:									
Philippines	Peso		1,304.00						1,304.00
United States	Dollar				4,893.50				4,893.50
Heather Flynn:									
Togo	Franc		864.00						864.00
Benin	Franc		703.00						703.00
Niger	Franc		763.00						763.00
United States	Dollar				5,258.12				5,258.12
Jessica Fugate:									
Croatia	Kuna		303.41						303.41
Macedonia	Denar		257.86						257.86
United States	Dollar				5,474.25				5,474.25
Michael Haltzel:									
Serbia and Montenegro	Dinar		524.00						524.00
United States	Dollar				5,786.34				5,786.34
Michael Haltzel:									
Bosnia and Herzegovina	Marka		430.00						430.00
Serbia and Montenegro	Dinar		575.00						575.00
Macedonia	Denar		472.00						472.00
Austria	Euro		873.00						873.00
United States	Dollar				5,645.64				5,645.64

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Frank Jannuzi:									
China	Yuan		2,022.00						2,022.00
South Korea	Won		640.00						640.00
United States	Dollar				5,795.80				5,795.80
Frank Jannuzi:									
Vietnam	Dong		965.00						965.00
Thailand	Baht		696.00				127.18		823.18
United States	Dollar				4,739.08				4,739.08
Chris Ann Keehner:									
South Africa	Rand		711.00						711.00
Malawi	Kwacha		1,140.00						1,140.00
United States	Dollar				6,870.71				6,870.71
Kenneth Myers, Jr.:									
Germany	Euro		443.00						443.00
United Kingdom	Pound		1,907.00						1,907.00
United States	Dollar				6,011.76				6,011.76
Kenneth Myers, Jr.:									
Turkey	Lira		652.00						652.00
Switzerland	Franc		908.00						908.00
United States	Dollar				5,583.17				5,583.17
Kenneth Myers, Jr.:									
Italy	Euro		450.00						450.00
Albania	Lek		305.00						305.00
Bosnia and Herzegovina	Marka		192.00						192.00
Georgia	Lari		640.00						640.00
Ukraine	Hryvnia		359.00						359.00
Iceland	Krona		804.00						804.00
United States	Dollar				5,573.89				5,573.89
Kenneth Myers, III:									
Turkey	Lira		800.000						800.00
Switzerland	Franc		800.00						800.00
United States	Dollar				5,563.17				5,563.17
Kenneth Myers, III:									
Germany	Euro		443.00						443.00
United Kingdom	Pound		1,907.00						1,907.00
United States	Dollar				6,011.76				6,011.76
Kenneth Myers, III:									
Italy	Euro		450.00						450.00
Albania	Lek		305.00						305.00
Bosnia and Herzegovina	Marka		192.00						192.00
Georgia	Lari		640.00						640.00
Ukraine	Hryvnia		359.00						359.00
Iceland	Krona		804.00						804.00
United States	Dollar				5,773.89				5,773.89
Andrew Parasiliti:									
Nigeria	Naira		240.00						240.00
Angola	Kwanza		184.00						184.00
Cameroon	Franc		303.00						303.00
Germany	Euro		358.00						358.00
United States	Dollar				5,399.76				5,399.76
Michael Phelan:									
United Arab Emirates	Dirham		516.00						516.00
Afghanistan	Afghani		230.00						230.00
United States	Dollar				7,535.58				7,535.58
Nilmini Rubin:									
Lesotho	Loti		1,408.46						1,408.46
South Africa	Rand		517.41						517.41
United States	Dollar				7,949.79				7,949.79
Jennifer Simon:									
Colombia	Peso		1,100.00						1,100.00
Guatemala	Quetzal		1,128.00						1,128.00
United States	Dollar				2,295.50				2,295.50
Nancy Stetson:									
Kuwait	Dinar		788.00						788.00
Iraq	Dinar		61.00						61.00
United States	Dollar				6,221.00				6,221.00
Puneet Talwar:									
Italy	Euro		840.00						840.00
United States	Dollar				5,622.50				5,622.50
Puneet Talwar:									
Israel	Shekel		1,034.00						1,034.00
Lebanon	Pound		199.00						199.00
Jordan	Dinar		238.00						238.00
Kuwait	Dinar		1,182.00						1,182.00
Iraq	Dinar		61.00						61.00
United States	Dollar				5,507.42				5,507.42
Sean Woo:									
Israel	Shekel		507.86						507.86
United States	Dollar				2,843.32				2,843.32
Total			51,263.42		158,141.39		127.18		209,531.99

RICHARD LUGAR,
Chairman, Committee on Foreign Relations, Oct. 21, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Raymond Shepherd III:									
United States	Dollar				4,565.07				4,565.07
Hong Kong	Dollar		1,516.00						1,516.00
Singapore	Dollar		931.34						931.34

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jason Foster:									
United States	Dollar				4,565.07				4,565.07
Hong Kong	Dollar		1,516.00						1,516.00
Singapore	Dollar		896.80						896.80
Jason Yanussi:									
United States	Dollar				4,565.07				4,565.07
Hong Kong	Dollar		1,359.34				159.68		1,519.02
Singapore	Dollar		848.13		55.98		32.13		936.24
Robert Roach:									
United States	Dollar				1,685.43				1,685.43
England	Pound		513.28						513.28
Total			7,580.89		15,436.62		191.81		23,209.32

SUSAN COLLINS,
Chairman, Committee on Governmental Affairs, Oct. 7, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Weston J. Coulam:									
United States	Dollar				6,857.00				6,857.00
China	Dollar		1,102.00		369.00		264.00		1,735.00
Total			1,102.00		7,221.00		264.00		8,587.00

OLYMPIA SNOWE,
Chairman, Committee on Small Business and Entrepreneurship, Sept. 8, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Graham:									
France	Euro		685.00						685.00
United Kingdom	Pound		1,004.00						1,004.00
Edward Pusey:									
France	Euro		741.00						741.00
United Kingdom	Pound		904.00						904.00
Total			3,334.00						3,334.00

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, Nov. 4, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Nancy St. Louis:									
	Dollar		1,305.00						1,305.00
	Dollar				5,753.16				5,753.16
Brandon Milhorn:									
	Dollar		1,305.00						1,305.00
	Dollar				5,753.16				5,753.16
Adam Harris:									
	Dollar		1,305.00						1,305.00
	Dollar				5,753.16				5,753.16
Randall Bookout:									
	Dollar		1,004.00						1,004.00
	Dollar				5,734.41				5,734.41
Lorenzo Goco:									
	Dollar		1,004.00						1,004.00
	Dollar				5,734.41				5,734.41
Donald Mitchell:									
	Dollar		348.00						348.00
	Dollar				5,700.64				5,700.64
Total			6,271.00		34,428.94				40,699.94

PAT ROBERTS,
Chairman, Committee on Intelligence, July 26, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Edwards:									
	Dollar				5,607.46				5,607.46
Donald Mitchell:									
	Dollar		348.00						348.00
	Dollar				5,700.64				5,700.64
Derek Chollet:									
	Dollar		365.00						365.00
	Dollar				5,700.64				5,700.64
Total			713.00		17,008.74				17,721.74

PAT ROBERTS,
Chairman, Committee on Intelligence, Aug. 10, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lindsey Fair:									
	Dollar		1,091.00						1,091.00
	Dollar				11,907.87				11,907.87
Randy Bookout:									
	Dollar		650.00						650.00
	Dollar				8,124.00				8,124.00
Donald Stone:									
	Dollar		646.00						646.00
	Dollar				8,124.00				8,124.00
Nancy St. Louis:									
	Dollar		2,346.00						2,346.00
	Dollar				6,845.23				6,845.23
Brandon Milhorn:									
	Dollar		2,346.00						2,346.00
	Dollar				6,845.23				6,845.23
Christopher Jackson:									
	Dollar		1,896.00						1,896.00
	Dollar				6,845.23				6,845.23
Thomas Auld:									
	Dollar		1,499.00						1,499.00
	Dollar				7,913.00				7,913.00
Elizabeth O'Reilly:									
	Dollar		1,559.00						1,559.00
	Dollar				7,913.00				7,913.00
Rebecca Farley:									
	Dollar		1,764.00						1,764.00
	Dollar				7,913.00				7,913.00
Nancy St. Louis:									
	Dollar		1,305.00						1,305.00
	Dollar				5,753.16				5,753.16
Brandon Milhorn:									
	Dollar		1,305.00						1,305.00
	Dollar				5,753.16				5,753.16
Adam Harris:									
	Dollar		1,305.00						1,305.00
	Dollar				5,753.16				5,753.16
Randy Bookout:									
	Dollar		1,004.00						1,004.00
	Dollar				5,734.41				5,734.41
Lorenzo Goco:									
	Dollar		1,004.00						1,004.40
	Dollar				5,734.41				5,734.41
Total			19,720.00		101,158.86				120,878.86

PAT ROBERTS,
Chairman, Committee on Intelligence, Sept. 30, 2004.

CONSOLIDATED REPORT OF EXPENDITURE FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE FOR TRAVEL FROM JAN. 1 TO MAR. 31 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rep. Pete Stark:									
Great Britain	Pound				2,109.52				2,109.52
Total					2,109.52				2,109.52

ROBERT F. BENNETT,
Chairman, Joint Economic Committee, Sept. 23, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steven D. Marshall:									
United States	Dollar				6,491.50				6,491.50
China	Yuan		2,849.00						2,849.00
Keith Hand:									
United States	Dollar				6,865.00				6,865.00
China	Yuan		3,681.00						3,681.00
Carl Minzner:									
United States	Dollar				6,457.50				6,457.50
China	Yuan		3,014.00						3,014.00
David Dorman:									
United States	Dollar				6,491.00				6,491.00
China	Yuan		2,849.00						2,849.00
Total			12,393.00		26,305.00				38,698.00

JAMES LEACH,
Congressional Executive Commission on China, Oct. 27, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mark Milosch:									
United States	Dollar				6,905.88				6,905.88
China	Yuan		2,092.00						2,092.00
Hong Kong	Dollar		1,516.00						1,516.00
Total			3,608.00		6,905.88				10,513.88

JAMES LEACH,
Congressional Executive Commission on China, Oct. 27, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL FRIST FOR TRAVEL FROM JUNE 25 TO JUNE 28, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Frist:									
United States	Dollar				7,493.80				7,493.80
Turkey	Dollar		958.00						958.00
Mark Esper:									
United States	Dollar				7,316.80				7,316.80
Turkey	Dollar		852.59						852.59
Amy Call:									
United States	Dollar				7,316.80				7,316.80
Turkey	Dollar		887.00						887.00
Delegation Expenses:*									
Turkey	Dollar						1,520.12		1,520.12
Total			2,697.59		22,127.40		1,520.12		26,345.11

*Delegation expenses include payments and reimbursements to the Department of State, and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

BILL FRIST,
Majority Leader, Sept. 15, 2004

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL FRIST FOR TRAVEL FROM JUNE 3 TO JUNE 6, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Frist:									
Kuwait	Dollar		394.00						394.00
France	Euro		600.00						600.00
Senator Robert Bennett:									
Kuwait	Dollar		394.00						394.00
France	Euro		575.00						575.00
Senator John Ensign:									
Kuwait	Dollar		394.00						394.00
France	Euro		600.00						600.00
William Pickle:									
Kuwait	Dollar		394.00						394.00
France	Euro		600.00						600.00
Mark Esper:									
Kuwait	Dollar		394.00						394.00
France	Euro		600.00						600.00
Bob Stevenson:									
Kuwait	Dollar		394.00						394.00
France	Euro		746.00						746.00
George Tolbert:									
Kuwait	Dollar		364.00						364.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL FRIST FOR TRAVEL FROM JUNE 3 TO JUNE 6, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
France	Euro		600.00						600.00
Sally Walsh:									
Kuwait	Dollar		394.00						394.00
France	Euro		700.00						700.00
Delegation Expenses:[1]									
Kuwait	Dollar						2,938.44		2,938.44
Iraq	Dollar						684.15		684.15
France	Euro						40,584.40		40,584.40
Total			8,143.00				44,206.99		52,349.99

[1] Delegation expenses include payments and reimbursements to the Department of State, and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

BILL FRIST,
Majority Leader.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), DEMOCRATIC LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Randy Massanelli:									
Jordan	Dinar		208.20						208.20
Germany	Dollar		43.95						43.95
Total			252.15						252.15

TOM DASCHLE,
Democratic Leader, Sept. 21, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), DEMOCRATIC LEADER FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Daschle:									
Kuwait	Dollar		344.00						344.00
Senator Joe Biden:									
Kuwait	Dollar		344.00						344.00
Senator Lindsey Graham:									
Kuwait	Dollar		344.00						344.00
Denis McDonough:									
Kuwait	Dollar		344.00						344.00
Rich Verma:									
Kuwait	Dollar		344.00						344.00
Alex Jarvis:									
Kuwait	Dollar		344.00						344.00
Anthony Blinken:									
Kuwait	Dollar		344.00						344.00
Puneet Talwar:									
Kuwait	Dollar		344.00						344.00
Delegation Expenses:*									
Kuwait	Dollar						2,726.94		2,726.94
Total			2,752.00				2,726.94		5,478.94

*Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384 and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, Sept. 23, 2004.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 48, 49, 411, 488, 509, 594, 595, 611, 612, 613, 614, 615, 617, 623, 628, 629, 630, 631, 632, 633, 634, 635, 636, 640, 641, 642, 643, 658, 687, 689, 694, 696, 699, 701, 702, 703, 707, 708, 709, 710, 712, 725, 727, 729, 788, 795, 797, 800, 801, 802, 805, 806, 807, 808, 813, 814, 816, 817, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 914, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, all nominations on the Secretary's desk.

Further, the following nominations be discharged from the respective committees and the Senate proceed to their consideration en bloc: HELP Committee, the list of nominations at the desk, and that they be considered en bloc and PN2045, and 1508; the Agriculture Committee, Michael Harrison (PN1969), Frederick Hatfield (PN2014), Sharon Brown-Hruska (PN1837), Michael Dunn (2030), Dallas Tonsager (PN2029); from the Judiciary Committee, PN2050.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. I don't suppose I should ask you to restate the unanimous consent request.

Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Daniel Pearson, of Minnesota, to be 2 Member of the United States International Trade Commission for the term expiring June 16, 2011.

Charlotte A. Lane, of West Virginia, to be a Member of the United States International Trade Commission for a term expiring December 16, 2009.

DEPARTMENT OF JUSTICE

Deborah Ann Spagnoli, of California, to be a Commissioner of the United States Parole Commission for a term of six years.

DEPARTMENT OF COMMERCE

Michael D. Gallagher, of Washington, to be Assistant Secretary of Commerce for Communications and Information.

THE JUDICIARY

Alan G. Lance, Sr., of Idaho, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law.

EXPORT-IMPORT BANK OF THE UNITED STATES

Linda Mysliwy Conlin, of New Jersey, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2007.

DEPARTMENT OF THE INTERIOR

Sue Ellen Wooldridge, of Virginia, to be Solicitor of the Department of the Interior, vice William Gerry Myers III, resigned.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Gary Lee Visscher, of Maryland, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

ENVIRONMENTAL PROTECTION AGENCY

Stephen L. Johnson, of Maryland, to be Deputy Administrator of the Environmental Protection Agency.

Charles Johnson, of Utah, to be chief Financial Officer, Environmental Protection Agency.

Ann R. Klee, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Benjamin Grumbles, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF COMMERCE

Theodore William Kassinger, of Maryland, to be Deputy Secretary of Commerce.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Jack Edwin McGregor, of Connecticut, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

DEPARTMENT OF LABOR

Lisa Kruska, of Virginia, to be an Assistant Secretary of Labor, vice Kathleen M. Harrington.

DEPARTMENT OF EDUCATION

Edward R. McPherson, of Texas, to be Under Secretary of Education.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

David Wesley Fleming, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring May 29, 2007.

Jay Phillip Greene, of Florida, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 2005.

John Richard Petrocik, of Missouri, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring September 27, 2008.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Patrick Lloyd McCrory, of North Carolina, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005.

Juanita Alicia Vasquez-Gardner, of Texas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2009.

DEPARTMENT OF EDUCATION

Robert C. Granger, of New Jersey, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

Gerald Lee, of Pennsylvania, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

THE JUDICIARY

Curtis V. Gomez, of Virgin Islands, to be Judge for the District Court of the Virgin Islands for a term of ten years.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Cathy M. MacFarlane, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

Dennis C. Shea, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

Romolo A. Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development.

AFRICAN DEVELOPMENT FOUNDATION

Constance Berry Newman, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2009.

SELECTIVE SERVICE SYSTEM

William A. Chatfield, of Texas, to be Director of Selective Service.

DEPARTMENT OF DEFENSE

Mark Falcoff, of California, to be a Member of the National Security Education Board for a term of four years.

DEPARTMENT OF COMMERCE

Jonathan W. Dudas, of Virginia, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

DEPARTMENT OF VETERANS AFFAIRS

Pamela M. Iovino, of the District of Columbia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

EXECUTIVE OFFICE OF THE PRESIDENT

David Safavian, of Michigan, to be Administrator for Federal Procurement Policy.

UNITED STATES POSTAL SERVICE

James C. Miller III, of Virginia, to be a Governor of the United States Postal Service for the term expiring December 8, 2010.

POSTAL RATE COMMISSION

Dawn A. Tisdale, of Texas, to be a Commissioner of the Postal Rate Commission for a term expiring November 22, 2006.

FEDERAL ENERGY REGULATORY COMMISSION

Suedeen G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2009. (Reappointment)

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

James R. Kunder, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

AFRICAN DEVELOPMENT FOUNDATION

Edward Brehm, of Minnesota, to be a Member of the Board of Directors of the African Development Foundation for a term expiring November 13, 2007.

EXECUTIVE OFFICE OF THE PRESIDENT

Adam Marc Lindemann, of New York, to be Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2005.

DEPARTMENT OF STATE

Ann M. Corkery, of Virginia, to be an Alternate Representative of the United States of America to the Fifty-eighth Session of the General Assembly of the United Nations.

Walid Maalouf, of Virginia, to be an Alternate Representative of the United States of America to the Fifty-eighth Session of the General Assembly of the United Nations.

John D. Rood, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

Charles Graves Untermeyer, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Aldona Wos, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

UNITED STATES PAROLE COMMISSION

Isaac Fulwood, Jr., of the District of Columbia, to be a Commissioner of the United States Parole Commission for a term of six years.

DEPARTMENT OF THE TREASURY

Timothy S. Bitsberger, of Massachusetts, to be an Assistant Secretary of the Treasury.

Paul Jones, of Colorado, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2008.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Carin M. Barth, of Texas, to be Chief Financial Officer, Department of Housing and Urban Development.

MERIT SYSTEMS PROTECTION BOARD

Neil McPhie, of Virginia, to be Chairman of the Merit Systems Protection Board.

Barbara J. Sapin, of Maryland, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2007.

DEPARTMENT OF COMMERCE

Benjamin H. Wu, of Maryland, to be Assistant Secretary of Commerce for Technology Policy.

Brett T. Palmer, of New York, to be an Assistant Secretary of Commerce.

Albert A. Frink, Jr., of California, to be an Assistant Secretary of Commerce.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Scott Kevin Walker, of Wisconsin, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

SOCIAL SECURITY ADMINISTRATION

Patrick P. O'Carroll, Jr., of Maryland, to be Inspector General, Social Security Administration.

MERIT SYSTEMS PROTECTION BOARD

Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2009.

FEDERAL TRADE COMMISSION

Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner for a term of seven years from September 26, 2003.

Deborah P. Majoras, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2001.

NATIONAL COUNCIL ON THE ARTS

Gerard Schwarz, of Washington, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2006.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

James Ballinger, of Arizona, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

Terrence Alan Teachout, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

DEPARTMENT OF EDUCATION

Jonathan Baron, of Maryland, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

Elizabeth Ann Bryan, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

James R. Davis, of Mississippi, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years. (New Position)

Frank Philip Handy, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

Eric Alan Hanushek, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

Caroline M. Hoxby, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

Roberto Ibarra Lopez, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

Richard James Milgram, of New Mexico, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

Sally Epstein Shaywitz, of Connecticut, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

Joseph K. Torgesen, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

Herbert John Walberg, of Illinois, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Herman Belz, of Maryland, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Tamar Jacoby, of New Jersey, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Craig Haffner, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

James Davidson Hunter, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Harvey Klehr, of Georgia, to be a member of the National Council on the Humanities for a term expiring January 26, 2010.

Thomas K. Lindsay, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Iris Love, of Vermont, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Thomas Mallon, of Connecticut, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Ricardo Quinones, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

Beverly Allen, of Georgia, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

Donald Leslie, of Wisconsin, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2006.

Amy Owen, of Utah, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2005.

Renee Swartz, of New Jersey, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2007.

Kim Wang, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2004.

NATIONAL INSTITUTE FOR LITERACY

William T. Hiller, of Ohio, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

Richard Kenneth Wagner, of Florida, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

Juan R. Olivarez, of Michigan, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

UNITED STATES INSTITUTE OF PEACE

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2007.

NATIONAL COUNCIL ON DISABILITY

Young Woo Kang, of Indiana, to be a Member of the National Council On Disability for a term expiring September 17, 2006.

DEPARTMENT OF EDUCATION

John H. Hager, of Virginia, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

NATIONAL SCIENCE FOUNDATION

Arden Bement, Jr., of Indiana, to be Director of the National Science Foundation for a term of six years.

THE JUDICIARY

Raymond L. Finch, of the Virgin Islands, to be Judge for the District Court of the Virgin Islands for a term of ten years. (Reappointment)

Micaela Alvarez, of Texas, to be United States District Judge for the Southern District of Texas.

Keith Starrett, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

DEPARTMENT OF JUSTICE

Lisa Godbey Wood, of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

David E. Nahmias, of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Richard B. Roper III, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years.

UNITED STATES SENTENCING COMMISSION

Ricardo H. Hinojosa, of Texas, to be Chair of the United States Sentencing Commission.

Michael O'Neill, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009. (Reappointment)

Ruben Castillo, of Illinois, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009. (Reappointment)

Christopher A. Boyko, of Ohio, to be United States District Judge for the Northern District of Ohio.

UNITED STATES SENTENCING COMMISSION

Beryl A. Howell, of the District of Columbia, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 2005.

DEPARTMENT OF VETERANS AFFAIRS

Robert Allen Pittman, of Florida, to be an Assistant Secretary of Veterans Affairs (Human Resources and Administration).

THE JUDICIARY

Robert N. Davis, of Florida, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law.

Mary J. Schoelen, of the District of Columbia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

William A. Moorman, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

DEPARTMENT OF STATE

Catherine Todd Bailey, of Kentucky, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Douglas Menarchik, of Texas, to be an Assistant Administrator of the United States Agency for International Development.

INTER-AMERICAN DEVELOPMENT BANK

Hector E. Morales, of Texas, to be United States Executive Director of the Inter-American Development Bank for a term of three years.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Lloyd O. Pierson, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

AFRICAN DEVELOPMENT FOUNDATION

Lloyd O. Pierson, an Assistant Administrator of the United States Agency for International Development, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2009.

DEPARTMENT OF JUSTICE

Robert Cramer Balfe III, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

DEPARTMENT OF THE TREASURY

J. Russell George, of Virginia, to be Inspector General for Tax Administration, Department of the Treasury.

NATIONAL COUNCIL ON DISABILITY

Milton Aponte, of Florida, to be a Member of the National Council On Disability for a term expiring September 17, 2006.

NATIONAL SCIENCE FOUNDATION

Dan Arvizu, of Colorado, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Steven C. Beering, of Indiana, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Gerald Wayne Clough, of Georgia, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Kelvin Kay Droegemeier, of Oklahoma, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Louis J. Lanzerotti, of New Jersey, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Alan I. Leshner, of Maryland, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Jon C. Strauss, of California, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Kathryn D. Sullivan, of Ohio, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

DEPARTMENT OT THE TREASURY

Anna Escobedo Cabral, of Virginia, to be Treasurer of the United States.

THE JUDICIARY

Gregory E. Jackson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

DEPARTMENT OF DEFENSE

Vinicio E. Madrigal, of Louisiana, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2009. (Reappointment)

Otis Webb Brawley, Jr., of Georgia, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2009. (Reappointment)

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

R. Bruce Matthews, of New Mexico, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2005.

Joseph F. Bader, of the District of Columbia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2007.

DEPARTMENT OF EDUCATION

Eugene Hickok, of Pennsylvania, to be Deputy Secretary of Education.

Edward R. McPherson, of Texas, to be Under Deputy Secretary of Education.

NATIONAL COUNCIL ON DISABILITY

Robert Davila, of New York, to be a Member of the National Council On Disability for a term expiring September 17, 2006. (Reappointment)

Linda Wetters, of Ohio, to be a Member of the National Council On Disability for a term expiring September 17, 2006. (Reappointment)

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Julia L. Wu, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring February 4, 2008, vice James Roger Angel, term expired.

Laurie Stenberg Nichols, of South Dakota, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring March 3, 2010, vice Donna Dearman Smith, term expired.

DEPARTMENT OF EDUCATION

Carol D'Amico, of Indiana, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years. (New Position)

DEPARTMENT OF STATE

Yousif B. Ghafari, of Michigan, to be an Alternate Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

Jane Dee Hull, of Arizona, to be a Representative of the United States of America to the Fifty-ninth Sessions of the General Assembly of the United Nations.

Susan L. Moore, of Texas, to be an Alternate Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

CORPORATION FOR PUBLIC BROADCASTING

Gay Hart Gaines, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2010.

Claudia Puig, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

Ernest J. Wilson, III, of Maryland, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2010. (Reappointment)

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

James S. Simpson, of New York, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

FEDERAL MARITIME COMMISSION

Harold Jennings Creel, Jr., of South Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2009.

FEDERAL COMMUNICATIONS COMMISSION

Jonathan Steven Adelstein, of South Dakota, to be a Member of the Federal Communications Commission for a term expiring June 30, 2008.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Guy K. Dahlbeck, 5199

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Brent E. Winget, 6522

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert L. Van Antwerp, Jr., 8468

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Jason K. Kamiya, 9579

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Keith L. Thurgood, 0611

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Michael J. Lally, III, 3775

NOMINATIONS PLACED ON THE SECRETARY'S DESK

COAST GUARD

PN2001 COAST GUARD nominations (154) beginning Gerard P. Achenbach, and ending Elizabeth D. Young, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2004.

PN2051 COAST GUARD nominations (257) beginning Joel A. Amundson, and ending Joseph M. Zwack, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2004.

FOREIGN SERVICE

PN2019 FOREIGN SERVICE nominations (148) beginning Ralph L. Boyce Jr., and ending Robert J. Whigham, which nominations were received by the Senate and appeared in the Congressional Record of October 7, 2004.

PN2020 FOREIGN SERVICE nominations (206) beginning Robert M. Clay, and ending Marcia L. Norman, which nominations were received by the Senate and appeared in the Congressional Record of October 7, 2004.

Patricia Cushwa, of Maryland, to be a Commissioner of the United States Parole Commission for a term of six years.

Sharon Tucker, of Georgia, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005.

Kathleen Martinez, of California, to be a Member of the National Council on Disability for a term expiring September 17, 2006.

William A. Schambra, of Virginia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring September 14, 2006.

Donna N. Williams, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2006.

Leona White Hat, of South Dakota, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2008.

Henry Lozano, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2008.

Mimi Mager, of the District of Columbia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 27, 2007.

Jacob Joseph Lew, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2008.

Mark D. Gearan, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Services for a term of one year.

Dorothy A. Johnson, of Michigan, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2007.

Cynthia Boich, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2007.

Edward Alton Parrish, of Virginia, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring April 17, 2008.

Raquel Egusquiza, of Michigan, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2005.

Michael J. Harrison, of Connecticut, to be an Assistant Secretary of Agriculture.

Fredrick William Hatfield, of California, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2008.

Sharon Brown-Hruska, of Virginia, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2009.

Michael V. Dunn, of Iowa, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring June 19, 2006, vice James E. Newsome, resigned.

Dallas Tonsager, of South Dakota, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, for a term expiring May 21, 2010.

NOMINATION OF KEITH STARRETT

Mr. LEAHY. Mr. President, the nomination of Keith Starrett of Mississippi is strongly supported by Senator LOTT and Senator COCHRAN. Judge Starrett is nominated to a vacancy on the Southern District of Mississippi created when the President ignored the Senate's withholding of its consent and unilaterally appointed Judge Charles Pickering to the Fifth Circuit.

With this nomination, President Bush forfeited another opportunity to be a uniter and to draw the country together. I understand the concerns of so many African-American organizations and lawyers who continue to ask the President to begin to achieve some diversity on that bench by the nomination and appointment of a qualified African American. The Magnolia Bar Association, a primarily African-American bar association in Mississippi, has written the Senate in connection with this nomination. The Magnolia Bar's president, Crystal Wise Martin, expresses the group's strong opposition to proceeding with Judge Starrett's nomination, not only because it is so late in the session but also because, as she writes: "[I]t fails to remedy the egregious problem concerning the lack of diversity on Mississippi's federal bench." She points out that Mississippi has the highest percentage of African Americans of any State, but that Mississippi has had only one African-American Federal judge. She explains that the Magnolia Bar and the National Bar Association have both made direct requests to the President that he appoint an African American to fill this important vacancy.

During the consideration of Charles Pickering's nomination, reports were that Republicans were indicating that they would advocate for an African-American nominee if some African Americans would support Judge Pickering's elevation to a higher court. The administration has chosen not to fulfill those hopes by proceeding with a qualified African-American nominee for this important judgeship.

This President has shown where his priorities are by nominating more lawyers affiliated with the Federalist Society than qualified African Americans, Hispanics and Asian Americans combined.

I ask unanimous consent that a copy of the letter from the Magnolia Bar Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAGNOLIA BAR
ASSOCIATION, INC.,
Jackson, MS, September 6, 2004.

Senator ORRIN HATCH,
Chair, Senate Judiciary Committee, Senate Dirksen Office Building, Washington, DC.

Senator PATRICK LEAHY,
Ranking Member, Senate Judiciary Committee, Senate Dirksen Office Building, Washington, DC.

DEAR SENATORS HATCH AND LEAHY: Founded in 1955 by less than ten black lawyers with several purposes including advancing the science of jurisprudence and promoting reform in the law, the Magnolia Bar Association can now boast that it has more than four hundred African-American and white members who practice across Mississippi and many states throughout America. Our members are engaged in every form of practice just as other members of the Mississippi Bar. We are prosecutors, criminal defense attorneys, plaintiff attorneys, defense attorneys, and we are administrative lawyers. Our ranks also include attorneys who specialize in domestic relations and commercial litigation. Simply put, we do it all. We practice in state, federal and tribal courts. The Magnolia Bar is represented on every court in Mississippi except the Fifth Circuit Court of Appeals. We are proud of what we do, and we are committed to our profession. I, Crystal Wise Martin, am indeed honored to serve as its president.

We are strongly opposed to the Senate's consideration of the nomination of Keith Starrett to the Southern District of Mississippi so late in this Administration's term. We understand there is a longstanding and well-respected practice of the Senate Judiciary Committee to withhold consideration of controversial federal judicial nominations by the fall of an election year. We see no reason to deviate from this tradition in the case of the Starrett nomination.

The Starrett nomination is particularly untimely. President Bush only nominated Keith Starrett on July 7 of this year, to fill the seat vacated by Charles Pickering upon his recess appointment to the Fifth Circuit. Consideration of the nomination at this point in an election year is simply inappropriate. In Mississippi, absentee voting in the Presidential election begins on September 20. Holding a hearing on the nomination just twelve days before Mississippians can cast their Presidential votes is simply too late. Moreover, it is doubtful that Mr. Starrett could even proceed through the Judiciary Committee before the voting begins.

We know of no federal judicial nomination in recent history in which the nomination was made so late in a Presidential term and yet still received a hearing before the Judiciary Committee in the fall of an election year. In the last presidential election year of 2000, there were no hearings whatsoever held in the fall. For example, when President Clinton nominated Ricardo Morado to the district court in Texas on May 11, 2000, Senators objected to the nomination as occurring too late in an election year. Mr. Morado never received a hearing.

Additionally, we strongly object to the Starrett nomination because it fails to remedy the egregious problem concerning the lack of diversity on Mississippi's federal bench. Mississippi has the highest percentage of African Americans of any state in the country. Yet Mississippi has had only one African American federal judge—ever. Judge Henry Wingate, who holds this distinction, was appointed nearly twenty years ago.

Earlier this year, the Magnolia Bar Association made a direct plea to President Bush to rectify this lack of diversity. In a letter dated February 2, we urge President Bush to appoint an African American to the Southern District of Mississippi. We wrote that the "appointment of an African American . . . is long overdue." We set forth the history of the lack of appointments, and concluded there was a "compelling case" for the appointment. We noted the existence of hundreds of African American lawyers in the State and the representation we have been able to achieve on our State and local bench. We offered to consult with the President about the numerous candidates who exist for a federal court position. The National Bar Association, the nationwide organization of African American lawyers, made a similar request this year, directed specifically to the vacancy in the Southern District of Mississippi.

Moreover many members of the African American community in Mississippi were led to believe that an African American would receive the nomination to fill Judge Charles Pickering's district court seat. Judge Pickering's supporters, including but not limited to his son, Representative Chip Pickering, were express about their intentions to bring about the nomination of an African American should Judge Pickering be elevated. These representations are well documented in the press. The Washington Post reported that "Chip Pickering confirmed that he has also been telling prominent African Americans in the state that if his father is promoted to the appeals court, his replacement on the district court will likely be an [African American nominee]." ("Judge's Fate Could Turn on 1994 Case," Washington Post, May 27, 1993). The Clarion-Ledger from Jackson, Mississippi referred to Congressman Pickering's representations in an article entitled, "Pickering Vows to Push Diversity." (Clarion-Ledger, May 28, 2003).

President Bush has refused to heed our requests. Despite having four opportunities, he has not nominated one African American to the federal bench in Mississippi. During his term, President Bush has nominated three persons to the federal district court in Mississippi and one person from Mississippi to the Fifth Circuit Court of Appeals. None are African American. We deplore this Administration's record on diversity in judicial appointments in Mississippi.

The failure to diversify Mississippi's federal bench is just one example of the lack of diversity in this Administration's judicial appointments generally. In four years, President Bush has appointed only 11 African Americans to district court seats anywhere in the country. These 11 appointments constitute only less than seven percent of the total of 162 district court appointments. This stands in stark contrast to the record of President Bush's predecessor. In his first term, President Clinton appointed 33 African Americans out of 170 district court appointments, or almost twenty percent. In his second term, President Clinton appointed 20 African Americans out of 137 district court appointments, or fourteen percent. The Magnolia Bar Association strongly believes we should be advancing in African American representation on the federal bench, not retreating.

For all of these reasons, we urge you to refrain from considering the Starett nomination at this late date. Thank you.

Respectfully yours,
CRYSTAL WISE MARTIN,
President.

NOMINATION OF DAVID NAHMIAS

Mr. LEAHY. Mr. President, after months of stonewalling by this administration, we are still trying to uncover the truth about the abuse of prisoners in U.S. custody overseas. I have long said that somewhere in the upper reaches of the executive branch a process was set in motion that rolled forward until it produced this scandal. To date, senior administration officials have avoided any accountability for these atrocities.

The Senate is today including the nomination of David Nahmias to serve as a U.S. Attorney in Georgia in a final package of confirmations for this Congress. Mr. Nahmias has held senior positions at the Department of Justice where he worked on the legal underpinnings of the President's war against terror. The overbroad assertions of executive power have been rejected by the Supreme Court and other Federal courts.

In speeches, he has unequivocally supported the President's authority as Commander in Chief to designate and detain suspected terrorists, including American citizens, as enemy combatants without judicial review by an article III court. In the case of the American citizens detained as enemy combatants, argued that there was no reason for judicial review of their detentions because they, "received the absolute ultimate executive branch process," because the "President of the United States, operating as the Commander-in-Chief, personally reviewed their cases, and personally designated them as enemy combatants." The Supreme Court strongly rejected this position this year and held that the detainees in Guantanamo Bay and U.S. citizens being held as enemy combatants have the right to challenge their detentions in Federal courts.

I asked Mr. Nahmias questions about his views on the rights of enemy combatants, his role in investigating, approving, or otherwise reviewing rules, procedures, or guidelines involving the interrogation of individuals held in the custody of the U.S. Government or an agent of the U.S. Government, and his role in the prosecution of domestic terrorism cases. His original answers were largely non-responsive. I sent him further questions to clarify his record and views.

I remain troubled by Mr. Nahmias' answers and uncertain of the extent of his involvement in these matters. During Mr. Nahmias' tenure at the Department, it produced a legal memorandum redefining torture to allow all sorts of brutal treatment—such as mock burial alive, simulated drowning, electrocution, tearing off of fingernails, and other such barbaric treatment—so long as the pain caused is not akin to organ failure, and concluding that, as commander in chief in the war against terror, the President and federal agents are not constrained by anti-terror laws. Since they came to light, these positions have been abandoned by the White House counsel and the administration.

The American people deserve public officials who are fair and will uphold the law. No one is entitled to a high-ranking presidential appointment entrusted with making decisions that affect the lives and futures of millions of Americans. Our freedoms are the fruit of too much sacrifice to give appointments to people who will not fairly interpret the Constitution, enforce Federal protections, and follow previous court rulings on which Americans rely in their daily lives. If there were a separate vote on this nomination, I would oppose it.

NOMINATION OF CHRISTOPHER BOYKO

Mr. President, today the Senate voted on the nomination of Judge Christopher Boyko for a lifetime seat on the U.S. District Court for the Northern District of Ohio. He is strongly supported by both of his home-State Senators.

The Senate has already confirmed four of President Bush's district court nominees and two of his circuit court nominees from Ohio, including some who were problematic. Deborah Cook, now on the Sixth Circuit, is a staunch Republican and Federalist Society member who was one of the Ohio Supreme Court's most prolific and activist dissenters in favor of corporate interests. She was promoted by the Senators from Ohio and was confirmed last year. Another Sixth Circuit confirmation, Jeffrey Sutton, is an active Federalist Society member and one of the most controversial of President Bush's nominees confirmed. Prior to his confirmation to a lifetime appointment on the Nation's second highest court, Judge Sutton sought out opportunities to attack Federal civil rights laws and limit Congress' ability to protect individual rights. He received enough "negative" votes for a potential filibuster, but he was not blocked on the floor. The Senate also confirmed four Ohio district court nominees for President Bush, many of whom were active members of the Republican party in Ohio and whose records were somewhat troubling.

We moved forward with those nominations even though two of President Clinton's nominees to Ohio, Kent Markus and Steve Bell, were blocked by Republicans. Neither received a hearing or a vote. Mr. Markus was nominated to the Sixth Circuit in February 2000, but was told it was just too late. Steven Bell was nominated in August 1999 to the district court in Ohio and waited for more than a year without receiving a hearing. The double standards that the Republican majority has adopted obviously depend upon the occupant of the White House.

In 1996, when a Democratic President was seeking re-election, the Republican-controlled Senate held only one hearing to consider one district court nominee after the August recess, and then never allowed that nominee to have a Committee or Senate vote. Indeed, that nominee, Judge Ann Aiken of Oregon, was obstructed so severely by the Republican majority that she was not confirmed to her position until nearly a year and a half later.

In September 2000, when the vacancy rate on the Federal courts was around 7 percent, Republicans refused to proceed with hearings on nominees so late in the presidential election year. After the August recess work on judicial nominations came to a halt. Although there were over 30 nominees pending, after July 25, 2000, no more judicial nominees were scheduled for hearings or considered by the committee. This year, with the vacancy rate at around 3 percent, less than half what it was in 2000, we expedited consideration of nominees by a Republican President.

In both 1996 and 2000, not a single individual nominated after July 21 was confirmed to the Federal courts—even for seats that were already vacant. When Kent Markus of Ohio was nominated in February 2000 to the Sixth Circuit, he was told by Republicans that it was just too late. Judge Boyko was nominated on July 22, 2004 to fill a district court seat that will not even be vacant until December 31, 2004.

That said, I note that since 1996, Judge Boyko has served on the Court of Common Pleas for Cuyahoga County. Unlike many of this President's nominees, Judge Boyko has a reputation for fairness. He is being confirmed today for a future vacancy. I congratulate him and his family on his confirmation.

NOMINATION OF KEITH STARRETT

Mr LOTT. Mr. President, I am delighted that the Senate has approved Judge Keith Starrett's nomination today to be a U.S. District Court Judge for the Southern District of Mississippi. I was pleased when the President nominated Judge Starrett to be a

U.S. District Court Judge because he is one of the most experienced and respected trial court judges in the Mississippi State court system. I know that his lovely wife Barbara and his entire family are very proud of Judge Starrett as he marks this important milestone in his career and prepares to serve our state and nation in this new role.

Judge Starrett is a bright light in the Mississippi legal community. He holds an undergraduate degree from Mississippi State University and a J.D. degree from the University of Mississippi School of Law. Additionally, as a sitting trial court judge he has completed a number of courses at the National Judicial College which have added to the knowledge base which he will bring to the federal bench.

Judge Starrett engaged in the general practice of law for 17 years in Pike County and also served as an Assistant District Attorney, gaining broad experience in the law that such practice areas provide. He was appointed to a vacant State circuit court judgeship in 1992, and he was elected to continue in this position in 1994, 1998, and 2002. During his 12 years on the bench, Judge Starrett has earned a strong reputation as a fair and outstanding trial judge presiding over both civil and criminal cases.

One of Judge Starrett's most important accomplishments in his judicial career is the leadership he provided in establishing the first felony level drug court in Mississippi in his State judicial district. This court was used as a model for the creation of other drug courts in the State. Judge Starrett's expertise and involvement in this area has been a key driving force as Mississippi works to implement a drug court system for the entire State, and he has written and spoken extensively on this topic. These special courts are better able to address the issues of justice and rehabilitation for those charged with crimes involving drugs, and I commend Judge Starrett for the groundbreaking work he has done in this area.

Judge Starrett has also found time to serve his community and profession in many other ways. He helped to found Mission Pike County, a racial and denominational reconciliation organization and Southwest Mississippi Child Protection, a child advocacy group in Lincoln and Pike Counties. He is a leader in his church and the legal community in Mississippi, and he has been recognized with awards such as the 2003 Judicial Excellence Award given by the Mississippi Bar Association.

It is no surprise that the American Bar Association's Standing Committee on the Federal Judiciary has unanimously found Judge Keith Starrett to be Well-Qualified to serve as a U.S. District Court Judge. The vacant seat which Judge Starrett has been confirmed to fill has been designated a judicial emergency, and I am pleased that the Senate has acted to prevent justice from being delayed any further for the parties whose cases are pending in the Southern District of Mississippi. I congratulate Judge Starrett on his confirmation, and I look forward to his serving as a federal judge for many years to come.

Mr. LEAHY. Mr. President, during the past 4 years, the Senate has confirmed more than 200 of President Bush's choices for the only lifetime jobs in our system of government. Including the judicial nominees scheduled to be confirmed today, Democrats and Republicans in the Senate have confirmed 204 circuit, district and trade court nominees in the past four years. That is more Federal judges than were confirmed for President Reagan during his first term, more than in President George H.W. Bush's presidency, and more than in either of President Clinton's terms. The first 100 were confirmed in the 17 months of Democratic Senate leadership. In the other 31 months, Republicans have led the Senate to confirm another 104.

With this historic number of confirmations, we are at the lowest number of vacant seats on the Federal courts in 16 years. There are more Federal judges serving today than at any time in American history. With today's confirmations, there will be only 26 empty seats on the Federal courts. If retirements and confirmations were to continue at the current pace, President Bush would be poised to name more than 400 lifetime judges on the Federal bench, which contains 879 judges. That would mean he would have appointed more judges than any President in our history.

Democrats in the Senate have taken as bipartisan approach as possible while still preserving the Senate's independence to act as a check against extreme or unfit appointments to these lifetime positions. Some of the nominees this President nominated to appellate courts have been among the most controversial ever proposed. A handful of them, those with records that do not demonstrate that they will be fair judges who will fully enforce our constitutional rights have been denied the consent of the Senate. The Federal courts should not become the arm of the Republican Party or the Democratic Party. To preserve the independence of the judiciary, the Senate has served its time honored roll as a check on the presidential appointment power. The Constitution says advice and consent, not rubber stamp.

Ours has been a good record of both cooperation and independence by the Senate. Even with this historic level of bipartisan cooperation and despite the high number of divisive nominees this President has sent to the Senate, partisans continue to claim that nothing short of 100 percent approval is acceptable. No President has seen 100 percent of his judicial nominees approved. Not even George Washington got all of his appointments confirmed. Shortly after the Judiciary Committee was created, nominees of President James Madison were defeated in the Committee. More recently Republicans defeated the nominations of more than 60 of President Clinton's judicial nominees and more than 200 of his executive branch nominees in Senate committees.

President Bush refused to address the unfair way President Clinton's nominees were treated by Senate Republicans through anonymous holds and other tactics. Objection from even one Republican Senator was allowed to defeat President Clinton's judicial nominees. Republicans worked to preserve vacancies in the Clinton years, especially vacancies on the circuit courts like the 6th Circuit and the D.C. Circuit. Two dozen circuit court nominees and more than 40 district court nominees were denied Senate votes of any kind. They are now exploiting their success. Unfortunately, President Bush decided in his first term to seek confrontation and politicization of the process rather than consensus. There were opportunities to find common ground that were squandered.

During the Clinton administration, leading Republicans claimed that as many as 100 vacant seats in the Federal courts did not create any crisis. Some even boasted that they allowed too many judges to be confirmed. There was a dramatic shift when a Republican moved into the White House when suddenly any number of vacancies became a crisis to them. The rules and Senate procedures Republicans used to stall President Clinton's nominees were no longer acceptable to them and were jettisoned with a Republican in the White House.

When I became chairman of the Judiciary Committee and the Committee was reorganized back in July 2001, we inherited 110 vacant seats in the federal courts. During my 17 months as chairman, we evaluated the President's nominees, and confirmed 100 judges. That represented a tremendous effort in that short time, especially amid the dramatic crises facing our nation in the wake of the September 11 attacks and the anthrax attacks directed at Senate Democrats. Rather than adopt Republican methods by which they blocked scores of mainstream nominees by President Clinton, we made the process fairer and more open while preserving the longstanding rules and precedents of the Judiciary Committee and the Senate.

Over 17 months, we proceeded to give hearings to 103 of President Bush's judicial nominees, some of whom proved to be quite controversial and divisive, even though the President had promised the American people that he was a "uniter not a divider." The President's controversial nominations divided us by politicizing the federal courts. They included nominees with records of extremism and in an effort to stack the courts unfairly.

In this the 108th Congress, Republicans assumed Senate leadership and proceeded to bend, break or reinterpret the rules and precedents in their efforts to ram through the Senate every nominee and turn the Senate into a rubber stamp for lifetime appointments.

It was in the face of these partisan actions that the only option left to the Senate to protect the independence and fairness of the courts was extended debate. Democrats acted sparingly to withhold consent from the most extreme choices of this President and the most egregious partisan acts of Senate Republicans. I will not restate the specific concerns with each of those nominees. Those reasons are stated publicly in the RECORD during debate by many Senators. Unlike Republican obstruction which took place most often in secret and without open and honest debate, when we oppose a nominee we said so and explained why in public.

Republicans have held hearings for 120 judicial nominees in the past 2 years, including hearings for 33 circuit court nominees. Republicans doubled the pace they were willing to maintain from 1997 through 2000 when it took them 4 years to hold hearings for 33 of President Clinton's circuit court nominees, despite the fact that President Bush's nominees have been much more controversial.

Two weeks after the session began in January 2003, Republicans insisted on holding a hearing for three controversial circuit court nominees on a single panel. This hearing was noticed in less than the time required under the rules and in spite of a bipartisan written agreement that had been adhered to since 1987 that only one controversial judicial nominee would be scheduled at a time. Over the objections of several Members of the Judiciary Committee, that hearing proceeded on the nominations of Jeffrey Sutton, Deborah Cook, and John Roberts to three circuit courts that had been held hostage by Republicans during President Clinton's second term.

The day after that unprecedented hearing in violation of the Thurmond-Biden guideline, Republicans forced a vote on the nomination of Miguel Estrada, even though he had failed to answer the questions of many members of the Committee and the White House had refused to honor past precedent for information sharing. Republican partisans then took to calling Senate Democrats anti-Hispanic. Such false claims marked a new low. Despite the efforts of some, like Senator BENNETT of Utah, to reach a compromise to allow the Senate to review the work of the nominee, the White House refused. No reasonable employer would hire someone who refused to answer basic questions or provide needed documents. Republicans demanded the Senate proceed with regard to a lifetime appointment without such information.

Republicans began to list judicial nominees for committee consideration even before they had answered the written questions of Senators, let alone answered them responsively. With President Clinton, Republicans refused to list a judicial nominee for a committee vote for weeks and often months and sometimes forever. Suddenly, with a Republican in the White House, Republicans decided that Senators did not really need their questions answered before scheduling a vote. Republican effort to limit the time and quality of the review of these lifetime appointees was disappointing and wrong. Editorial cartoons noted that the Committee was becoming nothing more than a rubber stamp at a conveyor belt factory for judges. This approach undermined advice and consent.

In the final Judiciary Committee meeting in February, Republicans broke another longstanding rule of the Judiciary Committee, rule IV, which had been respected for nearly a quarter of a century. Rule IV requires a member of the minority of the Judiciary Committee to consent to end debate in order to force a vote on a nomination or any other matter. Without consent, Republicans called debate at an end. The claim that the Senate Parliamentarian approved this reading of the rule was undercut when the Parliamentarian advised that his position was that he had no authority to enforce committee rules. The committee that should respect the rule of law chose instead to do away with any rule or precedent Republicans found inconvenient.

In March, Republicans began claiming that filibusters of nominees were "unprecedented" and argued that it was unconstitutional to deny a nominee a vote. These claims were another reversal from the party that had blocked votes on more than 60 of President Clinton's judicial nominees and more than 200 of his executive nominees through a variety of procedures. Republicans not only ignored their own recent history in which they unsuccessfully filibustered the nominations of Judge Rosemary Barkett and Judge H. Lee Sarokin, and successfully filibustered the nominations of Dr. Henry Foster and Sam Brown, they sought to rewrite the history of the filibuster of the nomination of Abe Fortas to be Chief Justice of the Supreme Court. The Senate's cloture rule is a departure not from majority rule but from the unanimous consent that has been essential to the character of the Senate. Now that they are in the majority, Republicans have no use for rules protecting the minority or for the historic role of the Senate.

Republicans turned their practices upside down when the very people who insisted on recognition of their prerogatives as home State Senators with regard to judicial nominees chose with a Republican in the White House to disregard the lack of home State Senator support and proceed with hearings and Committee consideration of the nominations of Carolyn Kuhl, Janice Rogers Brown, Henry Saad, Richard Griffin, David McKeague, and Susan Nielson.

Requiring home State Senator support can and often has led to consultation and cooperation between the Senate and the White House. This White House and Senate Republicans who insisted on it without exception during the Clinton years, dispensed with it when it became inconvenient to their goal of stacking the courts and moving them sharply in one direction. To do so, they proceeded in the face of opposition from both home State Senators.

When Republicans were being asked to considering the nominations of a Democratic President, one negative blue slip from just one home State Senator was enough to doom a nomination and prevent a hearing on that nomination. This included all nominations, including those to the circuit courts. How else to explain the failure to schedule hearings for such qualified and noncontroversial nominees such as James Beatty and James Wynn, African American nominees from North Carolina? What other reason could plausibly be found for what happened to the nominations of Enrique Moreno and Jorge Rangel—both Latino, both Harvard graduates, both highly rated by the ABA, both denied hearings in the Judiciary Committee? Republicans used to excuse their refusal to proceed on President Clinton's nominees because of the absence of home State Senator support. Indeed, in those days, so long as a Republican Senator had an objection, it appeared to be honored, whether that was Senator Helms objecting to an African American nominee from Virginia or Senator Gorton objecting to nominees from California.

Republicans continued to hold hearings on controversial judicial nominees following the party nominating conventions and with the Presidential election just weeks away. Whether they acknowledge it as the Thurmond Rule, or something else, it is a well established practice that in Presidential election years there comes a point when judicial confirmation hearings are not continued without agreement. Republicans used to insist that absent the consent of the minority, we await the results of the election and the inauguration of a new President before moving additional nominees. Republicans lived by this precedent when they ran this Committee in 1996 and later, in 2000. In 1996, when a Democratic President was seeking re-election, the Republican-controlled committee held only one hearing to consider one district court nominee after the August recess, and then never allowed that nominee to have a committee vote. In 2000, the Republican-controlled committee followed the Thurmond Rule to the letter. After the August recess work on judicial nominations came to a halt. Although there were over 30 nominees pending, after July 25 2000, no more judicial nominees were scheduled for hearings or considered by the committee.

Republicans have gone so far as to reverse their practice with President Clinton by holding hearings for nominees for positions in the courts that would not even become vacancies until after the Presidential election. As with everything else, there appears to be one rule for Democrats and no rules or precedents for Republicans.

Little did we know that through most of the time, Republican staff had been stealing Democratic computer files and using them for partisan purposes. When The Wall Street Journal and The Washington Times wrote that they were furnished internal documents, the investigation began. The Capitol Police seized the Judiciary computer hard drives and servers and the Senate Sergeant at Arms began an internal investigation. Staff of the Republican leader and the chairman of the Judiciary Committee resigned and confirmed their involvement. This year, the Sergeant at Arms reported that thousands of files had been stolen over a period of years and found that this partisan spying and stealing may have violated numerous criminal laws. It is a shameful chapter in the history of the Judiciary Committee and the Senate. A Federal criminal investigation is ongoing into this matter, and I look forward to the Justice Department completing that inquiry in the coming year.

The President took the unprecedented steps of renominating controversial nominees on whom the Judiciary Committee had withheld consent and then recess appointed controversial nominees on whom the Senate had withheld its consent. This President has utilized the constitutional recess appointment power as an end-run around the Constitution's advice and consent requirement. This undermines the Senate's institutional role as a check on unfit or unfair nominees to our independent court system. Just as Senate Republicans viewed longstanding rules and precedent as inconvenient, the President treated the Constitution's requirement of Senate consent as an inconvenience and an opportunity for partisan political gain. The President went so far as to try to steal a circuit seat from one State and over objection to award it to another by nominating a Virginian to fill a traditional Maryland vacancy on the Fourth Circuit.

Most regrettably as well, the White House fanned the flames and refused to tamp down hateful and unfounded claims that amounted to religious McCarthyism. Senate Democrats refused to be cowed by Republican's false charges that they were anti-Hispanic, anti-African American, anti-Christian, antiwoman or antiman. We were none of these things. The fact of the matter is that Democrats were antijudicial zealot, period. Democrats stood up for the independence of the Federal courts and fair, nonpartisan judges for the American people.

These past 2 years we have witnessed the Senate Judiciary Committee and the Senate break with longstanding precedent and Senate tradition. With the Senate and the White House under control of the same political party we have witnessed rule after rule broken or misinterpreted away. The Framer's of the Constitution warned against the dangers of such factionalism, undermining the structural separations of power. Republicans in the Senate have failed to defend the institutional role of this branch as a check on the President in the area of nominations. It weakens our Constitution to have such collusion and forfeits the strength and protections of our separation of powers that was designed to protect all Americans.

From the way that home State Senators are treated to the way hearings are scheduled, to the way the Committee questionnaire was altered unilaterally, to the way our Committee's historic protection of the minority by Committee Rule IV has been violated, to the theft of computer files, Republicans destroyed virtually every rule, precedent, custom and courtesy that used to help create and enforce cooperation and civility in the confirmation process. Their approach to our rules and precedents follows their own partisan version of the golden rule, which is that "he with the gold, rules." It is as if those currently in power believe that they are above our constitutional checks and balances and that they can reinterpret any treaty, law, rule, custom or practice they do not like or they find inconvenient.

Some of these interpretations are so contrary to well-established understandings that it is like we have fallen down the rabbit hole in Alice in Wonderland. I am reminded that the imperious Queen of Hearts rebuked Alice for having insufficient imagination to believe contradictory things, saying that some days she had believed six impossible things before breakfast. I have seen things I thought impossible on the Judiciary Committee and in the Senate, things impossible to square with the past practices of Committee and the history of the Senate.

Under our Constitution, the Senate has a vital role in the selection of our judiciary. The brilliant design of our Founders established that the first two branches of government would work together to equip the third branch to serve as an independent arbiter of justice. The structure of our Constitution and our own Senate rules of self-governance are designed to protect minority rights and to encourage consensus. Despite the razor-thin margin of recent elections, Republicans are not acting in a measured way but in complete disregard for the traditions of bipartisanship that are the hallmark of the Senate. Theirs is a practice of might makes right is wrong. One of the great strengths of the Senate is its role as a continuing body with continuing rules that have, until the 108th Congress, been respected and followed under either Democratic leadership or Republican control. Our rules must not change to give whoever is in the majority the power to jerry rig whatever result is desired.

As the Rev. Martin Luther King wrote in his famous Letter from a Birmingham Jail, "Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal. By the same token, a just law is a code that a majority compels a minority to follow and that it is willing to follow itself. This is sameness made legal."

Fair process is a fundamental component of the American system of law. If we cannot have a fair process in these halls or in our courts, how will the resulting decisions be viewed? If the rule of law is to mean anything it must mean that it applies to all equally.

No man and no party should be above the law. That has been one of the strengths of our democracy. Our country was born in reaction to the autocracy and corruption of King George, and we must not forget our roots as a nation of both law and liberty. The best guarantee of liberty is the rule of law, meaning that the decisions of government are not arbitrary and that rules are not discretionary or enforced to help one side and then ignored to aid another. James Madison, one of the Framers of our Constitution, warned in Federalist No. 47 of the very danger that has threatened our great nation during the 108th Congress, a threat to our freedoms from within: "[The] accumulation of all powers legislative, executive and judiciary in the same hands . . . may justly be pronounced the very definition of tyranny."

The American people deserve better governance than we have seen with the destruction of rule after rule by a majority willing to sacrifice the power and precedents of the Senate. Our freedoms as Americans are the fruit of too much sacrifice to have the rules ignored in the United States Senate by partisans colluding with the White House to try to appoint unfit loyalists to courts who have been chosen with the hope that they will re-interpret our great precedents and overturn the very laws that have protected our most fundamental rights as Americans.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

INTERNATIONAL GRANT PROGRAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 818, S. 2635.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant bill clerk read as follows:

> A bill (S. 2635) to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of the United States and to address the homeland security needs of Federal, State, and local governments.

There being no objection, the Senate proceeded to consider the bill which was reported from the Committee on Governmental Affair with an amendment.

(Strike the parts shown in black brackets and insert the part printed in italic.)

S. 2635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. TECHNOLOGY CLEARINGHOUSE.

[Section 430 of the Homeland Security Act of 2002 (6 U.S.C. 238) is amended—

[(1) in subsection (c)—

[(A) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

[(B) by inserting after paragraph (6) the following:

["(7) establishing a program to identify, develop, or modify existing or near term homeland security information, equipment, capabilities, technologies, and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments;";

[(2) by redesignating subsection (d) as subsection (e); and

[(3) by inserting after subsection (c) the following:

["(d) HOMELAND SECURITY INFORMATION, EQUIPMENT, CAPABILITIES, TECHNOLOGIES, AND SERVICES GRANT PROGRAM.—

["(1) IN GENERAL. In developing the program established under subsection (c)(7), the Secretary, acting through the Director of the Office for Domestic Preparedness and in consultation with the Under Secretary for Science and Technology, shall—

["(A) conduct a needs assessment of Federal, State, and local governments and first responders to identify—

["(i) the homeland security needs of Federal, State, and local governments and first responders; and

["(ii) areas where specific homeland security information, equipment, capabilities, technologies, and services could address those needs;

["(B) survey near term and existing homeland security information, equipment, capabilities, technologies, and services developed within the United States and within other countries that—

["(i) are highly focused on homeland security issues; and

["(ii) have demonstrated the capability for fruitful cooperation with the United States in the area of counterterrorism; and

["(C) provide grants, directly or through a nonprofit, nongovernmental organization, to eligible applicants to develop new, or modify existing, homeland security information, equipment, capabilities, technologies, and services to address the needs identified in subparagraph (A).

["(2) ELIGIBLE APPLICANTS.—An applicant is eligible to receive a grant under this subsection if the applicant—

["(A) addresses 1 or more needs of Federal, State, and local governments and first responders, as identified through the assessment conducted under paragraph (1)(A);

["(B) is a joint venture between—

["(i) a for profit business entity, academic institution, or non profit entity; and

["(ii) another entity that has demonstrated capability in the area of counterterrorism or homeland security; and

["(C) meets any other qualifications that the Secretary may reasonably require.

["(3) PRIORITY. The Secretary shall give priority to those applicants who propose to provide the homeland security information, equipment, technologies, or services developed or modified with grant funds to Federal, State, and local governments and first responders.

["(4) MATCHING REQUIREMENT. The Secretary may require a recipient of a grant under this subsection to make available non-Federal matching contributions in an amount equal to up to 50 percent of the total proposed cost of the project for which the grant was awarded.

["(5) GRANT REPAYMENT. The Secretary may require a recipient of a grant under this subsection to repay to the Secretary the amount of the grant, interest at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate. The Secretary may not require that such repayment be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

["(6) AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated $25,000,000 for fiscal year 2005 to carry out the grant program established under this subsection.".

[SEC. 2. HOMELAND SECURITY INFORMATION, EQUIPMENT, CAPABILITIES, TECHNOLOGIES, AND SERVICES GRANT PROGRAM.

[Section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193) is amended—

[(1) by redesignating subsection (c) as subsection (d); and

[(2) by inserting after subsection (b) the following:

["(c) HOMELAND SECURITY INFORMATION, EQUIPMENT, CAPABILITIES, TECHNOLOGIES, AND SERVICES GRANT PROGRAM.—In developing the program described in section 430(d), the Under Secretary for Science and Technology shall assist the Director of the Office for Domestic Preparedness by reviewing, testing, and evaluating applications or proposals.".]

SECTION 1. FINDINGS.

Congress finds the following:

(1) The development and implementation of technology is a crucial component of combating terrorism and implementing homeland security strategies.

(2) The Government of Israel and companies in Israel have extensive experience with matters pertaining to homeland security generally, and antiterrorism specifically, including expertise in the fields of border integrity, transportation security, first responder equipment, and civil defense planning.

(3) The United States and Israel have an extensive history of working cooperatively and successfully to assist with the development of agricultural, defense, telecommunications, and other technologies that are mutually beneficial to each country, as exemplified by the success of the Binational Industrial Research and Development Foundation (referred to in this section as the "BIRD Foundation").

(4) Initiated in 1977 as a grant program, funded equally by the Governments of the United States and Israel in support of joint ventures between businesses in the United States and in Israel, the BIRD Foundation has invested $180,000,000 in 600 projects over the past 27 years and has realized $7,000,000,000 in sales and the development of a number of important technologies.

(5) The establishment of a similar binational program, or the expansion of the BIRD Foundation, to support the development of technologies and services applicable to homeland security would be beneficial to the security of the United States and Israel and would strengthen the economic ties between the two countries.

SEC. 2. UNITED STATES-ISRAEL HOMELAND SECURITY GRANT PROGRAM.

(a) ESTABLISHMENT. There is established a program between the United States and Israel to identify, develop, or modify existing or near term homeland security information, equipment, capabilities, technologies, and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments.

(b) HOMELAND SECURITY NEEDS ASSESSMENT.—In carrying out the program established under subsection (a), the Secretary of Homeland Security shall—

(1) conduct a needs assessment of Federal, State, and local governments and first responders to identify—

(A) the homeland security needs of Federal, State, and local governments and first responders; and

(B) areas where specific homeland security information, equipment, capabilities, technologies, and services could address those needs;

(2) survey near term and existing homeland security information, equipment, capabilities, technologies, and services developed within the United States and Israel; and

(3) provide grants, directly or through a nonprofit, nongovernmental organization, to eligible applicants to develop, manufacture, sell, or otherwise provide homeland security information, equipment, capabilities, technologies, and services to address the needs identified under paragraph (1).

(c) ELIGIBLE APPLICANTS.—An applicant is eligible to receive a grant under this section if the applicant—

(1) addresses one or more needs of Federal, State, and local governments and first responders, as identified through the assessment conducted under subsection (b)(1) or homeland security needs otherwise identified by the Department of Homeland Security;

(2) is a joint venture between—

(A) a for profit business entity, academic institution, or non-profit entity in the United States and a for profit business entity, academic institution, or non-profit entity in Israel; or

(B) the government of the United States and the government of Israel; and

(3) meets any other qualifications that the Secretary may reasonably require.

(d) APPLICATION.—Each eligible applicant seeking a grant under this section shall submit to the Secretary of Homeland Security, or the head of a nonprofit, nongovernmental organization authorized by the Secretary to award such grants, an application that contains—

(1) the identification of the joint venture applying for the grant and the identity of each entity participating in the joint venture;

(2) a description of the product or service with applications related to homeland security that the applicant is developing, manufacturing, or selling;

(3) the development, manufacturing, sales, or other activities related to such product or service that the applicant is seeking to carry out with grant funds;

(4) a detailed capital budget for such product or service, including the manner in which the grant funds will be allocated and expended; and

(5) such other information as the Secretary of Homeland Security may reasonably require.

(e) ADVISORY BOARD.—

(1) ESTABLISHMENT.—If the Secretary of Homeland Security makes funds available to a nonprofit, nongovernmental organization to award grants to eligible applicants, the Secretary shall establish an advisory board to monitor how such grants are awarded.

(2) MEMBERSHIP.—The advisory board shall be comprised of—

(A) an appropriate representative of the Government of the United States, as designated by the Secretary of Homeland Security; and

(B) an official designated by the Government of Israel.

(f) ADDITIONAL CONDITION.—

(1) IN GENERAL.—The Secretary of Homeland Security may impose a condition that the Government of Israel contribute an amount that the Secretary determines to be appropriate toward a project to be funded by a grant under this section before the disbursement of proceeds of such grant.

(2) LIMITATION.—The Secretary may not prescribe a condition that requires a contribution toward the project from the Government of Israel of an amount in excess of the amount of the grant awarded under this section for such project.

(g) PRIORITY.—The Secretary of Homeland Security shall give priority to those applicants who propose to market the homeland security information, equipment, technologies, or services developed or modified with grant funds to Federal, State, and local governments and first responders.

(h) MATCHING REQUIREMENT.—The Secretary of Homeland Security may require a recipient of a grant under this section to make available non-Federal matching contributions in an amount equal to up to 50 percent of the total proposed cost of the project for which the grant was awarded.

(i) GRANT REPAYMENT.—The Secretary of Homeland Security may, as appropriate, require a recipient of a grant under this section to repay to the Secretary, or the nonprofit, nongovernmental entity designated by the Secretary, the amount of the grant, interest at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate. The Secretary may not require that such repayment be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security to carry out the grant program established under this section—

(1) $25,000,000 for fiscal year 2005; and

(2) such sums as may be necessary for fiscal year 2006.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the committee substitute amendment, as amended, be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4077) was agreed to, as follows:

On page 9, line 10, after "institution," insert "Department of Energy national laboratory,".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2635), as amended, was read a third time and passed, as follows:

S. 2635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) The development and implementation of technology is a crucial component of combating terrorism and implementing homeland security strategies.

(2) The Government of Israel and companies in Israel have extensive experience with matters pertaining to homeland security generally, and antiterrorism specifically, including expertise in the fields of border integrity, transportation security, first responder equipment, and civil defense planning.

(3) The United States and Israel have an extensive history of working cooperatively and successfully to assist with the development of agricultural, defense, telecommunications, and other technologies that are mutually beneficial to each country, as exemplified by the success of the Binational Industrial Research and Development Foundation (referred to in this section as the "BIRD Foundation").

(4) Initiated in 1977 as a grant program, funded equally by the Governments of the United States and Israel in support of joint ventures between businesses in the United States and in Israel, the BIRD Foundation has invested $180,000,000 in 600 projects over the past 27 years and has realized $7,000,000,000 in sales and the development of a number of important technologies.

(5) The establishment of a similar binational program, or the expansion of the BIRD Foundation, to support the development of technologies and services applicable to homeland security would be beneficial to the security of the United States and Israel and would strengthen the economic ties between the two countries.

SEC. 2. UNITED STATES-ISRAEL HOMELAND SECURITY GRANT PROGRAM.

(a) ESTABLISHMENT.—There is established a program between the United States and Israel to identify, develop, or modify existing or near term homeland security information, equipment, capabilities, technologies, and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments.

(b) HOMELAND SECURITY NEEDS ASSESSMENT.—In carrying out the program established under subsection (a), the Secretary of Homeland Security shall—

(1) conduct a needs assessment of Federal, State, and local governments and first responders to identify—

(A) the homeland security needs of Federal, State, and local governments and first responders; and

(B) areas where specific homeland security information, equipment, capabilities, technologies, and services could address those needs;

(2) survey near term and existing homeland security information, equipment, capabilities, technologies, and services developed within the United States and Israel; and

(3) provide grants, directly or through a nonprofit, nongovernmental organization, to eligible applicants to develop, manufacture, sell, or otherwise provide homeland security information, equipment, capabilities, technologies, and services to address the needs identified under paragraph (1).

(c) ELIGIBLE APPLICANTS.—An applicant is eligible to receive a grant under this section if the applicant—

(1) addresses one or more needs of Federal, State, and local governments and first responders, as identified through the assessment conducted under subsection (b)(1) or homeland security needs otherwise identified by the Department of Homeland Security;

(2) is a joint venture between—

(A) a for profit business entity, academic institution, Department of Energy national laboratory, or non-profit entity in the United States and a for profit business entity, academic institution, or non-profit entity in Israel; or

(B) the government of the United States and the government of Israel; and

(3) meets any other qualifications that the Secretary may reasonably require.

(d) APPLICATION.—Each eligible applicant seeking a grant under this section shall submit to the Secretary of Homeland Security, or the head of a nonprofit, nongovernmental organization authorized by the Secretary to award such grants, an application that contains—

(1) the identification of the joint venture applying for the grant and the identity of each entity participating in the joint venture;

(2) a description of the product or service with applications related to homeland security that the applicant is developing, manufacturing, or selling;

(3) the development, manufacturing, sales, or other activities related to such product or service that the applicant is seeking to carry out with grant funds;

(4) a detailed capital budget for such product or service, including the manner in which the grant funds will be allocated and expended; and

(5) such other information as the Secretary of Homeland Security may reasonably require.

(e) ADVISORY BOARD.—

(1) ESTABLISHMENT.—If the Secretary of Homeland Security makes funds available to a nonprofit, nongovernmental organization to award grants to eligible applicants, the Secretary shall establish an advisory board to monitor how such grants are awarded.

(2) MEMBERSHIP.—The advisory board shall be comprised of—

(A) an appropriate representative of the Government of the United States, as designated by the Secretary of Homeland Security; and

(B) an official designated by the Government of Israel.

(f) ADDITIONAL CONDITION.—

(1) IN GENERAL.—The Secretary of Homeland Security may impose a condition that the Government of Israel contribute an amount that the Secretary determines to be appropriate toward a project to be funded by a grant under this section before the disbursement of proceeds of such grant.

(2) LIMITATION.—The Secretary may not prescribe a condition that requires a contribution toward the project from the Government of Israel of an amount in excess of the amount of the grant awarded under this section for such project.

(g) PRIORITY.—The Secretary of Homeland Security shall give priority to those applicants who propose to market the homeland security information, equipment, technologies, or services developed or modified with grant funds to Federal, State, and local governments and first responders.

(h) MATCHING REQUIREMENT.—The Secretary of Homeland Security may require a recipient of a grant under this section to make available non-Federal matching contributions in an amount equal to up to 50 percent of the total proposed cost of the project for which the grant was awarded.

(i) GRANT REPAYMENT.—The Secretary of Homeland Security may, as appropriate, require a recipient of a grant under this section to repay to the Secretary, or the nonprofit, nongovernmental entity designated by the Secretary, the amount of the grant, interest at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate. The Secretary may not require that such repayment be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security to carry out the grant program established under this section—

(1) $25,000,000 for fiscal year 2005; and

(2) such sums as may be necessary for fiscal year 2006.

SENATE NATIONAL SECURITY WORKING GROUP

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 480, which was introduced by Senator FRIST earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 480) extending the authority for the Senate National Security Working Group.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 480) was agreed to, as follows:

S. RES. 480

Resolved, That Senate Resolution 105 of the One Hundred First Congress, 1st session (agreed to on April 13, 1989), as amended by Senate Resolution 149 of the One Hundred Third Congress, 1st session (agreed to on October 5, 1993), as further amended by Senate Resolution 75 of the One Hundred Sixth Congress, 1st session (agreed to on March 25, 1999), as further amended by Senate Resolution 383 of the One Hundred Sixth Congress, 2d session (agreed to on October 27, 2000), and as further amended by Senate Resolution 355 of the One Hundred Seventh Congress, 2d session (agreed to on November 13, 2002), is further amended—

(1) in section (1)(a)(3)—

(A) by striking subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (A) the following new subparagraphs:

"(B) The Working Group may also study any issues related to national security that the Majority Leader and Minority Leader jointly determine appropriate.

"(C) In addition, the Working Group is encouraged to consult with parliamentarians and legislators of foreign nations and to participate in international forums and institutions regarding the matters described in subparagraphs (A) and (B).";

(2) by striking each section designated as section 4; and

(3) by adding at the end the following new section:

"SEC. 4. The provisions of this resolution shall remain in effect until December 31, 2006.".

COMMENDING RICHARD WINTERS AND THE MEN OF EASY COMPANY, 101ST AIRBORNE DIVISION

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 481 submitted by Senator SANTORUM earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 481) expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement of Major Richard D. Winters (Ret.) during World War II, and commending him for leadership and valor in leading the men of Easy Company.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 481) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 481

Whereas historians have written that World War II began on September 1, 1939, when Nazi Germany, without a declaration of war, invaded Poland; and following Poland's surrender, the Nazis quickly moved to invade and occupy Denmark, Norway, Luxembourg, the Netherlands, and Belgium;

Whereas following the Japanese sneak attack on the United States at Pearl Harbor, Hawaii on December 7, 1941, the United States declared war on Japan and entered the conflict on the side of freedom and democracy;

Whereas when the fate of the free world was in jeopardy as a direct result of Adolf Hitler and the Nazi regime's desire for world conquest, the "greatest generation ever" took up the task of ridding the world of Nazi and Fascist regimes;

Whereas in 1944 the military forces of the United States, the United Kingdom, and Canada landed at 5 beaches (Utah Beach, Omaha Beach, Gold Beach, Juno Beach, and Sword Beach) in Normandy, France with the goal of liberating Europe from the Nazi forces;

Whereas according to military historians, in preparation for the amphibious invasion at Normandy, Allied planes pounded the Nazi defenders and dropped thousands of paratroopers behind German lines the night before the seaborne landings;

Whereas Major Richard D. Winters (Ret.), a native of Lancaster, Pennsylvania and a graduate of Franklin & Marshall College, served the United States honorably and with great distinction as 1st Lieutenant, Company E, 2nd Battalion, 506th Parachute Infantry Regiment, 101st Airborne Division;

Whereas landing at the town of Ste. Mere-Eglise on June 6, 1944, Lieutenant Winters took command of "Easy Company" following the death of the company commander in the airborne drop, and received orders to destroy a four-gun battery of German 105mm howitzers at a French farmhouse named "Brecourt Manor", 3 kilometers from Ste. Marie-du-Mont;

Whereas Lieutenant Winters, with only 12 men, proceeded to assault this enemy battery which was directing heavy fire against the 4th Infantry Division as they landed on Utah Beach;

Whereas against great odds, and through extraordinary bravery, Lieutenant Winters and his men were able to overcome a platoon of 50 elite German soldiers guarding the battery;

Whereas Lieutenant Winters personally led the attack and repeatedly exposed himself directly to enemy fire while performing his military duties;

Whereas this gallant action by Lieutenant Winters and his men, 4 of whom gave their lives, and 2 of whom were wounded, saved countless lives among the soldiers of the 4th Infantry Division; and

Whereas Lieutenant Richard D. Winters received the Distinguished Service Cross in recognition of his outstanding military service and achievement during the Normandy campaign: Now, therefore, be it

Resolved, That the Senate—

(1) salutes the accomplishments of Lieutenant Richard D. Winters and the men of "Easy Company" for their actions to ensure control over Utah Beach at Normandy;

(2) commends the heroism and bravery shown by Lieutenant Richard D. Winters in

the face of death and severe hardship to accomplish his mission and save the lives of Allied Forces landing at Utah Beach;

(3) acknowledges the historical achievements of Lieutenant Richard D. Winters and the men of "Easy Company" in assuring the success of the Allied Normandy campaign, begun on June 6, 1944; and

(4) expresses its gratitude for the selfless service of Lieutenant Richard D. Winters, the men of "Easy Company," and all veterans who served in World War II in restoring freedom to the world and for defeating the elements of evil and oppression.

CONGRATULATING THE BOSTON RED SOX ON WINNING THE 2004 WORLD SERIES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 482, submitted earlier today by Senators Kennedy, Reed, Kerry, and others.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 482) congratulating the Boston Red Sox on winning the 2004 World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, it is a long awaited—long, long, long awaited—privilege to have this opportunity on the Senate floor this morning to do something that no Member has been able to do for 86 years—congratulate the Boston Red Sox on winning the World Series.

Red Sox nation is still celebrating.

What a year for sports in Boston, first the New England Patriots win the Super Bowl in football and now the Boston Red Sox are the World Champions in baseball. This feat of the same city winning both the Super Bowl and the World Series in the same year is also rare. It last happened in 1979, when the Pittsburgh Steelers won the Super Bowl and the Pittsburgh Pirates won the World Series. Boston truly is the city of champions. My only regret is that we didn't also manage to win the National Championship this year in the other famed contact sport—American politics.

But my purpose now is to urge my colleagues to support this resolution praising the victory of the Red Sox. That victory was celebrated not only in Boston but in the entire Nation, since Red Sox nation has fans in all 50 States. Fans across the Nation traveled to Boston on October 30 to be part of the 3 million fans who persevered through cold and wet weather to honor the team that they grew up watching and be part of the dramatic victory parade.

The Curse of the Bambino, as it was called, was finally lifted after 86 long years, and we had a World Series victory to celebrate at long last. It was far from an easy victory, but the Sox met the challenges with their never-give-up attitude. They came back from a three games to none deficit and won four straight games to defeat the Yankees and won the American League Pennant, 4 games to 3. The magical ride continued through the World Series that followed, and the Red Sox won another four straight games to defeat the St. Louis Cardinals and won the victory that has escaped us since 1918. And in doing so, winning eight straight playoff games, the Red Sox set a separate major league baseball record as well.

So I welcome this opportunity to salute each of these gifted and dedicated athletes as the modern Red Sox heroes, they are—Mark Bellhorn, Orlando Cabrera, Johnny Damon, Alan Embree, Keith Foulke, Derek Lowe, Pedro Martinez, Kevin Millar, Bill Mueller, Trot Nixon, David Ortiz, Manny Ramirez, Dave Roberts, Curt Schilling, Jason Varitek, and Tim Wakefield.

Red Sox Manager Terry Francona deserves immense credit for guiding the team to this new height, and inspiring all the players to rise to the challenges when the going seemed bleakest against the Yankees in the playoffs last month. They remind me of one of the famous slogans of the Army Air Corps in World War II—"The difficult we do immediately—the impossible takes a little longer."

I also congratulate, the president and CEO of the Red Sox, Larry Lucchino, and the team's general manager, Theo Epstein, who were indispensable in building this team of champions.

The owners of the Red Sox, John Henry and Tom Werner, never wavered from their goal of ending the curse and winning the World Series.

My grandfather, John Fitzgerald was Ma or of Boston when Fenway Park first opened in April, 1914, and it was easy to see how much he loved the team in all the years when I was growing up. I am sure he is smiling down now on this year's team as well, and I am delighted that my own grandchildren could savor this year's victory.

For the amazing feat the Boston Red Sox accomplished this year, we are eternally grateful. And this resolution is a way of expressing the gratitude of fans in Boston and across the country for this extraordinary achievement.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 482) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 482

Whereas on October 27, 2004, the Boston Red Sox won their first World Series title in 86 years in a four-game sweep of the St. Louis Cardinals;

Whereas the Red Sox won their sixth world title in the 104-year history of the storied franchise;

Whereas the 2004 Red Sox World Champion team epitomized sportsmanship, selfless play, team spirit, determination, and heart in the course of winning 98 games in the regular season and clinching the American League Wild Card playoff berth;

Whereas the 2004 Red Sox World Champion team honored the careers of all former Red Sox legends, including Joe Cronin, Bobby Doerr, Carlton Fisk, Jimmie Foxx, Carl Yastrzemski, Cy Young, Johnny Pesky, Dom DiMaggio, Jim Rice, and Ted Williams;

Whereas the 2004 postseason produced new Red Sox legends, including Derek Lowe, Pedro Martinez, Curt Schilling, Tim Wakefield, Jason Varitek, Keith Foulke, Manny Ramirez, David Ortiz, Johnny Damon, Trot Nixon, Orlando Cabrera, Kevin Millar, Mike Timlin, Alan Embree, Mark Bellhorn, Bill Mueller, and Dave Roberts;

Whereas Red Sox Manager Terry Francona brought fresh leadership to the clubhouse this year, and brought together a self-proclaimed "band of idiots" and made them into one of the greatest Red Sox teams of all time;

Whereas Red Sox owners John Henry and Tom Werner and Red Sox President and Chief Executive Officer Larry Lucchino never wavered from their goal of bringing a World Series Championship to Boston;

Whereas Red Sox General Manager Theo Epstein assembled a team with strong pitching, a crushing offense, and most important, the heart and soul of a champion;

Whereas the Red Sox never trailed in any of the 36 innings of the World Series;

Whereas the Red Sox set a new major league record by winning eight consecutive games in the postseason;

Whereas Derek Lowe, Pedro Martinez, and Curt Schilling delivered gutsy pitching performances in the postseason worthy of their status as some of the best pitchers in Red Sox history;

Whereas the Red Sox starting pitching in Games 2, 3, and 4 of the World Series had a combined earned run average of 0.00;

Whereas Manny Ramirez won the 2004 World Series Most Valuable Player award in the World Series after batting .350 in the postseason with two home runs and 11 runs batted in;

Whereas the Red Sox staged the greatest comeback in baseball history in the American League Championship Series against their rivals, the New York Yankees, by winning four consecutive games after losing the first three games of the series;

Whereas the Red Sox prevailed in four consecutive American League Championship Series games, while producing some of the most memorable moments in sports history, including Dave Roberts stealing second base in the bottom of the ninth inning of Game 4, David Ortiz securing a walk-off home run in the 12th inning of Game 4, David Ortiz singling in the winning run in the bottom of the 14th inning in Game 5, and Johnny Damon making a grand slam in Game 7;

Whereas the entire Red Sox organization has a strong commitment to charitable causes in New England, demonstrated by the team's 51-year support of the Dana-Farber Cancer Institute's Jimmy Fund in the fight against childhood cancers;

Whereas fans of the Red Sox do not live only in Boston or New England, but all across the country and the world, and a grateful "Red Sox Nation" thanks the team for bringing a World Championship home to Boston;

Whereas the 2004 Boston Red Sox and their loyal fans believed; and

Whereas this IS next year: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the Boston Red Sox for winning the 2004 Major League Baseball World Series and for their incredible performance during the 2004 Major League Baseball season; and

(B) the eight Major League Baseball teams that played in the postseason;

(2) recognizes the achievements of the Boston Red Sox players, manager, coaches, and support staff whose hard work, dedication, and spirit made this all possible;

(3) commends—

(A) the St. Louis Cardinals for a valiant performance during the 2004 season and the World Series; and

(B) the fans and management of the St. Louis Cardinals for allowing the Red Sox fans from Boston and around the Nation to celebrate their first title in 86 years at their home field; and

(4) directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2004 Boston Red Sox team;

(B) Red Sox Manager Terry Francona;

(C) Red Sox General Manager Theo Epstein;

(D) Red Sox President and Chief Executive Officer Larry Lucchino;

(E) Red Sox Principal Owner John Henry; and

(F) Red Sox Chairman Tom Werner.

MICROENTERPRISE RESULTS AND ACCOUNTABILITY ACT OF 2004

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of S. 3027, introduced earlier today by Senator DeWine.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3027) to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3027) was read the third time and passed, as follows:

S. 3027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Microenterprise Results and Accountability Act of 2004".

SEC. 2. FINDINGS AND POLICY.

Congress finds and declares the following:

(1) Congress has demonstrated its support for microenterprise development assistance programs through the enactment of two comprehensive microenterprise laws:

(A) The Microenterprise for Self-Reliance Act of 2000 (title I of Public Law 106–309; 114 Stat. 1082).

(B) Public Law 108–31 (an Act entitled "An Act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance program under those Acts, and for other purposes", approved June 17, 2003).

(2) The report on the effectiveness of the United States Agency for International Development's microfinance program, prepared by the Consultative Group to Assist the Poor, rated the Agency in the top tier of the 17 donors in this field.

(3) The Comptroller General, in a report dated November 2003, found that the United States Agency for International Development has met some, but not all, of the key objectives of such microenterprise development assistance programs.

(4) The Comptroller General's report found, among other things, the following:

(A) Microenterprise development assistance generally can help alleviate some impacts of poverty, improve income levels and quality of life for borrowers and provide poor individuals, workers, and their families with an important coping mechanism.

(B) Microenterprise development assistance programs of the United States Agency for International Development have encouraged women's participation in microfinance projects and, according to data of the Agency, women have comprised two-thirds or more of the micro-loan clients in Agency-funded microenterprise projects since 1997.

(5)(A) The Comptroller General's report recommends that the Administrator of the United States Agency for International Development review the Agency's "microenterprise results reporting" system with the goal of ensuring that its annual reporting is complete and accurate.

(B) Specifically, the Administrator should review and reconsider the methodologies used for the collection, analysis, and reporting of data on annual spending targets, outreach to the very poor, sustainability of microfinance institutions, and the contribution of Agency's funding to the institutions it supports.

SEC. 3. MICROENTERPRISE DEVELOPMENT ASSISTANCE.

Chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2166 et seq.) is amended by inserting after title V the following new title:

"TITLE VI—MICROENTERPRISE DEVELOPMENT ASSISTANCE

"SEC. 251. FINDINGS AND POLICY.

"Congress finds and declares the following:

"(1) Access to financial services and the development of microenterprise are vital factors in the stable growth of developing countries and in the development of free, open, and equitable international economic systems.

"(2) It is therefore in the best interest of the United States to facilitate access to financial services and assist the development of microenterprise in developing countries.

"(3) Access to financial services and the development of microenterprises can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial services.

"(4) Given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidence of poverty in rural areas and growing income inequality between rural and urban markets, microenterprise programs should target both rural and urban poor.

"(5) Microenterprise programs have been successful and should continue to empower vulnerable women in the developing world. The Agency should work to ensure that recipients of microenterprise and microfinance development assistance under this title communicate and work with nongovernmental organizations and government organizations to identify and assist victims of trafficking as provided for in section 106(a)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(a)(1); Public Law 106–386) and women who are victims of or susceptible to other forms of exploitation and violence.

"(6) Given that microenterprise programs have been successful in empowering disenfranchised groups such as women, microenterprise programs should also target populations disenfranchised due to race or ethnicity in countries where a strong relationship between poverty and race or ethnicity has been demonstrated, such as countries in Latin America.

"SEC. 252. AUTHORIZATION; IMPLEMENTATION; TARGETED ASSISTANCE.

"(a) Authorization.—The President is authorized to provide assistance on a non-reimbursable basis for programs in developing countries to increase the availability of credit, savings, and other services to microfinance and microenterprise clients lacking full access to capital, training, technical assistance, and business development services, through—

"(1) assistance for the purpose of expanding the availability of credit, savings, and other financial and non-financial services to microfinance and microenterprise clients;

"(2) assistance for the purpose of training, technical assistance, and business development services for microenterprises to enable them to make better use of credit, to better manage their enterprises, to conduct market analysis and product development for expanding domestic and international sales, particularly to United States markets, and to increase their income and build their assets;

"(3) capacity-building for microfinance and microenterprise institutions in order to enable them to better meet the credit, savings, and training needs of microfinance and microenterprise clients; and

"(4) policy, regulatory programs, and research at the country level that improve the environment for microfinance and microenterprise clients and institutions that serve the poor and very poor.

"(b) Implementation.—

"(1) Office of Microenterprise Development.—There is established within the Agency an office of microenterprise development, which shall be headed by a Director who shall be appointed by the Administrator and who should possess technical expertise and ability to offer leadership in the field of microenterprise development.

"(2) Additional Provisions.—

"(A) Use of Implementing Partner Organizations.—Assistance under this section shall emphasize the use of implementing partner organizations that best meet the requirements of subparagraph (C).

"(B) Use of Central Funding Mechanisms.—

"(i) Program.—In order to ensure that assistance under this title is distributed effectively and efficiently, the office shall also seek to implement a program of central funding under which assistance is administered directly by the office, including through targeted core support for microfinance and microenterprise networks and other practitioners.

"(ii) FUNDING.—Of the amount made available to carry out this subtitle for a fiscal year, not less than $25,000,000 should be made available to carry out clause (i).

"(C) EFFICIENCY AND COST-EFFECTIVENESS.—Assistance under this section shall meet high standards of efficiency, cost-effectiveness, and sustainability and shall especially provide the greatest possible resources to the poor and very poor. When administering assistance under this section, the Administrator shall—

"(i) take into consideration the percentage of funds a provider of assistance intends to expend on administrative costs;

"(ii) take all appropriate steps to ensure that the provider of assistance keeps administrative costs as low as practicable to ensure the maximum amount of funds are used for directly assisting microfinance and microenterprise clients, for establishing sustainable microfinance and microenterprise institutions, or for advancing the microenterprise development field; and

"(iii) give preference to proposals from providers of assistance that are the most technically competitive and have a reasonable allocation to overhead and administrative costs.

"(3) APPROVAL OF STRATEGIC PLANS.—With respect to assistance provided under this section, the office shall be responsible for concurring in the microenterprise development components of strategic plans of missions, bureaus, and other offices of the Agency and providing technical support to field missions to help the missions prepare such components.

"(c) TARGETED ASSISTANCE.—In carrying out sustainable poverty-focused programs under subsection (a), 50 percent of all microenterprise resources shall be targeted to clients who are very poor. Specifically, until September 30, 2006, such resources shall be used for—

"(1) support of programs under this section through practitioner institutions that—

"(A) provide credit and other financial services to clients who are very poor, with loans in 1995 United States dollars of—

"(i) $1,000 or less in the Europe and Eurasia region;

"(ii) $400 or less in the Latin America region; and

"(iii) $300 or less in the rest of the world; and

"(B) can cover their costs in a reasonable time period; or

"(2) demand-driven business development programs that achieve reasonable cost recovery that are provided to clients holding poverty loans (as defined by the regional poverty loan limitations in paragraph (1)(A)), whether they are provided by microfinance institutions or by specialized business development services providers.

"SEC. 253. MONITORING SYSTEM.

"(a) IN GENERAL.—In order to maximize the sustainable development impact of assistance authorized under section 252(a), the Administrator of the Agency, acting through the Director of the office, shall strengthen its monitoring system to meet the requirements of subsection (b).

"(b) REQUIREMENTS.—The requirements referred to in subsection (a) are the following:

"(1) The monitoring system shall include performance goals for the assistance and expresses such goals in an objective and quantifiable form, to the extent feasible.

"(2) The monitoring system shall include performance indicators to be used in measuring or assessing the achievement of the performance goals described in paragraph (1) and the objectives of the assistance authorized under section 252.

"(3) The monitoring system provides a basis for recommendations for adjustments to the assistance to enhance the sustainability and the impact of the assistance, particularly the impact of such assistance on the very poor, particularly poor women.

"(4) The monitoring system adopts the widespread use of proven and effective poverty assessment tools to successfully identify the very poor and ensure that they receive adequate access to microenterprise loans, savings, and assistance.

"SEC. 254. DEVELOPMENT AND CERTIFICATION OF POVERTY MEASUREMENT METHODS; APPLICATION OF METHODS.

"(a) DEVELOPMENT AND CERTIFICATION.—

"(1) IN GENERAL.—The Administrator of the Agency, in consultation with microenterprise institutions and other appropriate organizations, shall develop no fewer than two low-cost methods for implementing partner organizations to use to assess the poverty levels of their current, incoming, or prospective clients. The Administrator shall develop poverty indicators that correlate with the circumstances of the very poor.

"(2) FIELD TESTING.—The Administrator shall field-test the methods developed under paragraph (1). As part of the testing, institutions and programs may use the methods on a voluntary basis to demonstrate their ability to reach the very poor.

"(3) CERTIFICATION.—Not later than April 1, 2005, the Administrator shall, from among the low-cost poverty measurement methods developed under paragraph (1), certify no fewer than two such methods as approved methods for measuring the poverty levels of current, incoming, or prospective clients of microenterprise institutions for purposes of assistance under section 252.

"(b) APPLICATION.—The Administrator shall require that, with reasonable exceptions, all implementing partner organizations applying for microenterprise assistance under this title use one of the certified methods, beginning not later than October 1, 2006, to determine and report the poverty levels of current, incoming, or prospective clients.

"SEC. 255. AVAILABILITY OF FUNDS; ADDITIONAL AUTHORITIES.

"(2) Notwithstanding any other provision of law, amounts made available for assistance for microenterprise development assistance under any provision of law other than this title may be provided to further the purposes of this title. To the extent assistance described in the preceding sentence is provided in accordance with such sentence, the Administrator of the Agency shall include, as part of the report required under section 258, a detailed description of such assistance and, to the extent applicable, the information required by paragraphs (1) through (11) of subsection (b) of such section with respect to such assistance.".

SEC. 4. MICROENTERPRISE DEVELOPMENT CREDITS.

(a) TRANSFER.—Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is hereby—

(1) transferred from chapter 1 of part I of the Foreign Assistance Act of 1961 to title VI of chapter 2 of part I of such Act (as added by section 3 of this Act); and

(2) inserted after section 255 of the Foreign Assistance Act of 1961.

(b) REDESIGNATION.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 108 (as added by subsection (a)) as section 256.

(c) CONFORMING AMENDMENTS.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by inserting after the title heading the following:

"Subtitle A—Grant Assistance";

(2) by inserting after section 255 the following:

"Subtitle B—Credit Assistance"; and

(3) in section 256 (as redesignated by subsection (b))—

(A) in the matter preceding paragraph (1) of subsection (c), by striking "Administrator of the agency primarily responsible for administering this part" and inserting "Administrator of the Agency"; and

(B) in subsection (f)(1)—

(i) by striking "section 131" and inserting "this part"; and

(ii) by striking "for each of fiscal years 2001 through 2004" and inserting "for fiscal year 2005 and such sums as may be necessary for each of the fiscal years 2006 through 2009".

SEC. 5. UNITED STATES MICROFINANCE LOAN FACILITY.

(a) TRANSFER.—Section 132 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) is hereby—

(1) transferred from chapter 1 of part I of the Foreign Assistance Act of 1961 to title VI of chapter 2 of part I of such Act (as added by section 3 of this Act); and

(2) inserted after section 256 of the Foreign Assistance Act of 1961 (as added by section 4 of this Act).

(b) REDESIGNATION.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 132 (as added by subsection (a)) as section 257.

(c) CONFORMING AMENDMENTS.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by inserting after section 256 the following:

"Subtitle C—United States Microfinance Loan Facility"; and

(2) in section 257 (as redesignated by subsection (b))—

(A) in subsection (b)(3), by striking "2001 and 2002" and inserting "2005 through 2009";

(B) in the matter preceding subparagraph (A) of subsection (d)(1), by striking "this part for the fiscal year 2001, up to $5,000,000" and inserting "this part, up to $5,000,000 for fiscal year 2005 and such sums as may be necessary for each of the fiscal years 2006 through 2009,"; and

(C) by striking subsection (e).

SEC. 6. MISCELLANEOUS PROVISIONS.

Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (as added by section 3 of this Act and amended by sections 4 and 5 of this Act) is further amended by adding at the end the following new subtitle:

"Subtitle D—Miscellaneous Provisions

"SEC. 258. REPORT.

"(a) IN GENERAL.—Not later than June 30, 2006, and each June 30 thereafter, the Administrator of the Agency, acting through the Director of the office, shall submit to the appropriate congressional committees a report that contains a detailed description of the implementation of this title for the previous fiscal year.

"(b) CONTENTS.—The report shall contain the following:

"(1) The number of grants, cooperative agreements, contracts, contributions, or other form of assistance provided under section 252, with a listing of—

"(A) the amount of each grant, cooperative agreement, contract, contribution, or other form of assistance;

"(B) the name of each recipient and each developing country with respect to which projects or activities under the grant, cooperative agreement, contract, contribution, or other form of assistance were carried out; and

"(C) a listing of the number of countries receiving assistance authorized by section 252.

"(2) The results of the monitoring system required under section 253.

"(3) The process of developing and applying poverty assessment procedures required under section 254.

"(4) The percentage of assistance furnished under section 252 that was allocated to the very poor based on the data collected using the certified methods required by section 254.

"(5) The estimated number of the very poor reached with assistance provided under section 252.

"(6) The amount of assistance provided under section 252 through central mechanisms.

"(7) The name of each country that receives assistance under section 256 and the amount of such assistance.

"(8) Information on the efforts of the Agency to ensure that recipients of United States microenterprise and microfinance development assistance work closely with nongovernmental organizations and foreign governments to identify and assist victims or potential victims of severe forms of trafficking in persons and women who are victims of or susceptible to other forms of exploitation and violence.

"(9) Any additional information relating to the provision of assistance authorized by this title, including the use of the poverty measurement tools required by section 254, or additional information on assistance provided by the United States to support microenterprise development under this title or any other provision of law.

"(10) An estimate of the percentage of beneficiaries of assistance under this title in countries where a strong relationship between poverty and race or ethnicity has been demonstrated.

"(11) The level of funding provided through contracts, the level of funding provided through grants, contracts, and cooperative agreements that is estimated to be subgranted or subcontracted, as the case may be, to direct service providers, and an analysis of the comparative cost-effectiveness and sustainability of projects carried out under these mechanisms.

"(c) AVAILABILITY TO PUBLIC.—The report required by this section shall be made available to the public on the Internet website of the Agency.

"SEC. 259. DEFINITIONS.

"In this title:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Agency.

"(2) AGENCY.—The term 'Agency' means the United States Agency for International Development.

"(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(4) BUSINESS DEVELOPMENT SERVICES.—The term 'business development services' means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other related services.

"(5) DIRECTOR.—The term 'Director' means the Director of the office.

"(6) IMPLEMENTING PARTNER ORGANIZATION.—The term 'implementing partner organization' means an entity eligible to receive assistance under this title which is—

"(A) a United States or an indigenous private voluntary organization;

"(B) a United States or an indigenous credit union;

"(C) a United States or an indigenous cooperative organization;

"(D) an indigenous governmental or nongovernmental organization;

"(E) a microenterprise institution;

"(F) a microfinance institution; or

"(G) a practitioner institution.

"(7) MICROENTERPRISE INSTITUTION.—The term 'microenterprise institution' means a not-for-profit entity that provides services, including microfinance, training, or business development services, for microenterprise clients in foreign countries.

"(8) MICROFINANCE INSTITUTION.—The term 'microfinance institution' means a not-for-profit entity or a regulated financial intermediary that directly provides, or works to expand, the availability of credit, savings, and other financial services to microfinance and microenterprise clients in foreign countries.

"(9) MICROFINANCE NETWORK.—The term 'microfinance network' means an affiliated group of practitioner institutions that provides services to its members, including financing, technical assistance, and accreditation, for the purpose of promoting the financial sustainability and societal impact of microenterprise assistance.

"(10) OFFICE.—The term 'office' means the office of microenterprise development established under section 252(b)(1).

"(11) PRACTITIONER INSTITUTION.—The term 'practitioner institution' means a not-for-profit entity or a regulated financial intermediary, including a microfinance network, that provides services, including microfinance, training, or business development services, for microfinance and microenterprise clients, or provides assistance to microenterprise institutions in foreign countries.

"(12) PRIVATE VOLUNTARY ORGANIZATION.—The term 'private voluntary organization' means a not-for-profit entity that—

"(A) engages in and supports activities of an economic or social development or humanitarian nature for citizens in foreign countries; and

"(B) is incorporated as such under the laws of the United States, including any of its states, territories or the District of Columbia, or of a foreign country.

"(13) UNITED STATES-SUPPORTED MICROFINANCE INSTITUTION.—The term 'United States-supported microfinance institution' means a financial intermediary that has received funds made available under this part for fiscal year 1980 or any subsequent fiscal year.

"(14) VERY POOR.—The term 'very poor' means those individuals—

"(A) living in the bottom 50 percent below the poverty line established by the national government of the country in which those individuals live; or

"(B) living on less than the equivalent of $1 per day (as calculated using the purchasing power parity (PPP) exchange rate method).".

SEC. 7. SENSE OF CONGRESS.

It is the sense of Congress that, in carrying out title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (as added by section 3 of this Act and amended by sections 4 through 6 of this Act), the Administrator of the United States Agency for International Development—

(1) where applicable, should ensure that microenterprise development assistance provided under such title is matched by recipients with an equal amount of assistance from non-United States Government sources, including private donations, multilateral funding, commercial and concessional borrowing, savings, and program income;

(2) should include in the report required by section 258 of the Foreign Assistance Act of 1961 (as added by section 6 of this Act) a description of all matching assistance (as described in paragraph (1)) provided for the prior year by recipients of microenterprise development assistance under such title;

(3) should ensure that recipients of microenterprise development assistance under such title do not expend an unreasonably large percentage of such assistance on administrative costs;

(4) should not use recipients of microenterprise development assistance under such title to carry out critical management functions of the Agency, including functions such as strategy development or overall management of programs in a country; and

(5) should consult with the appropriate congressional committees with respect to the implementation of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 not later than 90 days after the date of the enactment of this Act.

SEC. 8. REPEALS.

(a) FOREIGN ASSISTANCE ACT OF 1961.—Section 131 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a) is hereby repealed.

(b) PUBLIC LAW 108-31.—

(1) IN GENERAL.—Section 4 of Public Law 108-31 (22 U.S.C. 2151f note) is amended by striking subsection (b).

(2) CONFORMING AMENDMENT.—Section 4 of Public Law 108-31 is amended by striking "(a)" and all that follows through "Not later" and inserting "Not later".

SEC. 9. REFERENCES.

Any reference in a law, regulation, agreement, or other document of the United States to section 108, 131, or 132 of the Foreign Assistance Act of 1961 shall be deemed to be a reference to subtitle B of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, subtitle A of title VI of chapter 2 of part I of such Act, or subtitle C of title VI of chapter 2 of part I of such Act, respectively.

COMMODITY ASSESSMENT, PROTECTION, AND REFORM ACT

Mr. FRIST. I ask unanimous consent to proceed to the immediate consideration of Calendar No. 752, S. 2866.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2866) to amend the Farm Security and Rural Investment Act of 2002 to clarify the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2866) was read the third time and passed, as follows:

S. 2866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commodity Assessment, Protection, and Reform Act".

SEC. 2. COLLECTION OF COMMODITY ASSESSMENTS.

Subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) is amended by adding at the end the following:

"SEC. 1210. COLLECTION OF COMMODITY ASSESSMENTS.

"(a) DEFINITION OF ASSESSMENT.—In this section, the term 'assessment' means funds that are—

"(1) collected with respect to a specific commodity in accordance with this Act;

"(2) paid by the first purchaser of the commodity in accordance with a State law or this title; and

"(3) not collected through a tax or other revenue collection activity of a State.

"(b) AUTHORITY TO COLLECT COMMODITY ASSESSMENTS FROM MARKETING ASSISTANCE LOANS.—The Secretary may collect commodity assessments from the proceeds of a marketing assistance loan made under this subtitle in accordance with an agreement between the Secretary and the State.".

HIPAA RECREATIONAL INJURY TECHNICAL CORRECTION ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 779, S. 423.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 423) a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Health Care Parity for Legal Transportation and Recreational Activities Act".

[SEC. 2. COVERAGE AMENDMENTS.

[(a) ERISA.—Section 702(a)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(2)(B)) is amended by inserting before the period the following: ", except that a plan or issuer may not deny benefits otherwise provided for the treatment of an injury solely because such injury resulted from participation of the participant or beneficiary in an activity such as motorcycling, snowmobiling, all-terrain vehicle riding, horseback riding, skiing or other similar legal activity".

[(b) PHSA.—Section 2702(a)(2)(B) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(2)(B)) is amended by inserting before the period the following: ", except that a plan or issuer may not deny benefits otherwise provided for the treatment of an injury solely because such injury resulted from participation of the enrollee in an activity such as motorcycling, snowmobiling, all-terrain vehicle riding, horseback riding, skiing or other similar legal activity".

[(c) INTERNAL REVENUE CODE.—Section 9802(a)(2)(B) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: ", except that a plan or issuer may not deny benefits otherwise provided for the treatment of an injury solely because such injury resulted from participation of the enrollee in an activity such as motorcycling, snowmobiling, all-terrain vehicle riding, horseback riding, skiing or other similar legal activity".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "HIPAA Recreational Injury Technical Correction Act".

SEC. 2. COVERAGE AMENDMENTS.

(a) ERISA.—Section 702(a)(3) of the Employee Retirement Income Security Act of 1971 (29 U.S.C. 1182(a)(3)) is amended—

(1) by striking "CONSTRUCTION.—For" and inserting the following: "SCOPE.—

"(A) WAITING PERIODS.—For"; and

(2) by adding at the end the following:

"(B) LIMITATION ON DENIAL OF BENEFITS.—For purposes of paragraph (2), a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not deny benefits otherwise provided under the plan or coverage for the treatment of an injury solely because such injury resulted from the participation of the individual in a legal mode of transportation or a legal recreational activity.".

(b) PHSA.—Section 2702(a)(3) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(3)) is amended—

(1) by striking "CONSTRUCTION.—For" and inserting the following: "SCOPE.—

"(A) WAITING PERIODS.—For"; and

(2) by adding at the end the following:

"(B) LIMITATION ON DENIAL OF BENEFITS.—For purposes of paragraph (2), a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not deny benefits otherwise provided under the plan or coverage for the treatment of an injury solely because such injury resulted from the participation of the individual in a legal mode of transportation or a legal recreational activity.".

(c) INTERNAL REVENUE CODE.—Section 9802(a)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking "CONSTRUCTION.—For" and inserting the following: "SCOPE.—

"(A) WAITING PERIODS.—For"; and

(2) by adding at the end the following:

"(B) LIMITATION ON DENIAL OF BENEFITS.—For purposes of paragraph (2), a group health plan may not deny benefits otherwise provided under the plan for the treatment of an injury solely because such injury resulted from the participation of the individual in a legal mode of transportation or a legal recreational activity.".

Mr. FRIST. I ask unanimous consent the committee amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 423), as amended, was read the third time and passed.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF BOTH HOUSES

Mr. FRIST. I ask unanimous consent the Senate proceed to the adjournment resolution which is at the desk, provided further that the resolution be amended with the amendment at the desk, and that the resolution be agreed to, as amended, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4079) was agreed to, as follows:

On page 1, line 2, strike from "that" through the end of page 2, line 9 and insert in lieu thereof the following:

"When the House adjourns on Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stands adjourned until 2 p.m. on Monday, December 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and when the Senate recesses or adjourns from Saturday, November 20, 2004, through Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stands recessed or adjourned until noon on Monday, December 6, 2004, or Tuesday, December 7, 2004, or until such other time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until the time of reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first."

The concurrent resolution (H. Con. Res. 529), as amended, was agreed to, as follows:

H. CON. RES. 529

Resolved, That the resolution from the House of Representatives (H. Con. Res. 529) entitled "Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.", do pass with the following amendment:

On page 1, line 2, strike from "That" through the end of page 2, line 9 and insert in lieu thereof the following:

when the House adjourns on Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stands adjourned until 2:00 p.m. on Monday, December 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and when the Senate recesses or adjourns *from Saturday, November 20, 2004, through Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stands recessed or adjourned until noon on Monday, December 6, 2004, or Tuesday, December 7, 2004, or until such other time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until the time of reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.*

MARINE DEBRIS RESEARCH AND REDUCTION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 792, S. 2488.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2488) to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that an Inouye substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the title amendment be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4078) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 2488), as amended, was read the third time and passed.

The title was amended so as to read: "A bill to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes."

CONTROLLED SUBSTANCES EXPORT REFORM ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3028, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3028) to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I rise to introduce with my colleague, Senator BIDEN, the Controlled Substances Export Reform Act of 2004. This bill would make a minor, but long overdue, change to the Controlled Substances Act to reflect the reality of commerce in the 21st Century and to protect high-paying American jobs, while maintaining strong safeguards on exports.

Before I discuss this bill, I want to thank Senator BIDEN for working with me on this important legislation. Senator BIDEN has long been recognized as a national leader on drug-related measures, and we have a history of working together on a bipartisan basis to enact sensible reforms in this area, as evidenced by the recent enactment of our steroid precursor bill. I respect his thoughtful collaboration, and I thank him for his work on the proposal we are introducing today.

In sum, this proposed legislation will amend the Controlled Substances Act of 1970 providing greater parity for U.S. manufacturers, who wish to export their products while retaining full DEA authority over U.S. exports.

Current law places severe restrictions on exports of certain drug products from the United States. The Controlled Substances Export Reform Act proposes to amend that law to correct one small, but onerous provision that is unnecessarily threatening American jobs. This change is entirely consistent with the long-established regulatory scheme pursuant to the Federal Food, Drug and Cosmetic Act.

At present U.S. pharmaceutical manufacturers are permitted to export most controlled substances only to the immediate country where the products will be consumed. Shipments to centralized sites for further distribution across national boundaries are prohibited. This contrasts with the freedom of pharmaceutical manufacturers throughout the rest of the world to readily move approved medical products among and between international drug control treaty countries without limitation or restriction.

The unique prohibitions imposed on domestic manufacturers disadvantage U.S. businesses by requiring smaller, more frequent and costly shipments to each country of use without any demonstrable benefit to public health or safety. By imposing significant logistical challenges and financial burdens on U.S. companies, the law creates a strong incentive for domestic pharmaceutical manufacturers to move production operations overseas, threatening high-wage American jobs.

The Controlled Substances Act of 1970 permits U.S. manufacturers of Schedule I and II substances and Schedule III and IV narcotics to export their products from U.S. manufacturing sites only to the receiving country where the drug will be used. The law prohibits export of these products if the drugs are to be distributed outside the country to which they are initially sent. The effect of this restriction is to prevent American businesses from using cost-effective, centralized foreign distribution facilities. In addition, under the current regime, unexpected cross-border demands or surges in patient needs cannot be met. Likewise, complex and time-sensitive export licensing procedures prevent the shipment of pharmaceuticals on a real time basis.

European drug manufacturers face no such constraints. They are able to freely move their exported products from one nation to another while complying with host country laws. This is entirely consistent with the scheme of regulation imposed by international drug control treaties. Only the United States imposes the additional limitation of prohibiting the further transfer of controlled substances.

Thus, while a French or British company can ship its products to a central warehouse in Germany for subsequent distribution across the European Union, an American company must incur the added costs of shipping its products separately to each individual country.

The Controlled Substances Export Reform Act would correct this imbalance and permit the highly regulated transshipment of exported pharmaceuticals placing American businesses on an equal footing with the rest of the world. Importantly, however, DEA's authority to control U.S. exports would not be diminished.

The legislation authorizes the Attorney General, or his designee, the DEA, to permit the re-export of Schedule I and II substances and Schedule III and IV narcotics to countries that are parties to the Single Convention on Narcotic Drugs and the Convention on Psychotropic Substances under tightly controlled circumstances: First, each country is required to have an established system of controls deemed adequate by the DEA. Next, only permit or license holders in those countries may receive regulated products. Third, re-exports are limited to one single cross-border transfer. Then the DEA must be satisfied by substantial evidence that the exported substance will be used to meet an actual medical, scientific or other legitimate need, and that the second country of receipt will hold or issue appropriate import licenses or permits. Fifth, in addition, the exporter must notify the DEA in writing within 30 days of a re-export. And finally, an export permit must have been issued by the DEA.

These safeguards are rigorous but fair, and represent a much-needed modernization of the law. The current restrictions on U.S. pharmaceutical exports have remained essentially unchanged for more than thirty years. In that time, the global economy has changed dramatically. For those among us who express concerns about the outsourcing of American jobs and the competitiveness of U.S. companies, this modest change represents an opportunity to address such problems head-on.

The Controlled Substance Act's limitation on U.S. pharmaceutical exports imposes unique, unnecessary, and significant logistical and financial burdens on American businesses. The effect of this outdated policy is to create a strong incentive for domestic pharmaceutical companies to move production overseas, threatening American jobs and eliminating DEA jurisdiction over the manufacture and shipment of their products. The Controlled Substances Export Reform Act removes this unwarranted barrier to U.S. manufacturers' use of cost-effective distribution techniques while retaining full DEA control of U.S. exports and re-exports. Accordingly, I urge my colleagues to join Senator BIDEN and myself in support of this bill.

SECTION 1003

I appreciate the distinguished Senator from Delaware's work on this legislation and am pleased to join with him in correcting this small, but important provision of law.

Section 1003 of the Controlled Substances Import and Export Act currently permits U.S. pharmaceutical manufacturers to export schedule I and II drugs and schedule III and IV narcotics only to the exact country where the products will be used. While American companies are prohibited from using centralized foreign distribution facilities, our international competitors face no similar restrictions and can freely ship medicines for cross border distribution between all international drug control treaty countries.

Mr. BIDEN. Will the Senator yield for a question?

Mr. HATCH. Yes.

Mr. BIDEN. Isn't it true that the disadvantage to U.S. businesses of requiring smaller, more frequent shipments to each country of use is substantial? When a foreign entity seeks to import a schedule I or II drug, or a schedule III or IV narcotic from the United States, they must first secure an import permit that is shared with the U.S. manufacturer and DEA. Our companies then have 60 days in which to obtain independent safety and quality testing on each separate product batch to be shipped. Upon completion of that testing, the manufacturer submits a highly detailed export permit application for DEA's approval. If DEA fails to issue the permit within 60 days, the entire process must be restarted. Because independent testing is expensive and the export process is highly paper intensive, it is not unusual for companies to struggle against the 60-day deadline only to have to begin again. Unfortunately, while we engage in this burdensome process, patients suffer without their drugs and foreign physicians seek out substitutes to unreliable U.S. supplies.

This process was put in place long before the adoption of our international drug control treaties and the anti-diversion protections they provide. It is now outdated and unnecessary.

Mr. HATCH. Yes, the Senator is correct. In addition to the burden imposed on U.S. manufacturing exporters, the advent of the European Union has created a situation that places our foreign distributors in violation of European law. Member countries of the EU are considered borderless in terms of trade. Products introduced into the European Union are required to be available for transport and shipment among and between all member countries under their law. However, because we don't recognize the European Union as a single entity and cross-border transfers are prohibited, our distributors are placed in the position of violating European law in being forced to deny inter-country distribution of U.S. drugs.

Mr. BIDEN. Will the Senator yield for another question?

Mr. HATCH. Yes.

Mr. BIDEN. While the Controlled Substances Act restrictions made sense when they were adopted over 30 years ago, would you agree that changes in the way international pharmaceutical markets work, and in the way controlled substances are tracked, and have since rendered the requirements unnecessary? Our legislation was developed in cooperation with the Drug Enforcement Administration to ensure that all necessary anti-diversion controls remain.

Under our bill, each country is required to have an established system of controls deemed adequate by the DEA. Only DEA permit or license holders in those countries may receive regulated products. Re-exports are limited to one single cross-border transfer. The DEA must be satisfied by substantial evidence that the exported substance will be used to meet an actual medical, scientific or other legitimate need and that the second country of receipt will hold or issue appropriate import licenses or permits. The exporter must notify the DEA in writing within 30 days of a re-export, and an export permit must have been issued by the DEA.

The legislation specifically retains the Drug Enforcement Administration's authority to deny a request to export or re-export a controlled substance. A company seeking to export a drug for subsequent transfer must provide the DEA with exhaustive information on both the country of initial export and the countries to which the controlled substances would ultimately be destined. In addition, DEA must be provided follow-up notification of any cross border shipment within 30 days of that transfer. The U.S. Government will know where all drugs are being shipped and for what purpose. Without that information, U.S. pharmaceuticals will never leave our soil.

Mr. HATCH. That it is correct. The purpose and intent of this legislation is to place U.S. pharmaceutical companies on equal footing with their international competitors. Moreover, this change is entirely consistent with the long-established regulatory scheme pursuant to the Federal Food, Drug and Cosmetic Act. Eliminating the need for multiple, small shipments and the associated wasteful, small batch testing, will save U.S. companies nearly 80 percent over current export distribution costs, savings that will result in more American jobs and stronger international markets for U.S. products.

As the Senator noted, the bill has been crafted with the assistance of the Drug Enforcement Administration to ensure all necessary controls will remain in place while creating a level playing field for American business. It is simply a commonsense update to an outdated law, and I urge its passage.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3028) was read the third time and passed, as follows:

S. 3028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REEXPORTATION OF CONTROLLED SUBSTANCES.

(a) SHORT TITLE.—This Act may be cited as the "Controlled Substances Export Reform Act of 2004".

(b) IN GENERAL.—Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953) is amended by adding at the end the following:

"(f) Notwithstanding subsections (a)(4) and (c)(3), the Attorney General may authorize any controlled substance that is in schedule I or II or is a narcotic drug in schedule III or IV to be exported from the United States to a country for subsequent export from that country to another country, if each of the following conditions is met:

"(1) Both the country to which the controlled substance is exported from the United States (referred to in this subsection as the 'first country') and the country to which the controlled substance is exported from the first country (referred to in this subsection as the 'second country') are parties to the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, 1971.

"(2) The first country and the second country have each instituted and maintain, in conformity with such Conventions, a system of controls of imports of controlled substances which the Attorney General deems adequate.

"(3) With respect to the first country, the controlled substance is consigned to a holder of such permits or licenses as may be required under the laws of such country, and a permit or license to import the controlled substance has been issued by the country.

"(4) With respect to the second country, substantial evidence is furnished to the Attorney General by the person who will export the controlled substance from the United States that—

"(A) the controlled substance is to be consigned to a holder of such permits or licenses as may be required under the laws of such country, and a permit or license to import the controlled substance is to be issued by the country; and

"(B) the controlled substance is to be applied exclusively to medical, scientific, or other legitimate uses within the country.

"(5) The controlled substance will not be exported from the second country.

"(6) Within 30 days after the controlled substance is exported from the first country to the second country, the person who exported the controlled substance from the United States delivers to the Attorney General documentation certifying that such export from the first country has occurred.

"(7) A permit to export the controlled substance from the United States has been issued by the Attorney General.".

AUTHORIZATION TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that during this adjournment of the Senate, the majority leader, the assistant majority leader, and the senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS AUTHORITY

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR NOVEMBER 24, 2004 AND DECEMBER 7, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 5 p.m. on Wednesday, November 24, 2004, unless the Senate receives a message from the House that the House has agreed to the amendment of the Senate to H. Con. Res. 529, in which case the Senate shall stand adjourned until 9:30 a.m., December 7, 2004, under the provisions of H. Con. Res. 529.

I further ask that following the prayer and pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period of morning business until the hour of 12:30, with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, in a moment we will be adjourning until early December. When we return on Tuesday, December 7, we will be in morning business throughout the day. It is my hope that the intelligence reform conference report will be ready for consideration that afternoon.

Finally, I thank my colleagues on both sides of the aisle. We have had a challenging few days as we worked through the issues remaining before us. Just moments ago, we were able to confirm a very large number of nominations, which have been waiting for Senate action for a long period of time. I thank the Democratic leadership, in particular, for their cooperation and efforts. It took persistence from both sides of the aisle, but it was very important that neither side gave up and the Senate was able to work its will on these nominations.

I wish everybody a happy and safe Thanksgiving.

ADJOURNMENT UNTIL WEDNESDAY, NOVEMBER 24, 2004, AT 5 P.M., OR TUESDAY, DECEMBER 7, 2004, AT 9:30 A.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 529.

The PRESIDING OFFICER. Without objection, the Senate is adjourned until Wednesday, November 24, 2004, at 5 p.m., unless the Senate receives a message from the House agreeing to the amendment of the Senate to H. Con. Res. 529, in which case the Senate will reconvene on Tuesday, December 7, 2004, at 9:30 a.m.

There being no objection, the Senate, at 12:31 p.m., adjourned until Wednesday, November 24, 2004 at 5 p.m. or until Tuesday, December 7, 2004, at 9:30 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were confirmed:

WILLIAM A. SCHAMBRA, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2006.

DONNA N. WILLIAMS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2006.

CYNTHIA BOICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007.

DOROTHY A. JOHNSON, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HENRY LOZANO, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008.

RAQUEL EGUSQUIZA, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2005.

MARK D. GEARAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICES FOR A TERM OF ONE YEAR.

LEONA WHITE HAT, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008.

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

SHARON TUCKER, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005.

EDWARD ALTON PARRISH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING APRIL 17, 2008.

MIMI MAGER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2007.

JACOB JOSEPH LEW, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008.

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nominations and the nominations were confirmed:

SHARON BROWN-HRUSKA, OF VIRGINIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2009.

MICHAEL J. HARRISON, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

FREDERICK WILLIAM HATFIELD, OF CALIFORNIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2008.

DALLAS TONSAGER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING MAY 21, 2010.

MICHAEL V. DUNN, OF IOWA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 19, 2006.

The Senate Committee on the Judiciary was discharged from further consideration of the following nomination and the nomination was confirmed:

PATRICIA CUSHWA, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 20, 2004:

UNITED STATES INTERNATIONAL TRADE COMMISSION

DANIEL PEARSON, OF MINNESOTA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2011.

CHARLOTTE A. LANE, OF WEST VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2009.

DEPARTMENT OF COMMERCE

MICHAEL D. GALLAGHER, OF WASHINGTON, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.

EXPORT-IMPORT BANK OF THE UNITED STATES

LINDA MYSLIWY CONLIN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2007.

DEPARTMENT OF THE INTERIOR

SUE ELLEN WOOLDRIDGE, OF VIRGINIA, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

GARY LEE VISSCHER, OF MARYLAND, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN L. JOHNSON, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

CHARLES JOHNSON, OF UTAH, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY.

ANN R. KLEE, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

BENJAMIN GRUMBLES, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF COMMERCE

THEODORE WILLIAM KASSINGER, OF MARYLAND, TO BE DEPUTY SECRETARY OF COMMERCE.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

JACK EDWIN MCGREGOR, OF CONNECTICUT, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

DEPARTMENT OF LABOR

LISA KRUSKA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF EDUCATION

EDWARD R. MCPHERSON, OF TEXAS, TO BE UNDER SECRETARY OF EDUCATION.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

DAVID WESLEY FLEMING, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2007.

JAY PHILLIP GREENE, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 2005.

JOHN RICHARD PETROCIK, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2008.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

PATRICK LLOYD MCCRORY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005.

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2009.

DEPARTMENT OF EDUCATION

ROBERT C. GRANGER, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS.

GERALD LEE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CATHY M. MACFARLANE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DENNIS C. SHEA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

ROMOLO A. BERNARDI, OF NEW YORK, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

AFRICAN DEVELOPMENT FOUNDATION

CONSTANCE BERRY NEWMAN, ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2009.

SELECTIVE SERVICE SYSTEM

WILLIAM A. CHATFIELD, OF TEXAS, TO BE DIRECTOR OF SELECTIVE SERVICE.

DEPARTMENT OF DEFENSE

MARK FALCOFF, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

DEPARTMENT OF VETERANS AFFAIRS

PAMELA M. IOVINO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS).

EXECUTIVE OFFICE OF THE PRESIDENT

DAVID SAFAVIAN, OF MICHIGAN, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.

UNITED STATES POSTAL SERVICE

JAMES C. MILLER III, OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE TERM EXPIRING DECEMBER 8, 2010.

POSTAL RATE COMMISSION

DAWN A. TISDALE, OF TEXAS, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING NOVEMBER 22, 2006.

FEDERAL ENERGY REGULATORY COMMISSION

SUEDEEN G. KELLY, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2009.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JAMES R. KUNDER, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

AFRICAN DEVELOPMENT FOUNDATION

EDWARD BREHM, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING NOVEMBER 13, 2007.

EXECUTIVE OFFICE OF THE PRESIDENT

ADAM MARC LINDEMANN, OF NEW YORK, TO BE MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2005.

DEPARTMENT OF STATE

ANN M. CORKERY, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-EIGHTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

WALID MAALOUF, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-EIGHTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JOHN D. ROOD, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

CHARLES GRAVES UNTERMEYER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

ALDONA WOS, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

DEPARTMENT OF THE TREASURY

TIMOTHY S. BITSBERGER, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

PAUL JONES, OF COLORADO, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CARIN M. BARTH, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

MERIT SYSTEMS PROTECTION BOARD

NEIL MCPHIE, OF VIRGINIA, TO BE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD.

BARBARA J. SAPIN, OF MARYLAND, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2007.

DEPARTMENT OF COMMERCE

BENJAMIN H. WU, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE FOR TECHNOLOGY POLICY.

BRETT T. PALMER, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

ALBERT A. FRINK, JR., OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SCOTT KEVIN WALKER, OF WISCONSIN, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

FEDERAL TRADE COMMISSION

JON D. LEIBOWITZ, OF MARYLAND, TO BE A FEDERAL TRADE COMMISSIONER FOR A TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2004.

DEBORAH P. MAJORAS, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE UNEXPIRED TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2001.

NATIONAL COUNCIL ON THE ARTS

GERARD SCHWARZ, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 2006.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JAMES BALLINGER, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2010.

TERENCE ALAN TEACHOUT, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2010.

DEPARTMENT OF EDUCATION

JONATHAN BARON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS.

ELIZABETH ANN BRYAN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS.

JAMES R. DAVIS, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS.

FRANK PHILIP HANDY, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS.

ERIC ALAN HANUSHEK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS.

CAROLINE M. HOXBY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS.

ROBERTO IBARRA LOPEZ, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS.

RICHARD JAMES MILGRAM, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS.

SALLY EPSTEIN SHAYWITZ, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS.

JOSEPH K. TORGESEN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS.

HERBERT JOHN WALBERG, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

HERMAN BELZ, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

TAMAR JACOBY, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

CRAIG HAFFNER, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

JAMES DAVIDSON HUNTER, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

HARVEY KLEHR, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

THOMAS K. LINDSAY, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

IRIS LOVE, OF VERMONT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

THOMAS MALLON, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

RICARDO QUINONES, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

BEVERLY ALLEN, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008.

GAIL DALY, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008.

DONALD LESLIE, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006.

AMY OWEN, OF UTAH, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006.

SANDRA PICKETT, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005.

RENEE SWARTZ, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007.

KIM WANG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004.

NATIONAL INSTITUTE FOR LITERACY

WILLIAM T. HILLER, OF OHIO, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2006.

RICHARD KENNETH WAGNER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2006.

JUAN R. OLIVAREZ, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2006.

UNITED STATES INSTITUTE OF PEACE

MARIA OTERO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2007.

NATIONAL COUNCIL ON DISABILITY

YOUNG WOO KANG, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

DEPARTMENT OF EDUCATION

JOHN H. HAGER, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION.

NATIONAL SCIENCE FOUNDATION

ARDEN BEMENT, JR., OF INDIANA, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS.

DEPARTMENT OF VETERANS AFFAIRS

ROBERT ALLEN PITTMAN, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES AND ADMINISTRATION).

DEPARTMENT OF STATE

CATHERINE TODD BAILEY, OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DOUGLAS MENARCHIK, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

INTER-AMERICAN DEVELOPMENT BANK

HECTOR E. MORALES, OF TEXAS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

LLOYD O. PIERSON, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

AFRICAN DEVELOPMENT FOUNDATION

LLOYD O. PIERSON, AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2009.

DEPARTMENT OF DEFENSE

VINICIO E. MADRIGAL, OF LOUISIANA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2009.

OTIS WEBB BRAWLEY, JR., OF GEORGIA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2009.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

R. BRUCE MATTHEWS, OF NEW MEXICO, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2005.

JOSEPH F. BADER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2007.

CORPORATION FOR PUBLIC BROADCASTING

GAY HART GAINES, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2010.

CLAUDIA PUIG, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008.

ERNEST J. WILSON III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2010.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

JAMES S. SIMPSON, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

FEDERAL MARITIME COMMISSION

HAROLD JENNINGS CREEL, JR., OF SOUTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2009.

FEDERAL COMMUNICATIONS COMMISSION

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM EXPIRING JUNE 30, 2008.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

EDWARD ALTON PARRISH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING APRIL 17, 2008.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

RAQUEL EGUSQUIZA, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2005.

COMMODITY FUTURES TRADING COMMISSION

SHARON BROWN-HRUSKA, OF VIRGINIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2009.

FREDERICK WILLIAM HATFIELD, OF CALIFORNIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2008.

MICHAEL V. DUNN, OF IOWA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 19, 2006.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

WILLIAM A. SCHAMBRA, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2006.

DONNA N. WILLIAMS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2006.

CYNTHIA BOICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007.

DOROTHY A. JOHNSON, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HENRY LOZANO, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008.

MARK D. GEARAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICES FOR A TERM OF ONE YEAR.

LEONA WHITE HAT, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008.

MIMI MAGER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2007.

JACOB JOSEPH LEW, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008.

DEPARTMENT OF AGRICULTURE

MICHAEL J. HARRISON, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

DEPARTMENT OF JUSTICE

PATRICIA CUSHWA, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

FARM CREDIT ADMINISTRATION

DALLAS TONSAGER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING MAY 21, 2010.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SHARON TUCKER, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005.

NATIONAL COUNCIL ON DISABILITY

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

DEPARTMENT OF JUSTICE

DEBORAH ANN SPAGNOLI, OF CALIFORNIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

THE JUDICIARY

ALAN G. LANCE, SR., OF IDAHO, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM PRESCRIBED BY LAW.

CURTIS V. GOMEZ, OF VIRGIN ISLANDS, TO BE JUDGE FOR THE DISTRICT COURT OF THE VIRGIN ISLANDS FOR A TERM OF TEN YEARS.

DEPARTMENT OF COMMERCE

JONATHAN W. DUDAS, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

UNITED STATES PAROLE COMMISSION

ISAAC FULWOOD, JR., OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

SOCIAL SECURITY ADMINISTRATION

PATRICK P. O'CARROLL, JR., OF MARYLAND, TO BE INSPECTOR GENERAL, SOCIAL SECURITY ADMINISTRATION.

MERIT SYSTEMS PROTECTION BOARD

NEIL MCPHIE, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2009.

THE JUDICIARY

RAYMOND L. FINCH, OF THE VIRGIN ISLANDS, TO BE JUDGE FOR THE DISTRICT COURT OF THE VIRGIN ISLANDS FOR A TERM OF TEN YEARS.

MICAELA ALVAREZ, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

KEITH STARRETT, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

DEPARTMENT OF JUSTICE

LISA GODBEY WOOD, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

DAVID E. NAHMIAS, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

RICHARD B. ROPER III, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

UNITED STATES SENTENCING COMMISSION

RICARDO H. HINOJOSA, OF TEXAS, TO BE CHAIR OF THE UNITED STATES SENTENCING COMMISSION.

MICHAEL O'NEILL, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2009.

RUBEN CASTILLO, OF ILLINOIS, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2009.

THE JUDICIARY

CHRISTOPHER A. BOYKO, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

UNITED STATES SENTENCING COMMISSION

BERYL A. HOWELL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 31, 2005.

THE JUDICIARY

ROBERT N. DAVIS, OF FLORIDA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM PRESCRIBED BY LAW.

MARY J. SCHOELEN, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS.

WILLIAM A. MOORMAN, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS.

DEPARTMENT OF JUSTICE

ROBERT CRAMER BALFE III, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF THE TREASURY

J. RUSSELL GEORGE, OF VIRGINIA, TO BE INSPECTOR GENERAL FOR TAX ADMINISTRATION, DEPARTMENT OF THE TREASURY.

NATIONAL COUNCIL ON DISABILITY

MILTON APONTE, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

NATIONAL SCIENCE FOUNDATION

DAN ARVIZU, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

STEVEN C. BEERING, OF INDIANA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

GERALD WAYNE CLOUGH, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

KELVIN KAY DROEGEMEIER, OF OKLAHOMA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

LOUIS J. LANZEROTTI, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

ALAN I. LESHNER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

JON C. STRAUSS, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

KATHRYN D. SULLIVAN, OF OHIO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

DEPARTMENT OF THE TREASURY

ANNA ESCOBEDO CABRAL, OF VIRGINIA, TO BE TREASURER OF THE UNITED STATES.

THE JUDICIARY

GREGORY E. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

DEPARTMENT OF EDUCATION

EUGENE HICKOK, OF PENNSYLVANIA, TO BE DEPUTY SECRETARY OF EDUCATION.

EDWARD R. MCPHERSON, OF TEXAS, TO BE UNDER SECRETARY OF EDUCATION.

NATIONAL COUNCIL ON DISABILITY

ROBERT DAVILA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

LINDA WETTERS, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

JULIA L. WU, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING FEBRUARY 4, 2008.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

LAURIE STENBERG NICHOLS, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 2010.

DEPARTMENT OF EDUCATION

CAROL D'AMICO, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS.

DEPARTMENT OF STATE

YOUSIF B. GHAFARI, OF MICHIGAN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JANE DEE HULL, OF ARIZONA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

SUSAN L. MOORE, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GUY K. DAHLBECK

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRENT E. WINGET

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT L. VAN ANTWERP, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JASON K. KAMIYA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KEITH L. THURGOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL MICHAEL J. LALLY III

COAST GUARD NOMINATIONS BEGINNING GERARD F. ACHENBACH AND ENDING ELIZABETH D. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2004.

COAST GUARD NOMINATIONS BEGINNING JOEL A. AMUNDSON AND ENDING JOSEPH M. ZWACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2004.

FOREIGN SERVICE NOMINATIONS BEGINNING RALPH L. BOYCE, JR. AND ENDING ROBERT J. WHIGHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7, 2004.

FOREIGN SERVICE NOMINATIONS BEGINNING ROBERT M. CLAY AND ENDING MARCIA L. NORMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7, 2004.

EXTENSIONS OF REMARKS

IN RECOGNITION OF WENDY WILLIAMS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PALLONE. Mr. Speaker, I rise today in praise of the talented and accomplished radio personality, Ms. Wendy Williams. Wendy stands as a testament to all that can be accomplished through hard work, dedication and the ability to relate well to others. Born in Ocean Township, New Jersey, Wendy earned her Bachelor's Degree in Communications with a minor in Journalism from Northeastern University in Boston. Throughout college she interned at Boston's Kiss 108 radio station, while working various shifts at her college radio station.

Two weeks after graduating college, Wendy started working at WVIS, St. Croix, USVI. After successful stints at various radio stations across the mid-Atlantic region, including 3 years at POWER 99- where she took the morning show from number 15 to number one, Wendy settled back in New York City and has been the hugely successful and popular host of The Wendy Williams Experience. Her afternoon talk show, which airs on WBLS, attracts a large audience as well as countless celebrity guests. Her candid and straightforward interviewing style is often cited as a major contributing factor to her success.

Recently, Wendy has expanded to other media industries, including television and books, which include, Wendy's Got the Heat and The Wendy Williams Experience. In addition, Wendy covered the 2003 Grammys for the entertainment show, Extra, and has also appeared on Entertainment Tonight, Access Hollywood, E!, BET, MTV and Celebrity Justice. With her radio show expanding through syndication, we can be certain that Wendy's charismatic personality and unmistakable style will reach millions of others.

Once again, I praise Ms. Wendy Williams, not only for her accomplishments and the talent that she has shared with us, but for being a role model to so many women, particularly African-American women. Wendy's work and career offer us a mere glimpse of the extraordinary abilities of minority women that many times, go unrecognized. Today, I applaud Wendy for all that she brought to the field of entertainment and I thank her for being a trailblazer for the many women that will inevitably follow in her footsteps.

IN HONOR OF RUTH KESLER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Ruth E. Kesler, whose lifelong dedication to San Benito County consists of many volunteer and local government positions. Ruth will be stepping down as the San Benito Supervisor for District 2, where she has served for 12 years.

A longtime resident of San Benito County, Ruth has always taken an active interest in the problems facing senior citizens and the homeless. In addition to her time on the County Board of Supervisors, she has also served as Director and Chair of the Monterey Bay Unified Air Pollution Control District Board. Furthermore, Ruth has been the county's representative on the California State Association of Counties Board of Directors for the past two years.

In addition, Ruth has served on the Child Care and Development Council, Emergency Medical Care Commission, Mental Health Advisory Board and over a dozen other local government and volunteer committees. She has been a strong advocate of slow growth policies for the county and wishes to insure clean water for all citizens.

Mr. Speaker, I wish to congratulate Ruth on her long and honorable career and thank her for her contribution to our society. Ruth has consistently gone above and beyond the roles bestowed upon her, and has left a legacy of community leadership. I wish her all the luck in her future endeavors.

CONGRATULATING MR. JOHN M. TURNER ON RECEIPT OF THE LILLIAN C. McGOWIN OUTSTANDING VOLUNTEER CIVIC LEADER AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. John M. Turner, President of Whitney Bank in Mobile, Alabama, on the occasion of his being honored with the Lillian C. McGowin Outstanding Volunteer Civic Leader Award.

This annual award is presented by the Alabama Gulf Coast Chapter of the Association of Fundraising Professionals. The local chapter of AFP represents nearly fifty fundraisers in the Alabama Gulf Coast region and encourages the growth and development of professional fundraisers, as well as promoting the maintaining of high ethical standards in this profession.

John Turner is certainly quite deserving of this recognition, having been extremely involved in the life of the Mobile community for many years. For many years, he has championed numerous educational and non-profit organizations in south Alabama, all of which have been the beneficiary of his efforts and those of his fellow fundraisers. These groups include St. Paul's Episcopal School, the Mobile Area Chamber of Commerce, the United Way, the Mobile Infirmary Foundation, Leadership Mobile, and the Mobile Education Foundation.

The Gulf Coast AFP Chapter undoubtedly received numerous worthy nominations for men and women from throughout Mobile who in their own way also make significant contributions to their friends and neighbors on a daily basis. I am certain it is difficult to make the final selection for this award, but as in the past, this year's winner has shown a tremendous level of community support and charitable giving. I have had the privilege of knowing John for many years and can personally attest to his deep concern for his neighbors and for so many in Mobile who have benefited from his tremendous generosity.

Mr. Speaker, I can think of no higher praise than that received from professional colleagues, and this award is certainly strong testimony to the esteem in which John M. Turner is held by so many in Mobile. Along with his many family, friends, and colleagues throughout south Alabama, I wish to extend to him my warmest congratulations on the receipt of the Lillian C. McGowin Outstanding Volunteer Civic Leader Award. Likewise, I can only imagine how proud John's great-grandfather, the late Congressman John McDuffie, would be knowing that John has continued in the family's strong and proud legacy of dedicated community service and charitable giving.

HONORING THE LIFE OF MRS. LYNN HAMTIL

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor the life of Mrs. Lynn Hamtil, a friend, colleague and an indefatigable advocate for improving the quality of education in Orange County. She was a civic leader devoted to raising student standards and to nurturing our youth for responsible citizenship. Lynn passed away on September 21, 2004. Her recent death is a great loss to her community, her family, and this great nation.

Born in Wisconsin, she came to Orange County while in high school. Lynn later graduated from Fullerton High School and later attended Santa Ana College.

Lynn lived her life serving her community in every capacity imaginable, Lynn was a 40-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

year resident of Garden Grove, and was a Governing Board Member of the Garden Grove Unified School District. She was also known for her passion and involvement in her community serving as a six-term member of the Garden Grove Unified School District Board of Education, residing as a past president and vice-president. Lynn also is a recipient of the PTA Honorary Service Award and two Continuing Service Awards.

Lynn Hamtil was a role model for us all, a woman who worked hard and did her best to give back to her community. Her contributions have left a legacy that will last for years to come. On behalf of the Congress, I extend sympathies to Lynn's family, and gratitude for all she did to make our community a better place.

DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PERSONNEL ENHANCEMENT ACT OF 2004

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to support the Department of Veterans Affairs Health Care Personnel Enhancement Act of 2004, the Veterans' Benefits Improvements Act of 2004, and the Veterans Health Programs Improvement Act of 2004. These three pieces of legislation are critically needed. Our men and women in uniform exemplify the spirit, sacrifice, and commitment of the American people to securing freedom and democracy throughout the world. We owe it to our Armed Forces and veterans to ensure that their benefits are protected.

The Personnel Enhancement Act of 2004 sets forth new pay provisions for physicians and dentists employed by the Veterans Health Administration that will increase their income. This bill requires, among other provisions, that base pay be uniform nationwide and that performance pay be linked to individual achievements. This bill further provides for pay that is tailored to several variables, such as geographic region, area specialty, the nature of the assignment, and individual experience.

The Veterans Benefit Improvement Act of 2004 increases the maximum housing loan guarantee amount for which veterans are eligible and also increases the voluntary contribution amount that active duty members of the Armed Forces may make in order to receive increased monthly educational assistance under the Montgomery GI Bill.

The Veterans Health Programs Improvement Act of 2004 allows the principal office of the U.S. Court of Appeals for Veterans Claims to be in the Washington, D.C., and metropolitan area instead of restricting it to the District of Columbia. The bill also expresses the sense of Congress that a courthouse and justice center should be provided for the Court, if feasible, by the Pentagon.

Mr. Speaker, these three bills will improve the services available to our country's armed services personnel and veterans. Those who put their life on the line to fight for the continued freedom this country enjoys should be entitled to a support system that meets their needs. These three pieces of legislation do just that. I urge my colleagues to support all three bills.

HONORING PATRICK RYAN ON HIS RETIREMENT FROM THE HOUSE COMMITTEE ON VETERANS' AFFAIRS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SMITH of New Jersey. Mr. Speaker, as Patrick Ryan, Chief Counsel and Staff Director for the Committee on Veterans' Affairs, retires from government service, I rise today to pay tribute to his extraordinary career and accomplishments. After more than two decades working for the Committee, and a decade before that working for the Veterans Administration, Patrick is ending his public service career to pursue new personal and professional challenges.

Mr. Speaker, one of the first actions I took when I was elected chairman 4 years ago was to name Pat the chief counsel and staff director for the committee. Having been a member of the committee for 20 years, I was already familiar with the expertise, knowledge, judgment, compassion, and devotion that Patrick had displayed throughout his career.

A graduate of the University of Maryland, Pat went to work for the Veterans Administration in 1974 as a benefits counselor at the D.C. regional office. In this job, Pat learned firsthand about the challenges facing our Nation's veterans, especially those returning from the conflict in Vietnam. He also learned in detail about the programs and services that VA provided to help improve their lives. Among those Pat worked with at that time was a DAV benefits representative named Jesse Brown, who later became Secretary of Veterans Affairs in the 1990s.

Shortly after Pat went to work for VA, he also enrolled in the evening program at Georgetown University Law School. Over the next 4 years, he continued to work at VA, moving up to the position of budget analyst, while attending law school at night, earning his law degree in 1978. He then moved to a new position in VA's Office of General Counsel, where he worked for the next 5 years.

In 1983, Pat Ryan began working for the Committee on Veterans' Affairs, serving as counsel for the Subcommittee on Hospitals and Health Care. He later served as counsel for the Subcommittee on Oversight and Investigations, as well as for the full committee. Over the years, Pat was promoted to serve as both deputy chief counsel and finally, as chief counsel and staff director.

For the past 22 years, Pat Ryan has made tremendous contributions to many of the most important new veterans laws approved by Congress. He worked on numerous bills to expand services for aging veterans and those in need of long-term care. He was instrumental in helping to establish domiciliaries for homeless veterans and was the principal drafter of legislation to authorize VA's transitional housing guarantee program to benefit homeless veterans. Pat played a central role in helping to establish the Department of Veterans Affairs and in creating the U.S. Court of Appeals for Veterans Claims.

Pat has been deeply involved in numerous successful committee initiatives that have expanded and strengthened the Dependency and Indemnity Compensation, DIC, program, survivor health care services, and educational assistance benefits available to surviving spouses and children of servicemembers killed in action or who later die of a service-related cause. And over the past 20 years, Pat has played a role in increasing the Montgomery GI bill benefit for qualified veterans from $300 when he joined the committee to over $1,000 today.

Using his budget expertise, Pat has been invaluable in helping Congress ensure that VA's budget has been both appropriate and sufficient. His extensive knowledge of the law and the inner workings of VA has also greatly aided the committee in its work to provide exemplary oversight of veterans programs.

From managing the committee's professional staff, to drafting legislation, to overseeing VA's programs and services, Patrick Ryan is the consummate professional. During the four years I have served as chairman, he has helped draft and guide to enactment more than a dozen new laws to benefit veterans, including legislation to modernize the GI bill, expand veterans' health care programs, strengthen benefits for disabled veterans, and aid homeless veterans. I consider him to have been a partner in all that this committee has accomplished during our time together and it has been an honor to work side-by-side with him.

Throughout his tenure in the House, Patrick has earned and retained both the respect and the trust of Members and staff on both sides of the aisle. Pat was hired by Chairman Sonny Montgomery when the Democrats controlled the committee, and he went on to serve both the late Chairman Bob Stump and me while Republicans have controlled Congress. Pat is equally respected inside the Department of Veterans Affairs and by outside leaders of veterans service organizations.

Mr. Speaker, all of us who know Pat Ryan understand that he is driven to succeed, not for his own benefit, but to benefit his fellow man. What has made Patrick Ryan such a valuable public servant are his personal qualities of faith, hope, and charity. A leader in both his community and his church, Pat is well-known for his singing in the choir and for his love of music, especially his eclectic musical tastes.

On a personal level, Pat Ryan has lived his life in a way that has truly made a difference. He has walked to the beat of our Lord's drummer when He said "whatsoever you do to the least of my brethren, you do likewise to me." For Pat, that means always looking out for the little guy. I have such respect and admiration for that character trait, and it is very strong in Patrick Ryan. What motivates Patrick first and foremost is devotion and love for his wife Kathie and their three children—Kerry, Dan, and Julia. For Pat Ryan, family comes first.

Pat is ever proud of his father who has passed, William Everest Ryan, a proud Marine who saw combat action during World War II in the South Pacific, where he was wounded and won the Purple Heart award. He later joined the Justice Department while continuing in the Marine reserves as an Officer in the JAG Corps, retiring with the rank of Colonel in 1964. After a distinguished career of government service, Pat's father retired from government service in 1977. In 1999, William Ryan died in the VA nursing home in Baltimore, 3 years after his wife, Pat's mother, Rosemary Ann Kelly Ryan, had passed away.

Pat Ryan has spent his entire career in Congress defending the same values his father defended on the battlefield and in the courtroom. These are the same values that Pat and his wife Kathie have taught their children through their words and their example.

Mr. Speaker, on behalf of his colleagues in the House, members of the Committee on Veterans' Affairs and other Members who have known and worked with him, on behalf of veterans organizations and leaders across the country, and on behalf of millions of veterans who have benefited from his work, but have never known his name, I want to thank Patrick Ryan for a distinguished career of faithful public service. It has been an honor to work with him.

I call on all of my colleagues to join with me in honoring Patrick Ryan on his retirement and to wish him good luck and Godspeed in whatever lies ahead of him.

RECOGNITION OF CAROL WALTER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PALLONE. Mr. Speaker, I rise today to praise an extraordinary woman, Ms. Carole Walter. Ms. Walter's talent and love for culinary arts have translated into several best selling and highly regarded books, as well as accolades.

Her background goes beyond cooking. Over the years, she has established herself as a respected and highly-regarded cookbook author, baker, baking instructor, chocolatier and consultant. Ms. Walter's most recent published cookbook, Great Cookies, won the IACP award in the category of Best Baking. In addition, her book, Great Pies and Tarts, was a finalist in the Julia Child Cookbook Awards, and Great Cakes earned Ms. Walter a James Beard Foundation Award.

Throughout her 20-year career, Ms. Walter has exhibited incredible commitment to the culinary arts. Currently, she serves as a trustee of the New York Association of Culinary Professionals and a Certified Culinary Professional in the International Association of Culinary Professionals. In addition, she has chosen to share her enthusiasm for baking by establishing the Scholarship Fund for the NYACP. Mr. Frank Garofolo, President of NYACP has said of Carole, "(She) is a dedicated culinary professional who works tirelessly to promote the culinary arts. Her dedication to helping provide opportunities for young people to enter the profession is boundless." It comes as no surprise that Sickles Market has named Ms. Walter as the first Honoree for their 2004 Wine and Cheese Fundraiser and Apple Baking Contest.

Once again, I ask my colleagues to join me in congratulating Ms. Walter on an accomplished career and for the instrumental role she has played in the culinary arts. She is truly deserving of the acknowledgment from Sickles Market.

IN HONOR OF RICHARD SCAGLIOTTI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Richard Scagliotti, whose lifelong dedication to San Benito County consists of many volunteer and local government positions. Richard will be stepping down as the San Benito County Supervisor for District 1, where he has served for 16 years.

Following in the footsteps of his father, who served San Benito County in the early sixties, Richard has served nearly his entire public career on the San Benito County Council of Governments and the Local Agency Formation Commission. In addition to his work with the San Benito Board of Supervisors, Richard has served on the Veteran's Memorial Park commission, the Local Transportation Authority, the Inter-Governmental Committee and many other local government groups. One of his proudest accomplishments was the establishment of the Pajaro River Watershed Flood Control Commission in 2000, and has served on the Commission ever since.

Mr. Speaker, I wish to congratulate Richard on his long and honorable career and thank him for his contribution to our society. Richard has consistently gone above and beyond the roles bestowed upon him, and has left a legacy of community leadership. I wish him all the luck in his future endeavors.

CONGRATULATING MR. KEITH PALMER ON RECEIPT OF THE LILLIAN C. McGOWIN OUTSTANDING CORPORATE CITIZEN AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. Keith Palmer, President of Palmer's Toyota Superstore in Mobile, Alabama, on the occasion of his being honored with the Lillian C. McGowin Outstanding Corporate Citizen Award.

This annual award is presented by the Alabama Gulf Coast Chapter of the Association of Fundraising Professionals. The local chapter of AFP represents nearly fifty fundraisers in the Alabama Gulf Coast region and encourages the growth and development of professional fundraisers, as well as promoting the maintaining of high ethical standards in this profession.

Keith Palmer and the employees of Palmer's Toyota are certainly quite deserving of this recognition, having been extremely involved in the life of the Mobile community for many years. For many years, they have championed numerous community assistance, educational, and non profit organizations in south Alabama, all of which have been the beneficiary of his efforts and those of his fellow fundraisers. These groups include the Child Advocacy Center, the Ronald McDonald Houses of Mobile and Pensacola (Florida), the Boy Scouts of America, Baker High School, the Fellowship of Christian Athletes, Semmes (Alabama) Dixie Youth Baseball, and Tanner Williams School.

The Gulf Coast AFP Chapter undoubtedly received numerous worthy nominations for men and women from throughout Mobile who in their own way also make significant contributions to their friends and neighbors on a daily basis. I am certain it is difficult to make the final selection for this award, but as in the past, this year's winner has shown a tremendous level of community support and charitable giving. Many in Mobile can personally attest to Keith's deep concern for his neighbors and for so many in Mobile who have benefited from his and his employees' tremendous generosity.

Mr. Speaker, I can think of no higher praise than that received from professional colleagues, and this award is certainly strong testimony to the esteem in which Keith Palmer is held by so many in Mobile. Along with his many family, friends, and colleagues throughout south Alabama, I wish to extend to him my warmest congratulations on the receipt of the Lillian C. McGowin Outstanding Corporate Citizen Award.

THE RETIREMENT OF CHUCK SMITH

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise this morning to recognize a very good friend of mine, Mr. Chuck Smith, a retiring member of the Orange County Board of Supervisors—and a man whose heart is dedicated to the community of Orange County.

In 1978, Mr. Smith was on the Westminster Planning Commission, and served during a time of great business expansion in Orange County. He played an instrumental role in building the Little Saigon District. Between 1984 and 1996, Mr. Smith served on the Westminster City Council and was elected Mayor for four 2-year terms.

In addition to serving the local city, Mr. Smith serves the Orange County community at large. In 1998 and in 2000, he was also elected to serve as chairman of the board of supervisors by his colleagues.

Mr. Smith recognizes the needs of the community. Loyal to public transportation efforts, he served as chairman of the Orange County Transportation Authority, and continues to represent the following agencies: The Southern

California Regional Railroad Authority, and the Southern California Regional Airport Authority, dedicated to making transportation safe and reliable to all of Orange County.

Mr. Speaker, Mr. Chuck Smith will be missed by countless individuals whose lives he touched with his boundless enthusiasm and passion for helping others. I wish to recognize his accomplishments and contribution, and I wish him the best of luck in his future endeavors.

RECOGNIZING THE 60TH ANNIVERSARY OF THE BATTLE OF THE BULGE DURING WORLD WAR II

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2004

Mr. HASTINGS of Florida. Mr. Speaker, this year marks the 60th anniversary of the Battle of the Bulge during World War II, and I rise today in recognition of this courageous and crucial battle, fought by our brave soldiers more than half a century ago.

On December 16, 1944, during the coldest, snowiest weather "in memory" in the Ardennes Forest on the German/Belgium border, the German War Machine started their infamous "Ardennes Offensive." Even though the German Offensive achieved total surprise, nowhere did the American troops give ground without a determined fight. Within 3 days, the unwavering American stand and the arrival of dominant reinforcements insured that the German goal was far beyond reach. In all, 19,000 American soldiers perished during this momentous battle.

The soldiers often fought in zero-temperature conditions and driving snow, which prevented them from seeing more than 10 yards in front of them. With equipment and uniforms that were designed for warmer times, frostbite became a terrible reality and a frequent occurrence. Because soldiers were often cut off from their divisions in foxholes, the wounded, in some cases, literally froze to death. To this day, our soldiers' sacrifice remains immeasurable.

The Battle of the Bulge ended in the last few days of January 1945, when American troops made their way back to the original lines. But for many of our brave veterans this terrible battle has never ended.

I stand here today in recognition of the sacrifice and commitment of our brave veterans. After 60 years, our gratitude could never be put into words, although our determination to provide them with full recognition of their service remains everlasting.

Mr. Speaker, on the 60th anniversary of the Battle of the Bulge, I am honored to recognize the service and gallantry of our veterans who fought in this epic battle.

DEMOCRATIZATION IN CENTRAL ASIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SMITH of New Jersey. Mr. Speaker, as the 108th Congress comes to an end, I want to make some observations about democratization in Central Asia, an energy-rich and geo-strategically important region. All these states are ruled by secular leaders who cooperate with Washington against terrorists. There are U.S. bases in Uzbekistan and Kyrgyzstan, to help promote stabilization in Afghanistan. This collaboration benefits us, as well as Central Asian presidents, and should certainly continue. But unfortunately, these countries are some of the worst human rights violators in the OSCE space. Everywhere in the region, super-presidents dominate the political arena, with parliaments and judicial systems dependent on the executive branch. Media are under heavy government pressure; in Uzbekistan and Turkmenistan, Soviet-era censorship continues in force. Equally characteristic of Central Asian states is corruption, which has not only enriched the ruling families and the favored few at the top but has impeded the development of free media and independent courts.

True, much of this characterization could be said about all the post-Soviet states to some degree, including Russia. But it is important to point out that there is a counter, or competing tendency in the region, exemplified by Georgia's Rose Revolution of a year ago. While Georgia has a long way to go, there is no doubt about the legitimacy or popularity of its leader, President Mikheil Saakashvili. Also the peaceful protest movement he led to overturn the results of a rigged election has emboldened opposition activists throughout the former Soviet Union to believe that society may yet be able to have a voice in who governs and how.

Central Asian leaders were quick to claim that circumstances in Georgia were so different from their own that no parallels were possible. Still, the Georgian example sent shivers down their spines. That is one reason why the elections in Central Asia that have taken place this year have been, as they were in the past, carefully controlled, with predictable outcomes.

Uzbekistan, for example, is holding parliamentary election in December. No opposition parties have been allowed to operate in Uzbekistan since 1992–1993. Despite pressure from Washington, Tashkent refused to register opposition parties this year, leaving only five pro-government parties to participate. Moreover, Uzbek authorities have contrived to keep opposition candidates from registering in single mandate races—even though officials told the U.S. Delegation to the OSCE Human Dimension Implementation Review Meeting in Warsaw in October that opposition candidates would be able to run. The result is obvious in advance: another pro-government, pocket parliament, with no dissenting voices and no capacity to perform any oversight of the executive branch. It should be noted that there have been several outbursts of popular dissatisfaction in Uzbekistan in the last few months; President Islam Karimov's tightly-run political system may be less stable than many suppose.

In neighboring, oil-rich Kazakhstan, opposition parties are registered and were able to compete in September's parliamentary election. Kazakhstan had previously expressed its desire to become OSCE Chairman-in-Office in 2009, and many observers linked Kazakhstan's chances to a good grade on the parliamentary election. But the assessment of OSCE and Council of Europe monitors—citing numerous infractions and an uneven playing field for pro-government parties and the opposition—was critical. Kazakhstan's chances of winning the OSCE Chairmanship have clearly diminished. At the same time, President Nursultan Nazarbaev—who is under investigation for corruption by the U.S. Department of Justice—has announced his intention to run, yet again, for reelection in 2006. Some commentators speculate that he may hold snap elections next year, to keep his opposition off guard. Should he win and serve out another seven-year term, he will have been in office almost 25 years.

Obviously, Mr. Speaker, Central Asian leaders do not find the responsibilities of the presidency too burdensome: Tajikistan's President Imomaly Rakhmonov last year orchestrated a referendum on constitutional changes that could allow him to remain in office until 2020. True, Tajikistan is the only country in Central Asia where Islamic political activism is tolerated. We await with interest the parliamentary elections, in which opposition and Islamic parties will participate, scheduled for next February.

As for Turkmenistan, one of the most repressive countries on earth, I'm pleased to note that freedom of religion advanced a bit. The government of President Saparmurat Niyazov took some steps to liberalize the process of registration for confessions—instead of 500 adult members per locality, now only five nationwide are needed to register a community. For years, only Sunni Islam and Russian Orthodoxy were legal; now Ashgabat has registered Baptists, Adventists, Hare Krishna's, and Baha'is. Moreover, the authorities released six Jehovah's Witnesses, although two others remain jailed along with the former grand mufti. These steps—taken under Western and especially U.S. pressure, but which we welcome nonetheless—allowed Turkmenistan to escape designation by the U.S. Government as a Country of Particular Concern this past year. However, troubling reports continue to emerge about limitations on religious freedom and harassment of registered and unregistered religious communities. We must continue to monitor the situation closely and encourage Turkmenistan to continue moving forward with reforms, as even the improved situation is far from meeting OSCE standards on religious freedom.

In all other respects, however, democratization has made no progress. Turkmenistan remains the only one-party state in the former Soviet bloc and Niyazov's cult of personality continues unabated. Recently, he tried to discuss holding presidential elections in 2008. But in a farcical scene, the assembled officials and dignitaries refused to hear of it. They "insisted" that Niyazov remain Turkmenistan's leader in perpetuity; he, duly humbled by their adulation, took the issue off the table.

This brings us to Kyrgyzstan, in many ways the most intriguing of the Central Asian states. Of all the region's leaders, only President Askar Akaev, who has held office for almost 15 years, has announced his intention not to run next year for reelection—though he has phrased the pledge carefully if he changes his mind. Kyrgyzstan is also the only Central Asian country where a large-scale protest movement has ever seemed poised to force a Head of State out of office: in summer 2002, thousands of people furious about the shootings of demonstrators in a southern district blocked the country's main road, and threatened a mass march on the capital, Bishkek. Ultimately, the movement petered out but the precedent of public activism was set.

President Akaev's stated intention not to run again, the upcoming parliamentary (February 2005) and presidential (October 2005) elections and Kyrgyzstan's history of protest movements make for an interesting situation. In the next few months, Akaev must make fateful decisions: the most important is whether or not to run again. If he chooses to stay in office for another term, he risks sparking demonstrations. Though Kyrgyzstan is not Georgia, something akin to a Rose Revolution should not be excluded as a possible scenario. If Akaev opts to step down, however, we should not expect that he, his family and entourage would permit free and fair elections. More likely, he will try to select a successor—as Boris Yeltsin did with Vladimir Putin in Russia—and act to ensure his victory. But that course, too, could lead to protests.

Any decision Akaev makes—with intrusive, anxious neighbors looking over his shoulder—is risky and might have resonance beyond Kyrgyzstan's borders. For that reason, the elections in Kyrgyzstan next year are of great interest not only to the voters of that country but to capitals near and far. Mr. Speaker, I hope to be able to report to this chamber next year that democratization has made strides in Central Asia.

HONORING THE 65TH ANNIVERSARY OF THE RUTH HYMAN JEWISH COMMUNITY CENTER OF GREATER MONMOUTH COUNTY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PALLONE. Mr. Speaker, I rise today to recognize the outstanding achievements of the Ruth Hyman Jewish Community Center of Greater Monmouth County, located in my Congressional district in Deal, New Jersey. I would like to congratulate the center and its supporters on 65 years of exemplary service to the Jewish community of Monmouth County.

Since its founding in 1939 in Long Branch, my hometown, the Jewish Community Center of Greater Monmouth County has served as a crucial hub for the surrounding Jewish community. In 1960, the Center purchased a plot of land in Deal and over the next 11 years, the Center and its leadership worked to raise funds and construct a new facility.

The Ruth Hyman Center is commemorating its 65th anniversary at a celebration this weekend. The Center is taking this opportunity to recognize the great contributions of their leaders, past and present, for their dedication to strengthening the community and expanding the Center. I would like to specifically acknowledge the contributions of Dr. Larry Karasic, Judge Ira Kreizman, Leon Katz, Patti Blume, Dr. Fred Ezon, Donald Epstein, and past Chairman of the Board Emanuel Mullen that are being honored at this weekend's event.

This weekend, the Center will also dedicate the Stanley Benn Swimming Pool and the Lillian and Ken Cayre Youth Center. I commend the Center and all the capital campaign donors on these important additions.

Mr. Speaker, I am honored to recognize the vast achievements and continued service of the Center. Once again, I congratulate the Ruth Hyman Jewish Community Center of Greater Monmouth County on its 65th anniversary and I wish them the best of luck in all your future endeavors.

IN HONOR OF BOB CRUZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Bob Cruz, whose lifelong dedication to San Benito County consists of many volunteer and local government positions. Bob will be stepping down as the San Benito Supervisor for District 5, where he has served for 8 years.

Born and raised in San Benito County, Bob has been a strong advocate for affordable housing in the community and has been instrumental in the construction of 58 affordable homes in our community. In addition to serving on the County Board of Supervisors, which he chaired for two years, he has also served as Director and Chair of the Monterey Bay Unified Air Pollution Control District Board. Furthermore, he was the first Supervisor in San Benito to sit on the Children's and Families First Commission, and he immediately took an active interest in establishing this commission and working towards ensuring that early childhood development programs and services are continuously available for children until they begin kindergarten.

In addition, Bob has served on the Mental Health Advisory board, the Building/Expansion Committee, the Treasury Oversight Committee and nearly a dozen other local government commissions. Working beyond his posts in the local government, Bob also oversaw the creation of YMCA programs throughout the County.

Mr. Speaker, I wish to congratulate Bob on his long and honorable career and thank him for his contribution to our society. Bob has consistently gone above and beyond the roles bestowed upon him, and has left a legacy of community leadership. I wish him all the luck in his future endeavors.

CONGRATULATING THE HONORABLE H.L. "SONNY" CALLAHAN ON RECEIPT OF THE MOBILE BAY AREA VETERANS DAY COMMISSION'S PATRIOT OF THE YEAR AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to pay tribute to former Congressman Sonny Callahan on the occasion of his being honored by the Mobile Bay Area Veterans Day Commission with its Patriot of the Year Award.

Congressman Callahan is certainly no stranger to many in this chamber. For 18 years, he served as the representative of Alabama's First Congressional District, during which time he established a level of public service second to none. During his nine terms in the House of Representatives, he worked tirelessly on behalf of the residents of south Alabama, ensuring that their needs and concerns were heard and that their individual problems received the attention they deserved. He displayed a tireless dedication to all citizens of the First District who, in turn, demonstrated their confidence in his abilities by returning him to Washington, D.C., time and again for almost twenty years.

At the national level, Congressman Callahan was one of the most effective and well-liked members to ever serve in the House. A strong believer in responsive and responsible government, he was very conscious of the necessity to work with members from both sides of the aisle and was a master at forging alliances with colleagues regardless of party affiliation. From 1994 to 2000, he served as the Chairman of the House Appropriations Committee's Subcommittee on Foreign Operations, Export Financing, and Related Programs. For the following two years, he served as Chairman of the Appropriations Committee's Energy and Water Subcommittee. In both positions, he brought both a deliberative approach and a desire for consensus-building to his committees. His strong leadership skills and his desire to work in unison with his colleagues engendered a great level of devotion and praise among the men and women with whom he served.

More than anything else, however, the Patriot of the Year Award is a tribute to Congressman Callahan's efforts on behalf of the veterans in his district. Having served in the United States Navy during the Korean War, he has for many years been keenly aware of the many challenges facing men and women who have served and continue to serve in the armed forces of the United States. Many thousands of Alabamians who devoted large parts of their lives in service to their country could always count on Sonny to provide a voice for them in agencies where they would otherwise have not been heard, and support for them when they had nowhere else to turn.

Mr. Speaker, I can think of no higher honor that could be bestowed on a man whom I not only consider to be tremendous congressman and mentor, but a close personal friend. Along with his family—his wife, Karen, his sons, Scott, Chris, and Patrick, and his daughters, Shawn and Kelly—and his many friends and former colleagues, I wish to extend to Congressman Sonny Callahan my warmest congratulations on receiving the Mobile Bay Area Veterans Day Commission's Patriot of the Year Award.

SAVING THE ANAHEIM ANGELS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in strong support of the city of Anaheim and its quest to save the Anaheim Angels.

While I completely understand the team's desire to garner more TV attention and more marketing dollars, there must be another way besides changing the name to the Los Angeles Angels.

What's in a name? Well, how about a 2002 World Series Championship. The Anaheim Angels won the team its first national title.

Secondly, and more importantly, it's part of the deal. In 1997, the Angels and the city of Anaheim made an agreement, and naming the team the Anaheim Angels was part of that agreement. To change the name would not only be a breach of faith with the people of Anaheim and all Angels fans, it would be a breach of contract.

The Anaheim Council is against the name change. The Los Angeles Council is against the name change. The people have spoken. Don't change the name of a champion. Save the Anaheim Angels.

HONORING TERESE McDONALD'S SERVICE TO HOUSE SCIENCE COMMITTEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. GORDON. Mr. Speaker, I rise today to let my colleagues know that Terese McDonald, the longest serving Democratic staff member in the history of the Committee on Science, has announced her retirement at the end of this Congress.

Terese came to the committee in the 94th Congress when Olin "Tiger" Teague was the committee's chairman, and for almost 30 years, she has carried out her duties during the tenure of seven different chairmen and eight different ranking minority members. For most of this period, Terese has served on the full committee Democratic staff and has worked on administrative, investigative and legislative matters. For instance, when the committee decided to do a sweeping, year-long review of U.S. science policy in the 1980s, Terese was selected to serve on that staff.

In recent years, Terese has reported directly to the committee's Democratic Chief of Staff and, among her many duties, has maintained the committee's records. Quick to blush, Terese is famous for her even temperament, her sense of humor and her willingness to help out all who need her services. These fine qualities continued to shine through Terese's demeanor even during an incredibly trying period last year when the home she shares with her husband, Paul, was washed away by Hurricane Isabel.

Terese is an important part of the committee's corporate memory. Her experience, knowledge and warm smile will be impossible to replace. The Science Committee's Members and staff wish Terese and her family well as she moves on to new endeavors. Thank you, Terese, for your many years of dedicated service. We will miss your service.

HONORING THE TURTLE CREEK CHORALE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FROST. Mr. Speaker, I rise to recognize the 25th anniversary season of the Turtle Creek Chorale, of Dallas, TX. Since its inception in February 1980, TCC has entertained, educated, united, and uplifted their audiences through music that is distinguished for its innovation, diversity and artistic excellence.

Under the direction of Dr. Timothy Seelig, this all male 225 member chorus continues to perform an annual subscription series in Dallas at the Meyerson Symphony Hall. Additionally by their constant commitment to musical excellence they have had the distinguished opportunity to perform in numerous venues including New York City's Carnegie Hall, Canada, and throughout Europe.

The Turtle Creek Chorale has continually supported a diverse cross section of the Dallas community through it's outreach programs which include benefit performances, complimentary concert tickets and choral education programs for persons living with and affected by HIV/AIDS, gay/lesbian youth, senior citizens, and school and church choral programs. The Chorale is also responsible for the groundbreaking breast cancer awareness program, "Sing for the Cure."

Their continual support from the Dallas business, artistic and spiritual communities, along with private contributions have allowed them to touch and change many lives in a nurturing and affirming environment through the universal and unifying power of music.

Mr. Speaker, please join me in recognizing the valuable contribution that the Turtle Creek Chorale has made over the past 25 years and will continue to make for many years to come.

HONORING THE ACCOMPLISHMENTS OF DR. MARION BERGMAN

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ISRAEL. Mr. Speaker, I rise today to honor Dr. Marion Bergman, a pulmonologist and an attending physician at Brookhaven Memorial Hospital, and recipient of the hospital's 2004 Dr. Jacob Dranitzke Award.

Dr. Bergman was born in South Africa while the oppressive doctrine of apartheid was still in place. During her childhood she witnessed countless acts of racism and discrimination, acts that had a profound impact on her. While still young, Dr. Bergman began what would become a lifelong commitment to service when she began working in the severely poor area of South Africa called Soweto. The training she received there has affected her life's work in numerous ways—including a passion for an equitable heath care system.

Dr. Bergman is now a highly esteemed pulmonologist and attending physician at Brookhaven Memorial Hospital where she has served with great distinction for over two decades. During her tenure, Dr. Bergman has served as Medical Director of Respiratory Care Services and, for a period, as president of the hospital. Dr. Bergman provides essential mentoring services to medical students, who she invariably instills with her dedication to excellence and giving. While carrying out this challenging career, Dr. Bergman has simultaneously worked towards a master's degree in public health from the Wagner School at New York University, raised two wonderful sons and contributed extensively to her community.

Specifically, Dr. Bergman serves as a member of the Board of Directors of the Medical Education for the South African Blacks charity therefore maintaining a strong link to her past. This nonprofit group is a fundraising organization that provides South Africans with a chance at higher-level education. Furthermore, Dr. Bergman is an active member of the International Women's Health coalition and recently traveled to Nigeria as part of this coalition. Finally, Dr. Bergman serves on the Executive Committee of the Long Island Chapter of the American Jewish Committee.

Dr. Bergman is being awarded the prestigious Dr. Jacob Dranitzke Award. Dr. Dranitzke was a child immigrant from Russia who went on to become a committed doctor on Long Island and served the Patchogue community with great distinction. Dr. Dranitzke was a founding member of the Brookhaven Memorial Hospital and served as the hospital's first chief of surgery.

Dr. Bergman has followed in the footsteps of Dr. Dranitzke with her unparalleled level of service to peers, to Brookhaven Memorial Hospital, and to her community. I wholeheartedly congratulate her on her remarkable achievements among which she can now include the presentation of this award, an award that could not be given to a more deserving person. Dr. Bergman is a leader in our community and in every community she enters.

IN RECOGNITION OF LEROY HERBERT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to LeRoy Herbert, a distinguished gentleman from my district, who is being honored by the Monmouth Medical Center Foundation, as they celebrate their Thirty-Third Annual Crystal Ball.

LeRoy traces his roots to Long Branch where he was born, raised and educated. He graduated from the University of Maryland in 1950 and joined the accounting firm Ernst & Ernst in New York City. He was admitted into the partnership in 1963 and subsequently transferred to Europe. In Europe, Herbert lived in London and Paris where his interest and enthusiasm for hospitals and philanthropy was sparked when he became involved with the American Hospital of Paris after learning that Americans were admitted to the facility regardless of their economic status.

LeRoy's ties to the Monmouth Medical Center began in the early 1970s, when his mother, Edna, was a patient of surgeon Charles Zukaukas, M.D., and internist John Stockfish, M.D. Herbert made his first charitable gift to the Medical Center in honor of the two physicians to express his gratitude for the excellent care she received. Soon after, LeRoy made an additional gift to name the hospital's Surgical Intensive Care Unit in honor of his mother.

Mr. Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing, LeRoy Herbert, as the Monmouth Medical Center Foundation honors him for his dedication and commitment to the Medical Center.

IN SUPPORT OF THE DEMOCRATIC PROPOSAL TO RESTORE FISCAL SANITY BY REINSTATING PAYGO REQUIREMENTS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FARR. Mr. Speaker, last night Congress voted to increase the public debt limit by an additional $800 billion to an astronomical $8.18 trillion. Simply put, this is morally indefensible.

Every time we increase the debt ceiling and allow more money to be tacked onto the public debt, the U.S. government is saddling our grandchildren and their grandchildren with an economic legacy that virtually assures economic stagnation in their lifetime. The Republican leadership will hide behind the war on terror or the recession to mask the dire straits of our economy. But the truth is much more damning. The fundamental reason for the spike in the national debt is the unprecedented pace of Republican tax cuts that have occurred since 2001. Recently, the Congressional Budget Office confirmed that tax cuts are responsible for nearly 60 percent of the budget deficit.

We must return to the fiscal responsibility of the Clinton era where we had the political will to make hard, but responsible fiscal policy choices that resulted in the most robust economy in recent history. Moreover, from 1998 through 2000, with President Clinton in the White House, the government reduced debt held by the public, paying off $363 billion. Even in the first year of the Bush Administration, in 2001, under budget policies put in place by the Clinton Administration, the debt came down by another $90 billion.

One of the ways that we established fiscal sanity in the 1990s was the use of the pay-as you-go (PAYGO) budget enforcement rules. This practice helped Congress control spending and acted as a reminder that Congress needed to balance the government's checkbook, no matter whether it was tax cuts or increased spending on domestic programs.

In their overzealous attempts to cut taxes, especially for the highest 1 percent of wage earners—those earning $400,000 and more, the Republican leadership has blatantly ignored the common sense logic of the PAYGO rules. They have added literally billions and billions of dollars to our deficit and, for that reason, the Congress is forced to raise the debt ceiling to avoid shutting down the federal government.

I am deeply troubled that the President of the United States fails to understand or appreciate the financial burden he is imposing on middle income Americans, many of whom reside in "Red States" and supported his reelection. During the campaign season, the President promised to make permanent the 2001 and 2003 tax cuts that are scheduled to expire in 2010. This action will cost $1.1 trillion from 2010 through 2014, and even more in the years to follow. Continuing tax cuts permanently will significantly worsen the deficit after 2009, which make a mockery of the President's vow to cut the deficit in half in 2009.

To return to economic prosperity and fiscal sanity, we need to reinstate PAYGO rules as a first step, restore balance between our defense security needs and our domestic security needs, and adopt tax policy that benefits middle income taxpayers and creates jobs. I urge our Republican leadership to chart a new economic course for our country so that the United States of America remains the land of prosperity for "We the People."

RECOGNIZING HOUSE AND GARDEN TELEVISION ON 10TH ANNIVERSARY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. DUNCAN. Mr. Speaker, I rise today to recognize Home & Garden Television on the occasion of its tenth anniversary. I am proud to say that HGTV calls Knoxville, Tennessee, home.

HGTV was born of humble beginnings in East Tennessee and over the years has grown to be one of the most successful cable networks in existence today. It is one of four networks owned by the E.W. Scripps Company.

Ross Bagwell, Sr., a television production innovator, created the network that would become HGTV. A creative genius, he started Cinetel Productions in 1973 and produced many different shows. In 1994, Mr. Bagwell sold Cinetel to the Scripps Company, and soon after, HGTV was born.

The E.W. Scripps Company President and CEO Kenneth Lowe, the founder of HGTV, led the network to an explosion in popularity. Ken spurred the creation of the Scripps Networks division and played an instrumental role in the development of Scripps' other networks, the Food Network, Do It Yourself (DIY), and Fine Living.

Scripps Networks is a great corporate citizen in my District and a large employer of a skilled and creative workforce.

Mr. Speaker, I want to congratulate Ken Lowe and all of the employees of Scripps Networks and especially HGTV on the occasion of its tenth anniversary. Our Country would be a much better place today if there were more good corporate citizens here like the E.W. Scripps Company.

IN HONOR OF DON KYZER'S RETIREMENT FROM THE YMCA

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SESSIONS. Mr. Speaker, I join my colleagues in honoring Don Kyzer's retirement from the YMCA after his lengthy service to young people across the country.

For the past several years, I have been honored to serve as the Congressional sponsor for the YMCA Youth Governor's Conference. The YMCA Youth Governor's Conference brings together some of the most outstanding youth leaders in America. YMCA Youth and Government is a nation-wide program that allows thousands of teenagers to simulate state and national government. Kyzer has played a pivotal role in making the conference a rewarding experience for the hundreds of youth leaders that he has personally mentored. From 1991 to 1997, Don served as the director for the conference and has left a lasting legacy with those who have benefited from his tireless efforts.

In addition to the Youth Governor's Conference, Kyzer has been distinguished by a number of organizations. He has been awarded the John R. Fisher Service to Youth Award, Distinguished Service Award from the YMCA International Management Council, Florida Association of Professional YMCA Directors Program Director of the Year Award, Paul Grist Service to Youth Award, and was runner-up for the Florida State Teacher of the Year Award.

I congratulate the Kyzer family on this momentous occasion, and wish him all the best for a well-earned retirement.

WASHINGTON POST GARNERS BIAS AWARD

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SMITH of Texas. Mr. Speaker, CIA Director Porter Goss is the latest Bush administration official to encounter the media bias Americans know well: the use of anonymous sources to level partisan charges.

It was on display in a front page Washington Post story this week.

It quoted four former CIA officials, none of whom was mentioned by name.

The frequent use of anonymous sources is part of the media's institutional problem.

When anonymous sources are used it is too easy for disgruntled former employees or others to settle scores.

It is also contrary to journalistic standards and ethics.

In fact, the Washington Post editorial page has called for an overhaul of the CIA in light of the September 11, 2001 attacks.

Director Goss is doing exactly what is needed to reform and restructure the CIA.

For writing a story that quoted anonymous sources and placing it on the front page, this week's Media Bias Award goes to the Washington Post.

IN RECOGNITION OF THE CHIAN FEDERATION ON THE OCCASION OF ITS 30TH ANNIVERSARY AND 27TH HOMERIC AWARD GALA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Chian Federation, on the occasion of its 30th anniversary. Since its founding in 1974, the Chian Federation has educated and empowered the Hellenic American community to exercise their rights and fulfill their obligations as American citizens. The Chian Federation has a strong record of advocating human rights and striving to promote democratic ideals. The members of the board of this outstanding organization are: Alexandros Doulis, President, Stavros Haviaras, Executive Vice President, Mike Frezoulis, First Vice President, John Monogioudis, Second Vice President George Arnitsis, Executive Secretary, Kalliopi Volikas-Theodoropoulos, General Secretary, Nikolaos Papagiannakis, CFO, John Stoupakis, Treasurer, Kostas Potamousis, Assistant Treasurer, and Elsa Tsartsidou, Director of the Federation's Cultural Center. In addition to its political objectives, the organization takes pride in its dance group, cultural events, website, magazine, business card exchanges, food, clothing and toy drives, Senior Citizens' breakfast and lectures on topics ranging from archaeology to health care.

The Federation's accomplishments extend beyond the borders of the United States. On Chios, The Chian Federation has financially aided nursing homes, environmental groups for reforestation of the island, the Korais Library and the Office of the Repatriated Chians Organization, in addition to making substantial donations to the educational and health systems of Chios.

In 1977, the Chian Federation established the Homeric Award to recognize individuals who have made exceptional contributions to the Hellenic community. This year's Homeric Award recipient is Stamatios M. "Tom" Krimigis. The former Head of the Space Department of The Johns Hopkins University Applied Physics Laboratory, Dr. Krimigis' research interests include the earth's environment and magnetosphere; the sun; the interplanetary medium; and the magnetospheres of the planets and other astrophysical objects. He has been Principal Investigator or Co-Investigator on several NASA space missions, including the Low Energy Charged Particle Experiment on Voyagers 1 and 2 and the Active Magnetospheric Particle Tracer Explorer, a collaborative program that created the first man-made comet on December 27, 1984.

Dr. Krimigis is the author of more than 370 academic papers; was awarded the NASA Medal for Exceptional Scientific Achievement in 1981 and 1986; and has received more than thirty NASA Group Achievement Awards for his work on the Voyager, AMPTE, Galileo, Ulysses, Cassini, and ACE projects. Dr. Krimigis has also been a member of the National Academy of Sciences' Space Science Board; Chairman of the Board's Committee on Solar and Space Physics; a member of NASA's Space Science and Applications Advisory Committees; a Fellow of the American Geophysical Union, the American Physical Society, and the American Association for the Advancement of Science; an Associate Fellow of the American Institute of Aeronautics and Astronautics; and trustee of the International Academy of Astronautics. He received the International Academy of Astronautics Basic Sciences Award and the AHEPA Academy Prize, both in 1994. At the World Space Congress in 2002, he was presented with the COSPAR Space Science Award, the highest honor that the worldwide space science community can bestow. In November 2004, he was presented with the Johns Hopkins Applied Physics Laboratory Lifetime Achievement Award. He has participated as member or Chairman in many national and international conferences in space science and space systems management, has delivered more than 1,100 talks on these topics, and has lectured in major conferences and National Academies in all five continents. The International Astronomical Union in 1999 named asteroid "8323 Krimigis" in his honor. The President of the Hellenic Republic awarded Dr. Krimigis the Gold Cross "Commandeur de l' Ordre du Phoenix" in 1997. Also, the American Hellenic Institute honored him with its "Hellenic Heritage Achievement Award" in Washington in 1998.

Dr. Krimigis has often testified before Congressional Committees on issues of Space Science and Technology and has been a member or chairman of many advisory committees for the U.S. government. He is often quoted in national and international media on space science and technology issues, most recently on the Voyager crossing of the heliospheric termination shock and the Cassini orbits of Saturn. His work on Voyager has been featured as front-page news in the New York Times three times and has appeared in many other newspapers and magazines throughout the world. He is listed in Who's Who in America, Who's Who in the World, Who's Who in Frontiers of Science and Technology, Who's Who in Technology Today, Personalities of America, American Men and Women of Science, Men of Achievement, International Who's Who of Contemporary Achievement and the Dictionary of International Biography.

Dr. Krimigis is truly a man "axios" (worthy) of the Homeric Award and I offer him my best wishes for many more years of outstanding achievements.

I ask my colleges to join me recognizing the Chian Federation and its honoree, Dr. Tom Krimigis.

PERSONAL EXPLANATION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MATSUI. Mr. Speaker, I was unable to be present for votes last night. Had I been present, I would have voted: "yes" on rollcall No. 534; "yes" on rollcall No. 535; "no" on rollcall No. 536.

ST. ELIJAH SERBIAN ORTHODOX CATHEDRAL'S 40TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and enthusiasm that I congratulate St. Elijah Serbian Orthodox Cathedral as they join together in the celebration of their 40th anniversary. They will be celebrating this very momentous and special occasion on Saturday, November 20, 2004.

The Serbian Orthodox Cathedral of St. Elijah the Prophet is comprised of faithful descendants who came from many parts of the world such as Hercegovina, Bosnia, Lika, Banat, Dalmatia, and Serbia. Some also came from sections of America and Canada. The thriving steel mills offered ready employment. For many descendants, their relatives, friends, and acquaintances were already located in Northwest Indiana. Each soul believed that Eastern Orthodoxy and the Serbian Orthodox Church, as well as the continuance of their Patronal Feast "Krsna Slava," was a priceless inheritance and worthy of great sacrifice. They gathered together under the banner and intercessions of St. Elijah the Prophet, with faith in God Almighty in Trinity to found a church-school congregation in Merrillville, Indiana.

St. Elijah Serbian Orthodox Cathedral is led in its faith by the Very Reverend Archpriest Lazar Kostur. In 1986, Protopresbyter Stavrofor George Lazich, retired, and the St.

Elijah Cathedral Church Congregation elected Father Lazar to the status of permanent parish priest. On November 5, 1989 he was elevated to the dignity of an Archpriest by Bishop Mitrophan. Father Lazar, along with his wife, Protinica Mira and their beautiful children has served the Serbian Orthodox Church faithfully. The proud parishioners are thankful for the spiritual and emotional leadership he has provided during the years since his ordination.

His Eminence Metropolitan Christopher, His Grace Bishop Longin, His Grace Bishop Mitrophan, and His Grace Bishop Peter have all been invited along with clergy of the Gracanica Diocese and Midwestern Metropolitanate. St. Elijah Cathedral Choir will sing the responses in the church. Hieromonk Irinej Dobrijevic of Belgrade, Serbia, and consultant to the Holy Assembly of Bishops will be the featured speaker. The celebration will include performances by the St. Elijah "Frula" Folklore Group, St. Elijah Cathedral Choir and the Czar Lazar Men's Choir of Pittsburgh. A dance with live music from Mladost and Drina will begin after Vespers.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating St. Elijah Serbian Orthodox Cathedral on their 40th anniversary. The members of St. Elijah have dedicated themselves to providing a spiritual and guiding light through the protection of the Serbian Orthodox faith and traditions for all of Northwest Indiana. Their constant dedication and commitment is worthy of the highest commendation.

HONORING MARGARET AVILA

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. NAPOLITANO. Mr. Speaker, I rise today to honor Margaret Avila, my good friend and tireless advocate of nursing. Ms. Avila is one of California's prominent educators in the field of nursing and plans to retire on December 10th after 30 years of dedicated service to her community.

Ms. Avila has been an integral part and asset in the Congressional 38th District Health Consortium. She was the Chair of the Consortium of Health, Health Professions, and Mental Health Committees. As an educator she designed, developed, and implemented curricula for nursing students from entry level to licensed and post-graduate programs for over 15 years. She taught both nursing professionals and medical professionals at a family practice residency level.

Ms. Avila created an innovative Public Health Nursing Practice Model that completely reoriented and renewed the public health nursing practice in Los Angeles County. The Model incorporates the concepts of Healthy People 2010, and it has been used in improving the quality and efficiency of the public health nursing practice. The creation and use of this model in one of the largest, most diverse, and dynamic settings in the country represents a tremendous advance in strengthening and expanding population-focused public health nursing. The influence of the model has extended well beyond the boundaries of California, with its adoption by the City of Detroit and the State of Michigan.

Margaret Avila provided the strategic and creative leadership for this effort. Her career path has included excellence in practice, in education, and in leadership.

Ms. Avila is a native of Los Angeles County and a product of the California educational system. She received a Diploma of Nursing from St. Vincent's College of Nursing, and a Bachelor of Science in Nursing from Mount St. Mary's College in Los Angeles. She has practiced as a staff nurse, a public health nurse, a nurse practitioner, a state nurse consultant, and an adjunct nursing faculty member. She has served as the Director of Nursing at the Los Angeles County Department of Public Health since 1999. She currently serves on the Board of the Los Angeles Chapter of the National Association of Hispanic Nurses.

Despite all of her success, Ms. Avila is never content to rest on her laurels. She has dedicated her life and knowledge to increasing opportunities for others. As a result, the Public Health Nursing Section of the American Public Health Association awarded Ms. Avila the 2004 Lillian Wald Service Award. She received this award by demonstrating initiative and resourcefulness in developing efforts to improve the health of the public through political, legislative, and interdisciplinary activism. This noteworthy achievement highlighted her leadership role in promoting social reform activities for client groups, influencing health policy and health laws, strengthening public health nursing practice, and collaborating with other health care workers, legislators, and public officials.

Margaret Avila is retiring as Director of Nursing for the Los Angeles Public Health Department. She is going into private practice and is establishing a woman's clinic in the underserved Pico Union area of Los Angeles. Her goal is to provide health access to low income women to improve their quality of life. She also plans to seek her doctorate degree.

Mr. Speaker, today I would like to personally acknowledge and commend Margaret for her dedication to the field of nursing which enriches and promotes the health of our community. She is a model of the passionate American educator, and a devoted and involved citizen. I know the rest of the House will join me in congratulating Ms. Margaret Avila and wishing her success in her future endeavors.

THE CONGREGATION ETZ AHAIM IN RECOGNITION OF 75 YEARS OF SERVICE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PALLONE. Mr. Speaker, I rise today to acknowledge Congregation Etz Ahaim, the oldest Sephardic Jewish congregation in New Jersey, as it celebrates the 350th anniversary of the founding of the Jewish community in the United States.

Etz Ahaim has been serving the Sephardic community of New Jersey for more than seventy-five years. It was founded by Jewish immigrants who named the congregation Etz Ahaim, "Tree of Life," after the oldest synagogue in Salonica, Greece. Founded at the start of the Great Depression, the synagogue struggled to stay afloat. Unable to afford a rabbi, they relied on the uncompensated services of Rabbi Benjamin Naar of Salonica, and on unordained lay leaders Eliyahu Nahama and Elie Saporta until 1955.

Since then, Etz Ahaim has been lead by Rabbis Ishmael Cohen, Murray Greenfield, Rafael Wizman, David Glicksman, Yamin Levy, and, from 1991 until today, Rabbi David Bassous. It has grown since its incorporation in April of 1927 from a circle of 25 worshipping in private residences, to a small community of 75 families in a building on Richmond Street, New Brunswick, to a vibrant congregation of 155 families in Highland Park. What was once a small group, barely able to afford the mortgage on their building during the Great Depression is now a thriving community and religious center of New Jersey.

Today, Etz Ahaim is deeply involved in the Middlesex County community. They sponsor community outreach, philosophy classes, dance lessons, educational opportunities. Etz Ahaim also has an active Sisterhood as old as the congregation itself, and which just came out with a Sephardic cookbook, "Come, es Bueno." On Sunday, November 7, they will be celebrating the 350th anniversary of the start of the Jewish community in the United States.

Mr. Speaker, I would like to acknowledge the profound cultural achievements of Congregation Etz Ahaim, both for the Sephardic community, and for Highland Park in general. I ask that my colleagues join me in honoring them, and their many years of service to Jewish life in the United States.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. KILPATRICK. Mr. Speaker, personal reasons require me to return to my district, and I am unable to be present for legislative business scheduled after 3 p.m., Wednesday, November 17, 2004. Had I been present, I would have voted "aye" on H.R. 1417, the Copyright Royalty and Distribution Reform Act of 2004 (Rollcall No. 532), and "aye" on S. 2302, a bill to improve access to physicians in medically underserved areas (Rollcall No. 533).

I would appreciate it if my remarks would appear in the appropriate place in the RECORD.

TRIBUTE TO CHAPLAIN (MAJOR) FLOYD L. WHITE III

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to celebrate the retirement of Chaplain (Major)

Floyd L. White III from the United States Army Reserve, and to recognize his years of service to his community and country.

Chaplain White served his country for 20 proud years, from June 4, 1983, to November 7, 2003. His role in the U.S. Army Reserve took him across the country and across the world. He served as a Battalion Chaplain for the 457th and 451st Chemical Battalions in Greenville, SC, and as a Brigade Chaplain for two brigades at Fort Dix, NJ. He served overseas in South Korea in Operation Team Spirit in 1990, and in 2001 he served in a Warfighter Exercise in Grafenwoehr, Germany.

Chaplain White is also a dedicated and motivated community leader. He is the Pastor of the Woodland Avenue Presbyterian Church in Camden, NJ, and is President of the Woodland Community Development Corporation. He serves on the boards of the Cooper University Hospital Foundation, the United Way of Camden County, the Camden Eye Center, and the Cooper Ferry Camden Waterfront Development Board.

Mr. Speaker, it is a great privilege to honor Chaplain White today. He embodies the American spirit of service to one's family, community, and country. I thank him for his dedicated service and wish Chaplain Floyd White all the best in his future endeavors.

TRIBUTE TO CONGRESSMAN WILLIAM O. LIPINSKI

SPEECH OF

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. GUTIERREZ. Mr. Speaker, I rise this evening to recognize my good friend, Congressman BILL LIPINSKI, and to thank him for his 22 years of service and vision and leadership in Congress.

I know we use the word—friend—often in this body. Usually right before we are about to disagree with our colleagues.

We say things like, I have a lot of respect for my good friend from Illinois, but I couldn't disagree more with his staunch support of the Chicago White Sox.

But as much as we use the word "friend" to frame our debates, I have always felt that Congress actually is a tough place to build real, lasting friendships.

That is why Mr. LIPINSKI will be so missed.

Because while it's true that I hardly knew BILL LIPINSKI when I arrived here in 1993, it's more true now that I can hardly imagine not having BILL as one of my best friends and allies in public service.

I will miss his effectiveness and his leadership, but more than that I will miss his day-to day presence and his friendship.

And I know I am not alone.

Because Mr. LIPINSKI has been such a good friend to so many of us in this body, on both sides of the aisle.

And he has been such a good friend and unwavering champion for the people of Illinois.

As the late Chicago Sun-Times Columnist Steve Neal put it, Mr. LIPINSKI, "gets things done."

And that is what has been the cornerstone of his career. Getting things done for his constituents and for the people of our state. Getting things done so that people across the country have access to better roads, more reliable railways and more dependable airports.

One of the things I am most proud of during my time in Congress is working with Mr. LIPINSKI to secure funding for the renovation and reconstruction of the CTA Blue Line in my district.

It is this kind of leadership and hard work and perseverance that has been the foundation of Mr. LIPINSKI's career. He has led by action and by example. And in doing so, he has produced concrete results for our state.

During his 22 years in this body, Mr. LIPINSKI has fought ardently and selflessly and passionately on issues that make a real difference in ordinary people's lives.

From his first days in this body, he immersed himself in transportation and infrastructure matters. And he did so with integrity and class and the courage of his convictions.

He has helped secure hundreds of millions of dollars in vital funding for public transportation and infrastructure projects. And every day, people all across our city are better off because of his hard work, his dedication and his determination.

From the Metra train, to the CTA, to highway projects along the Stevenson or Lake Shore Drive, to O'Hare and Midway airport, Mr. LIPINSKI has worked to make our infrastructure safer, stronger and more secure.

And beyond his extraordinary legislative accomplishments, Mr. LIPINSKI has served as a role model for many of us in the Illinois delegation and for many who seek to serve at all levels of elected office.

He has been a patient mentor, an unwavering ally and a great friend.

And I know I speak for this entire body when I say that we will miss the sound of that great Southside accent filling this Chamber.

We will miss his skillful management of major transportation bills. But most of all, we will miss our friend's wisdom and leadership and guidance.

So let me close by thanking my friend, Mr. LIPINSKI, for his lifetime of public service. Our city and our Nation owe you a deep debt of gratitude. You will be missed.

CONGRATULATIONS TO THE MARCUS HIGH SCHOOL DRUM LINE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior performances of the Edward S. Marcus High School Drum Line from my hometown of Flower Mound, Texas located in the 26th Congressional District. The drum line consists of 38 dedicated musicians.

At the recent Percussive Arts Society International Convention in Nashville, Tennessee, the Marcus Drum Line delivered outstanding performances which garnered them nine first-place awards. In addition to their group awards, Marcus Drum Line became the first high school to earn all of the competition's individual awards: Best Snare Line, Best Tenor Drums, Best Bass Drums, Best Cymbals and Best Front Ensemble.

I am particularly honored to note that the winning performance, Looking Through the Windows of America, consisted of patriotic songs including "Stars and Stripes," "America," "Tie a Yellow Ribbon Round the Old Oak Tree," and "God Bless America."

I extend my sincere congratulations to Rick Villarreal, Director of Bands, Kennan Wylie, Percussion Instructor and the entire Marcus Drum Line for their talent and dedication to excellence.

CONGRATULATING THE MICHIGAN CITY MARQUETTE HIGH SCHOOL BLAZERS ON THEIR CLASS 1A STATE GIRLS VOLLEYBALL CHAMPIONSHIP

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. CHOCOLA. Mr. Speaker, I rise today to congratulate the Marquette High School Blazers on their Indiana High School Athletic Association Class 1A State Girls Volleyball Championship.

The young women of Marquette High School, located in my District in Michigan City, Indiana, competed in the IHSAA championships on Saturday, November 7 at the Hinkle Fieldhouse in Indianapolis.

Mr. Speaker, in front of hundreds of their fans, this team captured their fourth state championship in the last six years. I might also note that the two years they didn't win, the team was state runner-up.

Last year, this team lost the championship to Morristown. But these young women didn't give up. They used the loss last year as motivation for their entire season this year.

And this year they beat Morristown 25–22, 25–12, and 25–20 in the championship game.

I am told that Juniors Michelle Fletcher and Sarah Denny did the majority of the damage for the Marquette Blazers, with the impressive assistance of Colleen Trainor and Kahlan Sebert.

I'd also like to congratulate Coach Troy Campbell and Assistant Coach Larry Sheagley on a great season. Compiling a 31 and 7 record is something to be proud of.

On behalf of the citizens of the Second Congressional District, I would like to congratulate Sarah Denny, Ashley Pinkney, Katie Krueger, Rachel Konrady, Kelly Kilgore, Kara Kmiecik, Sabra Johns, Kalan Sebert, Sunshine Johns, Tiffany Cerrillos, Danielle Barnett, Nicole Fumo, Colleen Trainor, and Michelle Fletcher on their Class 1A State Championship.

Additionally, Superintendent Kim Pryzbylski, Principal Patrick Cannon, Athletic Director Eric Simpson and Assistant Athletic Director Andy Walsh deserve a note of congratulations for supporting this team.

I would also be remiss if I didn't acknowledge the parents of these young women. I know the many hours they've given up to drive their daughters to practices and to attend matches, both at home and away. Your effort means the world to them and you all should be proud.

Mr. Speaker, I know that these young women will go far in their future endeavors as they have already demonstrated they have what it takes to be a champion. I wish the seniors the best of luck and the remaining team members continued success next season.

Again, I would like to congratulate the Marquette High School girls volleyball team for winning their fourth state title.

A SPEECH BY THE PRESIDENT OF THE RECORDING ACADEMY

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. BONO. Mr. Speaker, one of our nations most precious exports is intellectual property. It is up to our country to care for and nurture this commodity. Thankfully, when it comes to the recording arts, we have an able and willing partner in the Grammys. To outline some of the challenges and creative measures taken by the industry, I would like to submit for the RECORD a speech given by Neil Portnow, President of the Recording Academy.

It's always a pleasure to be back in Washington, and particularly a pleasure to be back at our signature event in the capital, GRAMMYs on the Hill. All of us at the Academy consider it a privilege to have the opportunity to recognize our distinguished honorees: Senator Hillary Clinton, Representative Mary Bono, and the legendary Natalie Cole.

Although it's been an interesting and challenging year for the music community, it's also been an exciting one. Since we last gathered for this event one year ago, we've seen a number of positive developments—in the industry, in technology, and on the Hill. And for the Recording Academy, it has been a particularly busy year. One year ago, at this very event, I announced the formation of our GRAMMY Cultural Policy Initiative: designed to advance the rights of the music community through advocacy education and dialogue. I'm pleased to report significant progress in the Initiative's first year.

Our off-the-record GRAMMY Industry Roundtables serve as the place for productive dialogue between sectors of our industry that 'don't often interact. Roundtable participants have included artists such as Dave Matthews and Jimmy Jam, industry trade reps from RIAA and NARM, label executives, and legal scholars. By putting such diverse minds together, we believe our community can begin to develop solutions to the challenges we face.

Public forums, such as our GRAMMY Town Halls bring key legislators, GRAMMY winning artists, and the public together to discuss important issues such as broadcast decency and file sharing, while our "What's the Download" PSA campaign has given hundreds of thousands of consumers valuable information about the legal and ethical issues involved in downloading.

Through hands-on action in Washington, D.C., we help our legislators understand the importance of sound cultural and intellectual property policies. Recording Academy executives and artists from around the country are frequent visitors to the Hill as part of our Cultural Policy Initiative. To further advance artists rights in Washington, the Academy worked closely with our friends Rep. STENY HOYER (D-MD) and Rep. MARY BONO (R–CA) to help them launch the Recording Arts and Sciences Congressional Caucus, a congressional body designed to advance artists' rights in the House of Representatives.

We are pleased with the progress of the first year of our GRAMMY Cultural Policy Initiative. But there is much more work to be done. These are critical times for artists—and the music community (labels, artists groups, PRO's and unions) must all work together to improve the environment for creators.

As I travel around the country to our 12 Chapters, I have the opportunity to speak to thousands of music professionals. It's a diverse group, representing many genres and cultures, young and old, male and female. I speak to platinum artists and those hoping for their first big break. When we discuss the complex legal and economic issues facing artists today, I hear a lot of differing views. I hear about decreased CD sales, barriers to radio airplay, and other challenges artists face. But the one word I hear most often may surprise you. That word is "respect."

Musicians want their works respected. They want the choice to decide how their music will be distributed. They want to decide when their new work will be released. And they want to control the quality of those recordings. So while there are plenty of discussions about lost revenue in our industry, allow me to focus on that all important R-word, and specifically address two areas in which artists are disrespected. File sharing is one such issue. Tracks are often uploaded on P2P sites before their release dates. Quality is often poor. Songs are "traded" like a commodity without any consent by the owner or creator. Yes, we know file sharing services cause damage to our industry. Yes, we know they hamper legitimate services from fully blossoming. But let us never forget an equally grievous outcome: These services disrespect artists.

So how do we address this problem? The most significant response and deterrent available to the industry has been to sue individual computer users. Everyone in our community would prefer a better way. Well, thanks to some forward-looking Senators, including our honoree Senator Clinton, there may in fact be another option. That is why the Recording Academy supports the Induce Act.

Co-sponsored by Senators ALEXANDER, BOXER, CLINTON, DASCHLE, FRIST, GRAHAM, HATCH, LEAHY, SARBANES and STABENOW, this bi-partisan Act would put responsibility where it belongs: at the feet of those companies whose sole service is to induce others to violate copyright laws.

In a recent Billboard column, the Consumer Electronic Association CEO Gary Shapiro claimed that, "Aside from the MPAA and RIAA, the [Induce] bill has no public supporters." Well, with all due respect to the CEA, ASCAP, BMI, SESAC; AFM and AFTRA; Recording Artist Coalition, The Songwriters Guild, Nashville Songwriters Association, Music Manager Forum, and others all join the Recording Academy in supporting the Induce Act.

So to our friends in the technology community, please understand that our organizations, together representing hundreds of thousands of creative professionals, are all VERY public supporters of this bill. We want to work with you. We urge you to work with us, as well as with these visionary Senators. Together we can help to pass a fair bill that protects legitimate technologies, prevents illegal file duplication, and respects the backbone of our industry, the creative artists.

Finally, on the subject of respecting artists and the music they create, there is one area the Academy is determined to address. The time has come for U.S. radio stations to join the rest of the industrialized world and compensate artists for using their works on the air.

A performance right for artists is long overdue. Hundreds of millions of dollars that rightly belong to copyright owners and creators go unpaid without this right, and we call on Congress to correct this historic inequity as soon as possible.

We will not allow the discussion to turn into a debate about radio's so-called promotional benefits. To appreciate the absurdity of that argument, imagine this: A movie studio tells a novelist he will not be compensated for the rights to his book, because the movie version will promote his sales. Such a concept would never be accepted in any other industry. But it is standard practice in ours.

And we will not allow the discussion to turn into a zero sum game, pitting artist against songwriter. Current songwriter royalties should and will be protected. A new performance royalty for artists must be in addition to that paid to writers.

This goal is not without its challenges, and our efforts will not be without opposition. But through the combined efforts of our music coalitions, and with the help of a Congress that understands the importance of music to our economy and certainly to our quality of life, we will see a future that not only provides fair compensation to creators, but also gives artists the respect that they deserve.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McDERMOTT. Mr. Speaker, I am unable to be in Washington, DC today. Two weeks ago, I injured my leg and my physician prefers that I not put it through the stress of an airplane flight from my home in Seattle, WA to Washington, DC. Were I able to attend today's session in the House of Representatives, I would have voted in support of H. Res. 854 and voted to defeat S. 2986 and H. Res. 856.

ON THE PASSING OF REAR ADM. MAURICE BRESNAHAN

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. DELAHUNT. Mr. Speaker, since the earliest days of sailing, ship captains have had to be many things to their crew—teacher, mentor, role-model, even friend. Rear Admiral

Maurice Bresnahan was the living embodiment of this tradition to the thousands of sailors who crossed his wake.

After a 30-year career in the US Navy that took him to the ranks of ship captain and command of a surface warfare group during the first Gulf War, it would have been understandable for this warrior to simply retire and take up a hobby. But, when the Commonwealth called and asked him to serve as president of Massachusetts Maritime Academy, he embraced the challenge.

Of course, challenge is an understatement. Admiral Bresnahan inherited a school whose training ship was unseaworthy, and the Academy lacked the financial resources to sustain its core curriculum.

I first met Admiral Bresnahan—my Admiral—when I was a newly-minted Congressman. He spoke so passionately about the Academy and its role in ensuring the future of the maritime industry that I was tempted to enlist myself. He was a man with a vision that would transform this small, but proud, school on the banks of Buzzards Bay into a world-class institution.

It was not enough that his cadets learn basic seamanship; they also had to be renaissance men and women—equally at home on the deck of a ship or the halls of an art museum. He demanded excellence—and got it. An inspiring presence on the drill field, cadets wanted to be like and near him. His sailors were well-rounded and well prepared for the Merchant Marine of the 21st Century.

Every sailor learns to use the stars to guide them on their journey. In the case of Maurice Bresnahan, the stars on his shoulders denoted more than just a rank. They were guideposts of integrity, compassion and duty.

I commend to my colleagues the following Boston Herald commentary on his passing.

[From The Boston Herald, November 9, 2004]

MAURICE BRESNAHAN, MASSACHUSETTS MARITIME PRESIDENT

Rear Admiral Maurice J. Bresnahan Jr. of Centerville, U.S. Navy retired, president of the Massachusetts Maritime Academy, died Saturday of a brain tumor at his home. He was 68.

Admiral Bresnahan was a 1954 graduate of Mission Hill High School in Roxbury, and a 1959 graduate of Massachusetts Maritime Academy. He received his commission in 1959, served on five combatant ships and commanded the USS *A.M. Sumner* (DD 692) and USS *Damato* (DD 871).

He served as special assistant to the chief of Naval Operations in the Pentagon, Washington, D.C., following his graduation from the Naval War College in Newport, R.I.

Returning to the Pacific Fleet after completion of the Combined Arms Warfare Course at the Naval War College, Admiral Bresnahan took command of the Military Sealift Command (Far East) and assumed duties as commander of the Seventh Fleet Logistic Task Force Group headquartered in Yokohama, Japan.

Upon promotion to Flag Rank, he was appointed commander of Surface Reserve Forces and commander of Naval Surface Group Six, made up of anti-submarine warfare frigates home ported in the Atlantic and Gulf Coast. These commands were recognized with Meritorious Unit Commendations for their service during the Gulf War.

Admiral Bresnahan had been serving as president of Massachusetts Maritime Academy in Buzzards Bay since April 1998. Prior to that he served for four years as the college's vice president of external affairs and marine operations.

Admiral Bresnahan presided over a dramatic increase in student population at the college and a major campus expansion.

He also led the effort to replace the former academy training ship Patriot State with a modern vessel and saw his efforts come to fruition when the newly refurbished training ship *Enterprise* sailed on her maiden voyage last winter.

Total capital improvements to the campus during his watch exceeded $60 million. He expanded the college curriculum and established the academy's first master's degree, an M.S. in facilities management. Admiral Bresnahan believed that one of his most significant accomplishments at the academy was establishing the Emery Rice Scholarship, an award dedicated to academic excellence that is awarded to five incoming cadets each year.

Admiral Bresnahan's military awards include the Distinguished Service Medal, three Legions of Merit, the Meritorious Service Medal, two Commendation medals, and many other unit and personal awards.

Admiral Bresnahan was an active member of the American Bureau of Shipping, Boston Marine Society, Columbia University Maritime Advisory Board, the Naval Reserve Association and the New York Yacht Club and was past chairman of the Council of Presidents of the Massachusetts State Colleges and past chairman of the Consortium of State Maritime Academies.

He also served as a lay Eucharistic minister at Our Lady of Victory Parish in Centerville, and was a past member of Kiwanis.

Admiral Bresnahan is survived by his wife, Alice; one daughter, Julie Pinero of Sandwich; one son, Maurice Bresnahan III of Columbia, S.C.; and five grandchildren.

TRIBUTE TO ALFRED HICKS

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to pay tribute to Alfred "Fred" Hicks, from Westbury, New York. Mr. Hicks was the accomplished president of Hicks Nurseries Inc., as well as a devoted leader in his community and a loving father. Mr. Hicks passed away on October 1st due to complications from a rare blood disorder. He was 64 years old.

Mr. Hicks demonstrated a lifelong interest in the gardening industry. He earned a Bachelor of Science degree in Horticulture and a Master of Business Administration degree in Marketing from Cornell University. In 1963, he took over running his family's establishment, Hicks Nurseries Inc., which was founded by his ancestors in 1853. As the fifth generation in his family to run the business, Mr. Hicks transformed the small family nursery into a leading operation using his quiet strength, skills, and dedication. Hicks Nurseries Inc. is now the oldest nursery and gardening center and the oldest family owned business on Long Island.

A long and distinguished history of community and industry leadership and service follows Fred Hicks. He served as president of the American Nursery and Landscape Association (ANLA), and was inducted into the Association's Hall of Fame last year. He also served as president of Garden Centers of America, past president of the Long Island Nurserymen's Association and the Cornell Cooperative Extension of Nassau County, chairman of the Environmental Commission of the Village of Westbury, board member of HMO Vytra Health Care, and advisory board member of Old Westbury Gardens. A particular interest in health issues led him to serve as a medic in the United States Army in 1960, and later on the Board of Winthrop University Hospital. Mr. Hicks was named the hospital's Trustee of the Year on October 23rd.

Mr. Hicks has also served his community with great dedication throughout his life. His parents, Edwin and Eloise Hicks, were instrumental in establishing the Westbury Friends School. Fred Hicks gave much of his time to building and organizing the school, and served on its Board of Managers. All of his children attended the school, and all of his grandchildren are presently students there as well. Mr. Hicks believed children learn best by doing, and applied this principle when working with students at the school. His generosity, caring, and desire for students to succeed together were truly inspiring.

Mr. Speaker, I ask my colleagues to join me in applauding the amazing dedication and numerous accomplishments of Alfred Hicks. Mr. Hicks was a role model in his community and has set a great example for all of us. He leaves behind his wife of 38 years, Marilyn, and a loving family. His three children, Karen Courts, Stephen Hicks, and Marianne Folk, have taken over running Hicks Nurseries Inc. His family, friends, co-workers, and the residents of Westbury community are sad to see him go. He is remembered warmly and will be missed dearly.

PRAISING THE GOVERNMENT OF CYPRUS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to praise the Government of Cyprus for its recent decision to take a monumental step towards peace and reunification of the island. Yesterday marked the beginning of the Cyprus Government's initiative to clear all Cyprus National Guard minefields within the buffer zone that divides the island.

Over the next year, an estimated 2,300 mines will be cleared from eight minefields—an area that covers more than 100 miles. Ever since the Turkish invasion more than 30 years ago—and today with Turkey's continued occupation—Cyprus has been a country that has struggled to achieve peace. The Government of Cyprus' endorsement of this program demonstrates its strong commitment to break down the physical barriers that separate Greek Cypriots from their Turkish Cypriot compatriots.

Further, the program illustrates the government's broader commitment to the international community as it joins the international fight against mine proliferation, and supports the United Nations Policy of Mine Action.

The Cyprus Government has been working with the United Nations Peace Keeping Force in Cyprus (UNFICYP) since January 2002 in order to enact this de-mining project, and it should be praised for this dedication and tenacity.

I wish to make special note that these actions are being taken unilaterally by the Republic of Cyprus. Unfortunately, the Turkish side has not yet agreed to the de-mining of 27 minefields in the buffer zone laid by the Turkish occupation forces. We can only hope that the Turkish side will someday join the Government of Cyprus in taking this necessary step towards removing these dangerous explosives.

Recent statements by the Turkish Cypriot leader, Mr. Mehmet Ali Talat, that the Turkish side intends to proceed with the destruction of its minefields in the buffer zone are encouraging. It is my strong wish that the Turkish occupation forces decide to go ahead with the de-mining process, as this would be a positive development that could contribute to further reducing the tension on the island.

COMMENDING THE VOLUNTEER WORK OF SUSAN CARTER

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. CRENSHAW. Mr. Speaker, I rise today to commend the outstanding volunteerism and community commitment of one of my constituents, Susan "Sue" Carter of Jacksonville, Florida.

Sue Carter, who recently moved back to Jacksonville after following her husband's military career across the globe for 20 years, is one of five individuals chosen by the National Military Family Association to receive the 2004 Very Important Patriot award. Sue was chosen, Mr. Speaker, for the countless hours of volunteer work she donated to the community in which she lived for the last three years, Keflavik, Iceland.

For the three years her husband, U.S. Navy Operations Officer, Commander Ted "Coach" Carter, was stationed at Naval Air Station Keflavik, Sue became very involved in some very important community organizations. Sue was president of the local Parent Teacher Student organization, served as chair of the organization's Activities board, managed a non-profit thrift shop whose proceeds benefit those seeking higher education, organized donations for the Red Cross, worked as a substitute teacher, volunteered as an assisting minister, and provided safety and instruction in small arms to military and civilian members of the community.

Sue performed outstanding work and donated countless hours serving her community. Sue's selfless commitment to volunteering is a vibrant example of the difference people can make in the lives of those around them. Now that she and her husband are stationed back in Jacksonville, I know our community will benefit greatly from her sense of community spirit.

Mr. Speaker, I recently had the opportunity to meet with Sue and her husband Ted and found their positive attitude inspiring. In addition to their service to Country and community, they are the proud parents of two young daughters. I believe our Nation owes a debt of gratitude to Sue and volunteers like her all across America for donating their precious time for the betterment of their neighbors. Volunteers are among the best of what America has to offer the world. As a citizen ambassador and wife to a military officer serving in Iceland, Sue reflected America's values honorably.

For these reasons Mr. Speaker, I commend Sue's public service, I congratulate her on receiving the Very Important Patriot award, and on behalf of the residents of the Fourth Congressional District of Florida, I extend our sincere appreciation and gratitude.

FREEDOM FOR EDEL JOSÉ GARCÍA DÍAZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Edel José García Díaz, a political prisoner in totalitarian Cuba.

Mr. García Díaz is the founder and editor of Centro Norte del País, an independent news agency amidst the dictatorship's mandated propaganda. He has devoted his efforts to printing the truth about the horrors in Cuba under the totalitarian dictatorship. By founding an independent news agency, Mr. García Díaz knowingly risked the wrath of the tyranny; however, he believed that illuminating the nightmare that is Castro regime was more important than his personal safety.

From 1997 to present, Mr. García Díaz has been harassed by the dictator's thugs. According to Reporters Without Borders, his life was threatened by a functionary of the municipality of Caibarien. He was also subjected to detentions, interrogations, and other official warnings. Yet, despite these threats, Mr. García Díaz always returned to his news agency to publish the truth about the regime's monstrous abuse of the basic human rights of the Cuban people.

On March 18, 2003, as part of the tyrant's deplorable crackdown on peaceful pro democracy advocates, Mr. García Díaz was arrested. According to Amnesty International, Mr. García Díaz was accused of writing about the poor physical condition of a school building in Havana and accompanying the article with a photo of the installation. After the conclusion of a sham trial, he was sentenced to 15 years in the totalitarian gulag.

Mr. García Díaz is languishing in Castro's infamous, inhuman gulag because he believes in freedom and democracy. His bravery in the face of oppression is another example of the courage of the pro-democracy activists in totalitarian Cuba. Recently, over one hundred Cuban opposition activists took part in a symbolic vote on November 2nd in Havana. They participated in a mock election for U.S. President at the residence of James Cason, head of the U.S. Interests Section in Cuba. Once again, the courage of the Cuban activists demonstrated to the world that, despite the consequences of dissent, the Cuban people are unafraid to demonstrate their desire for democracy.

Mr. Speaker, it is unconscionable the Mr. García Díaz is confined in an infernal gulag because he believes in writing the truth, freedom of the press, and basic human rights for the Cuban people. As we celebrate the successes of the American democratic process, we must never forget those who continue to fight the evil tyranny 90 miles from our shore. My Colleagues, we must demand the immediate release of Edel José García Díaz and every prisoner of conscience in totalitarian Cuba.

HONORING TEDDY "PILLAR OF TRUTH" BENNETT

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. EMERSON. Mr. Speaker, in East Prairie, Missouri, there is no more well-known or better-loved gentleman than Teddy "Pillar of Truth" Bennett. Across our Nation, many fine Americans have met Mr. Bennett and he has had a great effect on their lives. I am certainly one of them.

Mr. Bennett was born in the spring of 1930. He grew up on the banks of the wild and mighty Mississippi River. The usual entree in his Depression-era lunch was a gravy sandwich. Mr. Bennett served our Nation in the Korean war in the U.S. Army. When he returned, he came back to East Prairie. Eventually, Mr. Bennett formed his own business and began to gain fame for his fabulous fish fries. His cooking skills are renowned throughout the Nation—as are his character and his pure heart. The "Pillar of Truth" is a man who knows the age-old axiom that you nourish people with fish as well as with ideas.

Teddy Bennett is more than an entrepreneur or a "people person" or a great storyteller. His whole life teaches us what it is about to grow up in Southern Missouri and make something of yourself. Teddy began his life's journey during the Great Depression. He learned the lessons of hard work and overcoming challenges as he grew up. He didn't set out to inspire us. It just happened that way.

You hear a lot of stories about the Pillar of Truth—but I know lots of things that are true about him: Though he has made many friends, he has never lost one. He makes his living, and his life, out of bringing people together. And he knows that you feed people with more than food. Teddy is a sage—an intelligent, dedicated man who is just as proud of his community as we are of him.

In recent years, Teddy Bennett has fought a war of his own with cancer, but he has not been alone. Every one of his many friends has stood shoulder to shoulder with him. They deserve the thanks of our Nation. Most of all, however, I would like to thank Mr. Bennett for being a trusted friend to the Emerson family and an inspiration in our world. You are our Pillar of Truth.

HONORING JOHN RITTER FOR HIS CONTRIBUTIONS TO ENDING VIOLENCE AGAINST WOMEN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PORTER. Mr. Speaker, I rise today to thank and honor John Ritter for his contribution to Clark County Legal Services through the Ritter Charitable Trust. This important contribution of $175,000 will ensure that victims of violence against women will continue to have access to the legal support they need to protect themselves and their families.

John Ritter has long been a leader in the economic development of Clark County, Nevada. This gift, and other charitable donations he has made, shows that he is also a leader in meeting the humanitarian needs of our community. John Ritter has shown that, as Southern Nevada continues to experience the fastest growth in the Nation, our community will meet its challenges with the same spirit that has made Las Vegas a world capital of culture, entertainment and quality of life. I look forward to continuing to work with John Ritter and Barbara Buckley, Director of Clark County Legal Services, to fight violence against women. I urge the House to join me in honoring John Ritter for his philanthropy and leadership.

CELEBRATING 35-YEAR CONGRESSIONAL CAREER OF THE HONORABLE PHILIP M. CRANE OF ILLINOIS

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. WOLF. Mr. Speaker, I rise today to recognize a distinguished member of this chamber, Congressman PHIL CRANE. Since 1969, Rep. CRANE has served his constituents in the 8th District of Illinois with distinction and dedication. I join my colleagues in celebrating his career in the House.

Born in the midst of the Great Depression, PHIL served his Nation in the Army, and went on to earn his doctorate degree from Indiana University. He then began a career in academia, before being elected to Congress. He continued his intellectual interests, going on to write three books, and contributing to various publications.

Congressman CRANE's interest and extensive knowledge of economic issues is well known. He is a champion of free trade, and played a pivotal role in the House passage of NAFTA and the 1994 General Agreement on Tariffs and Trade. As vice chairman of the Ways and Means Committee, Rep. CRANE has taken a leadership role on issues of great importance to all Americans, such as Social Security, taxes, and Medicare.

As a leader in the conservative movement and as the senior Republican member in the House, PHIL CRANE has created a record of accomplishment for his constituents and his Nation during his tenure in the House. His legislative accomplishments have made a lasting and positive impact on our Nation, and his leadership in the House has inspired his colleagues.

Although Congressman CRANE will soon leave this chamber, his accomplishments and his legacy will continue to live on. All of us who have had the opportunity to serve with PHIL CRANE are better for the experience, and I congratulate him on his distinguished career.

CONGRATULATING TEMPLE SAMU-EL OR OLOM IN MIAMI, FLORIDA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate and join the congregation at Temple Samu-El Or Olom in celebrating the Chanukat Ha-Bayit, the dedication of their new building, sanctuary, and educational complex on Sunday, December 5, 2004.

I wish to recognize and thank Education Vice President, Richard Siegel; President, Michael Backer; Executive Vice President, Michael Slotnick; Rabbi David D. Schonblum; Cantor Ronit Rubin; Temple Administrator Dennis Miller, and the other officers and members of the Board for their immense contributions and accomplishments.

Temple Samu-El Or Olom has been serving the community of Southern Miami-Dade County and, specifically, our Jewish community in South Florida, for decades.

As the synagogue celebrates its 32nd anniversary, I am proud to mention that the congregation of Temple Samu-El Or Olom was the first in Greater Miami to offer multilingual Shabbat services in English, Hebrew, Spanish, Yiddish, and Ladino. Some of its members have even created and published English, Hebrew, and Spanish prayer books for use during their services. Their educational program includes Early Childhood education, as well as an annual scholar in residence program that attracts numerous participants.

I recently visited Temple Samu-El Or Olom, and found it to be a very warm and welcoming congregation. I was also impressed by the breadth of religious, educational, cultural, youth, adult, senior citizen, and social programs that the synagogue offers to people of all ages.

Furthermore, the synagogue's central location in Kendall, and its proximity to Miami Dade College, the Jewish Community Center, nursing homes, elder care facilities, and other institutions enables it to serve the needs of every person in the community.

The motto of Temple Samu-El Or Olom is "The Spirit of Family," and as we celebrate the dedication of the congregation's new building, sanctuary and educational complex, we can look forward to many more decades of the Temple's service to the community.

NOVEMBER AS NATIONAL HOMECARE AND HOSPICE MONTH

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ROGERS of Michigan. Mr. Speaker, homecare represents a tremendous value for millions of Americans' healthcare dollar by providing a family-friendly and clinically proven way of receiving quality healthcare where they prefer to receive it—at home. Homecare is about superior healthcare and a quality life for at least 8 million households across the United States.

Recent studies of homecare services show that it can shorten inpatient hospital stays, reduce the overall cost of care, improve clinical outcomes, expand patient and caregiver satisfaction, advance functional independence, and reduce the risk of institutional placement. For some Medicare beneficiaries, formal homecare is the most cost-effective strategy for achieving functional improvement.

Homecare does not require brick-and-mortar investments and with the rapid advances in technology virtually every service, short of surgery, can be delivered in the home. For these reasons, I join homecare patients and caregivers throughout the United States in celebrating November as National Homecare and Hospice Month.

HONORING WILLIAM AND MURIEL ELLIOT

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. LoBIONDO. Mr. Speaker, I rise today in honor of William and Muriel Elliot for their contributions toward making Americans all across the country aware of the dangers of drunken driving.

Bill and Muriel's quest to bring about this awareness came at a high personal cost, their son, U.S. Navy Ensign John Elliott. John, who had just received his commission to Naval Flight Officer training in Pensacola, Florida, was struck and killed by a drunk driver on July 22, 2000. It was later discovered that the driver responsible for Ensign Elliott's death had been arrested for drunk driving earlier that evening. Having called for a ride, he was picked up by a friend who returned him to his car. Ensign Elliott was on his way home for his mother's birthday party when he crossed paths with the intoxicated driver.

Since Ensign Elliott's tragic death, Bill and Muriel have worked to ensure other families never have to suffer the same tragedy. They created the HERO Campaign for Designated Drivers, an interactive educational program designed to promote the use of designated drivers to combat drunk driving injuries and fatalities nationwide. They have also worked with the New Jersey state legislature to enact John's Law. The law makes New Jersey the first state in the country to require that individuals who pick up an arrested driver sign a document accepting custody and authorizes the impoundment of the vehicles of those arrested for drunk driving for up to twelve hours. I have been pleased to work with Bill and Muriel to encourage other states to adopt similar laws by making impoundment programs eligible for Federal Highway Administration grant funds.

For their efforts with the HERO Campaign for Designated Drivers, Bill and Muriel have been awarded the National Commission Against Drunk Driving's twentieth annual Citizen Activist award. I wish to express the thanks of the House of Representatives to William and Muriel Elliot and honor them for their tremendous efforts.

COMMENDING SENATOR ZELL MILLER

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ISAKSON. Mr. Speaker, as Senator ZELL MILLER retires from the United States Senate, he returns to the State he has served so well for over four decades.

ZELL MILLER of Towns County, GA, has served his State as a State Senator, four-term Lieutenant Governor, two-term Governor, and U.S. Senator. Though he reached the highest peaks of political success, he never left his roots in the mountains of north Georgia.

Today in Georgia, thousands of young adults have earned college, university or vocational degrees through full scholarships paid for by the HOPE scholarship ZELL MILLER created.

Today in Georgia, thousands of young 4-year-old children attend public or private pre-kindergarten provided through ZELL MILLER's leadership.

As Governor of Georgia ZELL MILLER empowered educators and improved education. His no-nonsense approach to law enforcement made Georgia's streets and neighborhoods safer. Georgia's economy prospers because ZELL MILLER invested in her ports, roads, and infrastructure.

Following the September 11 attacks on America, ZELL MILLER's strong voice, leadership, and commitment to our Country and the safety of our people never wavered. His legacy is a legacy of love of Country, love of Georgia and love of Democracy.

ZELL MILLER has served Georgia and America as a visionary statesman and a patriot. Georgia and America are all the better for his service.

TRIBUTE TO JAMES CARDINAL HICKEY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to James Cardinal Hickey, favorite son of Midland, Michigan and lifelong servant of God.

Though Cardinal Hickey's faith journey took him to the Vatican and archbishopric of Washington, DC, he never forgot his childhood as Jimmy Hickey, a pupil at St. Brigid School. Often he spoke of his home parish and hometown to colleagues and in homilies.

Cardinal Hickey's name has remained on the lips and in the prayers of those in Midland and at St. Brigid, from gatherings in Cardinal Hickey Hall to praying for him in prayers of the faithful as his health declined.

Ordained in 1946, Cardinal Hickey ascended the ranks of the Catholic Church. He became monsignor in 1963, auxiliary bishop of the Saginaw Diocese 4 years later, rector of the North American College in Rome in 1968, bishop of Cleveland in 1974. He served as archbishop of Washington, DC, from 1980 until his resignation in 2000. Yet all the while, his heart remained in Midland, where he often returned to celebrate Mass and visit loved ones.

As another son of Midland, I was happy to find a friend from home here in Washington. The Hickey children; including the young James, played with my aunt, and Cardinal Hickey later baptized one of my own children. His dedication to aiding those most in need, from AIDS victims rejected by their families to migrants far from home but not far from hope, served as an example to all.

Midland lost one of its own with his passing. Yet we believe that while we miss him in his earthly home, Cardinal Hickey has been called to a Heavenly home. I am grateful for the honor of sharing friendship and fellowship with James Cardinal Hickey, a Savior's servant and inspiration. May God bless his soul and grant him peace.

RECOGNIZING ADANTO D'AMORE FOR HIS SERVICE TO OUR COUNTRY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today in recognition of Adanto D'Amore, a patriot who served his country with distinction.

Born in Italy, Dr. D'Amore came to the United States in 1919 as a young child knowing no English. Realizing the importance of education, Adanto went on to graduate from Ohio State Medical School at the age of 23.

Adanto joined the U.S. Army in 1938 and shortly thereafter became the second U.S. doctor to earn his parachute wings in the First Provisional Parachute Battalion. Transferring to the Army Air Corps in 1940, he became a flight surgeon and went on to serve his country during time of war in the Philippines.

In 1942, Dr. D'Amore was taken prisoner by Japanese troops and forced to participate in the infamous Bataan Death March. Nearly 25 percent of the allied troops did not survive. Many of these soldiers that were fortunate enough to live were then forced onto death ships to Japan. A great number more of the allied troops died on these ships, some from oppressive living conditions and some from ships that sunk during the voyage.

Beaten by his captors like so many others, Dr. D'Amore was also forced to use his medical skills to treat the same captors who tormented him and his fellow prisoners-of war. He used his skills as best as he could to obtain provisions for the other prisoners. His help no doubt helped many to survive a long and miserable time in the POW camp. Over three years later, Dr. D'Amore was liberated from a work camp near Mount Fuji at the end of World War II.

Adanto's service to the medical community continues today. He met his wife Helen, an army flight nurse, upon his return home to the United States, and together they raised three children through many military postings. In 1964, he and his family arrived at Eglin Air Force Base in Northwest Florida, where he retired several years later. Retirement from the military did not mean retirement from medical service, however. Dr. D'Amore went on to work for a county health department, run an entire county hospital system, and open up a private practice.

Today, Dr. D'Amore works with the Bridgeway Center, Inc., Crisis Stabilization Unit and the Detoxification Unit. Despite being over 70 years old, he still arrives at work seven days a week, rain or shine, to provide care to those who might not otherwise receive proper care. People who feel shunned by society can take comfort in the fact that Dr. Adanto D'Amore brings compassion to them and provides hope for their future.

Mr. Speaker, on behalf of the United States Congress, I would like to commend Dr. Adanto D'Amore for heroically living a patriotic duty, risking his own life to help those who believed like he did in the beauty of freedom.

HONORING DR. AUTAR KRISHEN KAW

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BILIRAKIS. Mr. Speaker, I rise to today to honor Doctor Autar Krishen Kaw for being named Florida's Professor of the Year.

Doctor Kaw, a professor at the University of South Florida near my congressional district, received the award from the Council for Advancement and Support of Education for his contributions to undergraduate instruction. Dr. Kaw has taught nine different courses during his tenure at USF, three of which he developed himself.

Doctor Kaw believes that, as he says, "great teaching is not just an art; it can also be a learned habit." He credits his success to being organized, using teaching tools effectively, being compassionate, providing rapid feedback to and having great expectations of his students, and asking questions. He has done that and more, integrating state-of-the-art research into his courses, which have ranged from classes larger than 70 to smaller than 10.

Mr. Speaker, I am proud that Doctor Kaw has been recognized for his outstanding contributions to undergraduate education and wish him the best of luck as he continues in his most noble profession.

A TRIBUTE TO MRS. TANNER JOHNSON LIVISAY

SPEECH OF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to a woman who had a very distinguished career as a State extension specialist in the State of West Virginia Mrs. Tanner Johnson Livisay. Mrs. Livisay was a retired State extension specialist and associate professor at West Virginia University and was a resident of Princeton, West Virginia. Mrs. Livisay graduated in 1923 from the former Douglas High School in Huntington, West Virginia and later went on to earn her Bachelor of Science degree in home economics from West Virginia State College in 1927. She then taught in Jefferson and Wyoming counties for the next 14 years. Mrs. Livisay earned her Masters degree from West Virginia University and completed further studies at Merrill Palmer Institute in Detroit, Michigan, University of Michigan, University of Cincinnati, Cornell University and Colorado State University. In 1941, Mrs. Livisay began her work as a home demonstration agent in West Virginia. Her territory included Mercer, McDowell and Cabell counties in my district. She organized home and garden clubs, 4-H clubs, and established the West Virginia State Farm Homemakers Council, under the auspices of West Virginia State College, West Virginia University and the U.S. Department of Agriculture. She was the district home demonstration agent and became program development leader. After 27 years in the Extension Service, Mrs. Livisay retired as a specialist in child development and human relations. A personal account of the work of the West Virginia Extension Service for African-Americans is recorded in the book, "Reaching Out with Heart and Hands—The Memories of An Extension Worker," written by Mrs. Livisay in 1994.

A diamond soror and life member, Mrs. Livisay was initiated into Nu Chapter of Alpha Kappa Alpha Sorority Inc. in 1925. She was a charter member of Epsilon Delta Omega Chapter in Beckley, West Virginia and at the time of her death, she was a member of Eta Iota Omega Chapter, in Inkster, Michigan. Mrs. Livisay, was the proud mother of four children, Carolyn L. McGhee, Marilyn L. Stewart, Jackson P. Livisay, Jr. and Osborne Livisay.

Mr. Speaker, I am honored today to pay tribute to the late Mrs. Tanner Johnson Livisay, for her many accomplishments and achievements and the legacy she leaves for her family and the great State of West Virginia, and in particular, my third congressional district.

ON A MATTER BEFORE THE HOUSE

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BOEHNER. Mr. Speaker, as many Members of the House know, I have been involved in civil litigation against another Member of the House, Mr. MCDERMOTT of Washington, for many years. That litigation has come to a conclusion of sorts, and because the litigation derives from an incident reflecting our own responsibilities towards each other as Members and, more centrally, to the institution of the People's House, I think it appropriate to report to the House why I initiated the litigation, my attempts to resolve it, and its latest developments.

I bring to your attention an article titled "McDermott Gets $600,000 Tab in Leak of Illegal Phone Tape," from the October 29, 2004 edition of the Seattle Times. The article is generally accurate and comprehensive. Mr. MCDERMOTT has himself acknowledged leaking the illegally recorded tape to the media in the manner the article describes, and the quotations attributed to the federal district court judge hearing the case are accurate.

Mr. Speaker, I want to underscore three things. First, I filed the suit to defend the principal that no matter our political differences or our party affiliations, we each owe a duty to each other and the House to honor the laws and rules that govern the House and our Nation. Laws matter. Rules matter. Oaths, such as the oath of confidentiality that the Committee on Standards requires of each of its Members, matter.

Second, more than three years ago I tried to resolve the suit with Mr. MCDERMOTT. I had only three requirements: that he admit that what he did was wrong, that he apologize to the House, and that he make a small contribution toward a charity I would designate. These were the only terms I insisted on. We met several times to discuss each of the matters. But for whatever reason, he felt he could not accept these terms, which appear now to be trifling when compared with the court's punishment.

Third, I recognize that Mr. MCDERMOTT has every right to appeal the court's judgment and I would not suggest that appeal would be improper. But when the court's order for payment is final, he should pay it in full and at once. It's worth noting that this entire matter started with an ethics charge against the former Speaker, Newt Gingrich, which was resolved by fining him $300,000. To end that matter once and for all—both for himself and the House—Speaker Gingrich paid the fine in full. The House deserves the same kind of finality here.

[From the Seattle Times]

MCDERMOTT GETS $600,000 TAB IN LEAK OF ILLEGAL PHONE TAPE

(By Alex Fryer)

A federal judge in Washington, D.C., has ordered Congressman Jim McDermott to pay $60,000 plus attorney fees that could total more than $545,000 to a Republican congressman who sued McDermott for leaking his cellphone conversations to news reporters.

In a harshly worded decision received by attorneys this week, U.S. District Court Judge Thomas Hogan said McDermott's "willful and knowing misconduct rises to the level of malice in this case."

It is unclear how McDermott, a Seattle Democrat, will pay for the award if he decides not to appeal it further. He turned down an offer to settle the case for $10,000 last summer.

McDermott's lawyers were reviewing the court's decision, said his press secretary, Mike DeCesare.

A popular liberal lawmaker in a safe Democratic district, McDermott is expected to win re-election easily and has only $45,000 in his campaign account.

McDermott's legal-defense fund, formed in the late 1990s to fight the lawsuit, has about $10, according to his office.

Rep. John Boehner, R-Ohio, filed a civil suit against McDermott in 1998. The case began with Boehner's cellphone conversation in the parking lot of a Waffle House restaurant in northern Florida.

During a conference call with Republican leaders, Boehner talked about the pending Ethics Committee probe of then-House Speaker Newt Gingrich over the way Gingrich funded a college course he taught via satellite through a tax-deductible political-action committee.

A Florida couple intercepted and taped the call and gave it to McDermott on Jan. 8, 1997.

At the time, McDermott was the highest-ranking Democrat on the Ethics Committee, which handles complaints against members of Congress.

McDermott then leaked the tape to The New York Times and Atlanta Journal-Constitution. The New York Times published a front-page story Jan. 10, 1997, with the headline: "Gingrich is Heard Urging Tactics in Ethics Case."

Three days later, McDermott resigned from the Ethics Committee after the Florida couple identified him as the recipient of the tape.

Gingrich later was fined $300,000 and reprimanded by the House. He resigned his seat in November 1998.

The couple who gave the tape to McDermott later pleaded guilty to unlawfully intercepting the call and were fined $500 each. The Justice Department has never pressed charges against McDermott.

Boehner sued McDermott, charging the eight-term lawmaker violated state and federal wiretapping laws.

McDermott won the first legal round when a federal judge ruled his actions were protected by the First Amendment. The case went up to the U.S. Supreme Court, which bounced it back down to lower courts.

In August, Judge Hogan determined McDermott "participated in an illegal transaction" when he accepted the tape from the Florida couple, and his actions weren't protected by the First Amendment.

Prior to the August ruling, Boehner said he was approached by a lawmaker on McDermott's behalf to broker a settlement.

In an interview during the Republican National Convention last August, Boehner said he set three conditions for McDermott: a $10,000 donation to charity, an admission of guilt, and a letter of apology to the Speaker of House. Discussions broke down, and Hogan submitted his decision Oct. 22.

"The Court finds that (McDermott's) conduct was malicious in that he intentionally disclosed the tape to the national media in an attempt to politically harm the participants through an invasion of their privacy," Hogan wrote.

"(McDermott's) argument that he was acting in the public interest by exposing official misconduct is unsupported by the evidence."

Boehner's office said a settlement now was out of the question.

"This is full vindication of our view in this case," said Boehner's chief of staff, Mike Sommers. "We're looking forward to getting this case behind us."

Sommers said Boehner spent about $545,000 in legal fees, paid from his campaign accounts.

"It's all been referred to legal council," said DeCesare, McDermott's press secretary. "It's a legal decision, and it needs to be analyzed."

McDermott's legal-defense account has paid about $350,000 in attorney's fees since the case began, and now owes $21,600 in legal bills, DeCesare said.

Asked if McDermott would embark on a fund-raising campaign to pay the legal bills, DeCesare replied: "The only next step is to let the legal team review the judge's decision and make a recommendation. It doesn't make sense to speculate on anything else."

PAYING TRIBUTE TO JIM AND DEE PRELESNIK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Jim and Dee Prelesnik, two patriotic Americans from Pueblo, Colorado. The couple are ardent supporters of our troops, and country, and I would like to join my colleagues here today in recognizing their tremendous display of patriotism before this body of Congress and this Nation.

After September 11, 2001, the American people rallied to support their fellow citizens by hanging American flags outside their homes and on their vehicles, writing letters to the troops, and wearing red, white and blue. While driving through Pueblo, I noticed one house in particular: The house of Jim and Dee Prelesnik. I was awed by their impressive display of flags and was at once struck by their unwavering patriotism and support of our troops.

Mr. Speaker, it is a privilege to recognize Jim and Dee for their exemplary display of love of country. They stood with their heads held high in one of our nations darkest hours, and support our troops at home and abroad. It is with great pleasure that I recognize them today before this body of Congress and this Nation. Thank you both. I will always remember your displays and words of support and optimism.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. McCARTHY of New York. Mr. Speaker, I missed rollcall vote No. 536 due to surgery. Rollcall vote 536 was on final passage of S. 2986, raising the federal debt limit.

Had I been present I would have voted "no" on rollcall vote 536.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR H.R. 3283

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. POMBO. Mr. Speaker, I request that the attached cost estimate for H.R. 3283, the Federal Lands Recreation Enhancement Act, be submitted for the RECORD.

CONGRESSIONAL BUDGET OFFICE,
U.S. Congress,
Washington, DC, November 19, 2004.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3283, the Federal Lands Recreation Enhancement Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860

Sincerely,

DOUGLAS HOLTZ-EAKIN.

H.R. 3283—Federal Lands Recreational Enhancement Act

Summary: CBO estimates that enacting H.R. 3283 would increase direct spending by about $700 million over the 2006-2014 period. The bill would establish a new recreation fee program for the U.S. Forest Service and for land management agencies of the Department of the Interior. It would authorize the National Park Service (NPS) to establish, charge, and modify admission fees at units of the National Park System. The bill also would authorize other agencies—such as the Forest Service, the Bureau of Land Management (BLM), and the U.S. Fish and Wildlife Service (USFWS) to establish similar charges called standard amenity fees at certain sites under their jurisdictions. For all agencies, the use of specialized facilities or services (such as developed campgrounds or boat launches) would be covered by expanded amenity fees. In addition, the bill would authorize interagency annual passes, which would replace current passes such as Golden Eagles and National Park Passports. Finally, H.R. 3283 would authorize all of the above agencies to retain and spend all offsetting receipts collected under the new fee program without further appropriation.

CBO estimates that NPS and other federal agencies would collect a total of $2.1 billion over the 2006-2014 period under H.R. 3283, or about $800 million more than we expect those agencies to collect under existing recreation fee authorities. We estimate that the agencies would spend about the same amount (i.e., around $2.1 billion) over that period, or about $1.5 billion more than they would be allowed to spend under existing law. (Under such law, beginning in January 2006, agencies generally may spend a much smaller percentage of fee collections than under H.R. 3283.) Thus, the net budgetary impact of enacting this legislation would be an increase in direct spending of about $700 million over the 2006-2014 period.

This legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated net budgetary impact of H.R. 3283 is summarized in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars									
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
CHANGES IN DIRECT SPENDING										
Recreation Fee Program:										
Change in Offsetting Receipts:										
Estimated Budget Authority	0	−66	−85	−87	−88	−90	−92	−94	−96	−98
Estimated Outlays	0	−66	−85	−87	−88	−90	−92	−94	−96	−98
Change in Spending:										
Estimated Budget Authority	0	140	176	181	182	186	190	194	198	202
Estimated Outlays	0	55	123	162	178	184	188	191	195	198
Net Change in Direct Spending:										
Estimated Budget Authority	0	74	91	94	94	96	98	100	102	104
Estimated Outlays	0	11	38	75	90	94	96	97	99	100

Basis of Estimate: For this estimate, CBO assumes that the recreation fee program established by H.R. 3283 will be implemented during fiscal year 2005 and that the fees adopted by the affected agencies will sum to about the same level of offsetting receipts currently collected under the recreation fee demonstration program. This estimate is based on information provided by NPS (which collects and spends the vast majority of recreation fees), the Forest Service, the USFWS, the Bureau of Reclamation, and BLM.

Recreation Fees and Spending Under Current Law

Historically, the collection and spending of recreation fees by most federal agencies has been governed by the Land and Water Conservation Fund Act. That act authorizes these agencies to collect fees for use of, and in some cases entrance to, federal lands that have significant recreational resources, subject to rate caps and other limitations. It also allows most of the agencies to spend up to 15 percent of annual fee collections without further appropriation to offset the costs of collecting the fees. The remaining 85 percent of fee receipts are available only if subsequently appropriated.

In 1996, the Congress established a temporary recreation fee demonstration program authorizing the NPS and other federal land management agencies to charge higher fees at more sites than would otherwise be permitted under the LWCFA. Generally, under the demonstration program, the agencies may also spend without further appropriation 100 percent of all offsetting receipts collected at recreation sites. That spending authority applies for most agencies both to the additional receipts collected under the demonstration program and to the receipts that would have been collected under the more limited LWCFA fee authority. As a result, the demonstration program brings in an extra $80 million a year but results in higher spending authority of about $170 million a year.

Under current law, the demonstration program will expire at the end of calendar year 2005, and recreation receipts for most agencies will fall to their pre-1996 levels. Spending authority will also fall—to 85 percent of receipts (except for transportation fees, National Park Passports, USFWS entrance fees, all of which will continue to be available under other statutes such as the National Parks Omnibus Management Act of 1998). Thus, while total receipts from recreation fees are expected to decrease from about $220 million to about $140 million a year, direct spending authority will be reduced by much more—from about $220 million to an estimated $45 million.

Recreation Fees and Spending Under H.R. 3283

H.R. 3283 would effectively authorize the continuation of the fees and spending allowed by the recreation fee demonstration program through 2014. Thus, the bill would have two budgetary effects. First, allowing the agencies to maintain fees charged under the demonstration program would increase offsetting receipts by a total of $800 million through 2014. Second, allowing all offsetting receipts from recreation fees to be spent without further appropriation would increase direct spending by $1.5 billion over the same time period. The net impact on the federal budget would be an increase in direct spending of about $700 million over the next nine years (after 2005).

Intergovernmental and private-sector impact: H.R. 3283 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On March 22, 2004, CBO transmitted a cost estimate for S. 1107, the Recreation Fee Authority Act of 2004, as ordered reported by the Senate Committee on Energy and Natural Resources on February 11, 2004. S. 1107 and H.R. 3283 both authorize recreation fee programs, but the Senate bill only covers NPS fees while the House bill covers the Forest Service and all bureaus within the Department of the Interior.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Selena Caldera.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REV. DR. JAMES FORBES JR.: FROM THE PULPIT, A STRUGGLE FOR JUSTICE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. RANGEL. Mr. Speaker, I rise today to commend the service of Rev. Dr. James Forbes Jr., Senior Minister of the Riverside Church in New York. A constant and powerful voice for social equality, and freedom, his leadership has set an example to the community in New York's 15th Congressional District, in our Nation and around the world. A clergyman of the highest order, Dr. Forbes is also an activist who equates spirituality with justice.

On June 1, 1989, the Rev. Dr. James Alexander Forbes, Jr. was installed as the fifth Senior Minister of The Riverside Church. He is the first African American to serve in that position at one of the largest multicultural congregations in the Nation. Dr. Forbes is an ordained minister in the American Baptist Churches and in the Original United Holy Church of America. He has served congregations around our Nation, inspired by his painful personal experience of bigotry in the segregated South.

Dr. Forbes was born in 1935 in Burgaw, North Carolina, where his father was a Pentecostal bishop. He was the second oldest of eight children. He has led numerous workshops, retreats, and conferences for the National Council of Churches of Christ USA, the National Association of Campus Ministry, the American Baptist Churches, the United Church of Christ, the African Methodist Episcopal Church, the Christian Church (Disciples of Christ), the Episcopal Church, the Roman Catholic Church, the United Methodist Church, and the Presbyterian Church (USA). He is a consultant to the Congress of National Black Churches and past President of The Martin Luther King Fellows. Dr. Forbes has earned three degrees and has been awarded 13 honorary degrees among other awards.

I am deeply impressed by Dr. Forbes commitment to using tools of mass communication to educate our country in the principles of social justice, through a national movement called "progressive principles of justice". I commend to the attention of my colleagues a profile of Dr. Forbes, which appeared in the New York Times on October 12, 2004. This article reminded me of Dr. Forbes' leadership in moving us closer to the day when we all sit down together as children of God.

[From the New York Times, Oct. 12, 2004]

FROM THE PULPIT, A STRUGGLE FOR JUSTICE

(By Chris Hedges)

In the battle over Jesus, what he stood for, what he represents and how faith is experienced and sustained, the Rev. Dr. James A. Forbes Jr., the senior minister of Riverside Church, is determined to provide an alternative vision to the one offered by religious conservatives.

He and other clergy members plan to employ the tools of mass communication, including television, to build a national movement for what he calls "progressive principles of justice." In the last few weeks, with his public support for Senator John Kerry and his dire warnings about another four years of President Bush, he has jumped feet first into America's most divisive and, maybe, most important culture war.

"The issue facing religious people is justice," he said one recent Saturday morning in his office in the soaring Gothic church, which overlooks the Hudson River. "How can we justify a corporate officer making a salary that is a thousand times more than the lowest-paid member of the corporation? Poverty is the real weapon of mass destruction. But in this capitalist society when we raise questions about the freedom of some to enjoy an inordinate proportion of the resources while others lack basic necessities, it becomes a hard and difficult discussion."

Controversy is nothing new in the pulpit of Riverside Church. The Rev. William Sloane Coffin Jr., who was the senior minister before Dr. Forbes assumed the post in 1989, opened the church doors to political refugees from Central America and called for an end to the production of nuclear weapons. Dr. Forbes has welcomed gays and Buddhists into the congregation and has fostered the spontaneity of his own Pentecostal tradition, encouraging emotional personal testimony, applause and standing ovations. But times have changed. The social activism that was more widely accepted within the mainsteam church decades ago has given way to a narrower belief that stresses personal piety and devotion. Dr. Forbes, who travels the country trying to galvanize liberal clergy members into a national network, is often a voice crying in the wilderness.

He seeks, he said, to remind Americans that they also have carried out violence and oppression in the name of God.

"Christians have joined in this negativity," he said. "Don't forget the Klan. They were bent on destroying innocent people. Bad people are not confined to any one religious tradition."

Dr. Forbes, 69, dressed in a blue blazer and pressed gray slacks, speaks with the hypnotic rhythm of a preacher, his words cascading in slow, elegant waterfalls. He comes naturally to the pulpit, growing up the second oldest of eight children in Burgaw, N.C., where his father was a Pentecostal bishop.

Dr. Forbes shared a story he has told before. When his family sat down to dinner, his mother, who worked as a maid for a white family, always asked, "Are all the children in?"

"And if there was a child not present, we had to prepare a plate for that child and put it in the oven before we could say grace and our Bible verses and eat," he said. "That is the image I have of God. God, for me, is Momma Eternal. Before I eat, God asks, 'Are all the children in?' "

He went to school to be a doctor, graduating with a degree in science from Howard University. But after "being called" to be a preacher, he enrolled at Union Theological Seminary. "God called me to be a healer," he said, "but a healer of souls and culture."

He served in small churches in the South, earning a reputation as a preacher of power, and joined the civil rights movement. He participated in sit-ins at segregated lunch counters in Woolworth's stores.

In 1976 he returned to New York to be a professor of preaching and worship at Union, and from there went to the pulpit at Riverside. Dr. Forbes is married to Bettye Franks Forbes, a musician, and they have one son.

His Pentecostal background unsettles some in the congregation who see him as emotional and showy. The squabbles, however, do not dim what he defines as an era of "renewal" in which social justice values—values that drew him to the ministry—will again surge to the forefront.

Injustice, he said, is not an abstraction in his life. He knows the pain of being excluded. On the first day he was allowed to sit as a black man at a lunch counter at Woolworth's he sat next to a white woman who had already ordered her meal. When he sat down she stood and left, and he went home and wrote a poem:

Why did she move when I sat down?
Surely she could not tell so soon that my Saturday bath had worn away.
Or that savage passion had pushed me for a rape.
Perhaps it was the cash she carried in her purse.
She could not risk a theft so early in the month.
And who knows that on tomorrow t'would fall her lot
To drink her coffee from a cup my darkened hands had clutched?
So horrible was that moment. I too should have run away.
For prejudice has the odor of a dying beast.
Whether racist or rapist, both fall into the savage class.
And the greatest theft of all is to rob one's right to be.

MULTINATIONALS WILL EMERGE AS MAIN WINNERS FROM CAFTA RATIFICATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. TOWNS. Mr. Speaker, on May 28, 2004, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, together with the United States, signed a free trade accord whose underlying principle is the aggressive protection and expansion of individual and corporate investor rights. These privileges come at the expense of environmental protection, legislative independence, and a nation's right to autonomously determine social and economic policy. Despite the assurances of its proponents, the Central America Free Trade Accord (CAFTA) is not likely to translate into a significant improvement for the region's atrocious labor rights record because it does not institute the fixed penalties and incentives required for such a profound change. The absence of such provisions is especially distressing in Central American societies that, in a twisted and deadly caricature of respectable collective bargaining, have historically witnessed hundreds of labor leaders gunned down and intimidated by hired hands on the payrolls of land owners and factory managers.

The agreement's limited and unbalanced scope is a result of a heavily delimited negotiating process that lacked any sense of transparency and only involved government-sponsored experts. Numerous NGO's, civic organizations, trade unions groups and political figures in both Central America and the U.S. have expressed their opposition to the agreement. In its present form, CAFTA represents a very significant undermining of the traditional sovereign rights of nations and exposes a lamentable deference on the part of Central American governments. This clearly demonstrates their intent of mainly serving privileged elements of their societies at the expense of the generality of their populations. Once implemented, CAFTA will, in fact, likely condemn the area's agricultural, service and industrial workers to further marginalization, with the accompanying risk that they might fall into abject poverty. Most likely, comparable Central American enterprises will be hard-pressed to successfully compete with foreign competitors because they lack the economies of scale, investor control, access to low interest loans, investor pool and an outreach to skilled management which is readily available to transnational commercial entities.

UNEVEN GROUND

If and when CAFTA is ratified, it will represent a momentous victory to business sectors in the U.S. and in Central America. The five Central American nations that are taking part in the agreement constitute a relatively underdeveloped region whose total GDP equals only $152 billion, or a negligible fraction of the U.S.'s $11 trillion economy. CAFTA fails to adequately consider this facet of the signatories' asymmetrical relationship. According to renowned Nicaraguan academic Rene Oscar Vargas, "CAFTA is a vehicle for an increase of U.S. exports and an opportunity to maximize the potential of its basic industries: information technology, telecommunications, the service industry, agriculture and intellectual property." On another occasion Vargas commented, "What is CAFTA but an agreement between unequal partners."

The principle that states that free trade is beneficial to all those involved is misleading and simplistic as it disregards the fact that with unfettered access, the advantage almost always lies with the powerful. In its current format, CAFTA is the economic equivalent of a 220-pound heavyweight being allowed to step into the ring against a 112-pound flyweight. Although international trade and foreign investment are necessary components of any economy, it is a state's responsibility to prioritize the interests of all its citizens, not just the privileged few, and certainly not that of transnational corporations.

For the CAFTA agreement to be ratified, it must be approved by the legislature and signed by the president of each signatory country. A full and transparent reexamination of its costs and benefits, and who will be the winners and losers, is imperative because renegotiation of contested clauses will be all but impossible once the agreement is ratified. A look at Mexico's experience with NAFTA, and its unsuccessful attempts to renegotiate agriculture-related provisions, underscores the serious implications of ratifying CAFTA. Free-trade agreements are not in themselves pernicious instruments. However, they must prove beneficial to both parties, and the Central American Free Trade Agreement, in its current format, does not satisfy this overriding requirement. If this agreement is implemented without alterations, it could very well demonstrate that unscrupulousness and greed will prevail over the best interests of the citizens directly concerned.

FOREIGN INVESTMENT IS THE PANACEA

Behind the rhetoric used to tout CAFTA's virtues—that it promotes a win-win scenario—the reality is that it will provide already well-heeled international and domestic corporations and investors with lucrative incentives, protections, and almost plenary immunity from prosecution. In Article 10.28 of the agreement, the definition of an investor is purposefully vague as it encompasses any individual involved or considering participation in a business venture. If CAFTA is ratified, any investing individual or corporation will have the vested right to challenge a nation's national or local policy, regulation, or law which they perceive as an impediment to their business dealings, and can call for it to be voided before a supranational dispute panel. This ability to circumscribe constitutionally enacted national legislation and regulation, or seek monetary compensation for their enforcement, gives rise to a new class of parties who essentially will be above the rule of local law. Like the North American Free Trade Agreement (NAFTA) ratified by Mexico, the U.S. and Canada and put into effect in 1994, this accord would provide private parties a protection that today is not in conformity with existing U.S. law. In addition, CAFTA does not clearly and reciprocally address a nation's legitimate course of action when a corporation is thought to have participated in unlawful behavior within its boundaries.

To enforce its bylaws, CAFTA will create an unaccountable supranational body bestowed with the authority to redress any so-called infringement on a foreign corporation's or investor's economic interests. Not only is the burden of proof in these cases placed upon the respective government, the plaintiffs face little consequence if they submit a frivolous complaint. Past experience with NAFTA suggests that environmental regulations will be the object of most of the infringement suits that will be filed because, despite Central America being the second most biodiverse region in the world, sustainable development is not a central tenet of CAFTA. In fact, the mere threat of legal action, and the accompanying litigation costs, should discourage the region's economically-strapped nations from aggressively enforcing environmental regulations.

The optimistic contention made by the Office of the U.S. Trade Representative in an August 2003 Interim Environmental Review, that "CAFTA may have positive environmental consequences in Central America," is disputed by Dr. Angel Maria Ibarra, president of the Salvadoran Ecological Unit (UNES). He notes that "a simple reading of the text and its relationship to other chapters reveals its essentially cosmetic nature. CAFTA is a custom-made agreement for transnational corporations." This is a thesis that U.S.-based private environmental organizations, such as the Center for International Environmental Law and the Sierra Club, have consistently reaffirmed.

In negotiations with the Central American countries, Washington pushed for and succeeded in institutionalizing a mechanism that suborns the very tenets of a country's sovereignty. There is no doubt that CAFTA will hinder the ability of the region's citizens to propose, discuss, and implement the rules of conduct which they may consider to be desirable and appropriate. The pact, therefore, challenges the very essence of using legislative action as a legitimate vehicle to achieve economic and social redress. Interestingly, whereas Washington refuses to participate in many supranational bodies, like the International Criminal Court and the Kyoto Protocol, citing their need to protect national interests, such fears are hypocritically brushed aside when lucrative private business transactions involving the state are at stake and the possibility of unfavorable rulings against enterprises are most likely to be minimal.

HANDCUFFING THE STATE

The restrictions which CAFTA imposes on Central American governments will extend well beyond the capacity, or lack thereof, of states to bind companies to comply with domestic laws. In simplest terms, CAFTA will prohibit states from determining and implementing economic and social policies which their branches of government believe are most suitable to their developmental needs, thus forcing them to adhere to a "one size fits all" liberalizing recipe that does not account for the unique particularities of a given country. Under this system, the agreement's provisions substitute for an objective cost-benefit analysis of the beneficial or negative impacts a particular policy, regulation, or law would have on society. If, for example, Costa Rican authorities decide that they wish to encourage an emerging and possibly lucrative sector of the economy through tariffs and incentives, as Ireland and the much-lauded Asian Tigers most successfully did with their information technology and manufacturing industries, respectively, CAFTA provisions could be used to prohibit them from doing so.

In addition, the eventual elimination of all tariffs will expose essential domestic industries to potentially devastating competition from multinational corporations that enjoy a tremendous advantage based on their economies of scale or, as is the case with white corn, Washington-subsidized production. Even government procurement, a mechanism that the U.S. government itself utilizes in certain instances to offset market inequities, will not be exempt from CAFTA's strict regulations. According to Chapter Ten of the pact's text, foreign actors must be guaranteed the same treatment, in both the public and private sphere, as a nation's citizens. This begs the question of who the Central American negotiators were in fact representing when they agreed to these stipulations, because they demonstrably will not benefit the majority of their own citizens. In the long term, the region's severely underdeveloped economies can be expected to fall prey to the natural forces of the market and will undoubtedly incur heavy domestic job attrition, the displacement of thousands of small and medium scale farmers and a more skewed distribution of wealth to the benefit of the nation's privileged capital-holding minority. Salvador Arias, a Salvadoran legislator with the Faribundo Marti Liberation Front (FMLN), told La Nacion USA, a Washington D.C. area daily, that his country alone would likely lose upwards of 54,000 agricultural jobs during the first year of CAFTA's implementation.

NO NEW LABOR PROTECTIONS

CAFTA's proponents assure critics that the agreement will encourage a marked improvement in labor rights for Central American workers. The chapter in CAFTA that addresses this issue, however, seems much more concerned with ensuring a level playing field for U.S.-based corporations than protecting the region's workers. The real aim of the agreement's provisions appears to be the ability to retain the excessively low costs of production that grossly unsatisfactory working conditions help maintain without appearing to do so. In this respect, even though Article 16.2 states that Central American governments must "strive to ensure" compliance with their domestic labor laws and guarantee not to "encourage trade or investment by weakening or reducing the protections" these laws provide, this, and other passages like it, fall far short of constituting a sturdy defense of labor rights and make the chapter's overall lackadaisical tone one of the agreement's most grievous deficiencies.

In a March press release, Human Rights Watch (HRW) strongly criticized the agreement's glaring reliance on current Central American domestic legislation that, until now, has been ineffective in curbing labor rights abuses. In addition, that organization maintains that real change will not come about unless CAFTA adopts strong "procedural guarantees for [their] enforcement." Without clearer mechanisms that redress worker abuse (which ideally would be equal to those that CAFTA would provide to investors) only blind optimists foresee anything more than a marginal improvement of the currently often corrosive, if not deplorable and inhumane, labor rights situation in Central America. In fact, the question of whether CAFTA, in its current format, will improve the overall standard of living of the region's inhabitants is highly debatable at best.

REDEDICATION CEREMONY FOR RUTGERS-NEWARK'S HILL HALL, HONORING AND COMMEMORATING BESSIE NELMS HILL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PAYNE. Mr. Speaker, I invite my colleagues here in the House of Representatives to join me as I rise to acknowledge the rededication ceremony of Rutgers-Newark's Hill Hall. Originally dedicated in 1972, Hill Hall was named in honor of Bessie Nelms Hill.

Bessie Nelms Hill had an accomplished and distinguished career as an educator and community leader. She was also the first African-American to serve on the Rutgers Board of Governors. Her dedicated service spanned a six year period from 1965–1971. Ms. Hill's appointment to the Board followed an illustrious career as an English teacher, Department Chair and Guidance Counselor in Trenton, New Jersey for 40 years. She has been credited with inspiring and helping thousands of students including former New York City Mayor, David Dinkins.

Bessie Hill worked tirelessly as an activist helping to promote equality and preserving the rights of African-Americans throughout New Jersey and the nation as a whole. She once served as state secretary for the National Association for the Advancement of Colored People (NAACP). Ms. Hill was also one of the founders of the Montgomery Branch YWCA and the Carver Center YWCA both in Trenton.

The tradition of excellence continues in the Nelms Hill family as, Ms. Anzella K. Nelms, a niece, is the deputy superintendent of the Newark Public Schools. Her tireless efforts to promote education on the elementary level are to be commended as well.

Mr. Speaker, I know that my colleagues agree that the rededication of Hill Hall ceremony which will include the unveiling of Bessie Nelms Hill's portrait will inspire the current generation of Rutgers-Newark's students. It will also serve to keep her memory alive for generations to come. I am pleased that Rutgers-Newark chose to remember Bessie Nelms Hill with this ceremony on October 20, 2004.

PAYING TRIBUTE TO BILL DORN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Bill Dorn from Sterling, Colorado. Bill has been serving his country overseas for over ten years, and I would like to join my colleagues here today in recognizing his tremendous efforts before this body of Congress and this Nation.

Bill returned to Sterling after serving in the Navy in 1963, and soon thereafter began a construction business with his brothers. In 1974, he started his own business and was recognized for his architectural plans of two hotels with the Golden Crown award given by the Best Western Company to 35 of 2500 entrants every year. In 1989, Bill moved to Wiesbaden, Germany and began working for the US Army with the Community's Morale, Welfare, and Recreation Fund.

Bill has been widely recognized for his contributions to the Wiesbaden community by the Chief of US Veterans Affairs, the US Military Chief of Staff, the US Army Team of Excellence, the US Army Corps of Engineers, and the US Great Escape Community Club. In addition, the Army Corps of Excellence and the US Army Europe (USAREUR) have recognized The Wiesbaden community for four consecutive years. Each year, Bill's contributions were specifically mentioned in the organizations reports.

Mr. Speaker, it is a privilege to recognize Bill Dorn for his exceptional service to the US Army personnel serving in Germany. He has been widely recognized for his unwavering ability to get the job done, and the excellence with which he performs his duties. It is with great pleasure that I recognize him today before this body of Congress and this Nation. Thank you, Bill, for your hard work and good luck with all of your future endeavors.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. McCARTHY of New York. Mr. Speaker, on November 18, 2004, I missed rollcall vote No. 535 due to surgery. Rollcall vote 535 was on the Stenholm motion to commit with instructions to S. 2986. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment providing that the provisions of the bill shall not apply after April 15, 2005.

Had I been present I would have voted "yes" on rollcall vote 535.

H.R. 2440

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. POMBO. Mr. Speaker, I request that my extension of remarks for H.R. 2440, the Indian Health Care Improvement Act Amendments of 2004, be submitted for the RECORD.

As the 108th Congress draws to a close, we can be proud of the steps we have taken toward helping the millions of Native Americans and Alaska Natives living across the country. From continuing to tackle the problems surrounding the Indian Trust Fund lawsuit, Cobell v. Norton, to passage of probate reform for Native American families, the House Resources Committee was able to work in a bipartisan fashion to address these and other important issues.

One of the issues most fundamental to improving the lives of those in Indian country is the health of their people, both young and old. Embodied in H.R. 2440, the Indian Health Care Improvement Act Amendments of 2003, is the essence of truly modernizing an outdated system that no longer properly embraces medical advances that have improved health care delivery and quality over the past decades. Since the last time Congress addressed tribal health care on this scale, more than half of the tribes in the United States have exercised their rights under the Indian Self-Determination and Education Assistance Act to assume responsibility in carrying out health programs on their own behalf.

Through the valuable input of the National Steering Committee and others throughout Indian country, the Resources Committee was able to report H.R. 2440 from the Committee with strong bipartisan support. While the House will unfortunately not have time to act on this legislation during this Congressional session, the importance of moving this issue forward remains.

Regrettably, when H.R. 2440 was reported, the Committee report omitted a section that was of importance to my colleague, Congressman J.D. Hayworth. For that reason, I would like to note that I agree with the need to address the role that naturopathic medicine plays in the lives of Native Americans and Alaska Natives. In particular, the report should have noted that in reference to the Loan Repayment Program defined in section 110 of the bill, the definition of health professions as defined in Section 3 includes naturopathic medicine, as there is nothing in H.R. 2440, or reflected in our interactions with the Indian Health Service, that would exclude naturopathic medicine from participation in the program.

IN MEMORY AND TRIBUTE TO THE LATE WILLIAM M. BURKE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. RANGEL. Mr. Speaker, I rise to honor the life of the late William M. Burke, who passed away recently after a brief illness. Mr. Burke was the founder of the Washington Center for Internships and Academic Seminars in 1975, and he served as the President until his passing.

Mr. Burke's tireless work in developing the ever-widening circle of influence of the Washington Center has empowered thousands of young people to discover the leadership qualities that they already have and to nurture those talents through experiential education both here and abroad. Bill Burke believed that young people should embrace the values of self-respect, courage, ethics, teamwork, and leadership. These were some of the values that Bill himself demonstrated in his own life.

Mr. Burke sought to educate the leaders of tomorrow by exposing them to the leaders of today. Members of every branch of government, foreign dignitaries, corporate CEOs, academic leaders, and over 33,000 alumni have forged partnerships with the Washington Center over the years. The alumni of the Center have reached some of the highest levels in the public and private sectors.

Bill Burke addressed divisive shortcomings in equal access to the Washington Center by leading the development of the Internship Initiative for Students with Disabilities, the Native American Program, the Diversity in Congress Program, the Minority Leaders Fellowship Program, the Women as Leaders Program, and the NAFTA Internship Program, as well as a growing international program. I have been a supporter of the Cordova Congressional Internship Program, which brings 20 Puerto Rican students into congressional offices to live and learn about life in the United States.

Bill Burke has embodied the most honorable models as a mentor, teacher, father, and husband. We extend our condolences to his wife Sheila, and to his two children Barry and Reavey, and to his colleagues and friends, in whose lives will now exist a vacuum once filled by a great man. And to all people who have felt the extent of Mr. Burke's passion for empowering the young people of this nation to achieve great things, continue to embody the values that Mr. Burke endeavored to instill in you. Mr. Speaker, let us as a Body recognize the legacy of Bill Burke, and honor his memory here today.

TIME TO OVERHAUL THE DRIVERS' LICENSE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. TOWNS. Mr. Speaker, As you know there is considerable concern that the state drivers' licenses no longer can be said to meet standards of reliability we have come to expect from documents upon which we must rely to authenticate the identity of an individual. The ease with which such documents may be counterfeited, or even procured through lawful channels, by those not entitled to them gives me pause.

Recently I read a thoughtful and provocative Op-ed in the Nov./Dec. issue of Digital Transactions by Mr. Joel Lisker. Mr. Lisker, a former FBI supervisor, federal prosecutor & senior Senate Counsel, who led MasterCard International's Global Security and Risk Management department for 16 years, takes a close look at the current troubling state of such licenses and the need to upgrade them to a reliable, proven state-of-the-art platform.

These are, after all, the de facto U.S. national identity cards, whether we choose to refer to them that way, or not.

Mr. Speaker, I ask that the complete text of the article be included in the record, and I commend its reading to my colleagues.

TIME TO OVERHAUL THE DRIVERS' LICENSE

This commomplace piece of plastic has by default become the national identification card. Adding readily available advanced technology, such as integrated-circuit chips, can make it more reliable for a post-9/11 world—and pave the way for chip-based payment cards, to boot, says Joel Lisker.

What is the most valuable piece of paper plastic in your possession? One that can have a huge impact on the quality of your life; maybe even save your life. Is it your healthcare Card? Social Security card? Medicare card? Credit card? Nope. It's that little piece of low-end plastic with your photo and a few personal details issued by your State Department of Motor Vehicles, in hundreds of versions, with a variety of features.

The few standards that do apply to these cards have been deliberately set at the low end for reasons of cost, because in fairness, not too long ago, the drivers' license was just that. As a consequence, operational quality, functionality, security, consistency, and currency vis-à-vis state-of-the-art technology have not been factors. Yet now, these are the very cards that increasingly say with authority who we are, and, most important, that we are who we say we are.

In fact, the ubiquitous, poorly designed and equally poorly crafted drivers' license is the de facto national identity card But we need something better—and urgently. Why?

In the aftermath of 9/11, government at every level has struggled with the challenges generated by the life-or-death need to make us more secure—no easy task. Several meaningful steps have been taken, but what is lacking, at the core, is a single, self-authenticating piece of identification upon which authorities may rely. So what's the problem? The problem in a word is reliability. The drivers' license has become the primary means of identification that government has come to regard as reliable at a time when counterfeit and fraudulent applications are rampant.

For example, we may question the abilities of the Transportation Security Administration and now private screeners to authenticate drivers' licenses, given that they are called upon to examine hundreds of different licenses on any given shift.

I submit that several excellent solutions now exist that can be implemented, without adding great cost to already strained state and federal budgets. Some of these solutions, if applied in volume to drivers' licenses, would have the added benefit of creating economies of scale for chip-based payment cards in North America.

CATCHING FRAUD

Let's examine a relevant private-sector initiative. Most banks submit all new U.S. credit card applications to a database to check prior use of key data elements. Two of those elements are the Social Security number (SSN) and address. I envision a similar database of all license holders and applicants that would also contain these two data elements. These could be compared with an SSN/current-address file maintained by the Social Security Administration, kept current based on information furnished by the Internal Revenue Service and contained on the Form 1040.

When a criminal steals a Social Security number, he will always use an address different from that of the true account holder. This process would catch most of the cases of attempted fraud while revealing no other 1040 information. A follow-up mailing to the address listed would confirm that a license using that address had been issued.

The drivers' license itself need's work. For example, it can now be enhanced using readily available and very secure integrated-circuit technology, in use in some markets by the payment card companies, combined with optical memory card technology, now in use on all U.S. permanent resident or "green" cards, Southern Border-crossing cards, Canadian "green" cards, and an increasing number of Canadian drivers licenses.

In fact, these technologies would permit the security screener to simply swipe or insert the license in a secure reader, the same as a credit card, thereby allowing for authentication of the document as validly issued and currently in force. It could not be effectively copied or skimmed.

Thus, not only could the card be authenticated, but, by using biometric information such as that derived from fingerprints, a validation of the cardholder could also be achieved while protecting the privacy of the licensee's data stored on the card in their possession. This process would be far superior to the current "hit or miss" system, which depends entirely on the ability of the TSA Screener to discern a false document.

BEWARE THAT CELL PHONE

This optical-memory card approach, with up to 2.8 megabytes of data per card, would allow for all 10 fingerprints, an iris template, facial template, or just about anything else you might want. This would be entirely consistent with the recommendations of the 9/11 Commission contained in Section.12.4 of its report. Moreover, the deployment of the IC feature of the new drivers license, numbering more than 100 million units, would pave the way for the rapid deployment of a financial payments industry IC card on a very cost-effective basis. How would government support the additional costs associated with some of the enhancements described here? I submit that a modest increase in the cost of the drivers' license would more than cover this expense. The TSA portion, which would result from the deployment of card-reading terminals at each point of access, could be funded with a modest tax on each airline ticket, one that most air travelers would gladly pay.

To those who would argue against such enhancements on the grounds that they will bring us closer to the dreaded "national identification card," allowing the tentacles of government to slither even more deeply into our lives and privacy, I say this: You better take another look at that GPS cell phone of yours. And what about that OnStar service or EZ Pass? Your ATM Card?

The drivers' license, in its present form is a seriously flawed de facto national identification card. We have cost-effective, proven, secure technologies at hand. Let's use them.

TRIBUTE TO DR. ALBERT J. LEWIS, JR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to acknowledge the accomplishments of Dr. Albert J. Lewis, Jr., founder and CEO of the World Gospel Musical Association. Dr. Lewis was inducted into the International Gospel Music Hall of Fame and Museum at an awards celebration dinner on Saturday, October 23, 2004, in Detroit, Michigan.

A resident of the city of Newark, New Jersey, Dr. Lewis is a minister of music at two churches and plays for six choirs. He is a certified social worker, notary public and director/chaplain for the United Chaplain Worldwide Outreach International. He is also the executive producer and host of the Dr. A. Lewis Gospel Hour and the Sound of Gospel and Good News. These programs are shown nationally and internationally via the USA Armed Forces Network.

Dr. Lewis attended the Newark Deliverance Bible Institute and completed the course requirements in 1964. He continued his education at Eastern Bible Institute of New Jersey and received bachelor, masters and doctorate degrees in theology and Christian psychology.

Dr. Lewis is the recipient of many awards and commendations and had the honor of having a street named after him. In June 2002, Dr. Lewis was appointed Musical Director for the State of New Jersey by Governor James E. McGreevey.

Mr. Speaker, Dr. Lewis' fellow inductees included some of gospel music's most noted performers. They are the Rev. Milton Biggham, Anna Crockett Ford, Donnie McClurkin, Bill Moss and the Celestials, Joseph Niles, the O'Neal Twins and Ce Ce Winans. I urge my colleagues to commend Dr. Lewis for this most deserving recognition.

PROVIDING FOR CONSIDERATION OF S. 2986, INCREASING THE PUBLIC DEBT LIMIT

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. LANGEVIN. Mr. Speaker, I rise in strong opposition to S. 2986, which would increase our Nation's debt limit by $800 billion. This irresponsible legislation shortsightedly gives Congress carte blanche to run up the deficit with no plan to get our budget back in balance. If this measure is signed into law, the real losers are future generations of Americans, who will be stuck with the bill for many years to come.

This bill would raise the debt limit for the third time in just as many years, including a record $984 billion increase in May 2003. That addition alone was larger than the entire national debt accrued by the United States from our founding in 1776 all the way to 1980.

Today's legislation would allow the national debt to reach a staggering $8.18 trillion. This thirteen digit amount is 70 percent of the size of our economy. As Senator BYRD noted in a recent floor statement, "To count a trillion dollars, at the rate of $1 per second, would take 32,000 years." Should S. 2986 pass, counting to our debt limit would take more than eight times as long.

Most alarming is the Administration's refusal to admit that the ballooning budget deficit is a problem. Despite the President's campaign promise to cut the deficit in half, next year's deficit will likely to be even larger than this year's due to commitments abroad as well as the President's promises to privatize Social Security while funding homeland security needs and reforming the Tax Code.

For fiscal year 2004, taxpayers owed $322 billion in interest alone. I hope my constituents realize that the first $2,000 of their taxes will not go towards better schools, roads, health care or defense. Rather, this sum is just one in a series of increasing interest payments they will make because this administration chose to forgo fiscal responsibility in favor of tax cuts for a few privileged Americans.

We need to restore fiscal responsibility to this Congress by reinstating meaningful Pay-As-You-Go rules. Just as a family must plan its budget for the next year, ensuring that expenses do not exceed income, Congress must create a balanced budget to avoid adding even more debt in the future.

I will be voting for the responsible Stenholm Motion to Recommit, which would extend the debt ceiling until April 15, 2005, when next year's budget is due. Unless Congress puts pressure on ourselves, we will never balance the budget. I urge my colleagues to join me in supporting the Stenholm Motion to Recommit and oppose final passage of S. 2986.

HONORING NATIONAL DIABETES AWARENESS MONTH

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. WELDON of Pennsylvania. Mr. Speaker, November is National Diabetes Awareness Month. During this month, fifty-nine state and territorial diabetes-control programs, other partners, and the Center for Disease Control (CDC) are highlighting their efforts to battle this wide spread disease.

Throughout November, these organizations will bring a special focus on: (1) diabetes prevention, (2) pneumonia and pneumococcal vaccinations, and (3) the unique problems endured by women with diabetes.

Currently, an estimated 17 million of our fellow citizens suffer with diabetes and the disease is becoming ever more common in our country. From 1980 through 2002, the number of Americans with diabetes more than doubled. Many of its victims are our most vulnerable—people aged 65 years or older—who account for almost 40 percent of the diabetes population.

Medical research has proven that certain types of diabetes can be delayed or prevented by keeping blood glucose at healthy levels through eating right and staying active. Nevertheless, many of the most susceptible to diabetes remain unaware of these simple prevention methods.

For women, diabetes poses a particularly serious health conditions during all their life stages. It is most troublesome that diabetes can affect the health of pregnant women and her unborn children. Additionally, with the increasing life span of women and the rapid growth of minority populations in the United States, the number of women at high risk for diabetes and its complications continues to increase. This will place added demands on the health care delivery system.

Mr. Speaker, diabetes is a serious disease that affects millions of our citizens. In many instances it is preventable—and we hope, ultimately, curable. Diabetes deserves our attention at all times of year, but during this month of November, it deserves our special focus. I encourage members to join the Diabetes Caucus which helps educate and promote current diabetes programs.

IN MEMORY OF 2LT JEFFREY GRAHAM

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. CHANDLER. Mr. Speaker, I rise today to honor the life of 2nd Lt. Jeffrey Graham. On February 19, 2004, 2nd Lt. Jeffrey Graham made the ultimate sacrifice for his country while serving in Iraq. The work of our young men and women in the armed services is vital for the safety and security of our Nation. The death of 2nd Lt. Graham is a true loss to the United States. I salute his dedication while serving in the 1st Battalion 34th Armor, the 1st Infantry Division of the Army. My thoughts and prayers are with his family and all those who loved him.

PAYING TRIBUTE TO DENNIS MAES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McINNIS. Mr. Speaker, I rise to pay tribute to Dennis Maes, the Chief Judge of the Pueblo, Colorado, District Court. Dennis is a man of strong convictions whose upbringing and sense of dignity permeates his courtroom and ensures that the citizens of Pueblo receive fair consideration in the cases brought before his court. It is my privilege in recognizing Judge Maes' outstanding record of service before this body of Congress and this Nation.

Judge Maes was born in Trinidad and grew up in Walsenburg, Colorado where he was the eldest of eleven children. His father Leo Maes served five terms as Mayor of Walsenburg and championed issues affecting the Hispanic community. Dennis' parents taught him the value of a good education and instilled in him the idea that a community can only be as viable and credible as its citizens.

Judge Maes graduated from Colorado State University at Pueblo in 1967 and immediately accepted a teaching position with Gardner Middle School. Dennis was driven to continue his education and attended the University of Colorado School of Law in Boulder, Colorado. During his studies, Judge Maes was involved in the movement to bring equal rights to Hispanic Americans and advancing the civil rights agenda. After completing his law degree Dennis, returned to Pueblo working in the Pueblo County Legal Services, and the public defender's office before his appointment as Chief Judge of Colorado's 10th Judicial District by Governor Roy Romer in 1995.

Mr. Speaker, Dennis Maes is a dedicated judge who has made fairness and moral conviction the center of his life. The citizens of the Pueblo community have been blessed by his leadership for twenty-two years and I am honored to stand before this body of Congress and this Nation and recognize his impeccable record of service. Thank you for your service, Dennis, and I wish you all the best in your future endeavors.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. McCARTHY of New York. Mr. Speaker, on November 18, 2004, I missed rollcall vote No. 534 due to surgery. Rollcall vote 534 was on ordering the previous question on H. Res. 856.

Had I been present I would have voted "no" on rollcall vote 534.

NICARAGUAN PRESIDENT ENRIQUE BOLAÑOS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. TOWNS. Mr. Speaker, I rise today to draw your attention to an event in Latin America that underscores the region's instability and warrants international attention. Over the last few months highly-regarded Nicaraguan President Enrique Bolaños has been fighting for his political survival as charges of corruption against him have led to calls for his impeachment.

During Bolaños' three years in office he has proven himself a capable and popular leader, unafraid to fight against corruption within his government. The president and his supporters allege that Constitutionalist Liberal Party (PLC) leader Arnoldo Aleman, currently imprisoned for corruption, and Sandinista National Liberation Front leader Daniel Ortega reached a political agreement to oust Bolaños from power, secure their parties' control of key political institutions and gain eventual amnesty for Alemán, a former Nicaraguan president.

While Ortega has recently changed his mind and announced that his party will not pursue impeachment, the Sandinistas and the PLC are continuing efforts severely limit Bolaños' presidential powers. Efforts to remove or reduce his presidential prerogatives can only undermine the democratically-elected president and have little to no constitutional basis. They also go against the will of the people, the majority of whom have pledged their full support to their embattled head of state, putting democracy in Nicaragua in jeopardy. Since the Nicaraguan president has little political support in the National Assembly and the opposition controls key democratic institutions, the international community must actively involve itself to ensure the nation's democracy.

The following research memorandum about Nicaragua's crisis was authored by Research Associate David R. Kolker with additional research provided by Research Fellow Alex Sánchez, both of the Washington-based Council on Hemispheric Affairs (COHA). Founded in 1975, COHA is an independent, non-profit, non-partisan, taxexempt research and information organization. It has been described on the Senate floor as being "one of the Nation's most respected bodies of scholars and policy makers."

On October 7, Nicaragua's Comptroller's office called on the National Assembly to remove President Enrique Bolaños from office for failing to disclose the origin of $7 million used in his 2001 presidential campaign. The following day, the country's two major parties, the conservative Constitutionalist Liberal Party (PLC) and the left-of-center Sandinista National Liberation Front, announced that unless Bolaños submitted his resignation, they would move to impeach the 76-year old president. The resulting crisis, which underscores the fragile political stability of Nicaragua as well as a number of other Central American nations, demonstrates how easily personal vendettas can manipulate the political process, ignore the will of the people and endanger democracy by undermining a competent and democratically-elected head of state.

BOLAÑOS AS PRESIDENT

Enrique Bolaños, a moderate conservative who has often been described as an honest chief executive, but lacking charisma, was sworn into office in January 2002. As a former PLC Vice President under President Arnoldo Alemán (1996-2001), Bolaños went mostly unnoticed in his nation until his role as coordinator of the economic aid effort following 1998's devastating Hurricane Mitch displayed his leadership and earned him the wide base of support needed to run for president in 2001. He subsequently won the general election, carrying 56 percent of the vote compared to Sandinista party leader Daniel Ortega's 42 percent. Soon after his victory, however, his crusade to purge corrupt officials from even the highest echelons of government earned him many enemies. This campaign led to his virtual ouster from the PLC by Alemán's friends after the party leader and former president was charged and then last December found guilty of corruption and sentenced to twenty years in jail. Bolaños' severe criticism of the Sandinista government's ties during the 1980s to Fidel Castro, Libya's Muammar Gaddafi and Miguel "Tirofijo" Marulanda, commander of Colombia's leftist insurgent force FARC, also infuriated and deeply alienated Ortega.

As president, Bolaños has emphasized economic modernization for his underdeveloped nation and has achieved some successes. Besides fighting corruption and pursuing a transparent government, he has raised teachers' salaries, assisted farmers, begun destroying the military's stockpile of shoulder-fired missiles and upheld the 1990 peace accords signed after more than a decade of civil war between the Sandinistas and the U.S.-backed contras. Despite his accomplishments in office, opposition groups have continuously targeted him, making him the scapegoat for the nation's multiple problems and accusing him of being Washington's puppet because of his controversial support for the Central American Free Trade Agreement.

THE ENEMY WITHIN

Bolaños has accused his main political rivals, Alemán and Ortega, of orchestrating the efforts to remove him from office. According to an October 19 article in the Miami Herald, the Nicaraguan president "has repeatedly alleged since his campaign financing scandal erupted in late 2002 that Ortega and Alemán were trying to forge an agreement that would impeach the president and leave Alemán under house arrest." Indeed, a Nicaraguan government official confirmed to COHA the accuracy of the supposed Alemán-Ortega pact: in exchange for enacting constitutional reforms granting Alemán immunity, the Sandinistas would gain control of the judiciary, allowing the "two caudillos (strongmen) . . . to fill the key positions of the Comptroller's Office, the Supreme Court of Justice, the Supreme Electoral Council and the Prosecutor's Office with their allies." While the PLC (41 seats) and Sandinistas (38 seats) currently control more than the two thirds of the 92-seat National Assembly needed to impeach the president, it seems unlikely that a vote will ever take place. The Nicaraguan official also explained to COHA the highly questionable nature of such proceedings, making it clear that impeachment is unrealistic: "No piece of legislation existing in Nicaragua gives power to the Comptroller's Office to order the removal of the President" and as a result, the resolution to impeach Bolaños "is unconstitutional, clearly exceeds the Comptroller's office powers and jurisdiction, and represents a clear violation to the due process (Art. 10 num. 17; Art. 172, Law of the Comptroller's Office, Decree 625 1980 as amended)." Additionally, "neither the Constitution nor any piece of legislation authorizes the National Assembly to take action on [the resolution] (Nicaraguan Constitution Art. 138, Faculties of the National Assembly)."

While impeaching Bolaños would clearly be unconstitutional, it was not until Ortega's November 6 announcement that his party, which always follows his lead, would not pursue impeachment that the president's job appeared to be safe. However, Ortega's decision may be little more than the result of the Sandinistas having found a way to leave Bolanos in office, albeit with severely limited powers. In early November, a bill was proposed in the National Assembly that would revoke the president's power to appoint cabinet ministers, vice-ministers, diplomats and directors of state agencies. If both the PLC and Sandinistas support the bill, which seems likely, it would have more than the sixty percent of the vote needed for it to pass and cripple the president.

Regardless of whether Bolaños is removed or marginalized, the will of Nicaraguans, the majority of whom believe the charges against their beleaguered president are unfounded, is being completely ignored. According to a poll published on October 19 in the Nicaraguan daily La Prensa, 69 percent of Nicaraguans back Bolaños and think the corruption charges against him are a "political trap," while 66 percent believe he holds international credibility. Only 22 percent think that the charges are grounded in truth. Clearly, the average citizen is supportive of Bolaños and wants him to remain in power. Yet as long as the PLC and Sandinistas pursue their own agendas and not those of their constituents, democracy in Nicaragua will be jeopardized.

CAN THE OAS SAVE BOLAÑOS?

Before Ortega pledged not to purse impeachment, it seemed that the president's only hope for survival in office would be through the direct intervention of the Organization of American States (OAS). Aside from eight party deputies in the legislature, Bolaños has virtually no political support in the National Assembly. However, he has received noteworthy backing from abroad. In an October 16 press release, U.S. State Department spokesman Richard Boucher expressed the Bush administration's strong support for the besieged Nicaraguan president, stating, "We deplore recent politically motivated attempts, based on dubious legal precedent, to undermine the constitutional order in Nicaragua." He also praised Bolaños' "efforts to eradicate corruption and promote democracy" and called on the OAS to come to his aid.

In a mid October meeting in Managua of Central American leaders, the presidents of El Salvador, Honduras and Guatemala, as well as the Panamanian vice president and the foreign ministers of Costa Rica and Belize, requested intervention by the OAS to prevent Bolaños' removal. Representing this significant bloc of neighboring nations, Salvadoran President Antonio Saca said, "We agreed to instruct the permanent representatives of the countries in the Central America System of Integration before the OAS to immediately convene the (OAS) Permanent Council to debate the threatening political and institutional situation." Moreover, as scandals inundate the region, some critics believe these leaders' support of the Nicaraguan president is a way to guarantee that they will not lose power if a crisis like the one Bolaños is now facing occurs in their respective countries. Costa Rican President Abel Pacheco, former Guatemalan President Alfonso Portillo and former Honduran President Rafael Callejas all have been recently investigated for corruption. Additionally, former Guatemalan Vice President Francisco Reyes is currently imprisoned and ex-Costa Rican President and former OAS Secretary General Miguel Angel Rodriguez is under house arrest, both on corruption charges. Regional leaders are also surely keeping an eye on the developing crisis in Ecuador, where President Lucio Gutierrez's cabinet is rapidly resigning as he faces dismissal for the alleged misappropriation of campaign funds.

From October 18–20, acting OAS Secretary General Luigi Einaudi and Permanent Council Chairman (and former Panamanian president) Aristides Royo led an OAS delegation to meet with Bolaños and his political opponents. According to an October 22 OAS press release, the delegation was "not mounted to support the president or his government, the visit was instead intended to support 'democratic institutions.'" While the OAS has not yet released a full report on the delegation's findings, the London based LatinNews website reported that on October 24, Bolaños said the OAS "agreed with him that the move to impeach him was illegal." In any case, OAS efforts to assist the president may be hindered by internal problems. The October 15 resignation, after less than three weeks in office, of Secretary General Rodriguez as a result of a corruption scandal in his native Costa Rica cost the OAS much credibility. Prior to the OAS delegation's arrival, PLC Deputy Enrique Quiñónez captured many people's sentiments when he proclaimed to La Prensa, "Now Bolaños' employees say that they will turn to the OAS, by God! . . . the new Secretary General of the OAS resigned for corruption."

The OAS delegation was formed under the auspices of the OAS's Democratic Charter. Signed in Lima in September 2001, that document states that "when the government of a member state considers that its democratic political institutional process or its legitimate exercise of power is at risk, it may request assistance from the Secretary General or the Permanent Council for the strengthening and preservation of its democratic system." If Bolaños is ousted, according to Article 21 of the Charter, the most the OAS can do is suspend Nicaragua's membership. However, such a move would likely result in international condemnation of those responsible for ousting the president and possibly hinder the disbursement of desperately needed international aid to the country. While the World Bank and International Monetary Fund forgave Nicaragua's $5.1 billion debt last January, aid remains of crucial importance in a country where it is estimated that in 2001, 50 percent of the population lived in poverty. On October 21, Nicaragua suffered a major setback as a result of the Bolaños crisis when Taiwan, which provided the country with nearly $200 million in aid between 1997 and 2003, announced it would cease sending aid until the national crisis is resolved.

LIGHT AT THE END OF THE TUNNEL

The PLC and Sandinista plan to oust the president, or at least strip him of much of his power, has largely ignored the sentiments of the average Nicaraguan. As Rodolfo Delgado Romero of the Managuabased Nicaraguan Studies Institute told COHA, "Nicaragua must overcome the vicious cycle of crises and have the capacity to learn from errors that date back to the 19th century" so it is no longer a country "where the majority of the population is excluded from the decision-making process . . . a nation controlled by relatively exclusive elites for most of its history." Nicaragua is in desperate need for politicians who work on behalf of and truthfully represent its citizens.

The power struggle currently being witnessed in Nicaragua also demonstrates that the region is still plagued by corruption and political pandering. Such behavior invariably leads to unstable rule, which carries the potential for serious conflict and underscores the need for a corruption-free OAS that can act decisively as an arbiter to uphold democracy in the hemisphere. It is disconcerting to note that despite his three years of painfully-achieved economic progress in a nation wrestling with stifling underdevelopment, Bolaños is on the verge of falling victim to manipulations by self-serving political opponents. While it appears likely that President

Bolaños will narrowly survive to finish his term, the events of the last two month have cast an almost impenetrable shadow over Nicaragua's troubled democracy.

HONORING JUDGE MICHAEL BATCHIK

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McCOTTER. Mr. Speaker, I rise today to acknowledge and honor Judge Michael Batchik upon his retirement after 25 years of service to the citizens of the 52nd District Court, 1st Division and the 52nd District Court, 2nd Division of Oakland County, Michigan.

Professionally, Judge Batchik served as chairman of the Judicial Conference Committee of the State Bar of Michigan, and has been an active member of numerous judicial organizations, including the Representative Assembly and the American Judges' Association. Mike has served as president of the Michigan District Judges' Association and president of the Oakland County District Judges' Association. He is also a past president of the Walled Lake Rotary.

During his tenure in the 52nd District Court, Judge Batchik initiated and implemented a highly successful jail alternative program. The program involves sentencing non-violent offenders to work in a structured community service program in lieu of jail, including a garden program that produces food for charitable organizations in the district. He has also been actively involved in implementing the very positive and successful "Sobriety Court" program at the Court. This program has been a key turning point in the lives of many drunk drivers, as well as reducing recidivism.

Mr. Speaker, I extend our entire community's sincere appreciation and gratitude to Judge Michael Batchik for his fine service to our community and our country; and wish him and his wife, Connie, the very best as they begin the next chapter of their lives.

REGARDING H. RES. 863

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FARR. Mr. Speaker, according to the Foreign Assistance Act, U.S. foreign assistance: "shall be used in support of, rather than substitution for, the self-help efforts" of developing countries and "should focus on establishing and upgrading the institutional capacities of developing countries in order to promote long-term development."

Over 40 years have passed since the enactment of the 1961 Foreign Assistance Act, and countries throughout, the world still face hurdles, including: extreme poverty, hunger, disease, high unemployment, and civil unrest. The U.S. Government only has a limited amount of resources available for international development assistance, and we need to ensure that we spend every dollar in the most efficient way possible to help as many people as possible. I strongly believe that the most efficient way to distribute foreign assistance is through building local capacity.

What exactly is local capacity building? Local capacity building can be defined as a continuous process where individuals, communities, organizations and governments improve their ability to understand and solve their development challenges in a sustainable way. Assistance means "to give support" . . . it doesn't mean do it yourself.

The most effective foreign assistance tools are not necessarily tangible things like bulldozers and construction equipment, or hiring American contractors to do the job in-country, but a more powerful and inanimate tool: knowledge. The transfer of knowledge via technical assistance, training and education is what will create long-term, sustainable development. This transfer of technical skills, be it teaching basic business skills for small businesses to flourish, demonstrating how to build wells, explaining the importance of rotating crops, developing a judicial system that hews to the rule of law, or promoting an educational system that provides opportunities for both men and women, is considered local capacity building and is fundamental for sustainable development.

Today, I am introducing a resolution that reaffirms the importance of local capacity building in U.S. foreign assistance programs. As my resolution illustrates, there is legal precedent and also considerable consensus within the development community that building local capacity is the key to creating long-term sustainable development.

But building local capacity isn't just done on an individual level, it needs to be done on a societal level and a governmental institutional level. Problems like poor access to health care, lack of financial literacy, teacher training are long-term, institutional problems. They are not going to be solved by a one-time infusion of foreign aid. Education and training of citizens in the developing world doesn't evaporate when the political climate or funding level changes in the United States or an international NGO reaches its strategic goals and departs.

The goal of local capacity building is to have individuals and governments take ownership of development programs and modify them to achieve lasting results. Where U.S. assistance can make a powerful difference is by providing the technical assistance and training to locals so that they are able to properly address their own problems. Communities can then take this knowledge and find ways to improve their own livelihoods on their own terms and in the appropriate cultural context.

An excellent example of foreign assistance technology transfer is USAID's Coffee Corps program. The U.S. sends renowned U.S. coffee specialists to coffee producing countries to assist coffee farmers in establishing the highest quality beans that will receive a higher market value. This knowledge transfer stays with individual producers and helps create more wealth and development within a rural community.

USAID has an excellent track record in promoting training programs for foreign aid recipients in key areas of economic development, and we need to recognize USAID's efforts and encourage other foreign assistance programs to push for a broadening of the usage of local capacity building within international development.

U.S. foreign assistance must invest heavily in programs that "train the trainers", promote educational and cultural exchanges, and fully fund grassroots development programs like the Peace Corps. The Millennium Challenge Corporation, MCC, appears to be making strides in promoting more sustainable development programs, but we must mandate that a country's commitment to building local capacity is a factor when the MCC considers a country's eligibility for funds.

I served as a Peace Corps volunteer in Colombia during the 1960s, and our mantra was: "Work yourself out of a job." Peace Corps volunteers work to educate their counterparts in 'best practices' in areas such as agriculture, health, education, small business and IT development. These counterparts are then able to teach these new skills to other community members, enabling local residents to develop and sustain a better quality of life. "Work yourself out of a job," shouldn't just be the mantra of Peace Corps volunteers. It should be reaffirmed as the central tenet of U.S. development assistance so that citizens in developing countries gain the knowledge to improve their lives and, in turn, improve the world.

SSGT RUSSELL SLAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. GREEN of Texas. Mr. Speaker, I rise today to honor SSGT Russell Slay and to extend my deepest sympathies to his family and friends.

Staff Sergeant Slay was a constituent of the 29th District of Texas, and a true hero, who died on November 9, 2004 while serving his country in Operation Iraqi Freedom.

Russell Slay joined the U.S. Marine Corps at the age of 18, and had served his country for 10 years. Staff Sergeant Slay was assigned to the 2d Amphibious Assault Vehicle Battalion, 3d Battalion, 1st Marine Regiment, Regimental Combat Team 1, 1st Marine Division, Camp Pendleton, CA. Staff Sergeant Slay was killed in the line of duty during Operation Iraqi Freedom while conducting combat operations in the Al Anbar Province.

Russell Slay leaves behind his father Roy Slay, his mother Donna Slay, and his step mother Peggy Slay, along with his two children Morgan, 9, and Walker, 5, who live in Humble.

I know his parents, family and friends are devastated by this loss, but they should be proud of the great man Russell Slay had become and that he died a hero while serving his country. America does not forget those who make the ultimate sacrifice.

His loss will be felt by all of Houston, and I ask that you remember the Slay family in your thoughts and prayers.

CELEBRATING NATIONAL HOMECARE AND HOSPICE MONTH

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to recognize the tremendous value homecare and hospice represents for American families. Homecare provides a family-friendly, clinically proven way of receiving quality healthcare for millions of Americans where they prefer to receive care—at home. November, National Homecare and Hospice Month, is an opportunity to recognize the importance of home care as an essential component of healthcare in my home state of Ohio and throughout the United States.

This important segment of the health care continuum allows patients with medical needs to remain in their homes, including those who are recovering, disabled, chronically or terminally ill who need medical, nursing, social, or therapeutic treatment. Homecare and hospice care represent a family value and a value for families. It's about quality health care and quality of life for millions of households across the United States.

Recent studies of homecare services show that homecare for selected conditions can shorten inpatient hospital stays, reduce the overall cost of care without compromising outcomes, and can improve patient and caregiver satisfaction.

As the American population ages, homecare is expected to grow in the years ahead. Fortunately, advances in technology allow virtually every service short of surgery to be delivered at home. This is good news for our nation's seniors and their families. And it's good news for younger generations who will benefit from continued advancements in technology to further improve the quality and accessibility of homecare.

Homecare and hospice care is an especially important option for people facing terminal illness. These individuals and their families are faced with enormous challenges in dealing with the fear that goes along with such a frightening diagnosis. Hospice treats the person, not the disease. It allows terminally ill patients and their families to experience the end of life together in the comfort and security of their homes or a home-like setting.

While homecare and hospice care serve a critical purpose for our nation's elderly population, these services also provide much-needed care for children with lifethreatening conditions and their families. Today in the United States, about one million children are living with life-threatening conditions and a staggering 55,000 children die each year. In an effort to make improvements to our system that treats terminally ill children, I introduced H.R. 3127, the Compassionate Care for Children Act, in the 108th Congress. This bill will help insure children with life-threatening illnesses have access to the treatments and care that they need and deserve, including hospice, palliative and curative care.

In honor of patients, their families, and caregivers in Ohio and throughout the United States, I join my colleagues in celebrating National Homecare and Hospice Month.

IMPROVING VETERANS EYE CARE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BURGESS. Mr. Speaker, as health care consumers we all expect the highest quality of care available when we visit a health care facility. However, a recent decision by the Department of Veteran Affairs subjects our Nation's veterans to a lower standard of care that 49 out of 50 states permit. This directive, which permits optometrists to perform laser eye surgery in VA health facilities, only confuses the public and veterans about the difference between ophthalmologists and optometrists. In a recent survey of veterans who use the VA health system, 30 percent mistakenly thought optometrists were medical doctors. Further, over 95 percent of veterans think it is important to have a licensed medical doctors specializing in eye care performing their eye surgery in the VA. Our nation's veterans deserve better.

I submit the following for the RECORD:

Optometrists attend four-year Schools of Optometry but have no required post-graduate training or national board certification process. Beyond state optometric licensure, there is no ongoing, national re-certification process to assure the public of the competency of optometrists who are already in practice. In contrast, ophthalmologists are medical doctors who attend four years of medical school. They then complete one post-graduate year of general medical or surgical internship, three years of an ophthalmology residency training program, a national Board certification examination, and mandatory re-certification testing.

EDUCATION

Optometry School (4 years in length): Curriculum includes contact lenses, optics, vision sciences, sensory processing, vision therapy, practice management etc., and courses related to basic medical sciences and eye diseases. Average hours of course work based on a comparison of SUNY Optometry School are 597.3 hours. Optometrists have an average of 335.5 hours of lab and instruction on ocular disease and management.

Medical School (4 years in length): Curriculum focuses on fundamental principles of medicine and its underlying scientific concepts, including required courses on anatomy, biochemistry, genetics, physiology, microbiology and immunology, pathology, pharmacology and therapeutics and preventive medicine, including laboratory. Clinical sciences encompass all organ systems, including the important aspects of preventive, acute, chronic, continuing, rehabilitative and end-of-life care. Clinical experience includes family and internal medicine, obstetrics, gynecology, pediatrics, psychiatry and surgery. Average hours of coursework based on average across medical schools are 1, 436.10. In addition, ophthalmologists spend a minimum of 626 hours (not including medical school) of lab and instruction on ocular disease and management.

MANDATORY POST-GRADUATE TRAINING

Optometry: There is no mandatory post-graduate training. About 15% go on to an optional 1yr training program.

Ophthalmology (Additional 4 years in training): To become an ophthalmologist after medical school, one must complete 1 year of general medical or surgical internship, and 3 years of an ophthalmology residency training program. About 40% go on to a 1 or 2 year fellowship program to concentrate training and experience in a particular subspecialty. The Accreditation Council in Graduate Medical Education has standards in place for patient care responsibilities, minimum outpatient visits and minimum surgical numbers for residency programs.

CLINICAL EXPERIENCE DURING MANDATORY EDUCATION AND TRAINING

Optometry: A 1995–1996 survey of optometric curriculum found a range of 1,215 to 2,240 hours, with an average of 1,910 hours, for clinical experience across schools (a more recent study was not able to be located). During training, optometrists have no minimum requirements for the number of patient visits with ocular diseases or ocular surgical operative experience. There is also no requirement for systemic disease consultation.

Ophthalmology: Based on an estimate of an average of 60 hours per week (including on-call duty the maximum duty hours for residents is 80 hours per week) x 48 weeks x 5 years, at least 17,280 hours are for clinical experience throughout medical school internship and residency for ophthalmologists. During training, the ACGME requires that ophthalmologists have a minimum of 3,000 outpatient visits with a broad range of disease presentation and they must perform and assist at sufficient surgery to be skilled. There are also requirements for systemic disease consultation.

PROFESSIONAL REGULATION

Optometry: There is no national "Board certification" process in place for optometry. Beyond state licensure, there is no ongoing "Board certification" process to assure the public of the competency of optometrists who are already in practice.

Ophthalmology: There is a Board certification process to assure the public of successful completion of an accredited course of education and examination process by certified ophthalmologists. In addition to state licensure, an ongoing process, Maintenance of Certification, requires renewal of certification every 10 years for ophthalmologists certified in 1992 or later, and many other ophthalmologists voluntarily enter this process.

This data has been collected from SUNY State College of Optometry, Liaison Committee on Medical Education Accreditation Standards, U.S. Department of Education and ACGME.

PAYING TRIBUTE TO RONALD WALDEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McINNIS. Mr. Speaker, it is with a sad heart that I rise to mourn the passing of Ronald Walden from Durango, CO. Ronald was a dedicated teacher and talented baseball coach and recruiter. It is my privilege to recognize and pay tribute to his service to the Durango community and the state of Colorado before this body of Congress and this Nation.

At age 15, Ronald was the youngest person ever certified to coach Little League Baseball.

Ronald's interest in the sport grew, and when he graduated with a bachelor's and master's degree in education from Eastern Illinois University, he began coaching baseball and teaching at Durango High School. He amassed an impressive record of accomplishments as a coach, which included over 200 victories.

Ronald also served as a scout for several Major League Baseball teams, and additionally worked with the University of Arizona, and Arizona State coaches to recruit quality players. His love for the Durango area, and the kids that he coached was evident with his volunteering in the community. Ronald wrote the grant for the Drivers Simulator and Range for Charleston High School, and authored a new health, saftey and driver education program for Durango that was used as a model for other state programs.

Mr. Speaker, Ronald Walden was a dedicated coach who put his heart and soul into his love for baseball and bettering his Durango community. The student body and faculty of Durango High School will surely miss his guidance and enthusiasm for life and the sport of baseball. My heart goes out to his family during this difficult time of bereavement.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. McCARTHY of New York. Mr. Speaker, on November 17, 2004, I missed rollcall vote No. 533. Rollcall vote 533 was on S. 2302, to improve access to physicians in medically underserved areas.

Had I been present I would have voted "yea" on rollcall vote 533.

THE 71ST ANNIVERSARY OF THE UKRAINIAN FAMINE OF 1932 TO 1933

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. LEVIN. Mr. Speaker, I rise today to commemorate the 71st anniversary of the Ukrainian Famine of 1932 to 1933.

The horrors of famine are often brought about by droughts, floods or other natural occurrences, but the deaths of more than 7 million Ukrainian men, women and children during this period were the direct result of deliberate policy decisions by a repressive government.

Seeking to suppress Ukrainian aspirations for independence, the government of the former Soviet Union ruthlessly imposed forced collectivization and grain seizures. Survivors have spoken of eating bark and weeds to subsist, of the desolation of entire villages, and of Red Army soldiers going door-to-door throughout villages confiscating food and livestock. Witnesses testified that the harvests of the early 1930s were bountiful, and while innocents starved in the streets, Soviet soldiers guarded storehouses full of grain.

For decades after these. events, the deaths were covered up and this man-made tragedy was denied by Joseph Stalin and the government of the Soviet Union. Even today, with first-hand testimony and overwhelming evidence, including the final report of the congressionally mandated U.S. Commission on the Ukraine Famine, there are still those who seek to deny the truth.

Each year, we in Congress join with Ukrainians around the world to remember and honor the victims of this atrocity. Through public recognition of the Ukrainian Famine, we work to ensure this senseless cruelty against humankind is not forgotten, and that its remembrance may help to prevent such tragedies in the future.

IN RECOGNITION OF THE DEDICATION OF THE GREAT FALLS FREEDOM MEMORIAL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. WOLF. Mr. Speaker, I am honored to recognize the Great Falls Freedom Memorial, which was dedicated on November 13 on the Great Falls Community Library grounds. I was pleased to join in the dedication of this memorial, honoring those residents of Great Falls, Virginia, who have made the ultimate sacrifice for our nation.

The memorial was proposed by a 17-member Freedom Memorial Committee, headed by retired U.S. Marine COL Pete Hilgartner, to honor local residents who have given of themselves in service while defending liberty. The Fairfax County Board of Supervisors unanimously approved the project's concept in September 2003.

The plaza on the Great Falls Community Library grounds has a three-stone monument as the centerpiece. The large center stone will be inscribed with the words: "The Community of Great Falls, Virginia Honors Those Who Have Given of Themselves in Service to the Cause of Liberty and Freedom." In addition, the granite curb encircling the memorial plaza will be inscribed with words that highlight some of the principles and virtues held by those who give of themselves in the cause of liberty and freedom every day.

A book on permanent display in the library, titled "Great Falls Freedom Honor Roll," includes the names of members of the armed forces, firefighters, police officers, the six Great Falls residents who died in the September 11, 2001, terrorist attacks, and others dating from the Civil War who have made the ultimate sacrifice in service to the cause of liberty. The common thread among them is residency in the Great Falls community. The stand which houses the honor roll book was created by Glenn Sjoblom, a resident of the Great Falls community.

The dedication ceremony included presentations of thanks to those who made the project possible, musical performances by the Amadeus Brass Ensemble and the King Ringers from Christ the King Lutheran Church, presentation of national, state and county flags that will fly over the memorial, and the reading of names of those honored with this memorial. The Honorable Theodore Olson, former U.S. solicitor general who resides in Great Falls, addressed the gathering. Ted's wife Barbara, whose name is among those on the Great Falls Freedom Honor Roll, was on flight 77 which crashed into the Pentagon the morning of September 11, 2001.

I would like to share the names of those inscribed on the Great Falls Freedom Honor Roll:

Civil War: Private James Ballenger; Thomas Coleman, Civilian; Second Lieutenant Arthur W. Follin; Sergeant William R. Follin; Private Joseph Gunnell; Private Samuel Jenkins; Private F. Thomas Reid; Second Lieutenant George W. Swink; Major James W. Thrift; Private W. T. Tucker; Private John T. Walker; Private George L. Williams, and Private James W. Williams.

World War II: Sergeant (USAAF) George Frame; Private (USA) Robert Girard; Private First Class (USA) Harry Kanmermier; Second Lieutenant (USMC) Eugene Niswander, and Private First Class (USA) Ross Robey Poole.

September 11, 2001, Attack on the Pentagon: First Lieutenant Richard P. Gabriel, USMC, Retired; Ann C. Judge; Barbara K. Olson; Lisa J. Raines; Diane M. Simmons, and George W. Simmons.

In addition to Ted Olson, I also would like to recognize the following individuals who were part of the dedication ceremony: the Honorable Joan M. DuBois, Fairfax County Board of Supervisors; Fairfax County Fire and Rescue Honor Guard; the Honorable Stu Mendelsohn, former member, Fairfax County Board of Supervisors; Amadeus Brass Ensemble and their director, Paul Ward; Reverend Paul Gysan of the Christ the King Lutheran Church; Pete Hilgartner, chairman of the Great Falls Memorial Committee; Mike Kearney, Co-Committee Construction chair; Milburn Sanders; Glen Sjoblom; Sam Clay; Roger Sudduth; Honorable Vince Callahan, Virginia House of Delegates; Honorable Gerald E. Connolly, chairman, Fairfax County Board of Supervisors; Boy Scout Troop No. 1577, led by Grant Johnson, Eagle Scout candidate and Co-Committee Construction chairman, and the Kings Ringers and their Director, Jane Cooper.

I would also like to recognize the hard working individuals who are responsible for the creation of this memorial. The members of the Great Falls Freedom Memorial Committee are Pete Hilgartner, chairman; Beau Dietrich, Marge Gersic, Paul Gysan, Sara Hilgartner, Ellen Johnson, Grant Johnson, Michael Kearney, Linda Lammersen, Bob Pattavina, Janet Pattavina, Andrew Pendergrass, Milburn Sanders, Katayoon Shaya, Glen Sjoblom, Bill Ten Eyck, Nancy Wilson, and also Merritt Peters, with Paciulli Simmons & Associates, who created the design for the logo; Dave Jackson with Zadmer Enterprises, the general contractor, and Luis Lopez with Fairfax County Department of Public Works, who will be responsible for maintaining the plaza.

Finally, I would like to recognize the sponsors who contributed to making the memorial possible. Benefactors were Fine Landscaping, William and Gina Luraschi, Pete and Sara

Hilgartner, the Allen Family, Luck Stone, Elizabeth S. Hooper Foundation, Totaro & Associates, William and Mary Callan, Seneca Excavating, M. Sheila and Tom Rabaut, and Foley Construction. Patrons were Thomas Hoffman, Turner Construction, Virginia Ground Cover, Hanover Architectural Products, Zadmer Enterprises, Great Falls Electric and Legg Mason Wood Walker Inc.

I am inserting for the RECORD a news article from The Times Community Newspaper which reports on the dedication of the memorial and the ceremony held last week.

[From the Times Community Newspaper, Nov. 16, 2004]

FREEDOM MEMORIAL DEDICATED IN GREAT FALLS

(By Beverly Crawford)

The long-awaited Freedom Memorial in Great Falls was dedicated Saturday with an hour-long celebration that featured government officials and comments by former U.S. Solicitor General Ted Olson.

Dranesville Supervisor Joan DuBois (R) presided over a ceremony that included U.S. Rep. Frank Wolf (R–10th), Del. Vincent Callahan (R 34th), Fairfax County Board of Supervisors Chairman Gerry Connolly (D), Dranesville Library Board Representative Roger Sudduth, Fairfax County Library Director Sam Clay and former Dranesville Supervisor Stuart Mendelsohn, who launched the initiative during his second term. Fairfax County Executive Anthony Griffin was also among the guests.

"My mission here today is to tell you a little bit about this committee," said Pete Hilgartner, a former U.S. Marine officer who proposed the memorial and chaired the 20-member committee that designed the memorial and raised some $100,000 to pay for it.

Hilgartner thanked each of the committee members individually: vice chairman Mike Kearney; Luis Lopez, of Fairfax County's Department of Public Works; Katayoon Shaya, of the Department of Planning and Development; Mark Peters; Linda Lammersen; Paul Gysan; Beau Dietrich; Marge Gersic; Boy Scout Grant Johnson and his mother, Ellen; Bob and Janet Pattavina; Nancy Wilson; Bill TenEyck; Glen Sjoblom; Milburn Sanders; Hilgartner's wife, Sara; and Andrew Pendergrass.

Hilgartner said that, when he organized the committee, "We recognized fairly quickly that we had a unique group of people" whose patience and ability to work together saw the project through.

"I am so proud of you on my committee that I can't see straight," Hilgartner said. "You have forever made a difference in my life."

"This project would not have happened without Mike Kearney," he said.

Kearney thanked the Allen family on River Bend Road for donating the rock that forms the centerpiece of the memorial, and he thanked Betty Nalls Swartz, their neighbor, for proposing that it be used.

Kearney said the money raised by Brogue Charities was topped off with a $15,000 matching donation from the Elizabeth S. Hooper Foundation. Local businesses donated money and in-kind services for the memorial.

Sanders, one of Dranesville's representatives to the Fairfax County History Commission, identified the names for an "honor roll" of 13 Civil War soldiers who died at the Battle of Dranesville on Dec. 20, 1861; five people who died in World War II; and the six people from Great Falls who died Sept. 11, 2001, when American Airlines Flight 77 crashed into the Pentagon.

Mendelsohn read each of their names as a member of the King Ringers, a handbell choir, sounded a bell for each name. "They gave all they had to keep us free," Mendelsohn said.

Hilgartner and DuBois placed a wreath at the memorial, and a ribbon was cut to symbolize its opening.

The flags of the United States, Virginia and Fairfax County were raised by members of Boy Scout Troop 1577.

Olson said his wife, Barbara, and the five other people from Great Falls were "viciously wrenched from ordinary acts of living" on Sept. 11, 2001.

"They were instruments of monstrous acts of violence," wrought by people who slaughtered "the most innocent and vulnerable among us to show their anger," Olson said.

Six weeping cherry trees were planted at the entrance to the memorial to commemorate their lives.

THE 30TH ANNIVERSARY OF THE NATIVE AMERICAN YOUTH ASSOCIATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BLUMENAUER. Mr. Speaker, it gives me great pleasure to recognize the Native American Youth Association (NAYA) for thirty years of diligent work in serving the Native community in the Portland Metropolitan area. Aiding Native American youth and families, NAYA Family Center has answered an important call to reach the urban Indian population in Portland, estimated to be 31,000 people strong.

As Native American high school students experience a dropout rate 13.3 percent higher than the national average, the need for youth intervention is clear. NAYA Family Center has tirelessly pursued these issues with a focus on providing the cultural, educational, family, economic, spiritual, and leadership resources necessary to deliver service to this important population.

NAYA worked as a volunteer-based service provider for 20 years, incorporating as an official 501(c)(3) non-profit organization in 1994. Now, in 2004, thirty years from the beginning, it is my honor to recognize the organization's first "Celebrating Native American Month" development dinner.

HONORING STEPHEN NADAL

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. HONDA. Mr. Speaker, I rise today to honor the life and achievements of Stephen Nadal, who passed away on November 5 at the young age of 35. Mr. Nadal made great contributions to the Asian Pacific Islander American (APIA) community throughout his lifetime, and he will be fondly remembered by his family, friends and members of the community whose lives he touched. Stephen is survived by his fiancé and mother.

Stephen spent several years working for nonprofit organizations, and he successfully coordinated several projects focused on social justice. His efforts focused on empowering the APIA community, and he worked tirelessly to educate the public about the importance of voting and community involvement.

Stephen most recently served as the coordinator for the APIA Vote 2004 project in the great state of Washington. APIA Vote 2004 is a national coalition of non-partisan nonprofit organizations that encourages civic participation and promotes a better understanding of public policy and the electoral process among the APIA community.

Stephen's contributions to this organization were instrumental in mobilizing APIA voters in Washington for the 2004 election. Through his untiring efforts, over 1600 APIAs in the state were contacted, with nearly 900 APIA individuals pledging to vote in the election.

Additionally, Stephen coordinated an AIDS awareness campaign in the state of Washington and successfully organized several events that spread public awareness of AIDS while raising funds for nonprofit AIDS organizations. He also helped build Art Corps, a nonprofit organization that provides excellent arts education opportunities to young people.

For his outstanding devotion and service to his community, I ask my colleagues to join me in honoring the life of Stephen Nadal. Although he will be greatly missed, Stephen will forever be remembered for his constant commitment and motivation. He is truly an inspiration to us all.

A SALUTE TO WRHI AND WRHM

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SPRATT. Mr. Speaker, I am honored to salute two radio stations that have brought years of broadcasting excellence to the citizens of North and South Carolina. On December 14, 2004, WRHI marks its 60th anniversary, and its sister station, WRHM, joins in celebrating its 40th anniversary.

WRHI, 1340 AM, serves much of York County, South Carolina, including my hometown of York. I was two years old when it first went on the air in 1944, and, I'm proud to say; its been a part of my life and a bedrock of our community ever since.

WRHM, 107 FM, covers 15 counties, from the Upstate to the State Capital, and from Rockingham to York.

WRHI and WRHM have prospered all these years because of people like Manning Kimmel and Allan Miller. Together, they make up the leadership of Our Three Sons Broadcasting. They acquired WRHI in 1984 and WRHM in 1987, and along with their cracker jack staff, they have spent years making sure the stations were top-notch facilities. But above keeping pace with technology, they've kept pace with their community. As Manning says, "We have an obligation to be its voice, to discuss the issues which affect us, and to ensure we keep our sense of community and the qualities which make this such an exceptional place to live. This is where we live, work, play, and pray. York County is just a great place to live."

Mr. Speaker, I am pleased to submit for the RECORD the proud history of WRHI, written by Haney Howell, of Winthrop University. And I encourage all of my colleagues, who find themselves in the York County area, to tune in to 1340 AM or 107 FM and hear some of the best in news, talk, sports, and country music. Happy Birthday, WRHI and WRHM, and thank you, together, for giving the Carolinas "100 Years of Broadcasting Excellence."

WRHI RADIO: BROADCAST PIONEER CONTINUES TO SERVE ROCK HILL

(By Haney Howell)

December 1944 was a time to dust off dreams. Allied forces were pushing at the Germans from both sides, the Normandy invasion a success. The Japanese were retreating toward the home islands in the Pacific, setting the stage for their final push. People could again afford to pursue their dreams, to think of a life without war.

In the Carolinas, another delayed dream came true. WRHI Radio in Rock Hill, South Carolina, broadcast for the first time, becoming the ninth station in the state and one of the first 600 in the nation.

Few stations signed on in the United States during the war, first because of a freeze on building permits then restrictions on equipment purchases.

WRHI made it on the air despite overwhelming odds, wartime restriction and one of the dreamer's deaths at Normandy. The 250-watt signal on 1340 was as much a bureaucratic miracle as a technological one. The story of WRHI is also the story of one strong-willed individual with a dream of community service. While the forces of war delayed plans for radio in Rock Hill, the efforts of this man brought it to reality. James S. "Jim" Beaty, Jr., was a young broadcast engineer who believed in community broadcasting. He felt that Rock Hill needed more than a newspaper and regional broadcast stations. He was a sick child, almost dying of pneumonia in the second grade. He quickly ruled out physical activities and searched for areas he could conquer with his mind. He witnessed the phenomenal growth of radio during the 30s, listening to stations across the nation late into the night. "I was interested in radio since the time I was old enough to recognize a radio crystal set."

He started in radio as an amateur, building receivers and transmitters from scratch. An aunt promised him a kit radio while in high school if he made A's. Not only did he receive the kit, he located a man who was an expert builder to teach him. Friends were amazed at his skills with building electrical circuits and other detailed work. Beaty overcame the slight shaking of Parkinson's Disease and became a master builder. However, he avoided work with high voltage and high gage wires, fearful that he'd have an accident.

Beaty grew up in Greenville, South Carolina, while part of the family remained in Rock Hill. He attended Clemson University for one year in the mid 1930s before his Parkinson's Disease and the Depression forced him to drop out. He loved electronics courses and asked more questions of his professors than most. His health would play a major role in the history of the station, forcing him to stay behind during World War II.

He soon turned his skills to broadcast engineering, building and maintaining equipment for stations. His first job was at WMRG in Greenville, and he vividly remembered that job interview 50 years later. "I walked into that station—a combination transmitter and studio building—and there was this fellow leaning on the carpet putting a mike receptacle in, and I asked him, 'How about a job?' and he said, 'What field? Announcing or engineering?' I said engineering, and he said, 'Hand me that pair of pliers over there and get on the other end of this wire.'"

Beaty learned the basics of putting a station on the air. When the Greenville station changed management, he followed the man who originally hired him to Burlington, North Carolina. That is where he spent most of the war, and pulled together his hometown radio station. As he gained experience, he planed for a station of his own. He gained another supporter when he married Anne in the late 30s.

Rock Hill was covered by WBT and other regional stations. What Beaty sought was a voice for his own community, a station that represented the people of Rock Hill and South Carolina. While only 25 miles separated Rock Hill from Charlotte, North Carolina, those miles and a state line created a major gulf.

In the early 1940s, Beaty convinced his older brother, William, that a radio station was both needed and wanted in this textile mill and farming community south of Charlotte. No county in the upper tier of South Carolina had a station and the Beatys did not feel that the local newspaper fulfilled the need for more instant news and live local entertainment.

The brothers approached Ernest Carroll, a local soft drink distributor and a founding member of Rock Hill National Bank. His son, Ernest Carroll, Jr., had an intense interest in theater and performing. The elder Carroll thought the radio station would give his son a challenge, and he also agreed with the Beaty's for the need for a station in Rock Hill. Carroll put up $10,000 in seed money, and offered them space in the new Rock Hill National Bank building downtown. Jim Beaty's dream was now moving forward, and as with other challenges in his life, he wasn't about to give it up.

By late 1941, plans were well underway and an application was filed with the FCC. There were others seeking to put a station in Rock Hill. It was the largest of a number of small to mid-sized towns which dotted the Carolina Piedmont. A large part of the economy was based on textiles and cotton. It was a town dominated by a handful of powerful people, and Ernest Carroll was one. Jim and Bill Beaty's father, Dr. J.S. Beaty, was a local physician who rapidly established himself in the community. Their reputation and Carroll's financial backing greatly influenced the Federal Communications Commission. Jim Beaty memorized the rules and regulations, closely monitoring the application each step of the process. It seemed only a matter of time. Then came the Japanese attack on Pearl Harbor. The application was frozen and the lives of the dreamers changed. Bill Beaty became an Army officer, serving in the Pacific. Ernest Carroll, Sr., became a Marine officer, and his son later entered the Army. Only Jim Beaty, with his physical deferment, was left to tend the dream.

Jim Beaty correctly guessed that a license might be granted long before the freeze was lifted on equipment. Commercial and even amateur production was taken over for military and war related communications. Amateurs were off the air, and many basic parts were in short supply. It was "somewhat like the used car business. There's plenty of used equipment, and I started making friends with different stations and with the chief engineers and finding the surplus equipment."

Beaty started collecting spares from various stations, putting together the needed pieces for a transmitter. He purchased metal trunks from the YMCA to use as cabinets. A used tower found in Roanoke, Virginia, wound up stored in sections in his mother's back yard. Earnest Carroll, Sr. kept up his interest from afar, providing Jim Beaty with a large room in his home to store the needed equipment. Ernest Carroll has no doubts about how the station got on the air. "The reason we were able to get on the air was that Jim shopped around everywhere he could find pieces and parts and he got lockers from the YMCA, old lockers, and he built the equipment into those lockers . . . That's the way we got on the air. There were several groups . . . at least two that I know of . . . who were planning on attempting to put a radio station in Rock Hill, and planned and talked about it for several years, but they couldn't . . . they didn't have Jim Beaty . . . they would have to buy new equipment, so they were stalled while we went ahead . . . and Jim got it on the air."

Bill Beaty remembered the first time well. "Jim . . . a first class engineer . . . who knew everything about building and maintaining equipment, started assembling parts for a radio station wherever he could find them. All the stations have certain parts, duplicates so to speak, and he was able to find a lot of pieces of equipment, which he was able to buy. He built the first transmitter from scratch. It was not a commercially built transmitter."

Others watched the process with amazement. "Jim Beaty, who was great at this sort of thing, put the thing together with haywire and whatever he could find, and got it on the air . . ."

By mid-1943, some of the restrictions on licenses were lifted by the FCC. Jim Beaty pushed the paperwork and continued gathering needed equipment and parts. His application won out over the others, and on August 2, 1944, Beaty received a construction permit. It specified direct crystal control on 1340 kilocycles, 250 watts output with two RCA 805s in the modulator for high-level modulation. The antenna would be 177 feet tall with 120 copper wire radials buried in the ground. "That was when the FCC ruled that anyone who had the equipment or could get it and could show cause for the need for a station . . . Rock Hill didn't have a radio station and there wasn't one in the Fifth Congressional District."

The FCC regulation on the types and quality of equipment used at broadcast stations was, and continues to be, strict. Not only did Jim Beaty construct the first transmitter from spare parts, it passed muster with the field inspector as well. The original control room console was constructed in a steel YMCA trunk, and early announcer Buddy Fields remembers having to give the board "a kick from time to time" to free up the relays.

Jim Beaty located and purchased a lot for the tower and transmitter, and Ernest Carroll sent a couple of hands from his family farm to Rock Hill with a mule to plow the ground and lay the radials for the tower.

The source of the wire for the tower radials is still a mystery. Copper was in very short supply, and it's thought that the ground radials Beaty was forced to use have a high steel content (they are still in use). Whatever the source and composition, the wire arrived by train and was taken to the transmitter site in a mule-drawn wagon.

Choosing the call was left up to Jim Beaty. He later told Carroll that he wanted Rock Hill reflected in the letters, and said that the "I" on the end was simply available at the time. His choice was good. The station still uses the same call.

While Jim Beaty moved toward the fulfillment of his life goal, fate stepped in and shook the original group to the core. Ernest Carroll, Jr. died in combat during the invasion of Europe. His father was serving in the Marines in the Pacific, and was sent home and eventually discharged following the death of his son. Bill Beaty was in the Philippines, fighting not only the enemy but tropical diseases which would plague him for the remainder of his life. He would not join the station until 1946.

Jim Beaty said that the next six months seemed like an eternity. "It was slow. First we had to get a building . . . we had to get a fellow to modify the building to house the transmitter." Once the station was transmitting, it was time to build a staff. Jim Beaty brought in Al Drew from Roanoke Rapids, Virginia, to help him set up the station and train the announcing staff.

First hired was Bob Carroll, a local high school student and assistant manager of the local theater who had singing experience. One of his teachers contacted Drew, who auditioned Carroll and gave him the job. Carroll's only previous radio experience was singing with the Winthrop College choir as a boy soprano on WSOC during the late 1930s.

Jim Beaty was concerned about more than just getting a signal on the air. Before the official sign on, the station ran numerous test programs from midnight until 6 a.m. to test the equipment and more. "We ran full occupational capacity, we ran 15 minute shows, 30 minute shows, the widest diversity you could think of, everything from disc jockey shows to religious shows to interview shows, anything you could think of to give us the background experience before we went on the air." Carroll felt that Al Drew was a key element to the success of the basics of good radio broadcasting.

Despite the death of his son, Ernest Carroll continued to help with the station. "When I got back and had not been discharged from the Marine Corps, I would drive up here from Beaufort—Paris Island and for several months I kept listening when I'd come up . . . I knew what the frequency was going to be and hoping to hear it on the air. Actually, it was several months after I got up here (after my discharge) before we signed on." If his son could not be a part of the station, at least Ernest Carroll could see his son's dream come true.

December 14, 1944 was a bitter cold day. The staff arrived by 5 a.m. and awaited the 5:30 a.m. sign on. Al Drew asked Bob Carroll if he'd like to sign the station on for the first time. "I was so thrilled. He was so gracious to do that, to have a young greenhorn come in and sign the station on was just prodigious. When Al signaled me, I threw the switch and said, this is WRHI in Rock Hill, South Carolina, 1340 on your radio dial, signing on for the first time."

The staff understood that they were making history, but they also kept in mind the times. "It was a very poignant sign on, because at that time there were still troops all over the world, and we were telling the listening population that we were remembering the men that were fighting on foreign shores all over the world, and wishing the best for them, and that the war would soon be over and things would come back to normal."

At sign on, Jim Beaty was at the transmitter, and in the control room that morning was Al Drew, Fred Lowery, and Bob Carroll. As soon as they signed on, they started their normal schedule.

Ernest Carroll remembered the first day of broadcasting. "I remembered the dedication ceremony quite well. We had special programs . . . had a good friend of mine from Fort Mill who was an expert pianist, and he played 'Danny Boy' for me. The station was dedicated to the boys who had lost their lives in the Second World War. That was the theme of it. Of course to me, that was really important. We got a lot of comment, publicity, and a good many people were kind enough to complement me on my dedication address . . . which I made over there and dedicated the station . . . The war was fresh then, you know . . . to those loss of lives. We had a good many here in Rock Hill who lost their lives in the Second World War.

"You know how wars are, like the little boy sliding down the roof and saying, "God, don't let me say it, don't let me fall . . ." People are very much that way, you know . . . they forget very quickly and for several years now . . . they don't believe George Washington slept here and all that kind of thing, then when the war comes against the military people are very prominent . . . right now they are held almost in contempt."

When the station signed on, WRHI was independent, and filling the air time "ran us ragged". Later the station joined the Mutual Network before switching to CBS and finally ABC. Most of the programming was live and local, since transportation was expensive and rare. Most important were the early morning programs, focused on the listeners in the then predominately agricultural and textile community.

"It was a wonderful proving ground for a young man starting in radio, because you did get such a wide diversity of programs. You had to learn to do a little bit of everything."

Fifty years later, WRHI continues to serve the community. In an age of AM stations loosing focus and going under, the current ownership took a hard look at Jim Beaty's original dream and realized that he was right. WRHI has remained a station that focuses on Rock Hill and serves the community. He understood his home town then, and made certain that the staff understood as well.

Bob Carroll spent his career in broadcasting, both radio and television. Yet one of the things he learned at WRHI stayed with him. Jim Beaty told him, never underestimate your audience. This is really true, and I think today that too many people do that.

Jim Beaty remained involved with WRHI until it was sold in the mid 1970s. Brother Bill returned from the war and handled the business side of the operation. Ernest Carroll and his wife, Virginia, sold their interest in 1947 to Harper Gault, a local newspaper writer. Years later, Carroll still regrets selling out, and considers his involvement with establishing WRHI as one of his significant achievements in a life filled with success in business.

While WRHI ranks as a pioneer broadcaster, it represents more than just another radio station. It is the fulfillment of one man's dreams and a community's needs. The technology and programming have changed, but the basic thrust of serving the community has not. What made WRHI a success in 1944 continues to carry the station into its second half-century.

THE TRAGEDY OF LIBYAN CHILDREN INFECTED BY HIV/AIDS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. LANTOS. Mr. Speaker, nearly six years ago 427 Libyan children were reported infected with the human immunodeficiency virus HIV in the al-Fatih Hospital in Benghazi, and more than 10 percent of these children have subsequently died. This is a tragedy of immense proportions.

Of course, this situation is best known in the context of the outrageous case that was brought against five Bulgarian nurses and a Palestinian doctor, who were falsely accused of infecting these children. These six individuals have now been convicted and sentenced to death, and on many occasions I and others of our colleagues have spoken out against this verdict and urged Libyan leaders to overturn this miscarriage of justice.

On this occasion, however, Mr. Speaker, I would like to express my deepest condolences to the Libyan families whose children have died from AIDS as a result of being inadvertently infected by HIV. I would also like to offer my deep and heart-felt sympathy to the families of those children who continue to suffer from HIV/AIDS. The most expert, objective investigation suggests that the cause of this human tragedy was sloppy hospital procedure, but my purpose here is not to assign blame but to shed tears.

Mr. Speaker, we must be able to separate our deep unhappiness about the verdict against the five nurses and one doctor from our deep sadness over the horrendous tragedy that befell these Libyan children. The lives of these children and their families have been changed irrevocably by this tragedy. Not the least aspect of this horror is the resulting social ostracism incurred in a highly traditional society. For example, many of these children have been forced to drop out of school because of local ignorance about the HIV virus.

In this regard, I want to commend the U.S. Liaison Office, USLO, in Tripoli and Chief of Mission Greg Berry for giving thoughtful attention to this issue. For example, USLO has brought leading AIDS authorities to Benghazi from the United States to advise the Libyans on AIDS treatment and related issues.

We must remain committed to helping win the freedom of the five nurses and one doctor who have been unfairly charged and punished for a crime they did not commit. But at the same time we must keep in mind and in our hearts the children and their families who have unfairly suffered this tragic fate which they did not deserve. I support the efforts of the USLO in Tripoli to ameliorate their pain and heal them, and I intend to work with the Administration to explore means to redouble those efforts in the weeks and months ahead.

PAYING TRIBUTE TO KAY WILLIAMS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise to mourn the passing of Kay Williams from Glenwood Springs, Colorado. Kay recently passed away at the age of ninety this past Monday. She was known for her strong, independent will, unique sense of humor and avid enthusiasm for sports. As her family and friends mourn this loss, I believe it is appropriate to remember Kay and pay tribute to her memory before this body of Congress and Nation today.

Kay was born in Ontario, Canada, and educated in Windsor, Toronto and Florence, Italy. Her family often spent the winter months of the year in Naples, Florida, fishing for mangrove snapper, grouper and pompano. During one of these trips, Kay met her husband Hank whom she married in 1941. As a wedding gift, Hank purchased a ranch in Canyon Creek, Colorado where they settled and operated a dairy cattle operation dubbed the H-Lazy-K. What initially started as a cattle ranch expanded into other areas including a successful guest ranch. Kay operated her Rock-n-Pines Guest Ranch until her death.

Kay was a sports enthusiast who took pleasure in golfing, fishing, and bowling, and was a devoted Denver Broncos and Colorado Rockies fan. In her spare time, she also enjoyed traveling, reading, knitting, and arranging flowers. Kay had a generous heart and told endearing stories to everyone she knew. She bettered the lives of those around her, and played host to many patrons of the guest ranch over the years.

Mr. Speaker, we are all terribly saddened by the loss of Kay Williams, though take comfort in the knowledge that our grief is overshadowed only by the legacy of kindness and generosity that Kay has left with us. I know that many throughout our state who had the chance to benefit from the opportunity of meeting Kay will miss her kind heart and generous spirit. My thoughts and prayers go out to her friends and family during this difficult time of bereavement.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. McCARTHY of New York. Mr. Speaker, on November 17, 2004, I missed rollcall vote No. 532. Rollcall vote 532 was on H.R. 1417, the Copyright Royalty and Distribution Reform Act of 2004.

Had I been present I would have voted "yea" on rollcall vote 532.

PERSONAL EXPLANATION

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. MUSGRAVE. Mr. Speaker, it is with sadness that I inform you that my brother passed away this Wednesday morning, November 17. I returned home immediately that morning to be with my family during this time of loss. For this reason, I was unable to be present with my colleagues to take the final votes of the 108th Congress.

TRIBUTE TO LTC WILLIAM H. JEFFERSON

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Lieutenant Colonel William H. Jefferson on his retirement from the United States Army National Guard Office of the Chief of Legislative Liaison, United States Army, the Pentagon, Washington, DC effective December 2, 2004.

Lieutenant Colonel William H. Jefferson has distinguished himself by twenty two years of exceptionally meritorious conduct in the performance of outstanding service to the Army in a series of key positions as an Army Air Defense and Military Intelligence Officer, culminating in service with the Office of the Chief of Legislative Liaison responsible for liaison between the Army, Members of Congress, their personal staffs, and the professional staffs of the Senate Armed Services Committee and the House Armed Services Committee.

Lieutenant Colonel William H. Jefferson commissioned as a Second Lieutenant, Air Defense Artillery, after graduating from the United State Military Academy at West Point and assigned as an Improved Hawk Missile Defense Battalion, Platoon Leader in 3d Bn, 30th Air Defense Artillery in Germany and transferred to the Military Intelligence Corps where he served as an Intelligence Officer, Operations Officer and Company Commander for the 201st Military Intelligence Brigade and later served with the National Security Agency and then to the Northeastern Reserve Intelligence Support Center from 1996 to 1998.

Lieutenant Colonel Jefferson was selected and served as an Army Congressional Fellow for Congressman Jim Saxton of New Jersey's 3d District in 1999 and applied his legislative experience and missile defense and strategic intelligence expertise as a Hardware Congressional Liaison Officer in the Office of the Secretary of the Army, Legislative Liaison Programs Division from February 2000 through December 2004 maintaining a constant liaison with Professional Staff Members of the Senate and House Armed Services Committees on issues relating to Army Procurement programs focusing on Army Space and Missile Defense.

Lieutenant Colonel Jefferson has provided outstanding leadership, advice, and sound professional judgment on numerous critical issues of enduring importance to both the Army and Congress. His actions and counsel were invaluable to Army leaders and Members of Congress as they considered the impact of important issues. Lieutenant Colonel Jefferson's dedication to accomplishing the Army's legislative liaison mission has been extraordinary. He is truly an outstanding officer who displays superb professional leadership skills and is totally dedicated to mission accomplishment in the highest traditions of military service.

LLOYD WILLIAMS: A HARLEM VISIONARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. RANGEL. Mr. Speaker, I rise to recognize and congratulate Mr. Lloyd A. Williams, an influential business and community leader who, for the past 30 years, has worked tenaciously toward the overall improvement and economic revitalization of Harlem. His contributions to the cultural life of our community have played a fundamental role in the renewal of Northern Manhattan.

For over 25 years, Mr. Williams has served as President of The Greater Harlem Chamber of Commerce, which is celebrating its 105th year of positive and productive influence in the community. With over 1,700 members, including several Fortune 500 companies, the Chamber's activism far exceeds the borders of New York City. The Chamber's primary focus is the improvement of the economic climate of Upper Manhattan while emphasizing the needs of the business, educational and cultural sectors.

The Chairman of Harlem Week, Inc. and the Harlem Jazz & Music Festival, Mr. Williams was a co-founder of the event dating back to its inception in 1974. Now the largest festival of its kind in the Northeast, the event, which began as a one-day festival, now spans an entire month and attracts over 3 million visitors. Harlem Week draws thousands of vendors from across the country, generating millions of dollars for the economies of Harlem and New York City.

Mr. Williams is a co-founder of the National Black Sports & Entertainment Hall of Fame. Since its creation, the group has inducted 25 extraordinary African-American sports and entertainment figures each year, while recognizing outstanding contributions by performers of all races. Former inductees include Quincy Jones, Harry Belafonte, Dionne Warwick, Joe Cuba, Julius "Dr. J" Irving and many others.

Mr. Williams is also the acting President of the Greater Harlem Housing Development Corporation, a group dedicated to attracting businesses and professional persons to relocate to the upper Manhattan area. The Development Corporation recently completed construction of "Strivers Garden", a residential and business complex that is expected to encourage further growth in Harlem.

Recently, Mr. Williams was honored for his tireless philanthropic efforts at the Museum of the City of New York's annual exhibition titled:

"Harlem is . . . Activism". Joining Mr. Williams as awardees were Basil A. Paterson, Dr. Muriel Petioni and Percy E. Sutton.

It is the ever-growing list of accomplishments and works of excellence that defines Lloyd Williams as a leader in his community. Truly a pioneer in both the fields of culture and commerce, he has managed to harmoniously unite the two, providing opportunities for Harlem residents to thrive. There is no question that the long-term impact of Mr. Williams's successes will reach far into the future. The Harlem community, indeed all of New York City, owes a debt of gratitude to Lloyd Williams.

IN HONOR OF AIC JESSE SAMEK

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BOOZMAN. Mr. Speaker, I rise today to honor one of America's bravest, Airman 1st Class Jesse Samek. Jesse, a 2001 Rogers High School graduate recently died in Afghanistan while honorably serving his country.

A flight engineer assigned out of Nellis Air Force Base, Jesse was killed on October 21 st, when his helicopter crashed during a rescue mission. The mission that day was to carry a wounded Afghan election worker to a medical facility. Jesse was a true hero who was literally protecting democracy.

I attended Jesse's funeral and the outpouring of love and respect from his community was overwhelming. Over 300 people were there to honor him.

Jesse joined the Air Force in February of 2003 and was assigned to the 66th Rescue Squadron, an elite group that qualified for rescue duty on a HH–60 Para Rescue helicopter. His mother said Jesse loved that his job was to rescue and save people.

Mr. Speaker, Airman 1st Class Jesse Monroe Samek, at the age of 21, made the ultimate sacrifice for his country. He is a true American hero. I ask my colleagues to keep Jesse's family and friends in their thoughts and prayers during these difficult times.

DEDICATION OF CPL LARRY E. SMEDLEY MEDAL OF HONOR HIGHWAY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MICA. Mr. Speaker, on October 30, a dedication ceremony was conducted in Orlando, Florida in honor of Corporal Larry E. Smedley at the Orange County Courthouse Plaza.

Corporal Smedley who died in combat in Vietnam in December 1967 is Orlando's only recipient of the Congressional Medal of Honor from that conflict. The ceremony conducted in our community was to commemorate the naming of a section of our Interstate 4 highway from Colonial Drive to State Road 436 in memory of this Central Florida hero. That section of our major thoroughfare was designated by an act of the Florida Legislature the "Corporal Larry E. Smedley Medal of Honor Highway." It was my privilege to attend that ceremony and meet Corporal Smedley's mother Mary Smedley Smith, from Virginia Beach, his brother, Russell Smedley, from Orlando, Florida, and his sister, Valerie Smedley, from Orlando, Florida. I know I join all those in attendance at that ceremony and countless Americans who appreciate Corporal Smedley's heroism and his family's incredible sacrifice to our nation. It is my honor to include in the CONGRESSIONAL RECORD of the House of Representatives the outstanding and heartfelt remarks from The Honorable Anthony J. Principi, Secretary of Department of Veterans Affairs delivered at the dedication ceremony.

Good morning.

It has been said that "True heroism is remarkably sober . . . It is not the urge to surpass all others at whatever cost, but the urge to serve others at whatever cost."

History is defined by critical moments . . . sobering moments, costly moments . . . moments that are turning points in time. The United States of America has existed for less than three centuries. And throughout our history, we have been tested, time and again, by defining moments of conflict. Vietnam was one of those moments.

The men who fought there were young and untested. Citizen-soldiers from all walks of life . . . native-born and immigrants. From cities large and small . . . and from towns, villages, and farms. Yet they were bound together in a brotherhood whose lodestar continues to shine bright on an immutable truth given poetic definition by President Abraham Lincoln. "Our reliance" he said, "is in the love of liberty . . . [and] in the preservation of the spirit which prizes liberty as the heritage of all men, in all lands, everywhere."

And so the young Americans of more than three decades past fought with a gritty sense of purpose . . . fortitude . . . and, many times, sheer obstinacy. They were tested in the raging fires of adversity at Ia Drang . . . Hue . . . Khe Sanh . . . Pleiku . . . and in a thousand clashes and skirmishes remembered, now, only by those who fought them.

Those battles, known and unknown, prove one thing—there is the possibility for triumph . . . dignity . . . and great honor in even the most difficult, the most trying of circumstances. Especially when these qualities are rooted in men dedicated to each other and to the principle—not the objective—for which they fight. Men descendent of a common creed—One Nation, under God . . . and guardian of a common trust—Life, Liberty, and the Pursuit of Happiness. Men like Corporal Larry E. Smedley, United States Marine Corps, who served America and served others in the highest tradition of America's greatest patriots . . . and who paid the cost of that selfless service with the coin of incredible sacrifice.

The true mettle of those who love Liberty is tested in moments such as the December night in 1967 when heroism emerged in the jungles of Quang Nam Province . . . heroism larger than life itself . . . full with its attendant valor, purpose, and sacrifice.

Corporal Smedley's awe-inspiring bravery is the stuff of American legend. In him we see the mighty strengths and quiet virtues of the American spirit. In him we see the outward courage and inner character of the American soldier . . . sailor . . . airman . . . Marine . . . and Coastguardsman. In him we see the very best of what it means to be an American. Though we are poorer that he was taken from us, we are richer for what he so selflessly gave us.

By his devotion to country and to his comrades on that night so long ago, Larry Smedley joined the revered ranks of America's heroes from Valley Forge . . . Fredericksburg . . . Belleau Wood . . . Normandy . . . and the Chosin. Together, they wrote boldly . . . largely . . . and indelibly . . . across our great National chronicle of military history.

For the story of America is the story of America's defenders . . . in war and in peace . . . at home and abroad. A story whose chapters speak eloquently of Duty, Honor, and Sacrifice. A story whose words and phrases recount unbreakable bonds of camaraderie forged in service to country. Whose words speak softly of beloved family and friends, and lives forever changed by the wounds of war . . . and whisper of faithful comrades forever young, cut down in life's prime. It is the story of Corporal Larry E. Smedley, United States Marine Corps. A hero who served his country . . . who served others . . . and who stands tall in the most honored pantheon of American patriots.

By today's ceremony, the spirit [of] liberty that Lincoln extolled lives here, among Central Florida's towns, fields and groves so familiar to Larry Smedley, the young boy. And by this dedication, the indomitable spirit of Larry E. Smedley, the young Marine, lives here in perpetuity . . . amid the expanse of the ribbon of highway stretching to the unbroken horizon of America's Sunshine State.

On this day of dedication . . . at this time of remembrance and reflection . . . we honor great deeds . . . great achievement . . . and great personal fortitude. We honor the memory of an ordinary American who served America in the most extraordinary way.

As one who, like Larry, served in the Republic of Vietnam, I struggle today to find words that can give proper honor to the painfully short life of my brother-in-arms, Corporal Larry Smedley . . . knowing full well that words alone will never be enough.

And so, with your indulgence, let me close with the poignant words of the English poet, Laurence Binyon, whose poem "For the Fallen," was written in honor of England's World War I dead. I read from it today in memory of America's fallen hero—Corporal Larry E. Smedley:

They shall not grow old, as we that are left grow old.
Age shall not weary them, nor the years condemn.
At the going down of the sun, and in the morning
We will remember them.

May God always bless America and the sons and daughters who so courageously defend her.

STATEMENT REGARDING IDEA CONFERENCE REPORT

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. HONDA. Mr. Speaker, as a former teacher and principal, the issue of special education is very personal to me. I know firsthand that too many children in the United States are deprived of a quality education because the federal government has not met its commitment to special education.

That is why I give my qualified support to the conference report on the Improving Education Results for Children With Disabilities Act of 2003 (H.R. 1350). Above all, this legislation reaffirms that all children have right to a high quality education tailored to their needs, and that the federal government has an obligation to ensure that school districts and educators have the appropriate resources to provide it. Indeed, this conference report is a step in the right direction.

Every child learns at his own pace and our educational system must be able to accommodate the needs of each individual student. Accordingly, this legislation allows students, schools, parents, and teachers to focus more of their time and energy on the individualized education programs (IEPs), and less on paperwork and procedure. The effect will be a more stimulating and constructive environment for students.

The IDEA reauthorization conference report increases parental involvement in the education of children with disabilities. Parents will have more opportunities to consult with teachers to deal with problems in an early and effective way, without the need to go though formal due process channels. It provides Parent Training Institutes, where parents can learn to use the resources available to them when working with schools to get the best education for their child. Additionally, in fifteen states IDEA will implement a pilot paperwork reduction program to help expedite the development and execution of IEPs.

This bill contains provisions for early intervention for students with special needs and mandates ongoing updates on student progress. It allows students to stay in the same, specially tailored program throughout their entire educational career, even if they switch schools. This provision is especially critical for the over one million children who find themselves homeless every year. Homeless children are four times more likely to suffer from disabilities. Allowing children to carry over their IEPs when they switch schools will go a long way in helping these children get the best education possible.

The IDEA reauthorization bill improves the handling of discipline and safety issues for students with learning disabilities. It requires schools to determine if a special-needs student's behavior is the result of the disability itself or of poor IEP implementation when determining proper disciplinary action. Further, children who are subject to discipline cannot be put into alternate placement for indefinite periods of time and cannot have their educational program suspended altogether. This is another important step forward in the education of special-needs students.

Although I support this conference report, I am disappointed that it does not fully meet the commitment made by the federal government to our schools. The federal government has promised to cover 40 percent of the cost of IDEA. In reality, federal funding has consistently fallen short by as much as half. When we in Washington fail to fulfill our pledge to children with special needs, our federal mandates roll the burden over to state and local entities that are often forced to divert money from other crucially important programs to keep promises that we have not. This is unacceptable and cannot continue.

Nevertheless, this conference report represents an important step forward in securing basic educational rights for children with special needs. I support the bill and I urge my colleagues to do so as well.

PAYING TRIBUTE TO HARRY BALLARD HARRIS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McINNIS. Mr. Speaker, I rise to pay tribute to Harry Ballard Harris, an outstanding gentleman and dedicated community member of Cisco, Utah. Harry has led a full life, including eighty years working as a cowboy and rancher and thirty years working for the State Highway Department of Utah. He recently celebrated his ninetieth birthday and it is a privilege to recognize his contributions to his community and his zest for life before this body of Congress and this Nation.

Harry grew up in Elgin, Utah, and began working as a ranch hand driving cattle at the age of sixteen. He worked for the Utah State Highway Department for thirty years in a remote area where sanding was shoveled by hand and medical care was not readily accessible. As a result, Harris became both a part-time medic and deputy sheriff. In 1975 he was awarded the outstanding male employee for his service to the state.

Harry also took river sediment samples for the Moab U.S. Geological Survey and received the John Campanius Holm award and the Thomas Jefferson award for providing weather information to the National Weather Service for more than thirty-seven years. He also served his community as an election judge and part-time school board member.

Harry married Wava Robb in 1937 and together they ran a small service station and the post office, where they encountered many interesting people from all over the world. There is even a Johnny Cash song that was inspired by an adventure in Cisco when Harry helped him change a flat tire.

After his wife's death in 1969, he married Ruth Maxine a few years later. Through their joint role working at the highway 128 service station they were named the 1986–1987 Tourism Ambassadors for the Canyonlands Travel Region. They promoted the area through colorful signs that talked of the scenic attractions of the area, recreational opportunities, locations of local churches and services to tourists and natives alike.

Mr. Speaker, Harry Ballard Harris is an outstanding member of his local Utah community who has served his local government and the people of Utah with dedication and pride for several years and remains a constant fixture of the lives of the people around him. I am honored to stand before this body of Congress and this Nation to recognize his life and service. Thanks for all your hard work Harry and I look forward to congratulating you on your 100th birthday!

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. McCARTHY of New York. Mr. Speaker, on November 16, 2004, I missed rollcall vote No. 531. Rollcall vote 531 was on recognizing the 60th anniversary of the Battle of the Bulge during World War II.

Had I been present I would have voted "yea" on rollcall vote 531.

TRIBUTE TO PAUL LELAND BATEMAN

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ROYCE. Mr. Speaker, I rise to pay tribute to Paul Leland Bateman, a constituent of mine from Cypress, California. Mr. Bateman passed away recently at the age of 94 from natural causes.

He was born in Redlands, California. He attended Gardena High School and participated in football and track. He went to Compton College where he also participated in football and track eventually winning a track scholarship to the University of Southern California (USC). At USC, he played on the 1931 and 1932 National Champion Trojan football teams under Howard Jones. As a member of the "Thundering Herd," he helped to break Notre Dame's 26 game winning streak and chalk up the Trojan's first victory in South Bend.

He met his future wife, Ruth Loupe when he was the driver for her school bus at Compton High School. They married in 1932 and moved to Lynwood. Mr. Bateman taught at Lynwood Jr. High School beginning in 1939 and then transferred to Compton College where he taught physics and coached football, baseball, basketball and track for 33 years until his retirement.

During World War II he taught pre-flight ground school at Independence, California for the Army Air Corp. He also earned his wings, although he was never officially in the military.

He also worked as an engineering consultant in the development of specialized electrical motors for aircraft and aerospace applications. He owned and farmed dates at a large ranch near Hemet, California. Mr. Bateman was a life-long train hobbyist and traveled extensively on U.S. Railroads to see America.

Mr. Bateman participated in Compton Jr. Chamber of Commerce, served on a water board and was president of the Tanglewood Homeowners Association in Cypress, California.

He is survived by three daughters, Marcia Gilchrist, Patricia Pearce, and Linda Baham, as well as six grandchildren and four great-grandchildren. He is remembered for his achievements in athletics and engineering as well as his lifelong dedication to education.

GOODBYE, CONGRESSMAN QUINN AND CONGRESSMAN HOUGHTON

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SWEENEY. Mr. Speaker, it is with sadness that I rise today to say goodbye to two of my mentors and friends, Congressmen QUINN and HOUGHTON.

When I first came to Washington, you both helped me find my way and helped me learn the ropes in the Congress. For that, I owe you both an enormous debt of gratitude.

JACK, you taught me that it is possible to strike a balance between Republican values and labor's needs. Essentially, how to be a New York Republican in Congress.

Since you've been here, you've always had the ability to distinguish between the political and the pragmatic, and you've built your reputation as a voice of reason in this sometimes-unreasonable world.

Your constituents always came first, and if your successor can serve the twenty-seventh district of our great state of New York remotely as well as you have, they will be in good hands. Well done, my friend.

Congressman HOUGHTON, you sir, are the epitome of the American statesman. Frankly, your many accomplishments speak for themselves, and your long and distinguished record both in business and in government guarantees you a place in the Pantheon of New York's public servants.

You have much to be proud of, but I suspect your finest hour came with passage of the Liberty Zone Act, which provided billions to help our fellow New Yorkers in Manhattan rebuild from the rubble of the 9/11 attacks. For that, all New Yorkers owe you their sincere thanks.

AMO, JACK, I wish you nothing but the best as you leave the Congress today, having done a great service to America.

Your constituents thank you, our Nation thanks you, and as you return home, finally able to spend more time with your beloved families, I wish to convey the thanks of the family you're leaving behind here in Washington.

It has been a pleasure and an honor serving with both of you, and this is one tough New Yorker who's not afraid to say "I'll miss you". Farewell, old friends.

RECOGNIZING THE MISSISSIPPI MILITARY COMMUNITY FOR ITS SUPPORT DURING HURRICANE IVAN

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PICKERING. Mr. Speaker, I would like to share with Congress the actions of some of Mississippi's often unsung heroes and their recent efforts in the face of a mighty storm.

The damaging effects and extraordinary loss caused by Hurricane Ivan cannot help but make a lasting impression on anyone who sees them. For those of us who love the Gulf Coast, with its deep beauty and usually gentle but sometimes ferocious character, this is especially poignant. We also understand the value of community when facing a disaster like Hurricane Ivan. Although many contributed to the preparation and recovery from Ivan, I would like to take a moment to recognize an extraordinary group of our neighbors that never seek recognition: our Mississippi military community.

On the Mississippi Gulf Coast, during the 2004 hurricane season, the 53rd Weather Reconnaissance Squadron once again earned the right to call themselves the "Hurricane Hunters." The 53rd flew nearly every day after July 30th, sometimes into two different storms simultaneously. Because of their courage and professionalism, those of us back home and across the nation were able to track Ivan, properly prepare our communities, and—as the 53rd has allowed us so many times in the past—save lives.

The Naval Air Station Meridian Team of military, civilians and contractors worked selflessly and shoulder to shoulder to provide a safe haven for those caught in Ivan's path. Station aircraft were sortied or otherwise safeguarded. NAS Meridian provided Air Traffic Control and refueling services to over 90 aircraft evacuating Whiting Field in Milton, Florida. They provided food, shelter and support throughout the storm to over 1,000 evacuees and 100 pets. Neighbors rose to the occasion to make sure there was room for everyone. Many families living in base housing opened their homes to friends and comrades from Gulf Coast units. In Ivan's aftermath, evacuees were assured care until it was safe to return to their homes in south Mississippi and coastal Alabama and Florida. Station crews went immediately to work with their neighbors to care for the community. Most impressively, this team of highly dedicated and skilled professionals fully restored the base to resume the business of the nation within hours of the storm's passage.

As Ivan approached, Columbus Air Force Base crews were hard at work providing a safe location for Coast Guard aircraft caught in the path of the hurricane. The Federal Emergency Management Agency also recognized that Columbus had a great deal to offer and quickly established a staging area on base. Evacuees seeking refuge in north Mississippi were also assured shelter. Just like at NAS Meridian, the outstanding staff and base volunteers went immediately to work and quickly restored their base and community moments after the storm passed by.

Our National Guardsmen continue to inspire and impress. With nearly half of Mississippi's Guard troops mobilized in support of Operations Noble Eagle, Enduring Freedom and Iraqi Freedom, our Adjutant General made available the state's remaining forces to support those along Ivan's projected course, as well as in communities devastated by previous storms in Florida. In south Mississippi, troops were arriving long before Ivan made landfall. After the storm, our Guard made a tremendous difference in getting badly required relief to those who needed it most. Regardless of the threat, I take great comfort in knowing our Guardsmen are on the job looking after us here at home and abroad.

We Mississippians have repeatedly witnessed the unique capabilities of our SEABEES across the globe and over the years, but we will always remember their support after Hurricane Camille ravaged our state in 1969. Although we were fortunate to not bear the brunt of Ivan, our Gulfport SEABEES proved they were there for those that did. I was most impressed with their ability to, within 18 hours of Hurricane Ivan's passing, put large numbers of people, equipment and logistics support from the Construction Battalion Center Gulfport on the most critical disaster recovery and service restoration missions at NAS Pensacola. We Mississippians are proud of our SEABEES, deployed in Iraq and elsewhere around the world, and know from first hand experience that they will always be true to their motto "with Compassion for others—we build, we fight—for peace with freedom."

In peace or war, against the terrors of evil men or the ravages of nature, Mississippians seek to secure our homes and neighbors from danger. From Columbus to Keesler and Pascagoula to the Stennis Space Center, Mississippi continues to show that we have the full military package: our citizens serve bravely in our armed forces both domestically and abroad; our bases train and prepare our nation's top pilots and troops; our universities provide cutting edge military research and technology; while our manufacturers produce vehicles, radar and aircraft our forces need for their missions. In my district, I am particularly proud to count as neighbors the Navy's finest advanced jet-training base and two of the National Guard's premiere air wings. Our individual Mississippi National Guardsmen do tremendous work every day to safeguard the defense of our great nation. We Mississippians greatly appreciate that the patriots who so nobly operate our bases are also the neighbors who stand with us in the face of terrorism and disasters like Hurricane Ivan. To them I offer my gratitude, and the thanks of their fellow Mississippians.

HONORING TOM FOGLIETTA

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. DELAURO. Mr. Speaker, I rise to honor a colleague and friend who passed away this week—someone who left a profound mark on his community, his Nation and this institution. No one could deny the dedication and passion that Tom Foglietta brought to life—whether it was for working people, for friends or for our friends in the international community. He was special—a man with a common touch and high ideals.

With Tom, you always knew you were with someone who would fight—who was with you until the end regardless of the odds or the politics of the matter. As I reflect on his time in the Congress, I remember a man who understood what it meant to bring the values of his constituents to Washington.

When his district changed from being predominantly white to overwhelmingly African-

American, I remember how Tom made that transition so effortlessly—how he worked to establish himself with his new constituents and make sure they knew that representing them—their hopes, their dreams—was his number one priority. They learned what we all knew—that whether you had just met Tom or knew him for decades, when he looked you in the eye and gave his word, you had his word. You took it home.

And nothing represented that commitment like the way he fought to keep the Philadelphia Navy Yard open. Even as everyone believed it was sure to close, Tom continued to bring back Federal money to the yard—much, as I understand, to the surprise of even the Navy itself. But it was what he did once the Commission finally decided to close the yard that showed Tom Foglietta was not only a man of the people but also a man of real vision.

First, he went down to that yard and announced the closing before a sea of angry workers. I think everyone in this body understands how extraordinary that can be—facing the people head-on, delivering bad news.

Then, while others were still in denial, Tom put all his efforts into doing something even the shipyard workers had not yet embraced. Rather than fighting what he knew was a losing battle to keep the yard open, he went ahead, full-steam, to transform it into an economic resource for the community—a technology and business incubator—and secured a $50 million appropriation for the yard's conversion.

Today, that yard employs 6,000 Philadelphians—some of whom even use the old docks to work on ships. Nobody believed it was possible. But Tom Foglietta did. Whether it was modernizing the shipyard or involving the Army Corps of Engineers when an African-American neighborhood in Philadelphia had homes that were literally sinking into the ground, he knew that fighting for people was not just a matter of perseverance. That it was also a matter of foresight, creativity and vision.

A fellow Italian-American, Tom and I often discussed how it was our parents' example serving on our respective city councils—his in Philadelphia, mine in New Haven—that inspired us to enter a life of politics and give back to the communities that had given us so much. He knew that preserving our heritage was a matter of values, which is why as a Member of Congress he took on the fight back home to create Christopher Columbus Boulevard in south Philly.

When he become Ambassador to Italy, Tom made and kept a commitment to visit every province in Italy. To Tom, Italy was not some foreign place—it was his new district. When the First Lady introduced the Save America's Treasures project, Tom worked to raise private funds to preserve Christopher Columbus' childhood home in Genoa. In truth, it would not be the last time his passion for the job would make officials in the State Department crazy.

I will never forget his signature moment—when he knelt down in prayer for the victims in the Cavalese cable-car tragedy, sending a powerful message to the world that America weeps for the sons and daughters of its allies are as if they were our very own. In turn, the Italian people loved him as he loved them.

Throughout his entire career, whether it was his work in Italy, to secure the peace in Haiti or to forge democracy in South Korea, Tom Foglietta understood that America's role in the world was rooted in moral leadership—in common values, humility and humanity.

I will miss his moral leadership—we all will. But perhaps above all, I will miss his friendship. I will miss eating pasta with gravy, his cooking in my kitchen and those dinners with the gang—with Tom and NANCY PELOSI, BARBARA BOXER, DICK DURBIN, SAM GEDJENSON, CHUCK SCHUMER, ANNA ESHOO, TOM DOWNEY, GEORGE MILLER, and MARTY RUSSO. We could always rely on Tom to do something to spice the night up—whether it was something he would say or him hiring a ragtag band to play a party that only he could love. He was fun—he was warm. He was our friend.

Grazi, Don Tomaso—your passion for people knew no bounds. For that, you will forever be in our hearts.

PAYING TRIBUTE TO LOTTE BRESNITZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MCINNIS. Mr. Speaker, I rise to mourn the passing of a kind and caring woman from my district. Lotte Bresnitz, a longtime community activist and dedicated nurse recently passed away at the age of eighty-five in Aspen, Colorado. She was a kind and generous soul and it is a privilege to recognize her life and service before this body of Congress and this Nation today.

Lotte was born in Nuremberg, Germany and immigrated to the United States in 1938, where she made her home in Cincinnati. She studied to become a registered nurse, and during her studies met and eventually married Kurt Bresnitz. After Kurt was honorably discharged from the U.S. Army, the couple moved to Denver where Lotte took a job as the head nurse in the emergency room at Rose Memorial Hospital. In 1950, while Lotte and Kurt were on vacation in Aspen, they fell in love with the town and decided to relocate. Lotte worked as the head nurse at the Aspen Hospital and Kurt opened a Jewelry Store. After the birth of their two children, John and Carol, Lotte retired to become a full-time mother and continued to volunteer with organizations like the League of Women Voters, and the Senior Citizens Council.

Mr. Speaker, Lotte Bresnitz was an endearing woman whose five decades of volunteer work throughout the Aspen community made her one of the most recognizable faces in the area. I am honored to stand before this body of Congress and this Nation today to recognize her outstanding record of service. My thoughts and prayers go out to her friends and family at this difficult time of bereavement.

HOMECARE PROVIDES VALUE FOR AMERICANS' HEALTH CARE DOLLAR—GOOD REASON TO CELEBRATE NATIONAL HOMECARE AND HOSPICE MONTH

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FOLEY. Mr. Speaker, homecare presents—a tremendous value for Americans' healthcare dollar. Homecare provides a family-friendly, clinically proven way of receiving quality healthcare for millions of Americans where they prefer to receive care—at home. November, National Homecare and Hospice Month, is an opportunity to recognize the importance of homecare as an essential component of healthcare in the United States.

This important segment of the health care continuum allows patients with medical needs to remain in their homes, including those who are recovering, disabled, chronically or terminally ill who need medical, nursing, social, or therapeutic treatment.

Homecare represents a family value and a value for families. It's about quality healthcare and quality of life for at least 8 million households across the United States.

Recent studies of homecare services support the following conclusions:

Homecare for selected conditions can shorten inpatient hospital stays.

Homecare can reduce the overall costs of care without compromising outcomes.

Homecare can improve clinical outcomes including mortality. This improvement can be striking in degree.

Homecare can improve patient and caregiver satisfaction.

Homecare can improve functional independence and reduce the risk of institutional placement.

For Medicare beneficiaries with selected conditions, formal homecare is the most cost-effective strategy for achieving functional improvement compared to in-patient rehabilitation, nursing-home-based rehabilitation, and discharge to home without formal homecare services.

Homecare is expected to grow in the years ahead because of several large-scale trends:

The American population is rapidly aging. The 85-and-older group is the fastest-growing segment of the U.S. population.

Advances in technology allow virtually every service short of surgery to be delivered at home.

Homecare does not require brick-and-mortar investments since it's provided at home.

So today I join homecare patients and caregivers throughout the United States in celebrating National Homecare and Hospice Month.

NATIONAL ADOPTION MONTH

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to celebrate National Adoption Month.

As an adoptive parent of two little girls, I have personally felt the unspeakable joy that comes from welcoming a child into your home and family. The knowledge that you are giving hope and opportunity to a boy or girl who might otherwise have none is inspiring and uplifting.

In fact six in ten Americans have had a personal experience with adoption—meaning they, a family member, or a close friend was adopted, has adopted, or has a placed a child for adoption. As we near the holiday season, it warms my heart to know that so many people's lives have been made better by experiencing the joy that adoption brings.

Adoption is an issue that people are willing to talk about, but when it comes to getting personally involved, many back away. According to the Dave Thomas Foundation for Adoption, based in my hometown of Columbus, Ohio, 63 percent of Americans have a "favorable opinion" of adoption, and 78 percent think more should be done to encourage adoption. But acting on those feelings tends to be more difficult. The typical reaction is that "someone else will do it." Unfortunately for the 120,000 children across the country currently in foster care, that is not the case. Though there are millions of suitable parents, many do not engage in the adoptive process for fear they are not up to the task of parenting an adoptive child or because they think adoption is a costly and unmanageable process.

But we still have more work to do. In July, the Department of Health and Human Services launched the first ever national public service campaign to encourage adoption. This new initiative, produced in conjunction with the Ad Council and the Adoption Exchange Association, will highlight older "special needs" children who need permanent homes. "Special needs" means they are children who, for various reasons, have a harder time finding families willing to adopt them. Often special needs include factors such as physical or health problems and ethnic or racial background. Other times, a group of siblings needs to be adopted together. Fifty-three percent of foster children are between the ages of 8–17, and the need to connect these youth with permanent families is significant.

You do not have to be rich, married, highly educated, or a homeowner to adopt a child. Children don't need perfect parents, just individuals who are willing to open their hearts and homes and make a life-long commitment to love and nurture a child.

I am proud to join my colleagues today in honoring National Adoption Month.

HONORING JOHN D. RINGLE AND T. MAXINE RINGLE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker I rise today to honor John D. Ringle and T. Maxine Ringle for their contributions to Fairfax County, Virginia.

In the mid-1960's and 1970's, much of the Fairfax Station and Clifton areas of the Occoquan Watershed were zoned by Fairfax County for one-acre residential lots. During this time, there was little local public consciousness of the benefits of maintaining the rural nature of the land in order to protect the quality of the drinking water supply from the Occoquan Reservoir.

John and Maxine Ringle owned a substantial portion of the land in Fairfax Station and Clifton and were free to direct the division of that land into one-acre lots. Developing this land would have led to extensive construction, a network of new roads, deforesting the wooded area, and irrevocably destroying the rural nature of this area of Fairfax County.

The Ringles recognized the unique nature of this extensive undeveloped area and envisioned it as a limited-development area where its natural beauty could be preserved. Owners could enjoy the amenities of a rural life while living only a few minutes from the urban offerings of Fairfax County, Virginia and the Washington, DC Metropolitan Area. John and Maxine had the foresight to protect this rural area by creating eleven separate developments with five-acre lots and establish binding covenants to preserve this lot size.

In 1982, the Fairfax County Board of Supervisors, downzoned 41,000 acres in the Fairfax Station and Clifton areas to legally establish a natural protective buffer area in the watershed of the Occoquan Reservoir, currently the source of water for over a million Northern Virginia residents. Without the vision and actions of John and Maxine Ringle in the preceding decades, Fairfax County would not have been able to enact this downzoning which continues to protect and preserve the Occoquan Watershed and Reservoir for Northern Virginia residents.

The Fairfax County Board of Supervisors proclaimed July 26, 2004, as John D. Ringle and T. Maxine Ringle Day. This honor truly is well deserved.

Mr. Speaker, the Ringle's visionary and environmentally sound approach to the development of the Occoquan Watershed enabled Fairfax County to ultimately preserve the Occoquan Watershed and Reservoir for the benefit of all residents. I ask that my colleagues join me in commending John and Maxine Ringle.

RECOGNIZING NATIONAL HOMECARE AND HOSPICE MONTH

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to recognize November as National Homecare and Hospice Month. National Homecare and Hospice Month is an opportunity to recognize the importance of homecare as an essential component of healthcare in the United States. While most of us formally recognize homecare and Hospice one month out of the year, individuals and families across our Nation that utilize these services realize the importance of homecare and Hospice each and every day.

Homecare provides a family-friendly, clinically proven way of providing quality healthcare for millions of Americans and homecare has become an increasingly important part of our health care system. The highly skilled services that these caregivers provide have enabled millions of our most frail, older and disabled citizens to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes.

In a rural district, such as Oregon's Second Congressional District, which encompasses over 70,000 square miles, including two counties with no physicians, accessing healthcare service can be challenging. There are 23 homecare agencies serving the 20 counties of Oregon's Second Congressional District. In some parts of Oregon, homecare professionals are the only source of healthcare services. The tremendous dedication and compassion of these professionals truly deserves the recognition of November being named National Homecare and Hospice Month. The care they provide is truly invaluable and allowing individuals to remain in their homes and close to loved ones is priceless.

Because homecare is so crucial to rural areas, I introduced the Medicare Rural Home Health Services Improvement Act (HR 4902). This bill would ensure that homecare providers that serve patients in rural areas will continue to receive a 5 percent add-on payment through 2007. This measure recognizes that the delivery of homecare services in rural areas is more costly because of the extra travel time required to cover long distances between patients. Longer travel times mean that rural caregivers have to devote more time to each patient and are also unable to make as many visits in a day as their urban counterparts. If the extra rural payment is not extended, agencies may be forced to turn away rural patients with the greatest care needs.

Nationwide, homecare represents a family value and a value for families. It's about quality healthcare and quality of life for at least 8 million households across the United States.

According to reports issued by the Medicare Payment Advisory Committee and other independent observers:

Homecare for selected conditions can shorten inpatient hospital stays.

Homecare can reduce the overall costs of care without compromising outcomes.

Homecare can improve clinical outcomes including mortality. This improvement can be striking in degree.

Homecare can improve functional independence and reduce the risk of institutional placement.

For Medicare beneficiaries with selected conditions, formal homecare is the most cost effective strategy for achieving functional improvement compared to in-patient rehabilitation, nursing-home-based rehabilitation, and discharge to home without formal homecare services.

Homecare is expected to grow in the years ahead because of several large-scale trends:

The American population is rapidly aging. The 85-and-older group is the fastest-growing segment of the U.S. population.

In the near future, advances in technology will allow virtually every service short of surgery to be delivered at home.

Homecare does not require brick-and-mortar investments since it's provided at home.

Homecare is a critical component of our healthcare delivery system; so today I join homecare patients and caregivers throughout the United States in celebrating National Homecare and Hospice Month.

RECOGNIZING MR. JOE DAMORE FOR HIS SERVICE TO SPARROW HOSPITAL IN LANSING, MI

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize Mr. Joe Damore for his outstanding leadership and commitment to improving healthcare as the President and CEO of Sparrow Hospital and Health Systems in Lansing, Michigan. Mr. Damore has led the Sparrow Health System to its success as one of the top healthcare providers in the greater Lansing area. Since his arrival in 1990, the Sparrow Health System has become mid-Michigan's first and only Level 1 Trauma Center, and increased its medical staff from 500 to 850 physicians. Under the direction of Mr. Damore, the Sparrow Health System has expanded its residency programs with Michigan State University, allowing young health professionals to gain the valuable experience needed for the future, while providing quality healthcare to mid-Michigan residents.

The Sparrow Health System has a mission to provide quality, compassionate and affordable healthcare to the residents of mid-Michigan. In the past fourteen years of dedicated service, Mr. Damore has guided the Sparrow Health System to exceed this mission with expanded facilities and increased inpatient admissions from 18,000 to 29,000 per year. It is because of his exceptional leadership and success that we offer Mr. Damore a fond farewell as he has been offered a position as the President and CEO of Mission Health and Hospitals in Asheville, North Carolina. Mr. Damore will certainly be an asset to the Asheville healthcare community.

Mr. Speaker, during his tenure at the Sparrow Health System Mr. Damore has brought affordable and superior healthcare to the residents of mid-Michigan. I ask my colleagues to join me in recognizing Mr. Joe Damore for his extraordinary commitment and dedication to provide top quality health services, and to wish him success in all of his future endeavors.

PAYING TRIBUTE TO SHIRLEY BOWEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MCINNIS. Mr. Speaker, I would like to recognize Shirley Bowen as she embarks on a well-deserved retirement from Colorado Mountain College. Shirley has served the college for almost four decades and her leadership has made a significant difference in the development of Colorado state policy, testing procedure, and state-wide curriculum. It is my pleasure to congratulate Shirley before this body of Congress and this Nation on a job well done.

Shirley began at Colorado Mountain College as a secretary and was later promoted to director of the college's Carbondale operations before she became the associate dean of Developmental Education and Special Programs in 1991. In that role, she has been instrumental in facilitating developmental education program that transforms the lives of students everyday. Shirley is known for her excellent managerial skills and has lead her peers and colleagues by example.

Mr. Speaker, it is an honor to bring Shirley Bowen to the attention of my colleagues before this venerable body. I would like to join all the Colorado Mountain College faculty, students, and administration in wishing Shirley luck in a happy and productive retirement. Administrators like Shirley who embody the passion of teaching our nation's youth are an invaluable asset to this community and I am sure that everyone at Colorado Mountain College will miss her. Congratulations, Shirley, and I wish you all the best in your future endeavors.

CHARLES AND MARLENE BEISWANGER STATEMENT

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. CARDOZA. Mr. Speaker, it is with the greatest pleasure that I rise today to honor Charles Foster and Marlene Anne Beiswanger on the occasion of their 50th Wedding Anniversary. Chuck and Marlene were married on October 16, 1954 and celebrated their Golden Anniversary on October 16, 2004.

Charles Foster Beiswanger is the son of William and Meta Beiswanger of Havertown, Pennsylvania. He was stationed at Castle Air Force Base in Atwater, California during the Korean conflict, at which time he met his wife Marlene Anne Zirker, daughter of Jesse and Doris Zirker of Merced, California.

Mr. and Mrs. Beiswanger have been residents and respectable business owners of Merced, California for many years. As owners of Tioga Florist, Chuck and Marlene contributed greatly to the economic vitality of the community of Merced. They owned and operated Tioga Florist until 1985, at which time they sold it to their son, Foster. Having been provided with a solid foundation, the shop remains a thriving family business today.

In addition to establishing and maintaining a successful business, Chuck and Marlene are responsible for creating a beautiful family. Their three children have grown and married, and have begun families of their own. Today, the Beiswanger family consists of their eldest son Charles Foster, Jr. and his wife Lydia, their daughter Joanne, and her husband Ray, and their son Scott and his wife Iris, as well as, six grandchildren with a seventh expected to arrive in 2005. I would like to recognize each of these individuals as they all play vital roles in this remarkable family that the Beiswanger's have founded.

It is my honor and privilege to join Chuck and Marlene's family and friends in recognizing the very special and momentous occasion of their 50th Wedding Anniversary. Our community benefits greatly from the splendid example they have set. Marriages such as theirs form a sound foundation for our country, and contribute greatly toward making this a better world in which we live. I ask all of my colleagues to join me in offering Mr. and Mrs. Beiswanger best wishes for continued happiness.

HONORING THE LATE GLENN DAVID MARTINEZ

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. BORDALLO. Mr. Speaker, I rise to honor the late Glenn David Martinez, a member of the "Greatest Generation" who passed away earlier this year. Glenn was a proud Chamorro with a great faith in God and a dedication to his island home and his country. Glenn was a fighter pilot during World War II serving in the Pacific theater with the U.S. Army Air Corps, now known as the U.S. Air Force. It is with great sadness that I inform this body of his death.

In honor of his memory, I am submitting for the RECORD a special tribute to Glenn written by his close friend, Mr. Joe M. Bamba, formerly of Agana Heights, Guam, which was delivered at Glenn's memorial service on Guam.

> I am indeed privileged and honored to be asked by the family to say a last "adios to Glenn". As I tried to assimilate my thoughts to pay our last and final respects to such a fine and wonderful friend, husband, father, grandfather and brother, I wondered sometimes whether I would be able to adequately, truly, and justly convey my thoughts into words which Glenn richly deserves.
>
> Although I knew of Glenn's reputation and heroism when we were in Guam, I was more intimately aware of Glenn, the person, when he relocated and lived in South Florida. There, we developed an exceptional kinship and fellowship. We shared few secrets here and there and we belonged to a group of fellow Guamanians in the area. In fact, he was the most eligible bachelor at that time. He was a sensitive, real down to earth, and easy to get along guy once you got to know him. He was, however, very selective with whom he wanted to associate. He often spoke of the need for our Chamorros to work together and continue to maintain our customs and culture.
>
> In spite of his exploits and feats in the service of his country during World War II, you never heard him brag of such heroic accomplishments. In other words, in our vernacular, TI BANIDOSO. He was one of the few Guamanian Officers of the "Greatest Generation" in the service of his island home and country. Because of his health situation and ultimately his death, he would never see the beautiful and hallowed national World War II Memorial in Washington, D.C., dedicated to the World War II veterans.
>
> As a veteran, Glenn could have opted to be buried at the venerated and internationally

renowned Arlington National Cemetery, but instead he decided to make Guam his final resting place and to be near his family who predeceased him. As the saying goes, you can remove a Guamanian from Guam, but you cannot remove Guam from a Guamanian.

When Glenn left South Florida to visit Guam, he returned and brought with him his new wife, Chilang. At that time, we were celebrating the Guam Liberation Day Festivities. He introduced Chilang as "The Wind Behind His Wing" and she deservedly so earned that title.

I talked to Glenn by telephone often during the critical months before he passed on and he politely discouraged us to visit with him. Finally, he agreed to allow my wife and me to see him about a week before he died. We talked about the news of the day and he told me that three months ago, he was playing and enjoying his golf. Not once did he mention the pain he was experiencing so as to make us feel uncomfortable. I observed that he was ready to accept what was terminally happening to his body. For his peace of mind, great credit is due to Chilang; his daughter, Linda Chuckman and her husband, Alex; the local health professionals, who supported him; and his pastor, Father Jeff McCormick, who consoled and prayed with him. At the memorial service in South Florida, Father Jeff celebrated the service and Alex gave a heart warming and remarkable eulogy for Glenn.

Glenn, as a member of the military, you were familiar with the military parlance, "Permanent Change of Station", commonly called "PCS". You took those orders from your Supreme Commander, that is, the change from living on this earth to one of eternity with your beloved family, who previously passed on and who are with God. Such orders from your Supreme Commander, who is God Himself, have never been countermanded or changed. Glenn, as you leave us mortals behind to join your creator, we cite one of the passages of Matthew, "Ask and you will receive; Seek and you will find; Knock and it will be opened to you. For the one who asks, receives. The one who seeks, finds. The one who knocks, enters." This, my friend, we pray as you enter the Kingdom of God. Adios for now.

REPUBLICAN FISCAL MISMANAGEMENT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MORAN of Virginia. Mr. Speaker, this Republican leadership has presided over a historical fiscal reversal from record surpluses to now record deficits. Their lack of fiscal discipline has placed our economy in a precarious position and straight jacketed future policy options.

The most troubling aspect of this policy is that they are giving the current generation, especially the most wealthy, a free lunch while they run up debts that they have consciously decided to pass on to our children. At the current debt level, each newborn child inherits $85,000 in interest on the debt. This so-called "baby-tax" will rapidly increase unless we restore some sanity to our budgetary policies and practices.

The lack of a surplus makes it even more difficult to solve the impending bankruptcy of Social Security and Medicare, or even to enact a Republican tax reform agenda.

PATTERN OF FISCAL MISMANAGEMENT

Time and time again, this leadership has chosen to disregard its fiscal responsibilities and ignore signs of impending fiscal crisis in the hope that the problem will fix itself, or disappear altogether.

Clearly a policy of avoidance doesn't work, and it's certainly not what the American people expect from its elected leaders. You can't simply stick your head in the sand and expect market forces to balance the national budget. That's the Congress' responsibility.

I can cite example after example illustrating how this leadership cares little about our Nation's fiscal state of affairs.

The pay-as-you-go rule, PAYGO, the budget enforcement mechanism devised to reign in deficits, worked very effectively in the nineties to bring the budget into balance and restore surpluses.

After PAYGO expired, the House leadership squandered multiple opportunities to renew it and refused to take action. It's no coincidence that we've seen record high deficits in the last 2 years.

And now this Congress is backed into a corner and forced to take action to raise the debt ceiling for the third time in 3 years, another record.

WORRISOME SIGNS IN THE INTERNATIONAL CURRENCY & DEBT MARKETS

The Bush administration and leadership in the House say deficits don't matter, but in truth they do matter, and we are now staring crisis in the face. There is near unanimity among economists that our Nation's fiscal imbalance could put us in real economic peril.

In a study published just 2 weeks ago, economists Maurice Obstfeld and Kenneth Rogoff warned of "current account collapse" sparked by withdrawal of funds from international investors. They said that this issue should be "problem number one on the President's international financial agenda."

Alan Greenspan's comments today confirmed brewing concerns about the weakening dollar and decreasing appetite among international investors for "adding to [their] dollar balances."

We must heed these warnings and get our financial house in order or the delicate house of cards constructed by this Administration and Congressional leadership will come tumbling to the ground, and all Americans will pay a hefty price.

Already there are signs that the dollar's value is declining and other currencies, primarily the Euro, are slowly replacing the dollar as the favored currency among international investors. This week, the dollar reached an all time low against the Euro—one Euro is now worth $1.30.

Our nation needs to borrow around $2 billion a day, and 92 percent of debt securities sold over the last 4 years have gone to foreign countries. So obviously we rely heavily on foreign investment. The question is what happens if those countries abandon the dollar for another currency?

If foreign governments like China decide to divest its U.S. currency holdings; the consequences would be serious, especially considering the massive purchases by the Chinese Central Bank ever the last few years. In 2003, dollar purchases by foreign central banks were $617 billion, compared to $352 billion the year before. Total reserves of the emerging Asian countries rose by more than $350 billion between March 2003 and March 2004. Japan and China alone currently hold close to a trillion dollars of U.S. debt.

Unlike in years past, we cannot assume that no other currency comes close to rivaling the dollar's strength. The emergence of the Euro substantially changes the international currency market, because, despite the soundness and stability of the dollar, the Euro has become a true alternative, backed by reasonably sound monetary policies.

So the largest holders of foreign currencies in Asia could change their preference purely on the basis of financial, not political considerations.

This scenario is unraveling right now. Asian countries believe that our exceedingly high deficits are untenable and threaten the American economy. They worry that more buying could in turn destabilize their own economy.

Consequently, we increasingly find ourselves in the precarious position of having to convince these foreign governments to continue their purchasing.

CONCLUSION

The leadership has apparently backed away from its initial plan to include the debt ceiling increase in an omnibus appropriations bill. Hiding the debt ceiling increase in a larger bill would be a mistake because it would undermine the purpose of the statutory requirement—accountability. Members of Congress should explain their decision to increase the national debt. The American people deserve to know what's going on.

The Republicans succeeded in framing the recent election in terms of cultural, moral and religious values. Democrats believe that balancing the Nation's books is a moral issue. If the Republican leadership believes that the American people will continue to be distracted by "moral" wedge issues while they run up debts that will bankrupt the Social Security and Medicare trust funds and significantly harm the quality of life of all Americans, they are seriously mistaken.

As Democrats step up efforts to fully inform the American people about the magnitude of Republican fiscal mismanagement, I am confident that most will put aside their cultural and religious differences in favor of an overriding value: economic security.

Despite larger working majorities in the House and Senate, I do not plan to subordinate my views and positions to accommodate this temporarily dominant majority. There will still be opportunities in the 109th Congress to advance an alternative and more fiscally responsible budget. I will continue to engage in this crucial issue and look forward to receiving your views on this and other matters in the future.

PAYING TRIBUTE TO CELIA DUNHAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MCINNIS. Mr. Speaker, I rise to pay tribute to Celia Dunham, a talented and dedicated teacher who has been nominated for the Colorado State Board of Education's 2005 Teacher of the Year award. Celia has demonstrated a strong passion and devotion to educating our youth in one of our most important occupations for 31 years. It is a privilege to stand here today before this body of Congress and this Nation and honor her impeccable record of service.

Celia's initial decision to become a teacher came from her experience with a pilot program teaching inner city kids in college. It was here that she learned the important difference that teachers make everyday in the lives of their students—a mantra that continues to influence her teaching today. Celia is a firm advocate of engaging students, parents and teachers in a partnership to allow students to achieve their full potential. To attain that goal, she has worked to create caring, respectful environments that encourage kids to take responsibility for their own learning. Her position as a role model for her students epitomizes the positive attitude about education that is necessary for a successful teacher.

Over the course of Celia's work in Steamboat Springs, she has been heavily involved with planning place-based education that builds student appreciation for the culture and heritage of their community. She also contributed significantly to the development of a K through 12 standards-based curriculum that concentrates on individual, on-going assessments that meets academic goals early in a student's career to make them successful in the future. The program is a proven success as the Colorado Student Assessment Program scores for Celia's school are consistently above the state average, and the school has been recognized twice as a Colorado School of Excellence.

Mr. Speaker, Celia Dunham is an intelligent, caring and devoted teacher who always puts her students first. Her commitment to the teaching profession is unremitting and it would be a great honor for Colorado to be blessed with her continued leadership as Colorado's 2005 Teacher of the Year. I am honored to stand before this body of Congress and this Nation today and recognize her longstanding dedication to the teaching profession. Thank you for your service, Celia, and I wish you all the best in your future endeavors.

HONORING THE RETIREMENT OF CPT A. RALPH GIBSON

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. STEARNS. Mr. Speaker, I rise today to congratulate Captain Ralph Gibson on his retirement. Captain Gibson concludes a distinguished career in the military with his final post as the Assistant Chief of Staff, Religious Ministries, Marine Corps Recruit Depot—Eastern Recruiting Region. This is a man that demonstrated the true meaning of service beyond one's self. Since his enlistment in the Army in 1967, Captain Gibson served not only his country, but God as well.

Captain Gibson served in the Army and the Oklahoma National Guard until 1979. That year, having previously completed his studies at the Baptist Theological Seminary in Fort Worth, Texas, Gibson was commissioned as a Navy Chaplain. He continued to serve both God and country through the First Gulf War, earning numerous medals and commendations along the way. Undoubtedly, his service to the men and women of our armed forces provided the spiritual direction and comfort so desperately needed when these brave people are away from their families and loved ones.

Captain Gibson will continue his service as pastor for a church in South Carolina. I am confident that the members of that church will greatly benefit just as our servicemen and women did under his guidance and leadership. I congratulate Captain Gibson on his retirement, thank him for his service, and wish him the best for the future.

COMMEMORATING THE 30TH ANNIVERSARY OF THE LEGAL SERVICES CORPORATION

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. WATT. Mr. Speaker, this year marks the 30th anniversary of the Legal Services Corporation (LSC), a nonprofit organization created by Congress in 1974 to ensure that Americans have access to our justice system regardless of their economic means. For three decades, LSC has lived up to the noble purpose for which it was created—providing legal assistance in civil matters to tens of millions of low-income Americans who would otherwise have gone without counsel. The Legal Services Corporation Act of 1974 was passed with broad bipartisan support in Congress and, thirty years later, broad bipartisan support for a strong federal role in equal justice efforts remains. LSC's past and current leaders, as well as the thousands of advocates who work for LSC-funded legal services programs throughout America, deserve credit for the vital work they do every day on behalf of clients in desperate need of qualified counsel.

Today, there are currently more than 45.2 million Americans who qualify for assistance from one of LSC's 143 grantees nationwide. Legal services' clients are as diverse as our nation, encompassing all races; ethnic groups and ages. They include the working poor, veterans, family farmers, people with disabilities and victims of natural disasters. More than two-thirds of LSC clients are women—most of them mothers.

The legal problems faced by those living in poverty can have serious, long-term consequences for children and, as a result, for society as a whole. The most common types of cases handled by LSC-funded advocates address family law, housing, employment, government benefits and consumer-related issues. For low-income individuals and families, legal services advocacy in these and other areas represents their only means of access to the justice system.

In addition to helping people resolve some of their immediate economic and legal needs, LSC programs also educate people on their rights and responsibilities under the law. With this information, clients can use their knowledge to work within the justice system to reestablish economic independence. With LSC's help, families can maintain their incomes, homes, health benefits and their dignity.

More than two centuries ago, our founding fathers enshrined the importance of equal justice in the preamble to the Constitution, identifying the obligation "to establish justice" as the first specific function of the new government. Justice, then, is not simply another government asperation; it is the historic mandate of a free society. On the occasion of the LSC's 30th anniversary, members of Congress should take note and pay homage to the Legal Services Corporation and the critical role it has played in helping America live up to this mandate and our highest ideals.

PAYING TRIBUTE TO JUSTIN FLETCHER

HON. SCOTT McINNIS

OF

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MCINNIS. Mr. Speaker, I rise to bring attention to the story of a former constituent whose anions in Iraq are a testament to our nation's armed forces. Justin Fletcher, a brave and courageous soldier in the U.S. Army, selflessly put himself in the line of fire to defend America's security interests and ensure a free Iraq. It is a privilege to recognize the dedication and sacrifice of this fine young man before this body of Congress and this Nation.

Justin was flying an observation run over Tal Afar, the Iraqi city sixty miles from the Syrian border, with his commander Stephen Suhr when they were shot down by a hand-held rocket launcher forcing them to make a crash landing. The two soldiers quickly got out of the crashed Kiowa Warrior observation helicopter, found their guns and removed themselves from the line of fire.

After discovering their ammunition was at the crash site, Justin provided cover while Stephen recovered the ammunition. The two soldiers were able to make their way to a U.S. Stryker vehicle where they were stranded for over two and a half hours fighting off insurgents. During the encounter, Justin suffered a broken back, a broken tooth, and a laceration on his face. He received the Purple Heart for those wounds he sustained during combat.

Mr. Speaker, Justin Fletcher is a dedicated soldier who has taken time away from his family and friends to put himself in harms way to defend America and preserve the ideals of freedom. It is a privilege to recognize his courage and conviction here today before this body of Congress and this Nation. Thank you for your service, Justin, and I wish you a speedy recovery.

CONGRATULATING EVIE RAFALKO McNULTY AS ELECTED DEMOCRATIC WOMAN OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my good friend Evie Rafalko McNulty on being named the Outstanding Elected Democratic Woman of the Year by the Pennsylvania Federation of Women. Every Democrat in Northeastern Pennsylvania who knows Evie—and most do—knows how much she deserves this award.

For the past 6 years, Evie has served as the Lackawanna County Recorder of Deeds. Evie got her start in politics volunteering on a campaign when she was just 17 years old, working on the campaign for the Democratic candidate for District Attorney in Lackawanna County. After that, she worked on campaign after campaign, including her husband Jim's successful bid for Mayor of Scranton. She has been a member of the Electoral College and a delegate to four Democratic National Conventions, including the 2004 Convention in Boston.

Evie is a staple in Northeastern Pennsylvania politics. She has advanced the role of women in a field that has traditionally been dominated by men. She works very hard for the Democratic Party and its candidates and she knows how to get things accomplished. Evie is not shy. She is never afraid to speak her mind and she can tell a good story. She is outgoing and makes everyone feel comfortable. The saying "There are no strangers, only friends I haven't met yet" truly fits this remarkable woman. She works in politics for the right reasons—she wants to make our region a better place.

Evie's interest in government also led her to work with the United States Conference of Mayors and the National Conference of Democratic Mayors.

The Pennsylvania Federation of Women recently presented Evie with the Outstanding Elected Democratic Woman of the Year Award, which is given to women who have made significant contributions within the state, have helped the Federation, aided the Democratic Party and assisted other women in getting elected to office. Previous recipients of the award include Lieutenant Governor Catherine Baker Knoll.

Evie is doing her part to bring along the next generation of Democratic women. In my election of 2002, as well as this year's presidential race, she brought along her young niece Nicole, whom I fully expect will follow in her footsteps.

Mr. Speaker, please join me in congratulating Evie Rafalko McNulty on being named Outstanding Elected Democratic Woman of the Year. Northeastern Pennsylvania is fortunate to have her as a native daughter, and I am blessed to have her as a friend.

INTRODUCTION OF THE OIL PRICE SAFEGUARD ACT FOR 2004

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to introduce the Oil Price Safeguard Act for 2004, a bill that would tackle the problem of petroleum market manipulation and today's skyrocketing oil costs.

Specifically, the Oil Price Safeguard Act would require the President to make a decision to release oil from the Strategic Petroleum Reserve if prices stay above $35 per barrel for two consecutive weeks (last year's average daily price was about $31 per barrel), and require direct oversight reporting to the House Commerce Committee and Senate Committee on Energy and Natural Resources.

The U.S. government currently keeps oil in the strategic petroleum reserve for national security purposes, and to deal with short-term economic problems that could arise from oil shocks. Currently, there are 669 million barrels of oil in the reserve—enough to last 90 days if all foreign sources of oil were denied to the United States. Since the creation of the SPR in the early 1970s, it has only been used once—during the first Gulf War. After the SPR was drawn down during the first days of the Gulf War, crude oil prices dropped nearly $10 per barrel, which at the time was nearly a 50 percent price reduction.

We must take action on this today, because the future energy outlook is grim. Consistently high oil prices have a devastating effect on Americans simply trying to heat and cool their homes, on small businesses just trying to keep up with the cost of doing business, and on the overall economy as more and more disposable income from people and business is bundled off to foreign countries to pay for oil. Future predictions are so dire that the October 2004 Short-term Energy Outlook published by the Energy Information Administration (EIA) at the Department of Energy is predicting that in 2005, high world oil prices will begin to slow the pace of world economic growth and that high current and projected crude oil costs suggest that large reductions in average gasoline prices are unlikely anytime soon.

The United States economy should not be held hostage to foreign oil interests. The effect of using the SPR during the early 1990s was clear. I urge my colleagues to join me to ensure that the President has every tool available at his disposal to fight rising oil prices that impact our economy and provide relief to the millions of Americans and small businesses affected by skyrocketing oil prices.

IN RECOGNITION OF THE QUEEN OF PEACE CATHOLIC CHURCH

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. THOMPSON of California. Mr. Speaker, we rise today to pay tribute to the Queen of Peace Catholic Church as this organization celebrates fifty years of service.

The Queen of Peace Parish was established in 1954 and has served the people of Lake County since its dedication on November 29, 1954. The parish includes the city of Clearlake and the communities of Lower Lake and Clearlake Oaks. In 1995 the community of Lucerne became part of the parish.

The parish has committed itself to serving members of the community and has established several organizations that provide charitable works for the City of Clearlake and Lake County. The contributions from parishioners and revenue from the Thrift Store in Lower Lake have provided emergency assistance, food and shelter to the needy.

Father Louis has served as pastor of the Queen of Peace Church since 1997 and has provided dedicated leadership to the parish community.

Mr. Speaker, the Queen of Peace Catholic Church represents the commitment of promoting a strong community. Quite simply, the Queen of Peace Catholic Church has been a legacy to Lake County; it is most appropriate that we honor the fifty years of service of the Queen of Peace Catholic Church.

HONORING THE LIFE OF THE HONORABLE ROBIN KROOGMAN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. DELAURO. Mr. Speaker, it is with a heavy heart and fond memories that I rise today to pay tribute to the life of an outstanding member of the New Haven, Connecticut, The Honorable Robin Kroogman. Robin's life was cut tragically short when she lost her battle with cancer in late October of this year. She was a dear friend and I, along with many in the New Haven community, will always remember her for her kind heart and endless generosity.

A member of New Haven's Board of Alderman for sixteen years, Robin was well-known for her tireless advocacy. As a local legislator she fought diligently for the Fair Haven neighborhood and its residents, bringing the community through some of its most challenging times. She was responsible for the creation of the Board's Public Safety Committee which she also chaired. During her tenure, she introduced legislation and resolutions dealing with a variety of issues from community development to environmental justice. She was a true leader who also acted as a mentor for newly elected legislators even after she left the Board in 2003.

For thirty years Robin served as a fund-raiser, organizer, and adviser to candidates for municipal, state, and federal offices. Many of those who serve in elected office today representing New Haven benefitted from her guidance and counsel. Robin was always there to lend a helping hand. She was also known for her advocacy of animal rights, recognized by organizations like the Friends of the New Haven Animal Shelter for her good work. Robin made a difference in everything that she did—touching the lives of many. She left an indelible mark on our community which will be remembered and cherished.

Advocate, leader, mentor, and friend, Robin exemplified all that a public servant should be. I was indeed honored to have called her my friend. Though saddened beyond words by her passing, I am proud to stand today to pay tribute to Robin Kroogman whose indomitable spirit has left a legacy which will continue to inspire all those who knew her.

CONGRATULATING BOB MANGANIELLO ON HIS RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my good friend Robert Manganiello upon his retirement as publisher of the Citizens' Voice newspaper in Wilkes-Barre, Pennsylvania.

Bob is a veteran in the newspaper business. He became publisher of the Voice in 1997 after being its general manager for 12 years. In that capacity, Bob assisted the staff in several transitions, guiding the staff through significant reorganization and growth.

Bob began a 45-year newspaper career at The Sunday Dispatch in Pittston, and later worked at the Scrantonian/Tribune in Scranton and the Wilkes-Barre Publishing Company. Bob came to the Citizens' Voice and worked in the editorial department. He then took the position of marketing director.

Although Bob has retired, he agreed to stay on with the newspaper in an advisory position until Spring of 2005.

Bob and his wife Mary Claire live in Plains Township and have one daughter, Carolyn Calabrese, and a grandson named Christopher.

Bob has always served the community though civic and volunteer organizations. He is a member of the board of the Greater Wilkes-Barre Chamber of Commerce, the Greater Wilkes-Barre Chamber of Commerce and Industry, Diamond City Partnership, Penn State/Wilkes-Barre Advisory Board, St. Vincent DePaul Kitchen and Greater Pittston Area Chamber of Commerce. Bob serves on the Membership Services Committee of the Pennsylvania Newspaper Association. He is on the executive board of the Northeastern Pennsylvania Council of Boy Scouts of America.

Mr. Speaker, please join me in congratulating Bob Manganiello on a long and fruitful career. It is a privilege to know a man who is so dedicated to the community.

INTRODUCTION OF THE SMALL BUSINESS AND FARM ENERGY EMERGENCY RELIEF ACT OF 2004

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to introduce the Small Business and Farm Energy Emergency Relief Act of 2004.

According to the October 2004 Short-Term Energy Outlook published by the Energy Information Administration (EIA) at the Department of Energy, residential heating expenditures are projected to increase for all fuel types compared to year-ago levels and are even likely to generate higher expenditures even in regions where demand for fuel is expected to fall. The average residential natural gas prices are expected to be 11 percent higher than they were last winter, and household expenditures are expected to be 15 percent higher. Heating oil prices are expected to average 29 percent higher compared with last winter and household expenditures are expected to be 28 percent higher. Propane prices are expected to average 17 percent above last winter, with 22 percent higher expenditures for propane-heated households.

The high and rising costs of oil, natural gas, and propane, and other petroleum distillates, can have a significant economic impact on small businesses, farms, and distributors, as well as a larger overall negative impact on the economy. In fact, the future energy outlook is so grim that EIA is predicting that next year high world oil prices will begin to slow the pace of world economic growth.

We must take action today to ensure relief to America's farms and small businesses before the worst of winter and the coming energy crisis is upon us. That is why I am proposing an expansion of the Economic Injury Disaster Loans (EIDLs) at the Small Business Administration and the Emergency Loans at the Department of Agriculture so that small businesses and farms that suffer direct economic injury by, or are likely to suffer direct economic injury by, significant increases in the prices of heating oil, propane, kerosene, natural gas, or electricity are eligible to apply for those loans.

The United States economy should not be held hostage to foreign oil interests. I urge my colleagues to join me in support of our small businesses and farms.

RECOGNIZING ARSENIO P. "SAM" SANCHEZ FOR HIS OUTSTANDING SERVICE TO THE PEOPLE OF CLEARLAKE, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor Arsenio P. "Sam" Sanchez for his outstanding service on the City Council of Clearlake, California. His outstanding leadership and commitment has significantly benefited the people of Clearlake and he will be sorely missed upon his retirement.

Mr. Sanchez has dedicated 18 years and 10 months of his life to serving on the City Council. He has achieved the status of the longest tenured council member in the city's history. In 1984 he was first elected and served until 1990 and because of his efforts on behalf of the community he was again elected in 1992 and served until 2004. During this time he has served as Mayor for three terms and also as Vice Mayor for three terms.

Mr. Sanchez's expertise is matched only by his dedication to improving his community and his tremendous work ethic. He has served as a longstanding member on the Lake County Coordinated Resource Management Committee and on the Area Planning Council (APC). He has shown his devotion as a longstanding member of the Lake Transit Authority Board of directors. In appreciation for all of his contributions over the years, a new transit building in Lower Lake will be named after him. The building will be known officially as "The Lamkin-Sanchez Transit Operations Center."

While serving our community for numerous years on the City Council, Arsenio has also served in Army Intelligence. He committed over 25 years of his life to Army Intelligence before retiring.

Mr. Speaker and colleagues, because of the many contributions he has made to the city of Clearlake, it is proper for us to honor Arsenio P. "Sam" Sanchez as he retires from the City Council and extend our very best wishes to him in his retirement.

HONORING FRANK JOHNSON ON HIS EIGHTIETH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to an outstanding member of the community of Naugatuck, Connecticut, Franklin Johnson. Frank recently celebrated his eightieth birthday and it is for that milestone that I stand today to extend to him my sincere congratulations.

It is not often that you find an individual who dedicates a lifetime of professional and volunteer service to his community. It is individuals such as these that make a real difference in the lives of others. Throughout his lifetime, Frank has been just this kind of citizen. Born and raised in the Borough of Naugatuck, he has always demonstrated a unique dedication to public service—especially to our veterans and young people.

After graduating from high school, Frank enlisted in the Army serving his nation in the D-Day invasion, the liberation of Paris, and the Battle of the Bulge. His dedication to the men and women of America's armed services have never wavered. For over fifty years, Frank has ensured that their dedication—especially those who made the ultimate sacrifice—is remembered and honored with a ceremony which is held at Naugatuck High School the Friday before Memorial Day. Frank has also served as the Post Commander of American Legion Post 17 and, for the last sixteen years, as the Chairman of the Naugatuck Veterans Council, has been responsible for the organization and production of the Naugatuck Memorial Day Parade. Through all of his outstanding work, Frank has ensured that the service and courage of our veterans as well as that of the brave men and women who currently serve in our nation's armed forces, is remembered with the respect and dignity they so richly deserve.

I have often spoke of our nation's need for talented, creative individuals willing to help our children learn and grow. In the course of his thirty-eight year career at Naugatuck High School as a teacher, guidance counselor, and administrator, Frank was just that kind of educator. His professional life was dedicated to helping our young people access and obtain the tools and skills they would need as they pursued their own dreams.

This year, as he celebrates his eightieth birthday, Frank can reflect on his lifetime of invaluable contributions with pride. We are fortunate indeed to have such a dedicated individual whose generosity and compassion has touched the lives of so many. I am proud to stand today to join his wife, Jeanne, his children, grandchildren, family, friends, and the Naugatuck community in wishing Franklin Johnson the very best as he celebrates his eightieth year. He has left an indelible mark on this community and a legacy which is sure to inspire others for generations to come. Frank Johnson is a true community treasure. HAPPY BIRTHDAY, FRANK!

CONGRATULATING PAUL GOLIAS ON HIS RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my good friend Paul L. Golias, who is retiring at the end of this month from the Citizens' Voice newspaper in Wilkes-Barre, Pennsylvania.

Paul and I have a long history together, going back to my life well before I ran for Congress. As a young attorney, I was involved in many public issues which Paul covered as a young reporter. I learned to trust him to be fair and accurate when I represented a minority bloc of authority members who filed suit to cancel a corrupt sewage treatment plant contract.

Paul has journalism in his blood. He loves the chase of a good story and sees journalists as watchdogs, holding the government accountable for its actions. His colleagues have nothing but praise for his integrity and ethics.

He spent his entire life in the newspaper business, starting as a mailroom employee for the Wilkes-Barre Publishing Company when he was a high school student in 1959. Paul "paid his dues" in the business, first working as a copyboy and librarian before moving up the ranks to reporter.

Paul got his first reporting job with the Wilkes-Barre Record in 1965. Three years later, he went over to The Times Leader/The Evening News.

Paul came to the Citizens' Voice and became night city editor in 1979. He helped the newspaper in its quick transition to publishing seven days a week. In 1982, he was named managing editor, a position he held for 22 years. This past year, Paul left that position to be a columnist. Thousands of readers, including myself, have enjoyed his wit and insight.

Throughout his career, Paul worked on a number of stories that had a tremendous impact on Northeastern Pennsylvania. In 1972, Paul covered the flooding that Tropical Storm Agnes caused, leaving more than 20,000 people homeless and causing $1 billion in damage. More than 20 years later, Paul used this experience to lead the coverage of the flood of January 1996, noting the importance of levees along the Susquehanna River to protect the Wyoming Valley.

Paul wrote a series on the decline of the garment industry in our region that won an award from the Associated Press. In his first year as managing editor, he led his staff's coverage of the mass murder of 13 people in 1982.

Because of his lifelong commitment to the community, Paul always recognized the significance of events which casual observers often missed. During the debate over redistricting in late 2001, he understood that divining Luzerne County into three Congressional districts would have been devastating to the region. Paul ran daily stories with accompanying maps to highlight the folly of the initial plan. Public outcry stopped the redistricting plan. The district which I represent today exists in large part because of the Citizens' Voice reporting, which Paul directed.

As a citizen, Paul felt that being active in the community was important. He served on the boards of the former Welfare Planning Council, Catholic Youth Center, Valley Santa and the advisory board for of the Northeastern Pennsylvania Council, Boy Scouts of America.

In addition to serving on the advisory board, Paul also served as both a cubmaster and scoutmaster for 10 years. He coached a seniors' softball and a teeners' baseball team.

Paul fulfilled his civic duty as a member of the Pennsylvania Army National Guard. For six years, he served in the First Battalion, 109th Field Artillery, attaining the rank of staff sergeant.

Above all, Paul has been a good father and grandfather while committing himself to a business in which it is sometimes difficult to maintain a strong family relationship. Paul is married to Elaine Marie Hudak of Hanover Township. They have two sons, Joseph and Kenneth, and one daughter, Lynn. One thing is certain—I am sure the Golias household was filled with colorful stories. Paul has four grandchildren, Katie and Paul Golias and Meghan and James McGuire.

Mr. Speaker, I ask that you join me in congratulating Paul on a 39-year career filled with accomplishments. Paul Golias has made tremendous contributions to our community, and it is an honor to call him my friend and a privilege to serve him in Congress. I wish him a retirement filled with joyful times with his family.

INTRODUCTION OF THE ENERGY INDEPENDENCE ACT OF 2004

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to reintroduce the Energy Independence Act, a bill that would direct the Secretary of Energy to develop and transmit to Congress a strategic plan to ensure that the United States is energy self-sufficient in 10 years.

Like an investment portfolio, a successful national energy portfolio must be a balanced and diverse portfolio. It should include traditional fossil fuel sources like oil, coal, and natural gas; emerging technologies like fuel cells; and traditional alternative energy sources such as solar and wind generation. It should balance incentives for efficiency and conservation with innovative methods of new generation.

However, the United States imported an average of over 12 million barrels of oil per day in 2003 from foreign countries to meet our domestic energy needs, totaling nearly 4.5 billion barrels during all of that year. Even at last year's comparatively modest average price of $31 per barrel, that adds up to almost $140 billion spent on foreign oil.

Today, with the average price of a barrel of crude oil up another $10 from last year to about $40 and with average daily imports remaining roughly the same, America's expenditures to purchase foreign oil increased to more than $180 billion this year. This is clearly not a balanced approach to energy.

Today, we have before us, for the first time in human history, the technology to provide clean, reliable energy for every person, home, business, and vehicle in America. With this technology, we have the opportunity to end once and for all America's reliance on foreign energy sources while at the same time creating quality, highly skilled jobs for the next century in a new and expanding technological field.

This proposal returns to the American people one of the fundamental rights defining this nation: independence. Through it we can establish long-term energy independence for individual Americans, specifically, independence from foreign energy sources, independence from the current over-burdensome and inefficient energy infrastructure, and independence from environmentally destructive energy sources.

It will provide for the security of the country in both economic and military terms by eliminating our reliance on foreign energy sources.

The Energy Independence Act requires the Secretary of Energy to examine and report on the status of existing energy technology and domestic resources as well as developing energy generation and transmission technologies, focusing on their integration into an overall national energy portfolio to meet the stated goal of achieving energy self-sufficiency within 10 years.

It also requires that the plan include recommendations to Congress for targeted research and development in promising new energy generation and transmission technologies, and funding levels necessary for specific programs and research efforts necessary to implement a plan providing for the energy self-sufficiency of the United States within the next 10 years.

I urge my colleagues to support this legislation and make energy independence a reality for America.

RECOGNIZING JAMES L. McMURRAY FOR HIS OUTSTANDING SERVICE TO THE PEOPLE OF CLEARLAKE, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize James L. McMurray, who is retiring from the City Council of Clearlake, California. James's outstanding contributions and dedication to our community are truly appreciated.

James has dedicated 8 years of his life to service on the City Council and has served two consecutive 4-year terms beginning in 1996. He has had the privilege of serving as Mayor for three terms and as Vice Mayor for two terms.

James has made many contributions to the community through his service on the City Council. He has strengthened the City's finances and he has put an end to the ongoing usage of dangerous buildings all over the city. His most passionate issue was Measure P, which ensured the repair of many California schools in need. These outstanding accomplishments are just a few of his many achievements.

Mr. Speaker and colleagues, James L. McMurray set the standard of hard work that should be followed in all communities. His commitment to our community has been shown time and time again. For these reasons and countless others, it is most appropriate that we honor him at the time of his retirement and extend our best wishes to him.

HONORING THE PUBLIC SERVICE OF RALPH R. ESPARZA

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to commend Mr. Ralph R. Esparza who, in his 25 years of service to the City of Los Angeles, has demonstrated his unwavering commitment and dedication to improving the living conditions of the city's residents.

Throughout his career Mr. Esparza has successfully led many of the city's key housing departments and programs. After only 4 years as a Rehabilitation Project Coordinator in the Community Development Department, he was promoted in 1983, to be the Community Housing Program Manager where he oversaw the federal Section 8 New Construction program.

Mr. Esparza's skill and enthusiasm in managing complex housing and community development projects led to his appointment as Assistant Chief Grants Administrator for the Community Development Department. Later, he was instrumental in the creation of the Los Angeles Housing Department, where in 1990, took charge of planning, operation, and management of the city's housing programs.

From 1995 to 1996 and again from 1997 to 2000, Mr. Esparza served as Director of the Program Support Division. In the year between his two directorships, he administered multiple programs including the Davis-Bacon Compliance Monitoring Program and the Housing Opportunities for Persons with AIDS Program.

In 2000, Mr. Esparza's exceptional management skills were once again called upon as the Assistant General Manager of the Housing Department. Under his guidance, the Housing Department ushered in a new century with creative solutions to help address the affordable housing crisis and to improve the quality of life for the residents of Los Angeles.

For his commitment and leadership and for improving the homes and lives of Los Angelenos, I thank Mr. Esparza and I wish him well in his future endeavors.

ARIZONA WATER SETTLEMENTS ACT

SPEECH OF

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. RENZI. Mr. Speaker, although I have had reservations about the passage of S. 437 without agreements in place for certain other key parties, including the San Carlos Apache Tribe, I support the passing of the bill based upon several understandings outlined below.

It is my understanding that the provisions of the bill are not intended to and should not be construed to amend or alter the San Carlos Apache Tribe's water and related rights. Title IV of S. 437 seeks to protect the San Carlos Apache Tribe by ensuring that none of the provisions of titles I, II, or III or the agreements, attachments, exhibits, or stipulations referenced in those titles can be construed to amend, alter, or limit the authority of the United States or the San Carlos Apaches to assert any claim, including water rights claims.

During the development of the bill, and at hearings on the bill, this Tribe raised a number of issues of concern to it regarding potential adverse effects of the legislation on its water rights. The Tribe and I were assured that the provisions of the other titles would not adversely affect their water rights. With those and other assurances, I withdrew my objection to the bill. However, as the legislation is implemented following enactment, I wish to reiterate what I understand the intent to have been in the bill's development and to be at passage with regard to such provisions in the bill not changing or adversely affecting the rights of the San Carlos Apaches.

Mr. Speaker, by way of background, the San Carlos Apaches were among the last to resist what they viewed as the intrusion by outsiders into their homeland. They paid a heavy price for that resistance. Some of their ancestors were held for years as prisoners of war by the United States. Many thousands of acres of some of their most productive lands were deleted from their Reservation for uses by others. Their burial sites, their farms, and their homes were flooded, and they were forced to relocate to make way for the construction of Coolidge Dam. This Tribe faces unemployment of about 75 percent. Water is essential to their future. The Gila River runs directly through this Tribe's Reservation. San Carlos Lake and Reservoir are in the heart of their Reservation. Therefore, a genuinely comprehensive, lasting, and completed Gila River water settlement cannot be achieved until the Congress fairly addresses the needs and rights of the People of the San Carlos Apache Tribe. At the Committee markup of this bill, Chairman POMBO and others of my colleagues expressed their commitment to helping to achieve justice with respect to water rights for the San Carlos Apaches. In connection with passage of this bill today, still others of my colleagues recognized the work yet to be done on behalf of the People of this Tribe.

The Tribe has made substantial progress in recent months toward achieving a Gila River water rights settlement through negotiation with a number of the parties involved. It appears very hopeful that a settlement for the Tribe can be achieved early in the 109th Congress. In pursuit of that effort, I encourage all parties included in this legislation that are relevant to working out agreements with the Tribe to work seriously, vigorously, and in good-faith to complete equitable Gila River water settlements with the Tribe as soon as possible. I will then work with the Chair of the Resources Committee, the Ranking Minority Member, and other colleagues and Senator KYL, the chief sponsor of S. 437, to see that such agreements become ratified through legislation as soon as possible after receiving them next session of Congress.

I will monitor the progress of efforts to negotiate settlements in the coming weeks. I will help in whatever way I can to see that equitable agreements are achieved for the People of the San Carlos Apache Tribe that will help ensure the viability of their Reservation as their homeland now and for the future.

BREAKDOWN OF THE RULE OF LAW IN RUSSIA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ENGEL. Mr. Speaker, an undeniable tenant of any democracy is the rule of law. Sadly, this is not the case in Russia today. That country's legal system is taking on the appearance of Czarist Russia and the Soviet Union, when the legal system and courts were merely instruments of the State. This past year, we have witnessed a series of arbitrary and discriminatory actions, directed by the Kremlin, against select individuals and companies, that are politically motivated and lacking in legal merit, according reputable human rights groups and widely reported in the Western press.

The most notable case is the YUKOS Oil Company, one of Russia's early privatized companies, known for its Western management style and global outlook, that today is under siege by a government clearly intent on destroying or taking control of Russia's largest oil producer. The chairman of YUKOS, Mikhail Khodorkovsky, was arrested and indefinitely detained on charges that are murky and, again, appear to be of a political nature rather than criminal intent.

Our colleagues on the Senate side last year unanimously approved S. Res. 258, which stated, in part, "the law enforcement and judicial authorities of the Russian Federation should ensure that Mr. Mikhail B. Khodorkovsky is accorded the full measure of his rights under the Russian Constitution to defend himself against any and all charges that may be brought against him, in a fair and transparent process, so that individual justice may be done. . . ."

Mr. Speaker, the U.S. Senate spoke out one year ago, and since then the Russian government has levied an $18 billion tax bill on YUKOS, far beyond its earnings, which is apparently intended to pave the way for a government take over of one of the world's largest oil companies. Mr. Khodorkovsky is confined to a cage on his daily trips to the courtroom, where he is denied the customary rights of a defendant and indeed is facing a verdict that may well be pre-ordained by the Kremlin.

Mr. Speaker, I also call to the attention of my colleagues another example of Russia's crude application of a legal system that denies, rather than protects the rights of the accused and clearly violates the norms and standards of decency and respect for human rights.

Mr. Alexei Pichugin, a former white collar security officer for the YUKOS Company, is currently on trial in Moscow on charges, so it is alleged, of murder. This is another case that is being closely monitored by human rights groups and others because of the bizarre series of actions by prosecutors who appear to be using the formal charges to pressure Mr. Pichugin to testify against his former bosses at YUKOS.

I do not presume to know the guilt or innocence of Mr. Pichugin; that is for a properly conducted court trial and unbiased jury to determine. But I am troubled, as are many of my colleagues, about the politicizing of Russia's legal system and the denial of a just and fair trial because the court itself is not truly independent.

Indeed, the Council of Europe's rapporteur, Sabine Leutheusser-Schnarrenberger, has called the allegations reguarding Mr. Pichugin's mistreatment "very serious." She notes: "I cannot myself help worrying about the possibly illicit investigative methods and pressures that Mr. Pichugin could be subjected to at a prison that remains withdrawn from the normal supervisory procedures by the Ministry of Justice."

Just yesterday, the Parliamentary Assembly of the Council of Europe PACE released a report pointing out that Russian authorities continue to violate the principle of equality before the law, based on legal analysis of the facts surrounding the arrests and prosecutions of former YUKOS executives Mikhail Khodorkovsky, Alexei Pichugin and Platon Lebedev.

While the trial of Alexi Pichugin is being conducted in secrecy, the evidence of abuse by the prosecutors and court handling the matter has been widely reported in the press. I, therefore, urge the Administration to refocus its attention on the deterioration of the rule of law in Russia. It would be very unfortunate if while we were striving to establish a democracy in Iraq, one broke down completely in the Russian Federation.

INTRODUCTION OF IRAN NUCLEAR PROLIFERATION PREVENTION ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MARKEY. Mr. Speaker, to day I am introducing the "Iran Nuclear Proliferation Prevention Act," a bill to stop the transfer of nuclear equipment and technology to Iran.

This week Secretary of State Colin Powell referred to intelligence that Iran is working to adapt missiles to deliver a nuclear weapon, which would provide further evidence Iran is determined to move forward to become a nuclear weapons state. His comments come on the heels of reports that Iran on the one hand has agreed with three European countries to freeze its uranium enrichment program, and, on the other hand, reports by an Iranian opposition group that Iran may still be pursuing a covert uranium enrichment program at an undeclared location.

The credibility of the United States suffered when we missed the mark so badly in Iraq when the Administration concluded that Iraq had reconstituted its nuclear weapons program. In Iraq the IAEA had the advantage of 250 inspectors on the ground with anytime, anywhere inspection authority to go look wherever they suspected there might be evidence of nuclear weapons activity. The IAEA does not have that advantage in Iran. Instead, both the U.S. and the IAEA are trying to divine the plans of a regime through fragmentary pieces of information gleaned from a variety of sources, much of it subject to widely varying interpretation and credibility. We simply cannot afford to be wrong on a subject as serious as the spread of nuclear weapons.

We know that a variety of foreign countries and companies may have provided assistance to Iran's nuclear program. Some of these countries may also be engaged in nuclear commerce with the United States, or may have received U.S.-origin nuclear technology in the past, or seek access to U.S. nuclear materials or technology in the future. Should we engage in nuclear commerce with countries that are supplying Iran with the wherewithal to move forward with a nuclear weapons program? I don't think so.

Let's take just one example. China is known to have provided support to the Iranian nuclear program in the past. In recent months, there have been press reports that Vice President CHENEY is championing efforts to export nuclear reactors to China. It just does not make any sense to say that we are against nuclear proliferation in Iran, and then to turn around sell nuclear reactors to China.

The bill I am introducing today will:

Stop the transfer of nuclear equipment and technology to any country that is supporting Iran's nuclear program;

Require the President to report to Congress a complete list of countries who have provided missile and nuclear materials and technology to Iran;

Require the President to report to Congress an estimate and assessment of Iran's efforts to acquire nuclear explosives and their delivery vehicles.

Require the President to give to Congress an assessment of the European-Iran deal.

Require the President to provide to Congress an evaluation of the basis and credibility of a possible secret nuclear facility in Iran.

Require the President to provide to Congress information on whether the U.S. has provided the United Nations and International Agency, IAEA, weapons inspectors with full access to intelligence on Iran's nuclear program.

Require the President to report to Congress on the steps the U.S. is taking to ensure that United Nations and IAEA inspectors have full access to all suspected Iranian nuclear sites and on what steps the U.S. it taking to work with the international community, including the IAEA, to ensure Iran is complying with the Nonproliferation Treaty.

This bill will not:

Apply to radiation monitoring technologies, surveillance equipment, seals, cameras, tamper-indicating devices, nuclear detectors, monitoring systems, or equipment to safely store, transport or remove hazardous material.

Apply, with a waiver by the President, if it is in the vital interest of national security.

Apply, with a waiver by the President, if the transfer is essential to prevent or respond to a serious radiological hazard.

Limit the full implementation of the Cooperative Threat Reduction Programs, also known as the Nunn-Lugar program.

While there is legislation in place that provides for sanctions against Iran—the Iran and Libya Sanctions Act or ILSA, this legislation has not proven to be effective. ILSA provides for sanctions against companies that invest $20 million or more in Iran's energy sector in a single year. Here is what the nonpartisan Congressional Research Service reports about the implementation of the Act:

> The Clinton Administration apparently sought to balance implementation with the need to defuse a potential trade dispute with the EU. In April 1997, the United States and the EU formally agreed to try to avoid a trade confrontation over ILSA and the "Helms-Burton" Cuba sanctions law (P.L. 104–114). The agreement contributed to a decision by the Clinton Administration to waive ILSA sanctions on the first project determined to be in violation: a $2 billion (1) contract (signed in September 1997) for Total SA of France and its minority partners, Gazprom of Russia and Petronas of Malaysia to develop phases 2 and 3 of the 25-phase South Pars gas field. The Administration announced the waiver on May 18, 1998, citing national interest grounds (Section 9(c) of ILSA), after the EU pledged to increase cooperation with the United States on

non-proliferation and counter-terrorism. The announcement indicated that EU firms would likely receive waivers for future projects that were similar.

> The Bush Administration has apparently adopted the same policy on ILSA as did the Clinton Administration, attempting to work cooperatively with the EU to curb Iran's nuclear program and limit its support for terrorism. According to the Bush Administration's mandated January 2004 assessment, ILSA has not stopped energy sector investment in Iran. However, some believe the law has slowed Iran's energy development, and Iran's sustainable oil production has not increased significantly since the early 1990s, despite the new investment, although foreign investment has slowed or halted deterioration in oil production. On the other hand, Iran's gas sector, nonexistent prior to the late 1990s, is becoming an increasingly important factor in Iran's energy future, largely as a result of foreign investment.
>
> Since the South Pars case, many projects—all involving Iran, not Libya—have been formally placed under review for ILSA sanctions by the State Department. Recent State Department reports on ILSA, required every six months, state that U.S. diplomats raise with both companies and countries the United States' ILSA and policy concerns about potential petroleum-sector investments in Iran. However, no sanctions determinations have been announced since the South Pars case discussed above.

Clearly, the ILSA sanctions are not working. We need to come up with a sanctions law that can work, and the Iran Nuclear Proliferation Prevention Act is my attempt to forge such a proposal. I urge my colleagues to cosponsor this legislation, which I intend to reintroduce at the beginning of the next Congress.

INTRODUCTION OF THE MEDICARE PPO FAIRNESS ACT OF 2004

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. CARDIN. Mr. Speaker, I rise today to introduce the Medicare PPO Fairness Act. This bill addresses an urgent problem facing 98,000 Medicare beneficiaries whose legal rights to health care services have been denied. Today may be the last day of the 108th Congress, and so I will reintroduce this measure in January in the hope that members will consider it early next year.

In 2003, the Centers for Medicare and Medicaid Services, CMS, began a Medicare PPO Demonstration to test the efficiency of different types of private health plans in the Medicare program. Preferred provider organizations, PPOs, are forms of managed care that are somewhat less restrictive than health maintenance organizations, HMOs. Generally speaking, in an HMO model, patients are covered only for services rendered by doctors, hospitals and other providers who are "in-network," meaning on the plan's approved list. By contrast, in a PPO, patients are covered not only for services rendered by providers on the approved list, but also for other providers, but they must usually pay additional out-of-pocket costs. For purposes of this demonstration program, Congress gave CMS flexibility with respect to payments to these private plans but not with respect to the benefits that they must provide to seniors.

We have recently learned from the General Accountability Office, GAO, that CMS exceeded its authority. According to a report issued in late September, the Centers for Medicare and Medicaid Services, CMS, improperly gave private health plans permission to limit beneficiaries' access to care from providers who were not in the plans' networks. GAO found that 29 of the 33 PPO plans in the demonstration told seniors that if they sought covered services from providers not in their network they would be liable for all charges. As of this year, more than 98,000 seniors were enrolled in demonstration PPO plans, including 3,000 seniors in my home state of Maryland, so thousands of seniors have been affected by these restrictions.

In the GAO report, CMS Administrator Mark McClellan concurred with GAO's findings and said his agency would instruct all participating plans that they must cover out-of-network as well as in-network care. That is the right thing for Dr. McClellan to do, but it is not sufficient. I remain concerned about the thousands of seniors who for the past two years were told in error that they had no right to see their provider of choice. There are also countless providers who were improperly denied the opportunity to treat beneficiaries—and therefore lost income—simply because they were not on the PPG's provider panel. Finally, I remain concerned about those seniors who paid out-of-pocket for medical care—including routine physical examinations, home health services and skilled nursing care—that Medicare should have covered. It is Medicare's responsibility to reimburse for those services.

The bill that I am filing today would accomplish two things: first, it would ensure that seniors in Medicare PPOs are aware of their rights. It would require the Secretary of HHS to immediately notify each of the approximately 98,000 PPO enrollees that they are entitled to receive services from both in-network and out-of-network providers. I learned about the GAO's findings from the newspapers. Our seniors should not have to rely on the press to learn what benefits they are entitled to from Medicare.

Second, my bill would require the Medicare program to reimburse those beneficiaries in PPOs who erroneously paid out-of-pocket for care from out-of-network providers. Those seniors who enrolled in the Medicare PPO demonstration program deserve to receive all the benefits they are legally entitled to, and they should be made whole. This bill is budget neutral. It provides for all payments for reimbursable services rendered in 2003 and 2004 to be deducted from planned 2005 payments to Medicare PPOs, money that has already been allocated for next year.

Mr. Speaker, I think all members would agree that our seniors should have access to a full range of choices within the Medicare program, and that Congress should ensure that seniors receive all the benefits to which they are entitled. My bill will help guarantee that in the demonstration program now in operation at CMS, seniors get the benefits that Congress intended. I hope this bill will be enacted quickly when the 109th Congress convenes next year, and I urge my colleagues to support this measure.

HONORING THE MEMORY AND CELEBRATING THE LIFE OF ANTHI POULOS JONES

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PAYNE. Mr. Speaker, as the 108th Congress draws to a close, I would like my colleagues here in the U.S. House of Representatives to join me in honoring the memory of the late Anthi Poulos Jones, a wonderful woman whose contributions to this institution and to the international community will be long remembered.

A graduate of Windham College with a master's degree and a law degree from American University, Anthi served with distinction as a Capitol Hill professional staff member for a number of lawmakers, including Senators Thomas McIntyre of New Hampshire, Charles Mathias, Jr. of Maryland, John Glenn, Jr. of Ohio, George Brown of Colorado and Representative SCOTT MCINNIS of Colorado. She also served as scholar-in-residence at the Library of Congress.

Anthi was a great champion in behalf of her beloved native Greece, working tirelessly as founder and Chair of the U.S. Committee on the Parthenon; founder and Chair of the Committee on World War II Art Claims; and member of the American Bar Association Steering Committee for the Committee on International Cultural Property. I had the pleasure of working with her when she shared her vast knowledge and research with me in producing legislation calling for the return of the Parthenon marbles to Greece. The treasures were removed and taken to England in the early nineteenth century.

Through her work, Anthi established international friendships and endeared herself to those she met through her kindness, grace and dedication to the causes she espoused.

In addition to her professional accomplishments, Anthi was a devoted wife and mother who took great pride in her family. She is survived by her husband, Wiley Newell Jones; her daughters Helleni Donovan and Catherine Jones; her grandson, Christian Donovan; her father and stepmother, Peter and Lydia Karagianis; and her brother and sister-in-law, S. Peter and Jane Karagianis.

Mr. Speaker, let us honor the memory and celebrate the life of Anthi Poulos Jones, who dedicated her time and talent so generously for the betterment of our world. We miss her tremendously and appreciate so much her valuable contributions as a public servant.

TRIBUTE TO OLATHE, KANSAS, SCHOOL SUPERINTENDENT RON WIMMER

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MOORE. Mr. Speaker, last week Dr. Ron Wimmer, who has served the students and parents of the Olathe, Kansas, school district for over forty years—during the last fourteen years as Superintendent of Schools—announced his retirement, effective July 1, 2005. He has been one of the primary catalysts of the Olathe school district's commitment to excellence, and his retirement will be mourned by all citizens of that community. I am pleased to take this opportunity to pay tribute to Dr. Wimmer's forty years of service to the Olathe school district by placing in the CONGRESSIONAL RECORD two articles summarizing his achievements that appeared recently in the Olathe Daily News.

[From the Olathe News, Nov. 10, 2004]

WIMMER'S RETIREMENT SURPRISES MANY IN COMMUNITY

(By Kevin Selders)

Ron Wimmer's announcement he's retiring at the end of the school year came as a surprise to many in the Olathe community and beyond.

Wimmer, who has spent his entire 40-year career in education in the Olathe district, made the announcement public Tuesday after submitting his notice of retirement to Olathe school board president Debby Daniels Oct. 17 and notifying district staff Monday.

An e-mail was sent notifying others of his decision Monday evening.

"Clearly it's disappointing for the school district, but he has provided us with 40 years of service to the school district and the community, so it's hard to argue with him when he's ready to retire," Daniels said. Daniels said the news wasn't released sooner because of the election.

"We didn't want a discussion of Dr. Wimmer's retirement to influence the voters' decision on the school board (issue) one way or the other," she said. Wimmer discussed his retirement individually with board members in the days leading up to last week's board meeting.

Daniels said Wimmer brought up the timing of his announcement during the board's executive session after its meeting on Thursday. The board also discussed when it should get started on the search for the next superintendent, which is considered a personnel issue.

Andy Tompkins, commissioner of education for the Kansas State Department of Education, received the news of Wimmer's announcement during the middle of a Kansas State Board of Education meeting.

Tompkins, who said he's known Wimmer for at least 25 years, said the superintendent's retirement will be a great loss for the district. He said Wimmer is a man of high integrity and the purest motives who has always worked for the best interest of children.

"You're not going to find a bigger fan of Ron Wimmer than me," he said. "I just think he's as good as they come. I have the highest regard for him."

Michael Copeland, mayor of Olathe, said Wimmer has led the school district to become one of the best in the nation. This achievement has, in turn, benefited Olathe in many ways.

"Olathe is one of America's fastest-growing cities for many reasons, but none more important than our excellent schools," Copeland said. "Ron Wimmer deserves much of that credit. He will be missed, but he's leaving the district in great shape. His commitment and dedication to excellence in Olathe, and in particular our children, cannot be understated. He means a great deal to our community."

Frank Taylor, president of the Olathe Chamber of Commerce who served on the school board for 16 years, said Wimmer has been instrumental to Olathe's success as a city.

"Olathe possesses a jewel that sets it apart," he said. "It is a nationally acclaimed school district that uniquely equips Olathe children for life and draws business and industry to Olathe so effectively that we are one of the fastest-growing communities in the nation. That is Dr. Ron Wimmer's gift to this community."

Diana Wright, a psychologist for the district and former student of Wimmer's, sent him an e-mail Tuesday morning. She said Wimmer was her principal when she was a seventh-grader in 1975.

"I remember you as the warm-hearted, friendly principal who always had a smile on his face," she wrote. "Now as an adult I wanted to let you know what a wonderful impression you made on me as a student."

She went on to tell him how although she was a good student for the most part, she was overwhelmed with authority figures. She said every time she walked by her principal she tried to hide her eyes. "You always went out of your way to say hello and greet me in a warm manner," she said. "It always made me feel like I was special. I'm sure that is how you made all your kids feel."

Betty Carpenter, Wimmer's secretary since he moved to the education center in 1978 as director of personnel for the district, said things are going to be a lot different next year.

She said the next superintendent will have some big shoes to fill.

"He set a lot of good foundations for the future to build on," she said. Carpenter said she could retire as well, but has no plans to just yet.

"I love my job," she said. "Part of that is because of the boss, too."

[From the Olathe News, Nov. 10, 2004]

WIMMER RETIRES AFTER 40-YEAR CAREER

(By Kevin Selders)

As Ron Wimmer, superintendent of the Olathe school district, sat among spectators cheering on Olathe football teams Friday, he realized he knew something nobody else around him knew.

Wimmer, 61, decided to let everyone in on his secret Tuesday as he publicly announced his retirement, effective July 1, 2005.

The announcement comes midway through his 40th year in the district and 14th year as its leader.

"Today I'm very excited and pleased with the response I've received from the staff," he said. "I've had so many touching e-mails from people that I've come in contact with over the last 40 years."

Wimmer denied his decision had anything to do with the recent decision made by voters to change the method of electing school board members.

"I've thought about it for months," he said about his retirement. "I had so many sleepless nights. It just was a tremendous worry for me."

However, he said making the decision and notifying district staff and others Monday brought him peace.

"Last night was the first in many nights where I just slept all the way through," he said.

"Each step has been difficult," he added. "There's just so much commitment that I've had over 40 years. It's hard to believe that I'm at this point, but I feel very good about this decision. I feel it's the right thing to do at the right time."

Wimmer submitted his notice of retirement to Debby Daniels, president of the Olathe school board, Oct. 17.

Wimmer, who was eligible for retirement eight years ago, felt compelled to stay on as superintendent because of continued challenges the district faced, primarily in dealing with its growth.

"There was always some major project," he said.

He added that he's ready to finish out the rest of the school year.

"I'm still very motivated by what I do every day and I feel very good about that," he said. "I always wanted to retire before I felt the need to retire."

LOOKING BACK

Wimmer's earliest career move actually saw him leaving his own education under difficult circumstances.

As a junior in high school, Wimmer was expelled during the middle of his junior year, forcing him to move away from home to live with relatives and change schools. Because of the move, he lost his car and his girlfriend.

"That was a rough time," he said. "The good thing that came out of that was I got a new girlfriend and eventually got my car back and I didn't get into anymore trouble again.

"You could say I learned my lesson . . . and I'm still married to the same girl today after 43 years."

Wimmer said he's tried to use the experience for positive purposes in the school district.

One of these purposes was the development of the district's alternative-education program in 1972. Often after finishing his daytime duties, Wimmer would work with students in the night program.

He said he's always used his own experiences to motivate students who find themselves in a similar situation.

"That doesn't necessarily indicate they cannot go on from there and be successful," he said.

Wimmer said the key to any success in his career comes down to one thing—his education.

"My education is what opened the doors for those opportunities," he said.

Wimmer started his career with the district the same year Olathe Unified School District No. 233 was born. The district was formed in 1965 when five school districts—Countryside School District 103, Meadowlane School District 108, Mount Zion School District 105, Olathe School District 16 and Pleasant View School District 96—merged. After graduating from Pittsburg State University in 1965, Wimmer started teaching Spanish at Olathe Junior High School in downtown Olathe, where Millcreek Center now is.

He moved on to Santa Fe Trail Junior High School when it opened a few years later.

He received his master's degree in educational administration and curriculum from the University of Kansas and became assistant principal at the school in 1969 and was appointed director of personnel for the district nine years later.

In 1980, he was appointed assistant superintendent. Three years later he completed his doctoral degree in educational administration and curriculum, also from KU.

Wimmer was selected superintendent in 1991 after a nationwide search. As superintendent, he encouraged the board to join in a lawsuit against Kansas regarding school funding in 1991 and implemented a new school funding formula, which included the local option budget.

The major projects Wimmer stayed on for after his 1996 eligibility for retirement included four bond issues totaling $314 million. He also saw 16 schools open, two district activity centers and other facilities.

During his time as the district's leader, Wimmer saw enrollment jump from 15,357 students to nearly 23,700 students, making it the third-largest district in Kansas. The district's staff has nearly doubled. It now employs more than 3,600 people. Wimmer's awards during his years as superintendent include the Olathe Citizen of the Year from the Olathe Area Chamber of Commerce in 1997, Kansas Superintendent of the Year that same year from the Kansas Association of School Administrators and the Distinguished Community Service Award from MidAmerica Nazarene University in 2000.

However, what you won't find on his proverbial mantle is what he's most proud of—his relationship with students, parents and staff and his contribution to maintaining the feel of a small community within the district.

"I think it's critical to the climate of the organization," he said. "Everything we do is accomplished by people. It's important the person in my role have a good rapport with the people to maintain a positive climate in the school district."

While Wimmer has been superintendent, student achievement scores have reached all-time highs on the SAT, ACT and Kansas Assessment tests and the district's staff development methods were chosen as a model by the U.S. Department of Education. He said he's also proud of the district's reputation locally. A survey conducted during parent teacher conferences this fall showed 97 percent of the 1,900 parents who participated giving the district an A or B grade.

Wimmer cites the district's continued focus on excellence, which has led it to being dubbed the only district in Kansas to receive the Kansas Award of Excellence. A year ago, the district launched its 21st Century High School Programs in aerospace and engineering; e-communication; biotechnology/life sciences; and geosciences. The programs are now being studied nationally by districts seeking to find ways to engage students in academics and make classroom learning relevant.

"I think that's the most significant reform movement you would find anywhere at the secondary level anywhere in the country," he said. Staying in the same district for his entire career, despite opportunities elsewhere, is another achievement.

"I never started out to do that," he said. "A growing district provides opportunities for advancement. I have just been very fortunate to have all of my professional career aspirations met while I was in this district."

WHAT'S NEXT

As his education career ends, Wimmer said he plans on staying in Olathe, which he's called home for 40 years.

"I'm looking forward to being a private citizen," he said.

He said he plans to continue to be an advocate for children and public education. "I'm going to consider other options that might come available and continue to be involved in the community," he said.

He said he doesn't plan on pursuing any political aspirations.

"At one time I did, but at this point and time I do not. I don't like the negative tone of politics," he said.

Other possibilities for Wimmer may include doing some consulting work or even writing a book.

"I have some thoughts on what it will take for education in the future to achieve the higher expectations that are imposed on schools today," he said.

As for the district's future, he said the board now must determine what type of process it wants to utilize in selecting his replacement. He said he expects a special board meeting in the coming weeks to discuss the process and the road ahead. He said he expects the process to be completed by February.

He stressed that while he may assist in the process, he won't take part in making any decisions.

"That's entirely up to the board of education," he said.

Wimmer said he expects the board to accept his notice of retirement at its December meeting.

Wimmer said he knows he made the right decision and doesn't feel like he overstayed his welcome.

"I know I didn't wait too long," he said. "I hope I just didn't go too early and only time will tell."

Wimmer said he's going to miss the people he works with, the students and others he's come in contact with as superintendent, among other things.

"I went to the football game and said, 'This is something I'm going to miss,'" he said. "My wife reminded me that I can still go back to the football games. I plan on continuing to go."

TRIBUTE TO CHARLES W. CHERRY, SR.

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MICA. Mr. Speaker, it was my privilege to know Charles W. Cherry, Sr., a community leader and distinguished citizen of Florida's 7th Congressional District. I join many others from across the country in mourning the loss of this outstanding American. His passing is a significant loss to the City of Daytona Beach and to the State of Florida.

Charles arrived in Daytona Beach in 1952 during the height of segregation. As a civil rights activist in the 1960's and 1970's, he helped organize bus boycotts, fought for better wages at area hospitals, and advocated for better representation for the minority community in Daytona Beach. He became president of the Volusia County-Daytona Beach Branch of the National Association for the Advancement of Colored People, later becoming president of the state branch and a member of the national board of directors.

In 1978, Charles founded the Daytona Times, a newspaper that has grown into a media company covering Florida, Georgia, South Carolina, with two newspapers and 11 radio stations. He was elected to the Daytona Beach City Commission in 1995, where he served five consecutive terms. As a commissioner, Charles was a strong supporter for new infrastructure and improved city services in black neighborhoods.

Charles W. Cherry, Sr. worked during his life fighting for the principles of equality, justice and opportunity. The City of Daytona Beach has lost a great champion for our community. I will always treasure his public service, his friendship and the example his life has set for so many.

My deepest sympathy is extended to his wife Julia T. Cherry, his son Charles W. Cherry, Jr., his family and his friends.

IN RECOGNITION OF NEW JERSEY ASSEMBLYMAN UPENDRA J. CHIVUKULA

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. HOLT. Mr. Speaker, I rise today to recognize Assemblyman Upendra J. Chivukula of the 17th legislative district in New Jersey, for his commitment to public service and leadership within the Indian-American Community.

As a professional engineer, Assemblyman Chivukula has applied his expertise effectively to develop public policy. In addition to serving as Vice-Chair on the Commerce and Economic Development Committee and as a committee member on both the Telecommunications and Utilities Committee and Environment and Solid Waste Committee, Assemblyman Chivukula serves as an active member on the NJ Commission on Science and Technology. His efforts on the Commission were instrumental in planning the nation's first state-supported stem cell research institute.

Before becoming the first American of Asian Indian decent elected to the NJ State Assembly in 2001, Upendra had previously demonstrated his commitment to the public by serving as Mayor of Franklin Township for four years. In addition to serving as an Assemblyman, Chivukula continues his involvement by serving as a councilman and as a member of numerous Middlesex and Somerset County committees, including the Somerset County Affordable Housing Board of Trustees, the Cultural and Historic Commission, and the Middlesex County Cultural and Historic Commission.

Assemblyman Chivukula has built an impressive public service record as an elected official. However, no where is his leadership more notable than within the Indian-American Community. As one of the highest ranking Indian Americans in this country, Assemblyman Chivukula has worked to build public awareness and understanding of Indian-American culture, and has worked to ensure that issues facing the Indian American community are heard and addressed. His dedication to the Indian-American Community has been proven through his service on the national committee of the Association of Indians in America, as past secretary of the NJ Chapter of Indian American Forum for Political Education, and as past president of the Asian American Political Coalition. The outstanding leadership of Assemblyman Chivukula is evident even here, in Congress, as it was his work with Congressman Frank Pallone that led to the creation of the Congressional Caucus on India and Indian Americans.

On a personal note, it is with much gratitude that I want to recognize the efforts of Assemblyman Chivukula and his wife Dayci and Mr. Harish Mehta to organize forty members of the Indian-American community in central New Jersey to visit Washington, D.C., as part of my Indian-American "DC Day," on Thursday, September 30th, to meet with members of the Congress and leaders of academic and nonprofit organizations to discuss important issues affecting Indian-Americans nationwide. This is a good example of the Assemblyman's efforts to educate and involve the Indian-American community in public affairs.

Mr. Speaker, people like Assemblyman Chivukula help make our community in Central New Jersey strong and well-informed. I ask you, Mr. Speaker, to join me in commending him.

TRIBUTE TO MR. SAM FLOWERS, FOUNDER AND PRESIDENT OF THE HICA ORGANIZATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a man who can be described in many ways. A good son, a husband, father, grandfather, neighbor, friend, churchman, community leader and much more. I simply call him a giant who has devoted more than 50 years of his life to helping human-kind.

Sam was one of the early African Americans who moved into the North Lawndale community. He did not just move in, he jumped in with both feet and immediately began to help organize block clubs, became an active member of the Presentation Church and helped to anchor many of its activities. In Sam's community many of the people could not get bank loans or mortgages and were buying their homes on contract. They discovered that they were being ripped off and thus formed the Contract Buyers League. Sam played an active role.

In the 1960's the Lawndale Peoples Planning and Action Conference was formed, Sam was an active member, later on Pyramidwest Development Corporation was formed. Sam became a member of its board. Out of these groups and organizations came the California Gardens nursing home, Community bank of Lawndale, the Martin Luther King, Jr. shopping center and plaza.

Sam eventually helped develop the Garfield Counseling Center, formed HICA and is currently involved with a housing development project for low and moderate income people. When you drive down Independence Boulevard you can see these buildings going up between Arthington and the Eisenhower Expressway. Sam was a tireless worker who never gave up. He gave every ounce of his strength and devotion that he could muster to his beloved family of which the North Lawndale Community is an integral part. Well done our good and faithful servant, you have moved to another community where peace will forever be present.

NOBEL PEACE LAUREATES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. MARKEY. Mr. Speaker, from November 10th–12th, in Rome, Italy, over 20 Nobel Peace Laureates and Nobel Peace organizations met and addressed core challenges to our world under the theme—"A United World or a Divided World? Multiethnicity, Human Rights, Terrorism."

The Nobel Peace Summit was sponsored under the high patronage of the President of the Italian Republic, the city of Rome, and the Gorbachev Foundation.

My friend Jonathan Granoff, President of the Global Security Institute, lead the delegation of the Laureate organization the International Peace Bureau (IPB), and was instrumental in the drafting of the final statement of the Summit.

I believe it represents a valuable. contribution made by a group with profound moral authority. I believe we should consider their concerns in our deliberations here in the U.S. Congress.

FINAL STATEMENT OF THE 5TH SUMMIT OF NOBEL PEACE LAUREATES

November 12, 2004, Rome, Italy

Two decades ago, the world was swept with a wave of hope. Inspired by the popular movements for peace, freedom, democracy and solidarity, the nations of the world worked together to end the cold war. Yet the opportunities opened up by that historic change are slipping away. We are gravely concerned with the resurgent nuclear and conventional arms race, disrespect for international law and the failure of the world's governments to address adequately the challenges of poverty and environmental degradation. A cult of violence is spreading globally; the opportunity to build a culture of peace, advocated by the United Nations, Pope John Paul II, the Dalai Lama and other spiritual leaders, is receding.

Alongside the challenges inherited from the past there are new ones, which, if not properly addressed, could cause a clash of civilizations, religions and cultures. We reject the idea of the inevitability of such a conflict. We are convinced that combating terrorism in all its forms is a task that should be pursued with determination. Only by reaffirming our shared ethical values—respect for human rights and fundamental freedoms—and by observing democratic principles, within and amongst countries, can terrorism be defeated. We must address the root causes of terrorism—poverty, ignorance and injustice—rather than responding to violence with violence.

Unacceptable violence is occurring daily against women and children. Children remain our most important neglected treasure. Their protection, security and health should be the highest priority. Children everywhere deserve to be educated in and for peace. There is no excuse for neglecting their safety and welfare and, particularly, for their suffering in war.

The war in Iraq has created a hotbed of dangerous instability and a breeding ground for terrorism. Credible reports of the disappearance of nuclear materials cannot be ignored. While we mourn the deaths of tens of thousands of people, none of the goals proclaimed by the coalition have been achieved.

The challenges of security, poverty and environmental crisis can only be met successfully through multilateral efforts based on the rule of law. All nations must strictly fulfil their treaty obligations and reaffirm the indispensable role of the United Nations and the primary responsibility of the UN Security Council for maintaining peace.

We support a speedy, peaceful resolution of the North Korean nuclear issue, including a verifiable end to North Korea's nuclear weapons program, security guarantees and lifting of sanctions on North Korea. Both the six-party talks and bilateral efforts by the United States and North Korea should contribute to such an outcome.

We welcome recent progress in the talks between Iran and Great Britain, France and Germany on the Iranian nuclear program issue and hope that the United States will join in the process to find a solution within the framework of the International Atomic Energy Agency.

We call for the reduction of military expenditures and for conclusion of a treaty that would control arms trade and prohibit sales of arms where they could be used to violate international human rights standards and humanitarian law.

As Nobel Laureates, we believe that the world community needs urgently to address the challenges of poverty and sustainable development. Responding to these challenges requires the political will that has been so sadly lacking.

The undertakings pledged by states at the UN Millennium Summit, the promises of increased development assistance, fair trade, market access and debt relief for developing countries, have not been implemented. Poverty continues to be the world's most widespread and dangerous scourge.

Millions of people become victims of hunger and disease, and entire nations suffer from feelings of frustration and despair. This creates fertile ground for extremism and terrorism. The stability and future of the entire human community are thus jeopardized.

Scientists are warning us that failure to solve the problems of water, energy and climate change will lead to a breakdown of order, more military conflicts and ultimately the destruction of the living systems upon which civilization depends. Therefore, we reaffirm our support for the Kyoto Protocol and the Earth Charter and endorse the rights-based approach to water, as reflected in the initiative of Green Cross International calling upon governments to negotiate a framework treaty on water.

As Nobel Peace Prize Laureates we believe that to benefit from humankind's new, unprecedented opportunities and to counter the dangers confronting us there is a need for better global governance. Therefore, we support strengthening and reforming the United Nations and its institutions.

As immediate specific tasks, we commit to work for:

—Genuine efforts to resolve the Middle East crisis. This is both a key to the problem of terrorism and a chance to avoid a dangerous clash of civilizations. A solution is possible if the right of all nations in the region to secure viable statehood is respected and if the Middle East is integrated in all global processes while respecting the unique culture of the peoples of that region.

—Preserving and strengthening the Nuclear Non-Proliferation Treaty. We reject double standards and emphasize the legal responsibility of nuclear weapons states to work to eliminate nuclear weapons. We call for continuation of the moratorium on nuclear testing pending entry into force of the Comprehensive Test Ban Treaty, and for accelerating the process of verifiable and irreversible nuclear arms reduction. We are gravely alarmed by the creation of new, usable nuclear weapons and call for rejection of doctrines that view nuclear weapons as legitimate means of war-fighting and threat pre-emption.

—Effectively realizing the initiative of the UN Secretary General to convene a high level conference in 2005 to give an impetus to the implementation of the Millennium Development Goals. We pledge to work to create an atmosphere of public accountability to help accomplish these vitally important tasks.

We believe that to solve the problems that challenge the world today politicians need to interact with an empowered civil society and strong mass movements. This is the way toward a globalization with a human face and a new international order that rejects brute force, respects ethnic, cultural and political diversity and affirms justice, compassion and human solidarity.

We, the Nobel Peace Laureates and Laureate organizations, pledge to work for the realization of these goals and are calling on governments and people everywhere to join us.

Mikhail Gorbachev, Kim Dae-Jung, Lech Walesa, Joseph Rotblat, Jose Ramos-Horta, Betty Williams, Mairead Corrigan Maguire, Carlos Filipe Ximenes Belo, Adolfo Perez Esquivel, and Rigoberta Menchu Tum; and, United Nations Children's Fund, Pugwash Conferences, International Physicians for the Prevention of Nuclear War, International Peace Bureau, Institut de Droit International, American Friends Service Committee, Medicins sans Frontieres, Amnesty International, United Nations High Commissioner for Refugees, International Labour Organization, International Campaign to Ban Land Mines, Albert Schweitzer Institute, United Nations.

COMMERCIAL SPACE LAUNCH AMENDMENTS ACT OF 2004

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my concerns with the bill before us, H.R. 5382, the Commercial Space Launch Amendments Act.

This bill establishes a regulatory mechanism for licensing commercial suborbital human spaceflight activities.

The space exploration research program has been one of the most successful research programs in the history of this country.

The rationale for human spaceflight is evolving due to a growing commercial motivation. Human spaceflight can profit from an increased synergy between the public and private sectors.

Space tourism can benefit immensely from the development of the necessary infrastructure, while public space programs can benefit from increased awareness and support for human spaceflight, generated by high-profile space tourism flights and a growing perception that space travel is closer to being within the grasp of ordinary citizens.

I supported this legislation when it was brought before the committee.

However, one of my primary concerns is the regulation of safety, since space travel is inherently dangerous. Under no circumstances should we allow the desire for profits to ever interfere with the responsibility of maintaining safety and proper oversight.

We can and should protect the safety of passengers on space flights.

Legislation of this magnitude should have the benefit of bipartisan input from the appropriate committees with jurisdiction.

Further negotiations would make this bill more palatable. I ask my colleagues to not act hastily in advancing this legislation.

HONORING PATRICIA FRANCES EATON

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. LEE. Mr. Speaker, I rise today on behalf of myself and Congresswoman ELEANOR HOLMES NORTON to honor the extraordinary life of Patricia Frances Eaton, a devoted teacher, advocate, humanitarian, and friend. Pat, who spent her life traveling the world to support those in need, passed away on October 22, 2004 in Arlington, Virginia. She is survived by her son, David Howard Kuria Eaton, her brother, Harold Eaton, Jr., her god-sister, Jean Chin Tapscott, and many nieces, nephews, cousins, and loving friends.

Born on June 21, 1944 in Washington, D.C., Pat was the youngest of five children born to Harold and Ordee Scruggs Eaton. Following her studies at Palmer Memorial Institute and Howard University, Pat graduated from Texas Southern University with a B.A. in English in 1967. Upon her graduation, Pat became part of the first group of volunteers to travel to the newly independent southern Africa with the United States Peace Corps. Braving extreme weather conditions and relying on a horse as her only means of transportation, she lived in a Lesotho village for more than two years. During that time she grew to love the lands and people of the most remote regions of Africa, and her experience in the Peace Corps became the inspiration that she would draw upon in traveling through and working on behalf of Africa throughout the rest of her life.

Returning to the U.S. in 1970, Pat used her knowledge and experience to work as a volunteer to raise funds to start Africare, an organization dedicated to providing funds for water supply, health resources, and agricultural development in drought-stricken West Africa, or the Sahel. During this time, Pat worked as a teacher at McKinley High School, and also worked briefly for the D.C. government. She was later able to work full-time at Africare as its first Director of Communications and Chapter Development, a capacity in which she traveled across the country in order to identify and coordinate cities with development projects in the Sahel.

In the mid–1970s, Pat was recruited by the U.N. Development Program's newly established Women-In-Development project. Known for her expertise in working in rural and isolated villages in Africa, Pat was the ideal choice to work on this project, which sought to increase women's productivity through income-generating projects. Her background led also to later appointments as the Executive Director of the Black Women's Community Development Foundation, the Director for Africa of the Overseas Education Fund of the League of Women Voters, and various contract projects with USAID, the Peace Corps, and other groups. Pat's work in these areas led her to spend the better part of twenty years traveling through twenty-two African countries, often with few companions and little more than a single suitcase, but always with an eagerness for knowledge and full immersion within the culture of each group she encountered. Whether she was passing through the caves of Mali's Timbuktu, the pyramids of Egypt, or Zambia during the Rhodesian War and subsequent Lancaster conference, Pat lived as one with the African people whose lives she shared throughout her journey.

After returning to the United States in 1983 for the birth of her son, David, Pat took a position as the Director of West Africa for the D.C.-based African Development Foundation. In 1986, she made the decision to settle in the U.S., and began teaching English again, this time at Wilson Senior High. Later advancing to the position of Director of the school's International Studies Program, Pat drew upon the richness of her experiences abroad not only to encourage students to seek out knowledge and understanding of foreign affairs and cultures, but also to encourage career exploration in the international arena, especially among minority students.

On November 20, 2004, Patricia Eaton will be honored in Washington, D.C. for the impact her life and work has had on her students in the U.S., the people who came to know her in Africa through her decades of work there, and everyone else who has been fortunate enough to have her in their lives. On this day we take time not only to honor her memory, but also to give thanks for the spirit of giving and mutual understanding that shaped her work in life, and that will continue to impact the lives of future generations for years to come. On behalf of the 9th Congressional District and the District of Columbia, we salute the life and work of Pat Eaton. Her example is a true inspiration, and she will be greatly missed by all.

SHEILA SUESS KENNEDY'S INDIANAPOLIS STAR ARTICLE: "WE THE PEOPLE BELIEVE IN VALUES"

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. CARSON of Indiana. Mr Speaker, it is with pleasure that I submit the attached article, "We the People Believe in Values" for inclusion in the CONGRESSIONAL RECORD. This article was written by Sheila Suess Kennedy, associate professor of law and public policy at the Indiana University School of Public and Environmental Affairs in Indianapolis. It originally appeared in the November 15, 2004 edition of the Indianapolis Star.

[From the Indianpolis Star, Nov. 15, 2004]

WE THE PEOPLE BELIEVE IN VALUES

(Sheila Suess Kennedy)

Pundits tell us that voters came out on Nov. 2 to vote for "values." They sure didn't vote for mine.

Let me be quite explicit about my values, which are shared by millions of others—values that infuse the Declaration of Independence, the Constitution and the Bill of Rights, values that are absolutely central to what it means to be American.

We believe in justice and civil liberties—in equal treatment and fair play for all citizens, whether or not we agree with them or like them or approve of their life choices.

We believe that no one is above the law—and that includes those who run our government.

We believe that dissent can be the highest form of patriotism. Those who care about America enough to speak out against policies they believe to be wrong or corrupt are not only exercising their rights as citizens, they are discharging their civic responsibilities.

We believe that playing to the worst of our fears and prejudices, using "wedge issues" to marginalize gays, or blacks, or "East Coast liberals" (a time-honored code word for Jews) in the pursuit of political advantage is un-American and immoral.

We believe, as Garry Wills recently wrote, in "critical intelligence, tolerance, respect for evidence, a regard for the secular sciences."

We believe, to use the language of the Nation's Founders, in "a decent respect for the opinions of mankind" (even European mankind).

We believe in the true heartland of this country, where people struggle to provide for their families, dig deep into their pockets to help the less fortunate, and understand their religions to require good will and loving kindness.

We believe that self-righteousness is the enemy of righteousness.

We really do believe that the way you play the game is more important, in the end, than whether you win or lose. We really do believe that the ends don't justify the means.

In our America, borrowing from our grandchildren so that we can pay for a costly war without taxing the president's buddies and campaign contributors is not moral.

Dividing the Nation into red and blue, gay and straight, moral and immoral, welcome and unwelcome, is not moral. Excusing our own sins by pointing to the sins of others—torturing people, or engaging in "holy war" because "they" do it too, is not moral. Lying about sex or weapons of mass destruction or an opponent's war record—is not moral.

On Election Day, claimants of the "values" label came to the precinct where my youngest son was working to "vote against the queers."

In my precinct, when I handed a Democratic slate to a voter, he accused me of being a "friend of Osama." A friend's son registering voters for Baron Hill in a church was called a "fag lover."

The people who live in my America need to reclaim the vocabulary of patriotism and values from those who have hijacked the language in service of something very different.

DEATH OF CHARLES W. CHERRY, SR.

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today with a heavy heart to pay my respects to Charles W. Cherry.

I was extremely saddened upon hearing the news of the death of Mr. Charles Cherry. I knew Mr. Cherry since my days at college, and fondly remember him as an outstanding civil rights advocate, and a fighter for the civil rights of the African American community. Mr. Cherry was, most of all, an extremely effective community leader, and always stood up for the poor and the underprivileged, even in the most adverse circumstances.

On a biographical note, I think it is important to recognize that Charles and his family were the founders of the Daytona Times, an influential weekly African American community newspaper, and a Member of The City Council. Additionally, Mr. Cherry, a graduate of Morehouse College, earned his Masters Degree in Administration and Supervision from Alabama State College.

He was an activist and an entrepreneur who fervently believed that underprivileged communities thrive when offered economic opportunity.

He moved to Daytona Beach in 1952 and became active in the civil rights movement, participating in sit-ins and other efforts in the 1960s to bring about integration.

He became president of the Volusia County branch of the NAACP in 1971, was president of the State of Florida NAACP from 1974 to 1984, and later headed the local chapter again. He served on the NAACP's national board for 12 years starting in 1977.

All Floridians are grateful for the leadership he provided and will miss his presence and persistence when it came to the issues he championed.

I will miss him dearly, and his family will remain in my thoughts and prayers.

IN RECOGNITION OF OLYMPIC GOLD MEDALIST HEATHER O'REILLY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. HOLT. Mr. Speaker, I rise today to recognize Heather O'Reilly, one of America's most talented rising soccer players and student-athletes. Heather has been a vital member of the U.S. national soccer team and the University of North Carolina soccer team.

Heather, along with her teammates, earned the 2004 Olympic Gold medal in soccer. During the semifinal game against Germany, Heather netted the key goal in overtime, sending the team into the Olympic gold metal soccer finals. She has been apart of the national team since 2002 and has scored over eighteen goals.

Born in East Brunswick, New Jersey, on January 2, 1985, Heather lived with her parents, Andrew and Carol O'Reilly and three brothers. She attended East Brunswick High School, where she played soccer and basketball. Heather is one of New Jersey's finest players; she was All-Conference, All-County, and All-State all four years. She was a three-time NSCAA All-American and a Parade All-America. As a senior, Heather was the Parade National Player of the Year and the Gatorade National High School Girl's Soccer Player of the Year. She scored 143 goals in High School and led the Lady Bears to a state championship in 2001. She was the top soccer college recruit in the country.

At the University of North Carolina, despite suffering an injury, Heather helped lead the Tar Heels to a perfect record (27–0–0) and a Division I NCAA Championship. She eamed All-American honors and named Freshman Player of the Year from numerous soccer organizations across the country. On November 13, 2004, she tied the NCAA tournament record for most assists in a game in the Tar Heels' quest for another championship.

Apart from playing soccer, Heather is a model student-athlete. While in high school, Heather was a member of National Honor Society and now as a college student, she continues to maintain a strong grade point average.

Mr. Speaker, on behalf of the entire 12th district of New Jersey, I would like to recognize Heather O'Reilly for her Olympic gold metal in soccer, and commend her for representing the state of New Jersey and our country with pride and excellence.

TRIBUTE TO MS. KATIE PATTERSON BOOTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a woman who has stood as a giant in her community and all throughout the country. Ms. Katie Patterson Booth at the age of 95 is still mentoring, nurturing, and leading in her community of Gulfport, Mississippi.

Ms. Booth has earned a reputation of fighting for those that society would call the dispossessed, disenchanted, and brokenhearted. Ms. Booth through her boundless energy and passion continues to volunteer in her community—often she can be found encouraging young people to stay in school and avoid gangs. She is a woman on a mission to improve the quality of life for the residents in her community.

Ms. Booth spent many years in Chicago where she also made her presence known by fighting for justice, equality and opportunity for African Americans and poor people. She worked to help establish Bethune-Cookman College. In addition, she organized and founded Jobs Corps of America while serving as the Program Developer for National Church Women United.

Ms. Booth has received numerous awards and accolades. Including the Laurel Wreath Award presented annually to an individual that made significant contributions in the community, the Admiral Award, a high honor given to a Gulfport citizen, the Harriet Tubman Award, and the Frances Hooks Award given by the NAACP.

I am pleased to honor and recognize the work of Ms. Katie Booth. She is a shining example of doing justice, loving kindness and walking humbling with God. On behalf of the constituents of the Seventh Congressional District of Illinois I commend Katie Patterson Booth for her commitment to education, courage, perseverance, and can do spirit.

INTRODUCTION OF THE "UNIVERSAL SERVICE ANTIDEFICIENCY SUSPENSION ACT"

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. MARKEY. Mr. Speaker, I rise to introduce the "Universal Service Antideficiency Suspension Act," legislation that is necessary to address an abrupt change in the accounting requirements for the E-rate program which has led to a suspension of funds previously committed to K–12 schools and libraries around the country.

Mr. Speaker, a few months ago, the Federal Communications Commission (FCC), at the behest of the Bush Administration's Office of Management and Budget, decided to require that certain provisions of the "Antideficiency Act" (as contained in various provisions of title 31 U.S.C.) apply to the E-rate program for K–12 schools and libraries.

The result of the FCC's decision was that millions of dollars in committed funding to schools and libraries around the country was held up, and millions more put in jeopardy of not being released in timely fashion under the E-rate program. The decision to apply the provisions of the Antideficiency Act to the E-rate program also implicates other similar universal service programs for low income consumers and rural consumers in high cost areas.

Moreover, the FCC's decision will likely mean an unnecessary increase in consumer fees to all residential and business consumers starting January 1st to cover the new accounting requirements. This is why this bill needs to pass before Congress adjourns for the year.

The purpose of this legislation is to suspend the requirements of the Antideficiency Act for programs within the Universal Service Fund (USF), including the E-rate program, from the date of enactment through December 31, 2005. This will rectify for a period of time the problems caused by the FACC's decision to alter the accounting rules which govern such programs. This legislation is similar to legislation introduced in the Senate yesterday by Senator OLYMPIA SNOWE and Senator JAY ROCKEFELLER.

The E-rate program has helped transform our country's schools and libraries. Since it was adopted as part of the Telecommunications Act of 1996, it has assisted bringing the future into America's classrooms. While in 1996 only a small handful of classrooms and libraries were Internet capable, now approximately 95 percent of all public Internet access and over 90 percent of all K–12 classrooms have Internet access. It has become part of the educational experience for millions of schoolkids across the nation.

That's the reason why I named the program the "E-rate," for "education rate"—because I wanted to underscore the central educational mission for the program, especially for those poorer schools or more remote classrooms which might have been adversely affected by a "digital divide" in access to the skill set these kids would need in a new economy. The E-rate has been indispensable in assisting these schools and provides discounts between 20 and 90 percent to such educational entities depending upon their resources. I know from first-hand experience from my own State that this program has proven educational importance and value to millions of kids. In the last 5 years alone, over $180 million in supportive funding has gone to Massachusetts schools and libraries.

When I was Chairman of the Telecommunications Subcommittee in 1993, while that panel was considering proposals to revamp our nation's telecommunications laws, I wrote to the CEOs of the top 20 telephone and cable companies at that time to request that they provide free telecommunications links to our nation's schools. Only 3 reported their willingness to do so. As a result, I fought to make sure that our telecommunications legislation would include a requirement that such telecommunications companies better serve our schools because I felt this was vital for our educational system going into the digital era.

During the Subcommittee mark-up on the bill on the 1st of March, 2004, I introduced and successfully added the E-rate provision as an amendment to the pending telecommunications legislation. That bill, H.R. 3636, later passed the House of Representatives in June, 2004, by a vote of 423–4. Unfortunately, the Senate failed to pass similar legislation in that Congress and my legislative effort to establish the E-rate died on the Senate side prior to the 1994 elections. In the next Congress, with Republicans taking control of the House and Senate, similar efforts to pass a comprehensive Telecommunications Act were successful, and the E-rate provision was added to the Senate bill in the Senate Commerce Committee by Senator OLYMPIA SNOWE (R–ME), in an amendment that was also cosponsored by Senators ROCKEFELLER (D–WV), EXON (D–NE), KERREY (D–NE), and several others.

To administer this E-rate provision, as well as other universal service provisions from the Telecommunications Act of 1996, the Universal Service Administration Company (USAC) was established. This is the entity that received the directive from the FCC to implement new accounting rules to govern the E-rate program. USAC had previously utilized accounting rules that private sector entities use, but now USAC has been compelled to utilize government accounting rules which compel it to hold large cash reserves on its books by the end of the fiscal year to cover its commitments. Since this accounting decision came late in the fiscal year, USAC struggled to comply and was forced to freeze the E-rate program. And while USAC and the FCC believe that the program can begin again to act upon applications for E-rate funding, USAC has notified the Commission that the new accounting rules will compel it to raise the USF contribution level. This increase will likely be passed along to consumers.

While the last hours of this session are approaching, I believe that this legislation can still pass and must pass now, as a standalone bill such as this one I am offering, or as part of another package of bills—and I urge my colleagues to join in efforts to correct the problem that the Bush Administration's OMB and the FCC have created for this invaluable program. This legislation is simply designed to rectify this situation until a long-term solution can be achieved.

SALUTE TO DEPARTING TEXAS HOUSE MEMBERS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to seven of Texas' finest public servants, seven men who have served our country, their native State, and their congressional districts with great honor and distinction over the years.

I am talking about Representatives CHRIS BELL, CIRO RODRIGUEZ, JIM TURNER, MARTIN FROST, CHARLES STENHOLM, NICK LAMPSON and MAX SANDLIN.

Congressman MARTIN FROST is one of Texas' true giants, a man who has served this House and the people of the 24th District of Texas with great dignity for 26 years.

MARTIN is truly a classic. His hard work and dedication are legendary. MARTIN's reputation as a hard-working, fair, and effective Representative is well known and well deserved. It was under his guidance that we saw the passage of the Amber Alert. This legislation was authored by Congressman FROST in response to the kidnapping and murder of a nine-year-old girl from Arlington, Texas. His bill went on to create a "Two Strikes" law mandating life in prison after a second sex offense against a child.

Congressman FROST has a long record of leadership in Congress, bringing common sense and a practical approach to a variety of senior positions. As chairman of the House Democratic Caucus from 1999 until January 2003, and later as a Ranking Democratic Member of the House Rules Committee, MARTIN has crafted far-reaching and landmark legislation that will leave a lasting imprint on America's landscape and people.

Mr. Speaker, I also join with my fellow colleagues in recognizing the many accomplishments of CHARLIE STENHOLM who has served this body well for 25 years. His advocacy for this Nation's Agricultural community and fiscal policy has been tireless. Named "the spiritual godfather of fiscal austerity," STENHOLM has consistently fought for fiscal responsibility in the federal budget. A farmer, a third generation Texan, a father, a very proud grandfather—Congressman CHARLIE STENHOLM has effectively served the 17th Congressional district of Texas with distinction.

Mr. Speaker, I also rise today to pay tribute to my friend and colleague, CIRO RODRIGUEZ. He has demonstrated 7 years of exemplary service in this House and an extensive record of promoting the rights and benefits of the more than 50,000 veterans in the 28th District who answered the call to serve. Congressman RODRIGUEZ worked closely with local community leaders on a range of issues to promote the interests of the many counties, cities, towns and residents within his congressional district. I am also grateful to CIRO for his work in helping me to fight for civil rights for minorities in this country.

My other colleague, NICK LAMPSON took office to represent the 9th Congressional District in 1997. This former high school science teacher, served as the Ranking Member of the Science Committee's Subcommittee on Space and Aeronautics, and is a strong advocate for the Johnson Space Center and the entire NASA manned space program. He also served with me on the Transportation and Infrastructure Committee, where he fought for federal highway construction and repair funds, and the improvement of Houston and Southeast Texas airport facilities. His leadership has been invaluable to the committee. I am proud to call him my friend. I join with the House in expressing my sadness at his departure and my best wishes for success in all of his future endeavors.

Mr. Speaker, MAX A. SANDLIN was elected to Congress in 1996. As a Member of the Ways and Means Committee MAX's main concern for the needs of older Americans was genuine and his dedication to improve rural education was and continues to be vitally important to all Americans. His constituents will miss his dedication, and so will the Members of this House.

My other colleague from Texas, CHRIS BELL represented our State on the Financial Services Committee. CHRIS has worked tireless on issues of importance to Texas residents. CHRIS is a kind and caring loving being and a good legislator. He has served Texas' Twenty Fifth District with distinction.

Another House Member I find it hard to say goodbye to is JIM TURNER. He represents the good people in the 2nd District of Texas, and he is the Ranking Member of the House Select Committee on Homeland Security. Before, he was elected to Congress he served in the Texas Senate with me. In the Texas Senate, he was recognized as an outstanding legislator by a number of statewide organizations for his leadership in health care, criminal justice, education and on behalf of Texas children. He also served in the Texas House for 10 years. As the Ranking Member of the House Select Committee on Homeland Security and Terrorism Subcommittee, JIM worked hard to protect the safety and security of the American people in the war on terrorism. In addition, his work in Congress focused on promoting economic development and forestry in East Texas. He continues to work for senior citizens through his sponsorship of legislation to lower prescription drug costs.

Mr. Speaker, it is with great sadness that I bid farewell to my friends and colleagues. However, I know in my heart that their dedication to the American people will not end here. I wish them the best for their future endeavors and with whatever challenges may lay ahead.

RECOGNIZING THE BOY SCOUTS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. LEE. Mr. Speaker, today voted with my colleagues in support of H. Res. 853, recognizing the Boy Scouts of America for the public service the organization performs for neighborhoods and communities across the United States.

Althouh I voted in support of this resolution, I remain concerned by the Boy Scouts continuing discrimination against gays and lesbians.

An organization that purports to teach children "principles which are conducive to good character, citizenship, and health", as indicated by this resolution, and which "teaches the core values of duty to God and country, personal honor, respect for the beliefs of others, volunteerism, and the value of service and doing a 'good turn' daily" does a disservice to children when it teaches them that it is okay to discriminate against someone based on their sexual orientation.

While we as a Congress can and should support the good deeds done by individual Boy Scouts and troops throughout the country, we should not overlook or tacitly condone the discriminatory policies and attitudes of the larger organization or its administrators.

IN HONOR AND REMEMBRANCE OF SGT. MORGAN WILLIAM STRADER

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. CARSON of Indiana. Mr. Speaker, I rise today to honor the life and service and sacrifice of Sergeant Morgan William Strader, formerly of Brownsburg, Indiana, who was tragically killed in the line of duty on November 12, 2004 while serving his country in Iraq. His father lives in my district.

Sgt. Strader loved his country. He recognized the impending danger of serving his country in Fallujah. Notwithstanding, he chose to serve. Our city, state and country have much pride for the young 23 year old.

Morgan Strader grew up in Brownsburg, Indiana where he attended school through the seventh grade. He moved to Crossville, Tennessee in the eighth grade where he was active on the high school track team and wrestling squad. Upon graduation he left to join the Marines.

Morgan served with the 3rd Battalion, 1st Marine Regiment in Iraq from February to June of last year, and returned to Camp Pendleton, California, where he was assigned to military police duty pending his discharge in July. But Sgt Strader couldn't bear the thought of his unit returning to Iraq without him, says his father, Gary Strader, of Speedway Indiana. Instead, he asked that his enlistment be extended for another year, and returned with his unit to Iraq in July.

As his battalion prepared for the battle in Fallujah, Sgt Strader developed a skin condition that made him eligible to be sent home. But Morgan Strader "decided he wasn't coming home," his father recalls. "He said, 'Dad, the guys in my unit aren't experienced in this. I need to help them.'" He was killed in the battle of Fallujah on Friday, November 12.

Morgan Strader loved fishing with his grandpa. He had a strong faith in God and he loved serving in the Marine Corps. Sgt Strader's father describes him as "a Marine from the day he was born . . . His grandfather was in the Army during Korea. He latched onto that and loved it."

His high school English teacher Angela Bradley testifies to his keen sense of humor and strong moral values. "All Morgan ever talked about doing when he was in high school was to be a Marine and to be a minister."

Sgt Strader is survived by his grandparents Lonnie and Estelle Morgan of Hebbertsburg, Tennessee; his mother Linda Morgan of Dumfries, VA; his father Gary Strader of Speedway, Indiana; his uncle Jimmy and aunt Teresa Barnett of Westel, Tennessee; and his cousins Austin Barrett and Angel Morgan.

Morgan William Strader will be deeply missed. His strength and service to his country, friends, family, and God will be remembered always by all whom he inspired and loved.

The citizens of the Seventh District of Indiana extend our deepest gratitude for his sacrifice and dedication to public service.

PROVIDING FOR CONSIDERATION OF S. 2986, INCREASING THE PUBLIC DEBT LIMIT

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise to oppose this resolution.

The Republican leadership is trying to have it both ways. When President Bush took office in 2001, he inherited a budget that was in balance and actually had a surplus. There was no need to increase the debt limit, because we were actually reducing the debt of the United States.

When President Bush took office, his Office of Management and Budget, OMB, projected that the nation would not reach its statutory debt limit until 2008.

However, due to the irresponsible fiscal policy of the Republican leadership in the House, due mainly to the tax cuts that cut revenue we needed to keep the budget in balance, we are at this place, increasing the debt limit.

In 2001, the budget surplus was cut almost in half, in 2002, the budget plunged into deficit; in 2003, the deficit grew to the largest in history; and in 2004, the deficit broke its own new record.

This third increase in 4 years should be seen as the symptom of a larger problem. What is the response of the Republicans? More tax cuts, decreasing the revenue into the treasury and cutting important programs to all Americans.

This debt limit is not related only to the ability of the United States Government to borrow money. This huge debt is affecting our ability to buy goods overseas, and the ability of the dollar as a reserve currency for the rest of the world is being affected. One day we will wake up with an even larger debt and the Euro will be the currency of choice for the rest of the world. We will be shut out of markets and the interest we pay to borrow even more will rise, costing us more to pay our debt, and reducing the services we supply to our constituents.

This includes Social Security and Medicare. By passing this administration's tax cuts, it reduced revenue to the country by $12.1 trillion to $14.2 trillion over the next 75 years. This is three times the projected shortfall in Social Security. And it exceeds the combined long-run unfunded obligations of both Social Security and Medicare.

Mr. Speaker, we must stop the bleeding and this bandage will not fix the problem!

IN RECOGNITION OF OLYMPIC GOLD MEDALIST JASON READ

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. HOLT. Mr. Speaker, I rise today to honor Jason Read on his gold medal performance in rowing at the 2004 Olympic Games held in Athens, Greece, and also to commend him on his heroic service to the American people on September 11, 2001.

Read and his fellow teammates from the U.S. Men's Elite rowing team won the gold medal at the Olympic Games in Athens, on August 22, 2004. Read helped his team set a new world record in their event. He has repeatedly stated how proud he was to represent America to the world at the Olympics, and he usually adds that he is also proud to serve as a local volunteer fire chief in Ringoes, New Jersey.

On September 11th, 2001 Jason Read, joined other workers in the rescue and recovery efforts by setting up field hospitals, treatment centers, and by searching for survivors at Ground Zero.

This past September, the people of Ringoes honored Read with a parade celebrating his Olympic gold medal and his contributions as a firefighter. As both an Olympic athlete and devoted fire chief, Read has demonstrated a strong sense of community and commitment to public service that can inspire every American.

Mr. Speaker, on behalf of the entire 12th district of New Jersey, I ask you and my colleagues to join me in congratulating Jason Read for his Olympic gold medal in rowing, and also, for his commitment to serve the people of Ringoes, New Jersey, and the people of America.

THE NEED FOR ACTION ON POSTAL REFORM

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. DAVIS of Illinois. Mr. Speaker, as the Ranking Member of the Committee on Government Reform's Special Panel on Postal Reform and Oversight, I rise to urge support for Postal Reform.

The United States Postal Service is a vital part of a $900 billion industry that employs more than 9 million people.

However, the Postal Service is experiencing a downward economic spiral. First Class mail volume continues to decrease with the use of technology, such as e-mail and faxes; operating costs as well as the number of addresses to which the Postal Service must deliver every day are increasing; and the Postal Service is additionally hampered by an untenable debt load.

In recognition of the dire situation of the Postal Service—the President in December 2003, created a bipartisan Commission to examine the operation and financial challenges faced by the Postal Service, the first such action taken in over 30 years. Using the Commission's recommendations as a foundation, I am proud to have been a part of the Government Reform Committee's bipartisan effort to unanimously pass The Postal Accountability and Enhancement Act of 2004, which will help ensure a viable future for the United States Postal Service.

This bill protects collective bargaining rights, allows the Postal Service flexibility in ratemaking, releases escrow funds of $73 billion to be used to fund health and pension obligations and transfers military service obligations back to the Treasury. The result of all of provisions is postage rate stability, which will maintain a strong customer-base, preserving the universal service provided by the Postal Service.

The President has displayed commitment to advancing postal reform legislation by the creation of his commission. I am now calling upon the White House to fulfill that commitment and to work productively with the Congress to achieve postal reform and rate stability for American ratepayers and businesses.

We have worked tireless to craft a strong bipartisan bill that address many of the challenges facing the United States Postal Service. But we cannot advance without the direct engagement of the White House. With an impending double-digit rate increase set to go into motion in the Spring of 2005, it is imperative that Congress, as well as the White House, follow through on our commitment to enact postal reform.

CELEBRATING THE BIRTH OF ELLIANA GRACE KUGLER

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. LOFGREN. Mr. Speaker, as the 108th Congress draws to a close, I think it is important that those of us who serve as Members of Congress pause to thank those whom the public rarely sees, our staffs. I think that all of us, both Republican and Democrat, acknowledge that without the talented staff we have to help us do our jobs, the Congress would be a poorer institution.

During this last year a significant—yes life-altering event—occurred for one of my key staff attorneys. Andrew Kugler, and his wife Jennifer celebrated the birth of their daughter Elliana Grace Kugler at 4:37 p.m. on September 6, 2004 at Sibley Memorial Hospital in Washington, D.C. She weighed in at a healthy 7 pounds, 3 ounces, and was 21 inches long.

Ellie has been blessed with a large, doting family. She's already had visits from her grandparents Hymen and Sharon Childs and Andy and Hedy Kugler, as well as her aunts Allyson Hale and Christine Kugler. Soon, she'll also get to meet her Uncle Marty and cousins Jacob and Benjamin Hale, as well as her many new friends in California, Texas and across the country.

Just as being parents makes each of us Members of Congress more able to appreciate the importance of our jobs here in the House of Representatives, when our staffs become parents their lives are also enriched, and their understanding of the importance of families is enhanced.

Mr. Speaker, I ask my colleagues to join me in welcoming Ellie into the world and wishing her and her family all the best. She has a very bright future ahead of her.

TRIBUTE TO SUE GARMAN

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. DELAY. Mr. Speaker, this year, NASA saw the retirement of one of its best and brightest. Sue Garman ended her 17 year career in public service.

Sue is one of the most amazing people I have ever met, and NASA lost a tremendous asset when she stepped down.

Sue strongly believes the future of our nation rests in our willingness and ability to achieve great things. She recognizes the role NASA serves in feeding the soul of America but inspiring young and old alike and quenching the basic human need to explore the unknown.

An incredibly dedicated worker, Sue served two stints away from her Houston home to serve at NASA's headquarters in Washington, DC. In spite of long hours away from her family, she worked tirelessly and seldom complained. She was passionate about the agency and even more passionate about the people around her.

Sue was a rare find in the workplace—a visionary with incredible attention to detail, an incredibly bright person with enormous heart.

She never sought glory or recognition for herself. Content to work behind the scenes, she strove to help Johnson Space Center and the entire NASA agency achieve greatness. Unlike astronauts or famous scientists, Sue rarely received the public recognition she so greatly deserved. But she did enjoy the respect, admiration, and love of those serving around her and within the Clear Lake community. Every time I've set foot in Clear Lake, I've heard folks sing Sue's praises.

A dedicated worker whose loyalty was legendary, a smart lady with vision for how things should be and the dedication to try to get there, Sue is a class act.

Her uncommon mixture of inspiration, commonsense and intellect will sorely be missed. But I am happy to know that she will now be focusing her attention on the more enjoyable and important things in life. Her time will now be spent at her beach house quilting and spending time with her husband and new grandchild. Sue, thanks for all your hard work and dedication. You are an inspiration to us all.

HONORING WAYNE SPRUELL

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. McHUGH. Mr. Speaker, I rise today to honor Wayne Spruell, principal director for manpower and personnel, Office of the Assistant Secretary of Defense for Reserve Affairs, upon his retirement from Federal service and to thank him for his contributions to the United States of America over the past 36 years. Since graduating from the Virginia Military Institute in 1968, Mr. Spruell has served his country honorably and with great distinction in both the military and Federal civilian service.

His 3 years of active duty as a lieutenant in the U.S. Marine Corps included 18 months in the Republic of Vietnam. During this period he was awarded two Bronze Stars with combat device. Subsequent to his active duty, he completed 20 years in the Marine Corps Reserve, retiring in 1992 at the grade of lieutenant colonel.

Mr. Spruell's career as a Federal civilian employee began in the U.S. Customs Service and continued as an operations officer and intelligence analyst with the Central Intelligence Agency from 1972 until 1981. His assignments included overseas tours in Vietnam and Panama. In 1975, the CIA awarded him the Intelligence Star—an award for voluntary acts of courage performed under hazardous conditions or for outstanding achievements or services rendered with distinction under conditions of grave risk.

From 1981 until 1985, he had responsibility for the Army's individual training programs and then moved to the Office of the Assistant Secretary of Defense for Reserve Affairs as a program analyst. In recognition of his exceptional skill as a leader and manager, he was selected as the director for manpower programs, a position he held until 1994. Subsequently, his success and effectiveness as the principal director for manpower and personnel resulted in his selection as a member of the Senior Executive Service in 1999.

Mr. Spruell is the leading expert within the Department of Defense on National Guard and reserve manpower and personnel matters. In that capacity he has been instrumental in many of the legislative and policy initiatives that have fundamentally reshaped America's reserve components. His contributions to the Reserve Officers Personnel Management Act, the Reserve Component GI Bill, and military technician reforms were especially noteworthy. He led the transformation of reserve personnel management and employment by removing statutory and policy barriers to allow for the seamless integration of the active and reserve components while accomplishing defense missions. In the wake of the events of September 11, 2001, Mr. Spruell was the architect of the Department's personnel policies and procedures for mobilized Guard and Reserve members.

Noteworthy as these accomplishments are, there are other aspects of Mr. Spruell's career that I believe deserve our respect and thanks. For one thing, Mr. Spruell is a consummate, constant professional who can be counted on always to both lead and to provide reliable, objective insight and assistance in all matters pertaining to reserve component personnel. For another, over the years he has helped my subcommittee and others in Congress immeasurably in shaping important legislation and as a result has made a difference for the better in the lives of many. In my view, however, Mr. Spruell's value to this Nation and to the men and women who serve it in uniform rests in his unhesitating, unselfish commitment to doing the best job he can in every way, without thought of formal recognition or gain. That kind of lifelong dedication and professionalism is what makes his service doubly worth recognition.

When he retires in January, the Department of Defense will sorely miss his leadership, knowledge and experience. A dedicated patriot, Mr. Spruell leaves a legacy of unquestionable successes, positive relationships, and a solid foundation for the future. I want to thank him, on behalf of my colleagues on the House Armed Services Committee, for all that he has given to the Nation and to wish him, his wife Lan, and family well in all their future endeavors.

100TH ANNIVERSARY OF BELLEVILLE SHOE AND BELLEVILLE SHOE SOUTH

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. BERRY. Mr. Speaker, I rise today to congratulate a company that has spent 100 years making a name for itself and has been with our U.S. Armed Forces every step of the way. I am proud to recognize Belleville Shoe and Belleville Shoe South, Inc. in this Congress for their commitment to their community and all they do for our nation's soldiers.

While Belleville Shoe in Southwestern Illinois marks its 100th anniversary this year, Belleville Shoe South, based in DeWitt, Arkansas, has been a part of the Belleville Shoe Manufacturing Company since spring of 2002. It was then that Belleville reopened the DeWitt shoe plant that had closed four months earlier; today that plant employs 650 people, pumping $12 million in wages into the local economy annually.

Perhaps most important is the product the plant produces: boots for the U.S. Army. The plant's employees turn out an astonishing 3,600 boots each day for the Department of Defense and do so with a great deal of pride, knowing they are making shoes for America's military men and women.

Not surprisingly, much of the credit for Belleville's success belongs to the Weidmann family that has overseen the company since its creation in 1904. What started with William Weidmann in 1904 and has been passed down to the fourth generation in Eric Weidmann today has become a company that reflects the family that created it. Compassionate, unwavering and innovative.

Belleville Shoe has also improved the quality of life for many in DeWitt and the surrounding areas. The wages and benefits it offers exceed the area average; in fact, many employees have never had any benefits before working for Belleville. When a qualified labor pool in DeWitt began to dry up, Belleville hired two transportation companies to operate a van service to bring in about 100 employees from outlying areas to work at the plant.

On behalf of the Congress, I am honored to recognize Belleville Shoe and their contributions to the community they live in as well as the military community they serve so proudly. They are a shining example of what can transpire when a company treats its employees with respect, helps its community grow and creates a product that moves this country forward—one step at a time.

HONORING AND CONGRATULATING LACY AND DOROTHY HARBER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to two outstanding citizens of Denison, Texas, and my dear friends, Lacy and Dorothy Harber, owners of American Bank of Texas and LJH Corporation.

Lacy and Dorothy recently received the Denison Area Chamber of Commerce Large Business Award for their efforts in uniting the community through business and employment opportunities. The State of Texas House of Representatives awarded them a Certificate of Recognition for this prestigious award.

Lacy and Dorothy have devoted their time, talent, and resources to numerous worthy projects in Denison and Grayson County. They are beloved and respected by all those who know them, and they have been vital to growth and development in Denison.

Mary Ellen and I feel very fortunate to count them as our friends, and I am very fortunate to be their Congressman. Mr. Speaker, as we adjourn today, let us address in the House of Representatives these two exceptional leaders of the business world and generous people—Lacy and Dorothy Harber.

HONORING DAVE JARRETT FOR LIFETIME SERVICE TO VETERANS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to a remarkable individual from my home state of Kentucky. Dave Jarrett has been a longtime unsung hero in my congressional district as an advocate for veterans and mentor to countless young men and women considering enrollment in our Nation's military academies.

Dave demonstrated unusual courage and a selfless instinct to help others from an early age, graduating with distinction from the Naval Academy and serving our country honorably in the Vietnam war. This keen sense of duty and sacrifice was an early indication of his character, qualities that have made him a brilliant public servant in the years that have followed.

A disabled veteran himself, Dave volunteers generous amounts of time as District Commander of Disabled American Veterans, attending meetings and advising fellow veterans on benefit issues. He meets with veterans at the Hardin County Courthouse every Thursday to help them with the process of filing for veteran benefits. He also serves as a member of the Second Congressional District Military Academy Nomination Board and as a Blue and Gold officer for the U.S. Naval Academy.

As we pay tribute to our nation's veterans this week, I would like to recognize Mr. Jarrett, before the entire U.S. House of Representatives, for his lifelong example of leadership and service. His efforts, from Annapolis to Southeast Asia to Hardin County, make him an outstanding American, worthy of our collective respect and honor.

GERALD "SUBIYAY" MILLER RECEIVES HERITAGE FELLOWSHIP

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. DICKS. Mr. Speaker, on September 30, in the Cannon Caucus Room, I was privileged to present the National Endowment for the Arts' National Heritage Fellowship to my constituent, Gerald "Subiyay" Miller, from Shelton, Washington. The Heritage Fellowship is the highest honor our country gives to folk and traditional artists.

I could not be prouder of Subiyay. I am also proud of the National Endowment for the Arts for starting this program 25 years ago. And I am proud to live in perhaps the only country where such awards could be given—honoring traditions from our First Americans to cultures from every region of the world.

Mr. Speaker, in the night before the ceremony, Subiyay, gave a noble and moving closing to the banquet for the 2004 Heritage Fellows and their families. Just as he weaves his "story baskets", he wove some of the creation story of his people into his observations about the role of art in civilization. I would like to share his story with my colleagues.

AT THE NATIONAL ENDOWMENT FOR THE ARTS' NATIONAL HERITAGE FELLOWSHIP BANQUET IN THE GREAT HALL OF THE LIBRARY OF CONGRESS—SEPTEMBER 29, 2004

Barry Bergey (NEA Director of Folk and Traditional Arts): I've asked Gerald Miller to go last. I think it's appropriate that we're in this Library, this great repository of learning, surrounded by so much knowledge. So many of the Native Americans Elders have retained that knowledge. You know the African proverb that "When an elder dies, it's like a library burning down."

We actually have two elders here. We have a previous National Heritage Fellowship recipient, Vi (Violet) Hilbert, sitting next to Gerald. [Applause] She received the award about 10 years ago for retaining her language and her stories.

Gerald, Subiyay as he is known in his language, Skokomish (Twana), was the last living speaker of that language. Now he has taught many young people. He hasn't taught them just the language. He has taught them the crafts, the music, the ceremonials, the use of regalia, the making of regalia.

I have asked him to come up and say a few words and, if he would, to sing a song—a blessing song—for us to end the evening.

Please make welcome Subiyay. [Applause]

Gerald (Subiyay) Miller [Strong, measured, gravely voice]: In the beginning of time the humans were given the first gift. It was gifted to us before language. It was a gift before all other things. It was the gift of the drum. And its sound was the heartbeat of our mother. As unborn infants, we heard it as we grew in her body; giving us all the rhythm of life, the rhythm of the teachings and the beliefs that we would follow. The drum is an important part of most cultures of the world. We have many phrases that have to do with the rhythm of the drum. We for instance might walk to the beat of a different drum. The drum excites us. The drum soothes us. The drum puts us in step with one another with its beat.

The second gift to the human beings was the gift of song. And the song came before the spoken languages that we have as people on this earth. It was given to us by the bird people. It was given to us to express ourselves in the truest form of expression that we as human beings would ever have, the expression of song. Song allowed us to express every emotion that we as human beings would feel. Song is so important that many of our early cultures used it as a tool in teaching, because is causes something called subliminal implanting. If we sing a teaching, it will stay with for our entire life.

Long ago we sang the teachings of our ancestors. We are all born with a song—Our Spirit Song. From the moment we leave the womb of our Mothers our song is within us. We have songs that we call mood music. How many nations are there without a song or anthem? How many religions use song to express their hopes and convictions? We have songs to honor another year of life. We have songs for weddings. We express ourselves through song. And all of us, although we might acknowledge or not acknowledge ourselves as singers, when something wonderful happens, we feel like singing. It's the spirit of the songs that lives within all of us.

My elders say we are all born with a spirit song. Our children will prove it to us. As they learn to speak, they all sing little singsongs about their world; regardless of what culture we come from. If a song expresses our true emotions, we sing it.

The next gift that came was dance. We were also given dance before language. We were given dance to "tell the story"—to tell the story of our people. Song and dance are probably the oldest forms of art that we as human beings have to this day. In my language the word dance means more than "get up and boogie." Dance is non-verbal. It is communication by gesticulation.

There's one dance that we can do with one finger and we all know what that gesture/dance means. We don't have to express it with words. We dance with the expressions of our faces. We dance with the gestures of our hands. We dance with the posture of our bodies. We dance with the tilt of our head. Children, even before they learn to speak, understand these dances. They see it in us as parents and as teachers. The power of dance will forever be with us.

Then came the spoken language. With language came the story of our People. With language came the gift of long memory. We were given language to carry the knowledge of our ancestors from the beginning of time to this very moment, in this room, and on into the future. The power of language contains the power of the story. We see in this room all the races of mankind represented. All of us started from a different trail at the beginning of time, we have conjoined here at a common spot, sharing this moment in time together. We sit here, our hearts beat together. We breathe the same air and we are enjoying each other's company. We eat together.

History would not exist if it were not for the artists. There are cultures all over the world that no longer exist. The important thing that they left behind was their art—writings on the rocks, artifacts, beautiful songs from the beginning of time. Some dances are thousands of years old. They are still alive, giving testimony to those who created these forms of art. All of us who are artists have had our mentors. We have our ancestors to thank for the gifts that we as humans were given—given to express our soul, and our hearts to the people. Art is a powerful form of expression. Our art tells our stories. And we, the artists, who are here can appreciate one another from that mutual understanding.

I want to extend my gratitude on receiving this award to all of our ancestors who left with us the gifts that we exhibit today: the gift of the song, the gift of the dance, the gift of the story and the gift of creativity. As long as we keep these traditional arts alive, we speak for our people.

I look at our sister artist Koko (blues musician Koko Taylor from Chicago) and know how her blues music moves me. I look at the family of puppeteers (Yuqin Wang and Zhengli Xu from Aloha, Oregon) who carry on an art form over two thousand years old. I look at our sister here from India (Kathak dance Anjani Abegokar from Diamond Bar, California), carrying on an art form known to be at least four thousand years old. And because of her it lives and flourishes. Because there was someone who cared. There was someone who listened. There was someone who had a teacher.

For all of us who live, for all of us who are being recognized in this room, we honor those who had an influence on our life. Because now through our art form we speak for them.

Einstein said there are two kinds of knowledge, stored knowledge and living knowledge. Stored knowledge can be put in a book and set aside, and looked at later. But living knowledge has to be expressed, felt, spoken and demonstrated. There is no replacement for living knowledge. My grandfather told me that I could be anything that I wanted; and I believed him. He said our people became lazy when they learned how to write because they no longer relied on their memory and their personal discipline. They think that they can look it up in a book or listen to a tape recording. But the written word is only a shadow of the spoken word. The written word can't facilitate the same feeling as the spoken word can.

To my first teacher I owe my beginning. My first teacher was my great grandmother who was born in 1861 and began my instruction in 1948. My most recent mentor is still living and that is taqsH3blu (pron. tak say blue, Violet Hilbert) who I carry high in my heart. I know that the generations yet to come will be able to hear the knowledge that she has passed on to me.

We have a term in our language called gW3dZadad (pron. ha ku sadad). To us it is a form of wealth. It has nothing to do with monetary currency or material things. It's the wealth of the knowledge of our culture. It's something that cannot be bought. Something that many governments have tried to destroy within the various nations of the world. They burned libraries. Tortured and killed artists. But still we survive and speak for those original ancestors of our cultures. I want to thank the people who nominated me for this award. I never expected any acknowledgment for what I do in life. I merely look upon the things that I do as a personal responsibility to keep what I have alive for future generations.

Thank You.

At this time I would like a couple of my singers to come up. We are going to sing a song from our people called P3t ti scHalal (pron. put tee sha lal)

Way La Hey La
Wo oh ho oh hey

Way La Hey La
Wo oh ho oh hey

Way La Hey La
Wo oh ho oh hey

Way La Hey La
Wo oh ho oh hey

P3t ti scHalal tulasab3d d3xW (pron. put tee sha lal tu la saba du) (From the time of the first people down to this moment)

P3t ti scHalal tulasab3d d3xW (pron. put tee sha lal tu la saba du) (From the time of the first people down to this moment)

P3t ti scHalal tulasab3d d3xW (pron. put tee sha lal tu la saba du) (From the time of the first people down to this moment)

P3t ti scHalal tid shabu (pron. put tee sha lal tich shabu) (From the time of our ancestors comes our story)

We all live our own story. We all come from a different walk of life. But right here, tonight and right here in these next few days we will share the same story. For this moment in time we are brothers and sisters.

Thank you. [Applause]

CONFERENCE REPORT ON H.R. 1350, INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of the Conference Report on H.R. 1350, the Improving Education Results for Children with Disabilities Act, IDEA, because it continues to protect the right of students with disabilities to receive a free and appropriate education. The very purpose of IDEA is to protect the civil rights of disabled students and I am pleased to see that my colleagues were able to remove the provisions in the House bill that undermined that purpose.

I have received many letters and phone calls from my constituents letting me know about the difference that IDEA has made for their children. One constituent wrote to me about her son, who has a form of autism, and how IDEA rights are helping him thrive for the first time in his life. Two other constituents of mine shared a story with me regarding their 12-year-old granddaughter, Veronica, and how IDEA allowed her to receive the proper attention she needed at an early stage in her schooling. Veronica has improved greatly since then and her needs are now met with minimal intervention.

This agreement goes a long way towards ensuring that IDEA will continue to benefit children with disabilities. For example, unlike in the House version of this bill, students will not be moved indefinitely to "alternative placements" for any violation of a school code of conduct—even if a child's disability is the cause of the specific behavior.

However, I would like to express my disappointment that this agreement still does not force us to live up to our funding promises for IDEA. Ever since IDEA's initial enactment in 1975, the law has included a commitment to pay 40 percent of the average per student cost for every special education student. The federal government currently pays for about 19 percent of the cost of educating a child with disabilities and at the current rate of increase we will never reach that promised level of funding.

The lack of funding for IDEA hurts students and it hurts schools. I urge my colleagues to join with me in voting for this conference report today, and then I urge them to join with me in fighting to make sure that we live up to our funding promises.

TRIBUTE TO HACKETTSTOWN COMMUNITY HOSPITAL IN HACKETTSTOWN, NJ

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. GARRETT of New Jersey. Mr. Speaker, I am grateful for the opportunity to pay tribute to Hackettstown Community Hospital as a model of an exceptional healthcare resource serving the rapidly growing, multigenerational population of Warren County and the city of Hackettstown, NJ for over 30 years.

Hackettstown Community Hospital is taking steps to make the transition into a Regional Hospital Center in response to evolving health care needs of northwest New Jersey residents. Investments have been made to provide additional state-of-the-art technology and services essential in diagnosing and treating the two leading causes of death: cancer and heart disease.

Recent statistics show, the residents of Warren and Sussex counties have a higher cancer incidence rate than the rate for the entire state of New Jersey. Hackettstown Community Hospital's new Cancer Center will meet this critical demand for specialized cancer services, offering the area's first radiation oncology program and a new chemotherapy/infusion therapy center.

And with a substantial increase in the number of patients seeking cardiac care, Hackettstown Community Hospital plans a new Low-Risk Cardiac Catheterization (Angiography) Laboratory offering its patients extensive diagnostic, treatment and rehabilitation services for patients with cardiac distress to long-term cardiovascular and cardiopulmonary illnesses.

I ask my colleagues in the House of Representatives to join me in paying tribute to Hackettstown Community Hospital for the excellent care it provides for the citizens of northwest New Jersey and for its continued success in its efforts to become a leading Regional Hospital Center.

IN MEMORY OF CORPORAL NICHOLAS DIERUF

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. CHANDLER. Mr Speaker, I rise today to honor the life of Corporal Nicholas J. Dieruf. On April 8, 2004, Corporal Dieruf made the ultimate sacrifice for his country while serving in Iraq. The work of our young men and women in the armed services is vital for the safety and security of our nation. The death of Corporal Dieruf is a true loss to the United States.

I salute his dedication while serving in the 1st Light Armored Reconnaissance Battalion, a unit in the 1st Marine Division. My thoughts and prayers are with his wife, Emily Duncan Dieruf, his parents, and all those who loved him.

RECOGNIZING NATIONAL ADOPTION DAY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. COOPER. Mr. Speaker, on this Saturday, National Adoption Day, courts across the country will be finalizing the adoptions of approximately 3,000 former foster care children, including several dozen children in my home state of Tennessee. I rise today in celebration of National Adoption Day and in honor of these newly-adopted children and their families.

This year marks the fifth National Adoption Day, which was founded in part by the Congressional Coalition on Adoption Institute. I am proud to be a member of the Congressional Coalition on Adoption, and I have made it one of my priorities in Congress to ensure that all children in foster care are placed in loving, permanent homes.

Many children in foster care face long odds for adoption. In 2001, only about 50,000 children were adopted out of foster care, while as many as 129,000 children were left waiting. While the number of children being adopted out of foster care has been increasing, it is obvious that we have a long way to go.

I believe that our churches and communities must come together with government to help end this crisis, and that is why I've introduced H.R. 4431, the One Church, One Child Act of 2004.

This bill is based on a highly successful adoption ministry begun by a Catholic priest in Chicago, Fr. George Clements, more than two decades ago. The concept of One Church, One Child is simple: it is a challenge to every faith community and congregation to adopt or foster one child. If every church, synagogue and mosque in America took up this challenge, the nation's foster care problem would be virtually erased overnight. My bill would provide grant funding for community and faith based organizations to recruit and train new foster and adoptive parents and to involve faith communities in building better lives for abused and neglected children in need of loving homes.

On this National Adoption Day, I am proud to honor the thousands of families across the nation who have opened their homes and their hearts to a foster child. And I look forward to the day when every child in foster care can count on finding a loving and permanent home.

COMMEMORATING THE MAGNIFICENT SEVEN

SPEECH OF

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the distinguished Members of Congress from Texas who will not be among our number in the 109th Congress . . . and to thank these notable public servants for their service to the nation, to the House of Representatives, and to the great State of Texas.

In the next Congress we will be without the considerable talents of the following members: Martin Frost from Dallas, Charlie Stenholm from Abilene, Ciro Rodriguez from San Antonio, Max Sandlin from Marshall, Jim Turner from Crockett, Nick Lampson from Beaumont, and Chris Bell from Houston.

All together, when the House reconvenes in January, the State of Texas—and the House of Representatives—will have lost 86 years of experience and seniority in tending to the peoples' business here in Congress.

Marty Frost has been the dean of the Texas Delegation Democrats for a long time and is an extraordinary leader for us in Texas and as Caucus Chairman for the Democratic Caucus. His work on the Rules Committee led the House Democrats in fighting for the rights of the minority party in the legislative process.

Charlie Stenholm is the dean of the House conservatives, a leading moderate whose fiscal discipline was stamped on budgets throughout the 1990s—the last time we ended our spending seasons with a surplus. This House—which desperately needs moderate voices now more than ever—will miss Charlie's influence. His work for the rural communities and farmers of the nation, from his seat as the top Democrat on the Agriculture Committee, will be sorely missed by all our rural states.

Ciro Rodriguez, the Chairman of the Congressional Hispanic Caucus, has been a forceful champion of the rights of Americans of Hispanic descent during his tenure in the House of Representatives. He has represented the interests of border communities in Texas, and his home city of San Antonio, with excellence and distinction.

Max Sandlin, an illustrious former East Texas judge, brought tremendous understanding and judgment to the debates in this House that come from his front line experiences with how the laws we make in Congress are practically applied beyond the beltway. He knew intimately how what we did here would affect people's lives.

Jim Turner, a former state legislator and another much-needed moderate voice in Congress, understood how our work in Congress affects states, state budgets and practical policies. Jim's tenure as top Democrat on the Homeland Security Committee leaves a big hole in the influence of Texans in the sphere of the defining interest of our time.

In Nick Lampson's work on the Science Committee, he was a valuable advocate of Texas interests in the space program, which is the leading frontier of science for the nation and a reliable source of jobs and industry in our state. His work in the House will be sorely missed by both the nation and the state.

Chris Bell's experience as a city councilman provided an excellent view of how our work in Congress affected local governments, and his service on the Financial Services Committee in the House was valuable to the nation and Texas.

Mr. Speaker, I ask our colleagues to join me in offering our respect and our gratitude for the outstanding service to the nation by these 7 Members of Congress who left an indelible mark on this nation, within this chamber and for the State of Texas.

THE FIRST "FORUM FOR THE FUTURE" WILL BE HELD IN MOROCCO

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. TANNER. Mr. Speaker, ministerial-level representatives from at least 30 countries, including the United States, will gather three weeks from now in Rabat, Morocco for the first-ever "Forum for the Future" international conference on reform and development in the Middle East and North Africa. Parallel discussions will also be held between representatives of civil society and the business sectors from within these countries.

The "Forum for the Future" was established by the G–8 summit meeting in Sea Island, Georgia this past June as a permanent mechanism whereby the G–8 countries will engage in dialogue on political, economic, and social reform with the countries of North Africa and the broader Middle East.

In the words of the communiqúe issued by the G–8 leaders on June 9, 2004, the "Forum for the Future . . . will root our efforts in an open and enduring dialogue . . . the Forum will serve as a vehicle for listening to the needs of the region, and ensuring that the efforts we make collectively respond to those concerns."

Indeed, Mr. Speaker, those "concerns" form an enormous agenda for this initial meeting in Morocco, as well as for all subsequent sessions.

In the political sphere, the Forum aims to promote progress in the Middle East and North Africa toward the establishment of democracy and the rule of law, the protection of human rights and basic personal liberties, respect for pluralism and diversity, and the free exchange of ideas.

On the economic front, the Forum seeks to address the desperate problem of unemployment, as well as to expand the private sector within the Middle East and North Africa by means of encouraging entrepreneurship, expanded trade and investment, protection of property rights, and the combating of corruption.

Finally, on social policy, the Forum has targeted the problems of illiteracy and ignorance, by focusing on means by which educational standards can be raised and the accessibility to a good education can be broadened for men and women alike—that last point being especially crucial, as there are so many unresolved difficulties pertaining to the status of women which the Forum also wants to address.

Mr. Speaker, it is particularly appropriate that Morocco should host this inaugural meeting of the "Forum for the Future," because that country has been making great strides forward in all of these areas, and there is much that can be learned by studying the process of reform that is taking place there.

When the G–8 leaders launched the "Forum for the Future" last June, their communique spoke of a "partnership for progress and a common future" with the countries and peoples of North Africa and the broader Middle East.

Every Member who shares that goal—who believes that our own future and security as a nation may ultimately be dependent on the achievement of freedom, stability, and prosperity in a very troubled region—will want to thank Morocco for hosting this important international event, the "Forum for the Future," on December 11, 2004. And we look forward to a successful first step in what the G–8 leaders themselves have described as "a long-term effort . . . a generational commitment."

DONALD G. BROTZMAN POST OFFICE BUILDING

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of H.R. 5370 which will name the post office at 4985 Moorhead Ave in Boulder, Colorado the Donald G. Brotzman Post Office Building.

Mr. Brotzman served in this body during the Vietnam War and the Nixon era. Even though our country was highly divided, he rose above partisan politics and reached across the aisle to work in a bipartisan manner. In my opinion, he was the kind of public official we and future Members of Congress can look to as an example.

Born in Sterling, Colorado, Mr. Brotzman was an All Conference lineman at the University of Colorado in the 1930's. While attending CU Boulder he joined the military and served as a first lieutenant with the 81st Infantry Division in the South Pacific.

When he returned to the United States he finished his degree in both business and law and opened a law firm in Boulder, Colorado. Between 1945 and 1954 he served in both the Colorado State House of Representatives and Senate. In 1959 he was appointed by President Eisenhower as U.S. Attorney for Colorado.

In 1963, as the nominee for the Republican Party, he was elected to serve the 2nd Congressional District of Colorado in the U.S. House of Representatives. During his 5 terms in office he served on the House Interstate and Foreign Commerce Committee. He was instrumental in the passing of the Indian Peaks Wilderness Act, a national program to help runaway youth and establishing a tax credit for higher education expenses. He also helped shape the Clean Air Act and the Public Broadcasting Act. Mr. Brotzman was an early champion of stronger environmental oversight at the Rocky Mountain Arsenal, and due to his efforts, the Johnson administration commissioned a scientific study which led to the eventual cleanup and closure of this site.

He was also one of the first members to call for an all-volunteer army and the end of the draft during the Vietnam War. After serving in Congress, Mr. Brotzman was able to assist in the establishment of the all-volunteer army when he was named Assistant Secretary to the Army for Manpower and Reserve Affairs by President Ford. He served in this position for two years and explained his job as making "the all-volunteer army work."

In the Colorado State Legislature, Congress and two Republican Administrations, Mr. Brotzman served our country and Colorado well. His dedication to acting on his conscience and working on both sides of the aisle to better serve Colorado made him a leader in Congress.

Donald Brotzman died in September at the age of 82. During his lifetime he admirably served both his country and the state of Colorado. I would like to thank my colleagues from Colorado for their support of this bill and Chairman DAVIS and Ranking Member WAXMAN of the Government Reform Committee as well as the leadership of the House for making it possible for the bill to be considered today. I urge the passage of this bill.

THE 2-YEAR ANNIVERSARY OF THE NORTHERN MICHIGAN HOSPITAL NURSES STRIKE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. STUPAK. Mr. Speaker, this week marks the 2-year anniversary of the strike of the nurses at Northern Michigan Hospital in Petoskey, MI, which began on November 14, 2002. This strike is now the longest nurses' strike in our nation's history.

Sadly, today many of these nurses have to travel to different communities to work. This strike has impacted local health care, and left a community divided. It needs to be resolved soon. This strike is even costing the hospital. NMH had an operating loss of over $11 million dollars, largely because of $14 million spent on replacement nurses.

Over the past 2 years, the hospital administration has shown clearly that its objection to bargaining demands by the striking nurses is not a matter of cost, but of opposition to union representation. The bottom line is these nurses have voted twice for union representation, and they have a legal right to a contract. I will always support the right of employees to organize and to collectively bargain with their employers.

Since the beginning of this strike, I have visited the nurses on the picket lines, met with the hospital administration, and held a town hall meeting in Petoskey.

I have worked well with NMH over my 12 years in office and I have visited their facilities numerous times. It is time to bring back the experienced nurses who provided quality care at NMH for so long, and I urge the NMH administration to join the nurses and agree to binding arbitration or any other independent means so the community can move forward and heal.

Every employee has the right to collectively come together, to unionize if they choose, and to address employment concerns with their employer. When labor disputes polarize the parties and negotiations break down, it is the responsibility of community residents and leaders to let each side know how they feel and to encourage both sides to stay engaged in meaningful discussions to resolve their differences. Any strike, any disruption of employment of any industry, divides and hurts the very fabric that composes any community. The NMH strike has torn at the very heart of the Petoskey area. It is time to end the division and reconcile the community, beginning with NMH.

SONNY'S GRILL ANNIVERSARY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. MICA. Mr. Speaker, Mr. BURR, Mr. BALLENGER and Mr. COBLE join me in recognizing December 13, 2004 as the 50th Anniversary of Sonny's Grill in Blowing Rock, North Carolina.

Half a century ago, on December 13, 1954, the late Sonny Klutz opened the door for a small-town eatery on Blowing Rock's Main Street, For five decades that three table, eight stool restaurant has been the eating and meeting place for locals, tourists and after school children. Only the sweet potato pancakes, ham or sausage biscuits, livermush, hamburger and other variety of country cooking surpass the wonderful mixture of Sonny's Grill's customers and conversations.

With a storefront suspended in time, whatever Sonny's lacks in decor is made up in the warmth of easygoing folks who work and dine there. On the edge of the magnificent Blue Ridge Mountains, in the center of a beautiful small town, Blowing Rock, Sonny's Grill, and the good fellowship it has provided for half a century, is at the heart of what makes America great.

Congratulations to Sonny Klutz's widow, Mrs. Lavaughn Klutz, manager Robert Cheves and all the wonderful staff and patrons of Sonny's Grill on this special occasion.

TRIBUTE TO EDWARD M. AUGUSTUS, JR.

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. McGOVERN. Mr. Speaker, today we will close another chapter in the history of this great institution when we adjourn the 108th Session of Congress. The end of every session is always an occasion to pause and reflect, however that is especially true for me today because it also marks the last session that I will have the special privilege of Ed Augustus as my Chief of Staff.

To a great extent, all of us in elected office ultimately succeed or fail based upon the people we choose to surround ourselves with. As a former congressional staffer, I know well where the heavy lifting is done in meeting the daily demands of serving the public and discharging the duties of this office. With that in mind, I consider myself truly blessed to have had Ed Augustus as my Chief of Staff for these past six years. During that time, I have routinely relied on his wise counsel, depended on his keen instincts and trusted his good judgment in directing all aspects of my congressional office.

I have called on Ed to perform some extraordinary tasks during his tenure. In each and every instance, he has performed magnificently. Most notably, he coordinated President Clinton's historic visit to the City of Worcester, Massachusetts in 1998 and then the federal relief efforts for the same city following the tragic death of six firefighters a year later. Ed was also instrumental in resolving two very difficult labor disputes that threatened nursing care and public transportation for thousands of Central Massachusetts residents, and played a pivotal role in promoting numerous economic development initiatives that are right now improving the quality of life for families all across my congressional district.

Mr. Speaker, in addition to being an exceptional Chief of Staff, Ed Augustus is one of the most thoroughly decent people I know. He possesses a boundless reservoir of compassion and a genuine desire to help those in need. He is a devoted son, loving brother, proud uncle and the most loyal friend a person could ask for. And so, while I am sad to see him leave his position on my staff, I am gratified to know that he will be serving an equally important purpose in the future.

On January 5, 2005, Edward Michael Augustus, Jr. will be sworn in as a member of the Massachusetts State Senate, and instantly that distinguished body will be made better by his presence. The people of the Second Worcester District could not have found a more able and dedicated public servant to represent their interests on Beacon Hill if they had searched the world over. In fact, all citizens of the Commonwealth of Massachusetts stand to gain immensely from the tremendous contributions Ed will undoubtedly make to public discourse and debate in our great state. School children in particular will soon discover an eloquent and powerful champion for the cause of improving public education all across the Commonwealth.

Mr. Speaker, Ed Augustus will be a great leader in the Massachusetts Legislature because he has entered politics for the right reason—to help people. I believe public service is an honorable calling and a noble profession. I am certain Ed will live up to that high standard and I expect great things from him in the future.

For now, however, I would like to simply thank him for sharing his many talents with me these past six years, and for the sterling level of service he has provided to the people of the Third Congressional District. Indeed, all of us in this House owe Ed a debt of gratitude.

Mr. Speaker, I am eternally grateful to Ed for his efforts and I will always cherish his friendship. So in that spirit, I would like to close by offering my friend and colleague some words of advice as he prepares to return to elected office. They are words with which I know he is familiar as a scholar of American Presidents, and I hope he will carry them with him as he embarks on the next phase of his career in public service:

> It is not the critic who counts; not the man who points out how the strong man stumbles or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again and again; who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement; and who at the worst, if he fails, at least fails while daring greatly; so that his place shall never be with those cold and timid souls who know neither victory nor defeat.—President Theodore Roosevelt.

From the bottom of my heart, thank you, Ed Augustus.

CONFERENCE REPORT ON H.R. 1350, INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004

SPEECH OF

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MURPHY. Mr. Speaker, for many years, discussion of the Individuals with Disabilities Act (IDEA) has focused on what has and what has not worked well.

Let me draw upon my first hand experience as a psychologist who has participated in many of these discussions regarding learning disabled children, who were patients of mine. Many of these Individualized Education Plan (IEP) meetings were bogged down by procedures, paperwork and policy rather than working to help a child's reading, writing and arithmetic.

As a result of my experiences with IDEA, I am convinced that the law needed to be updated in order to properly refocus our efforts on to the task of educating our nation's children. And, I believe that the "Improving Education Results for Children With Disabilities Act of 2003," (H.R. 1350) provides many of the needed changes.

As the Chairman of the Congressional Mental Health Caucus, I am particularly pleased with the bill's provisions to improve the definition of 'specific learning disabilities.' This conference report allows alternate assessment methods, such as the Response to Intervention Model (RTI), for measuring yearly progress to protect against the overidentification and misidentification of disabled children. RTI will ensure that children receive scientifically based instruction as soon as possible instead of relying on the outdated IQ-achievement discrepancy model as the sole measure of a student's IDEA eligibility.

And while many children need and benefit from pharmaceutical assistance to overcome their disabilities, far too often, people turn to medication in lieu of creating a solid working team of parents and educators to ensure the education of our children.

The reauthorization of IDEA establishes policies that prohibit school personnel from requiring a child to be prescribed medication in order to attend school or to receive IDEA services. Medications for disabled students should only be prescribed by physicians with expertise in treating disabled children and only when necessary.

In the area of discipline, past practices prevented school personnel from holding children with learning disabilities responsible for their behavior and students with learning disabilities were held to different standards than mainstream students. For the same severe offense, a mainstream student would be expelled while a learning disabled student would be returned to the classroom.

To help children learn accountability, teachers must be able to hold them responsible for their actions. To teach children that good and bad behavior has consequences, the school must be able to enforce these consequences.

We must also recognize that special education services are expensive and that with these federal mandates must come increased funding. I applaud the work of my Republican colleagues for increasing funding for special education grants to the States by over 383 percent for a total of $11.1 billion in the past 10 years. However, we must increase that funding to levels that better meet the needs of our children.

While we all are concerned with the funding of our nation's special education programs, I join the National Education Association, the IDEA, Infant and Toddler Coordinators Association and the National Schools Boards Association in supporting the "Improving Education Results for Children With Disabilities Act of 2003," (H.R. 1350). I am also aware of many of the concerns raised by parents, teachers and students regarding the implementation of IDEA, and I will work with my colleagues to revisit these issues to ensure that teachers and parents have the tools necessary to provide America's children with the education they deserve.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent Tuesday, November 16, 2004, from this chamber. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall vote 531.

"ERASING THE RULES": NEWSDAY'S INVESTIGATIVE SERIES ON OSHA, FROM 2001-2004

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. OWENS. Mr. Speaker, Newsday recently published an important investigative series highlighting the Occupational Safety and Health Administration's (OSHA) abysmal track record during the first term of the Bush Administration. In this series of articles entitled "Erasing the Rules," Newsday reporters outline OSHA's failure over the past 4 years to issue a single "significant" regulation or standard protecting worker health or safety. This failure is unprecedented in the history of the Occupational Safety and Health (OSH) Act. Since the OSH Act was first enacted in 1970, every other Administration has issued regulations to protect worker safety in a manner deemed economically significant—either saving or costing society $100 million dollars, or more. Furthermore, as his first Congressional act President George W. Bush repealed the mandatory standard on ergonomics. He thereby abolished any effort to address the hundreds of thousands of repetitive motion injuries suffered by American workers every year.

Mr. Speaker, this series exposes the steps taken by OSHA over the past 4 years to turn back the clock on worker safety and health and I urge my colleagues to read it. I am therefore submitting a portion of the Newsday "Erasing the Rules" series on OSHA for the RECORD and ask that it be printed. The remainder of the series will be examined on www.Newsday.com.

[From Newsday, Oct. 21, 2004]

ERASING THE RULES

(By Tom Brune)

MANY AGENCIES HEADED BY INDUSTRY VETERANS WHO ARE WATERING DOWN REGULATION

Five minutes after an operator drained a chemical runoff pit at a paper mill in Pennington, Ala., an invisible deadly cloud of hydrogen sulfide seeped out of the sewer, killing two nearby workers and injuring eight others.

The cloud resulted from an unplanned chemical reaction, created when the drained pool of spilled NaSH, a chemical used to pulp wood, unexpectedly mixed with sulfuric acid that had been added to the sewer to control acidity.

And it added another tragedy to the scores of reactive chemical accidents at workplaces—resulting in toxic releases, fires or explosions—that have killed more than 100 workers and caused hundreds of millions of dollars in damages since 1980, according to the U.S. Chemical Safety and Hazard Investigation Board.

The problem is so grave that in 2002, the year of the paper mill deaths, the Chemical Safety Board recommended that federal regulators revise a key safety regulation on chemical process management to require companies to take steps to prevent a broader range of unintended chemical reactions.

But the Bush administration's director of the Occupational Safety and Health Administration, a veteran chemical company safety executive named John Henshaw, has so far declined to do so.

Instead, OSHA has formed a cooperative partnership that it calls an "alliance" with the chemical industry to highlight the issue and now urges companies to voluntarily follow a manual on dealing with reactive chemicals that OSHA has posted on its Web site.

"We think that's a better approach than going through a lengthy rule-making process," said Henshaw, who said he thinks it's unclear how a rule can be crafted. "Over the long haul, we can do it more effectively this way."

Henshaw's decision reflects the approach of the Bush administration, an approach it calls "smarter regulation," which emphasizes fewer new rules, examination of existing ones and the coaxing of companies to voluntarily comply with safety standards.

APPOINTMENTS FROM INDUSTRY

And Henshaw represents an important facet of the Bush administration: he is one of the scores of corporate or industry officials, or their lobbyists and advocates, appointed to political jobs, high and low, across the executive branch.

Nearly half—47 percent—of the Bush administration's 400 top-level Senate-confirmed appointees to cabinet departments came from corporations, law and lobbying firms, or business consulting, a Newsday analysis found.

That gives business and industry a much greater influence than it had in the Clinton administration—just more than a third, or 34 percent, of President Bill Clinton's appointees came from corporate, law and lobbying, or business backgrounds.

But the extent of those appointments by Bush represents more than just the expected tilt toward business by a Republican administration.

The Bush administration has given key regulatory jobs to executives like Henshaw, representatives of the same companies that face regulation, Newsday found. At the Agriculture Department, which manages the national forest system, a former lobbyist for the timber industry is now an undersecretary and at the Food and Drug Administration a former tobacco and drug company lawyer is the general counsel.

Those appointments raise the question of whether public authority ought to be dominated by private interests, said Harvard University ethics professor Kenneth Winston.

Yet experts agree that the appointments violate no laws and breach no ethics guidelines, which are narrowly drawn to address specific personal gain at the expense of the public.

Instead, the experts say, the appointments cast in sharp relief the priorities of a presidential administration, because personnel is policy. In rolling back a wide variety of new or proposed rules, Bush appointees are achieving what they view as an important goal of eliminating burdensome regulation and freeing companies to grow.

At the same time, however, some of the changes undo, weaken or forestall requirements to protect the environment or improve safety and health in the market and workplace, sparking sharp criticism from consumer and liberal advocacy groups.

"What has been different about the Bush administration is that the people who are on the receiving end of regulation now have control of regulations," said Gary Bass, executive director of OMB Watch, which monitors regulation and the Office of Management and Budget.

"It's the proverbial slogan we have used," he said, "You don't want to have a fox guarding the henhouse."

REDUCED REGULATION GOAL

More of Bush's business appointees tend to be from heavily regulated industries, such as manufacturing or energy, than Clinton's who tended to be from financial and high-tech firms, the appointee analysis found. That, experts say, makes Bush appointees more likely to seek reduced regulation.

Critics charge the Bush administration is gutting or stalling needed government regulation, such as the revised standard on reactive chemicals, as a way of helping businesses that back Republicans more than Democrats.

Others, particularly those in organized labor, complain that the Bush administration has virtually shut them out, giving a one-sided tilt to companies, corporations and businesses at the expense of working people.

The Bush administration defends its appointees, calling them highly qualified individuals who make decisions based on the American people's best interests while abiding by strict legal and ethical guidelines.

Chad Kolton, an OMB spokesman, said appointees with business backgrounds bring expertise to the job, but he acknowledged they also bring management views. "That doesn't mean they are entirely against regulation," he said.

The Bush administration seeks to ensure that the benefits of regulation outweigh the costs, he said.

"Our primary interest is making sure health and safety are protected," Kolton said. "We are focused on results and look to achieve the results in the way that provides the most flexibility and economic growth."

Blaming what it calls "an explosion of new federal rules and paperwork" over the past 20 years that has inhibited job growth, the administration says it has cut new rules by 75 percent and is targeting 100 existing rules for streamlining.

AN EARLY SIGNAL

The first congressional act signed by Bush as president was a repeal of a mandatory standard on ergonomics, which had sought to address hundreds of thousands of repetitive motion injuries a year.

Organized labor and others hailed the regulation as an important safeguard for the more than half a million workers injured each year, creating $9 billion in benefits at a cost of $4.5 billion. Industry groups complained the regulation would cost business more than $100 billion for questionable results.

A tougher OMB under Bush in its first year kicked back 22 new major rules to the agencies for reconsideration, effectively killing half of them, and agencies withdrew dozens of proposals in early stages of the rule-making process.

The administration approved 58 anti-terrorism or security rules after the Sept. 11 attacks, but OMB reports a drop in other new economically significant "social regulations"—rules issued to provide benefits like cleaner air but with a significant cost.

The Bush administration issued 18 new major social regulations in fiscal years 2002 and 2003 combined, according to OMB reports. The Clinton administration approved more than 20 social regulations a year from 1996 to 2000.

Some new Bush rules have been controversial. This year, the Republican-controlled House and Senate voted to repeal a new Bush rule on overtime that the administration said would extend overtime benefits to an additional 1 million workers but that critics said would cut it for 6 million employees.

Other new Bush regulations have been aimed at changing protections of the environment—allowing mountain-top mining, snowmobiles in national parks and greater emissions from power plants.

And under Bush, OSHA has so far published no new regulations that the government classifies as "economically significant," that is costing or saving society $100 million or more. That's a first for a presidential term in the OSHA's 24-year history. OSHA issued nine of those rules under Clinton and 10 under Bush's father, an OMB Watch study found.

SIMILAR TO REAGAN

An expert on political appointments and the federal government said the Bush administration is more like the administration of Ronald Reagan, who as a candidate vowed to eliminate OSHA, than the administration of George H.W. Bush.

"Bush II has drawn more on Reagan than on Bush I," said Paul Light, a New York University public service professor and senior fellow at the Brookings Institution. "His father really represented a more moderate wing of the party. On the regulatory front, Bush II represents the Reagan revolution."

Reagan and his top officials were confrontational in their approach to regulation, appointing people openly hostile to the mission of the regulatory agencies as regulators—they threatened to abolish OSHA, slashed budgets and cut enforcement.

Bush and his top officials, however, are much less confrontational, Light said. But they may be even more effective. They have succeeded in penetrating rule-making and enforcement, from the top-line review at OMB to the field level, where even career workers get calls from the White House, Light said.

"This is a very well-oiled administrative machine, and it's very controlling," Light said, explaining that White House political director Karl Rove and others have unusual influence over the rest of government. "Chiefs of staff of each of the secretaries have a weekly telephone conference with Karl Rove over what's happening in their departments."

NO HOPE OF CHANGE

Jim Gannon has very little hope that OSHA will do anything about reactive chemicals.

In 1995, Gannon was burned on his arms, legs and face when the Napp Technologies Inc., plant exploded after the improper mixing of chemicals, killing five, injuring dozens and leaving a crater in downtown Lodi, N.J. Gannon has since moved to Florida, but said he still hasn't recovered. At age 44, he said he can't work because of his injuries and said that he's homeless.

"The whole thing was not supposed to explode," he said. "So what do you do now? I don't expect nothing. Because obviously nobody's going to do nothing."

After Lodi, six labor unions filed a petition with OSHA requesting an emergency revision of the 1992 Process Safety Management standard for reactive chemical management, seeking application of the regulation requiring a 14-element safety program that covers 131 distinct chemicals with toxic or reactive properties to a broader list of chemicals.

Eric Frumin, health and safety director for the Union of Needletrades, Industrial and Textile Employees, which represented 70 workers at the Napp plant, remains bitter about the company and the fact that workers still face dangers they shouldn't have to.

"These are not accidents anymore," he said. "They are predictable. We have the means technically and organizationally to control the risk of unintended chemical reactions."

Deadly unintentional chemical reactions can occur when a chemical reacts to heat or impact, a chemical or chemical mixture begins an out-of-control reaction, or two incompatible chemicals mix, resulting in a toxic cloud or explosive reaction.

Companies can control these reactions by identifying their chemicals, evaluating potential hazards, and training managers and staff on how to handle chemicals to avoid inadvertent reactions. These steps are outlined in the existing safety regulation, but only for the most hazardous chemicals.

Frumin and others say the federal regulation must be expanded to force companies to pay attention to the potential hazards of other chemicals, especially those companies that do the bare minimum on safety to maximize profit.

The Chemical Manufacturers Association, a trade group that has changed its name to the American Chemistry Council, and the American Petroleum Institute opposed added regulation.

The two groups said expansion of the current standard would greatly increase costs without substantial benefits. The council now is "test driving" a flow chart that explains steps for managers to follow while evaluating reactive chemicals, said council safety specialist Dorothy Kellogg.

OSHA did not act immediately on the unions' petition. But it finally placed the standard revision on the Clinton administration's last regulatory agenda.

In December 2001, under the new Bush administration, however, OSHA withdrew it, saying it had other priorities.

Bush set those priorities by replacing Labor Secretary Alexis Hermann, a Democratic activist and advocate for women and minorities, with Elaine Chao, a fellow at the conservative Heritage Foundation and wife of Republican Sen. Mitch McConnell of Kentucky.

Chao tapped Steven Law, executive director of the Republican National Senatorial Committee, as chief of staff, and he assembled Labor's management team. Law is now the department's deputy secretary.

Under Chao, the number of discretionary lower-level political appointees like special advisers and confidential aides at Labor doubled to 90, personnel records show.

NO LABOR APPOINTEES

The team recruited heavily from industry and conservative think tanks. None of the Bush political appointees at Labor come from organized labor. Three of Clinton's appointees came directly from unions.

In her first regulatory report, Chao wrote she had set a new course: "In general, [the Labor Department] will try to help employees and employers meet their needs in a cooperative fashion, with a minimum of rulemaking."

At OSHA, a target of lobbyists seeking relief for businesses from regulation, the administration named Henshaw, an executive at the chemical company Astaris Inc., as director and steel-industry lobbyist and former Republican House aide Gary Visscher as his deputy.

OSHA has moved forward on just one economically significant rule—lowering permissible exposure to hexavalent chromium, which can cause lung cancer—but only because a federal appeals court ordered it to meet a Jan. 18, 2006 deadline.

OSHA officials said reduced rule-making has not affected attaining results, as the workplace fatality rate hit a low of 4 per 100,000 workers in 2002.

Records, however, show the rate has been dropping steadily since 1994, and data released last month show the fatality rate steady but number of deaths slightly up in 2003.

Henshaw declined to speak on the record. Visscher defended OSHA's work.

"It is true that the regulatory agenda looked like it had fewer items," said Visscher. "That does not mean the agency was working on fewer items."

He said many of the proposals pared from the agenda were low priority and not likely to go anywhere. The agenda now reflects more realistically rules that will be completed, he said.

Among those proposals was the revision of the regulation compelling companies to follow the reactive chemical Process Safety Management standard. The Chemical Safety Board has set out to raise its priority level.

EVALUATING THE RULES

Created by Congress in 1990 following Union Carbide's accidental toxic chemical release that killed thousands in Bhopal, India, the independent board is charged with evaluating OSHA and EPA rules and investigating chemical accidents.

After two years of research on reactive chemicals not covered by OSHA's standard, the board found no consistent set of data, but discovered 167 accidents that took 108 lives at a cost of hundreds of millions of dollars. It found that OSHA's rule had gaps, and in September 2002 the board voted to recommend that OSHA revise the standard to fill the gaps and to set up a database to track incidents.

OSHA did not respond right away, but accidents continued, including seven that resulted in board investigations.

On Feb. 7, 2003, for example, a violent chemical reaction inside a vent collection system set off an explosion and fire at a plating chemicals manufacturing facility in Cranston, R.I., critically injuring one and sending 18 others to the hospital.

On Sept. 21, 2003, a worker was injured at a high-tech biochemical products plant south of Dayton, Ohio, when a nitric oxide leak led to an explosion of a 300-foot tall distillation column, blowing out windows of the main office.

On April 12, 2004, a 4,000-gallon vat overheated and burst a safety valve at a Dalton, Ga., plant, releasing a toxic cloud that sent 180 people to the hospital and killed all animals in a 4-square-mile area.

More than a year after the board's recommendation, in November 2003, Henshaw wrote the board saying he declined to follow its advice because disagreement among experts about which chemicals to include or how to regulate them required OSHA to seek more information from stakeholders, which include chemical companies. In the meantime, OSHA said it would increase outreach to employers and pursue voluntary measures.

OSHA 'UNACCEPTABLE'

The Chemical Safety Board, led by its Bush-appointed chair Carolyn Merritt, also a chemical company safety executive, in a unanimous vote in February 2004 called OSHA's response "unacceptable."

Merritt said she personally was "disappointed." She noted the board is not part of the Bush administration.

While welcoming OSHA's increased attention to the issue, Merritt said a rule is needed to require companies that do the minimum to meet safety rules.

Board staff point out that the state of New Jersey, which has had other disastrous chemical incidents since the Lodi explosion, last year issued its own regulation to broaden the list of chemicals that must be included in safety planning.

In mid-March, the board began tracking reactive chemical accidents at plants and has logged about two dozen incidents, including a reaction involving ammonium nitrate in August at an aircraft plant in Ferris, Tex., that killed a worker.

Not long after the Chemical Safety Board voted to classify OSHA's rejection of its recommendation as "unacceptable," one of its members retired and the Bush administration moved quickly to fill it.

The White House tapped OSHA's deputy director, Visscher. Visscher is the former vice president of the American Iron and Steel Institute, who for years worked as a Republican staffer who sought to make OSHA more business-friendly.

Democrats blocked confirmation of all of Bush's new executive appointments this summer, but Bush gave Visscher one of his few recess appointments, allowing Visscher to serve until December 2005.

Visscher said the White House asked him to take the new position and he agreed.

The AFL–CIO objected, complaining he lacked the legally required credentials of a background in chemistry or regulation of chemical hazards that the other members have. The AFL CIO said it also was "deeply concerned that Mr. Visscher's appointment would politicize the Chemical Safety Board's investigations and recommendations."

Visscher said he has ample experience with workplace safety, and said, "I'm not here to politicize the board."

Press aides for Visscher said he had won the support of Ron Hayes, the outspoken founder of a support group for families of workers killed on the job and former member of a federal worker safety board. Hayes confirmed he had written a letter of support for Visscher.

"Gary's a pretty good guy," Hayes said. But Hayes added the Bush administration had placed Visscher on the Chemical Safety Board for a reason.

"What they need is eyes and ears there," Hayes said. "What Bush would like to do is rein them in."

STAFFING FROM THE RIGHT

Drawing from corporations, inside-the-beltway law and lobbying firms, and think tanks, President George W. Bush has assembled the most cohesive and conservative administration in decades, according to presidential experts and a Newsday analysis of political appointments.

While President Ronald Reagan was more traditionally conservative, Bush has succeeded in making more consistently conservative, and business friendly, appointments from top to bottom, according to presidential experts.

"The Bush people have vetted every candidate for every agency, down to the least important appointee to the least important agency," said presidential appointment expert Paul Light, a public service professor at New York University and a senior fellow at the Brookings Institution.

"They ask the hard questions," Light said. "If a candidate does not believe in their agenda, he is not going to be appointed."

Michael Franc, vice president of government affairs at the conservative Heritage Foundation, agreed. "When you go agency by agency, up and down the food chain, you have an enormous amount of consistency," he said.

Bush tapped nearly half, 47 percent, of his top 400 Senate-confirmed political appointees to cabinet agencies from corporations, business consulting firms, or law and lobbying firms, a Newsday analysis found.

That contrasts with President Bill Clinton, who turned to people with business backgrounds to fill just a third, 34 percent, of his 405 Senate-confirmed political appointees to cabinet agencies during his first three years in office.

But there is even a difference among the type of business people each of the presidents brought into their administrations, the analysis found, a difference that experts say had an effect on the Clinton and Bush policies, particularly on regulatory policy.

"The Clinton administration had a preference for Silicon Valley types, and investment bankers," said Light. Those firms faced little government oversight and so did not push Clinton to ease regulation.

Bush appointed more executives from the traditional hard industries—manufacturers, defense contractors, oil and gas utilities, Light said.

"They do represent a set of industries that are heavily regulated," he said, and they would be more interested in reducing regulation.

IN HONOR OF DR. MURIEL PETIONI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. RANGEL. Mr. Speaker, I rise to honor the accomplishments of an extraordinary member of my community, Dr. Muriel Petioni. Dr. Petioni has contributed to the health and welfare of the citizens of Harlem as a medical practitioner and public servant for more than 64 years.

Born in the Caribbean nation of Trinidad and Tobago. She immigrated to the United States at the age of 5 and was raised in Harlem. After receiving her medical degree from Howard University, Dr. Petioni began her medical career at Harlem Hospital Center in 1937 as an intern. After marrying and starting a family, she returned to Harlem in 1950 where she established a family medicine practice in her father's office.

In addition to her private practice, Dr. Petioni served in many positions that drew on her medical expertise. From 1950–1980 she served as School Physician in Central Harlem for the New York City Department of Health, as well as a physician at the Medical Clinic at Harlem Hospital Center. She also served as Supervising Physician for Central and East Harlem from 1980–1984. In 1982, she was appointed Assistant Clinical Attending Physician at Harlem's Hospital Center's Department of Pediatrics. In addition, she served as the first medical director of the Harlem Drug Fighters, a short-term community-operated detoxification unit based at Harlem Hospital in the late 1960's.

Dr. Petioni has involved herself in many civic organizations. In 1974 she founded the Susan Smith McKinney Steward Medical Society for Black Women. Under her leadership, the SSMS, composed of women in the Greater New York area, concentrated its activities on networking, promoting the medical achievements of women, and outreach to young women interested in medical careers. In 1976, she founded and became the first Chairperson of the Medical Women of the National Medical Association. The organization would eventually evolve to become the Council of Women Concerns of the National Medical Association.

For her works Dr. Petioni has been the recipient of awards and honors too numerous to mention. Among them, The National Sojourner Truth Meritorious Service Award from the Riverside Club of the National Association of Negro Business and Professional Women's Club, Inc., The Distinguished Service Award from the New York College of Podiatric Medicine, and the Health Service Award of the Harlem Service Center of the American Red Cross.

After more than a half century serving the people of Harlem, Dr. Petioni shows no sign of slowing. She remains active in the Harlem community and presently serves on the board of numerous organizations including, The Harlem Health Promotion Center, The Greater Harlem Nursing Home, and The Harlem Congregations for Community Improvement. Dr. Petzioni also serves as Chair of The Friends of Harlem Hospital Center, an organization she founded in 1987. Its mission is to engage in and support activities that promote the work of the hospital.

As can be seen, the contribution that Dr. Petioni has made to her community has been immeasurable. When she arrived in Harlem as a young girl, I wonder if she had any inclination of the impact her life would have on the people of this community. My duty on this day is to let her know and all those who may read this Record, that the works and deeds of Dr. Muriel Petioni are evident in Harlem today, and it shall remain so for generations to come.

IN MEMORY AND TRIBUTE TO WILLIAM M. BURKE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. SERRANO. Mr. Speaker, it is always difficult to say goodbye to dear friends, to those who have given so much and so unselfishly to their communities and to our nation.

Mr. Speaker, I rise today in memory and tribute to Mr. William M. Burke, who passed away this past Sunday, November 14, 2004 after a difficult and courageous battle the last year and a half.

Mr. Burke was Founder and President of the Washington Center for Internships and Academic Seminars, TWC, established in 1975 as a nonprofit, nonpartisan, educational organization that allows college students from all around the country and the world to have access to academic internships in Washington, D.C. I witnessed first hand the valuable services Mr. Burke and TWC provide to our country through the CORDOVA program they administer.

Founded in 1995, the CORDOVA Congressional Internship Program promotes the educational development of Puerto Rico's college students, offering an incomparable 15-week semester experience as interns in Washington, D.C. and working primarily with congressional offices. I can proudly say that every semester. TWC provides my office with quality interns from the CORDOVA program.

Mr. Speaker, Mr. Burke was an indefatigable leader, brimming with vision and ideals—a mentor, a teacher, a friend, and, most importantly, the source of inspiration to countless young leaders. The institution that he built and nurtured has earned a lasting and enduring place in experiential education.

Mr. Burke tirelessly championed the involvement of members of Congress and the executive branch, corporate CEOs, foreign dignitaries, media luminaries, leaders in philanthropy, nonprofit leaders, state legislators, and college and university presidents.

Mr. Speaker, his legacy of service to others and his valuable contributions in all sectors of society, with over 30,000 alumni of The Washington Center internship program who today are leaders in their own right, will be sorely missed but his legacy lives on.

Mr. Burke was a native of Norwood, Massachusetts. He earned a Master's degree in Education from the University of Massachusetts, a Bachelor of Science in Management from American International College in Springfield, Massachusetts, and an Associate's degree in Accounting from Norwalk Community College, Norwalk, Connecticut. He also received an honorary Doctorate of Law from Richard Stockton State College.

Bill always stayed close to the people he loved: his family, friends, and his community. In the past year and a half, he fought his terminal illness with the same courage and dignity that exemplified his life. He is survived by his wife, Sheila, and two children, Barry and Reavey.

To Bill's family, colleagues, friends, and the thousands of former students who were touched by his life and example, I would like to extend my deepest sympathy in this trying time.

Mr. Speaker I ask my colleagues to join me and all who had the privilege of knowing William M. Burke in paying tribute to him for serving his community, his state and his nation with the courage, generosity and dignity of great men of history.

PERSONAL EXPLANATION

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. COLLINS. Mr. Speaker, had I been present for rollcall vote No. 537, I would have voted the following:

Rollcall vote No. 537: "Yea" (Reauthorize the Individuals with Disabilities Education Act).

PERSONAL EXPLANATION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. MATSUI. Mr. Speaker, I was absent on Friday, November 19, 2004 and missed the rollcall votes ordered, due to illness. Had I been present, I would have voted as noted below:

Rollcall vote No. 537: "Aye".

RECOGNIZING THE BOY SCOUTS OF AMERICA FOR PUBLIC SERVICES PERFORMED ACROSS THE UNITED STATES

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. WOOLSEY. Mr. Speaker, today I voted against H. Res. 853, because I am disappointed with the Boy Scouts of America's exclusionary policies that prevent gay boys and teens from participating in scouting. While the Boy Scouts' positive work within our nation's communities is notable, the message that the organization sends to gay children and teens by shutting them out diminishes its greater goals of teaching respect, personal honor, and service.

It is important to encourage and support *all* of our children and by excluding gay youth the Boy Scouts of America is preventing every young man from experiencing the positive benefits Scouting can offer.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. McDERMOTT. Mr. Speaker, I am unable to be in Washington, DC today. Two weeks ago, I injured my leg and my physician prefers that I not put it through the stress of an airplane flight from my home in Seattle, WA to Washington, DC. Were I able to attend today's session in the House of Representatives, I would have voted in support of H. Res. 847, H.R. 5370, S. Con. Res. 8, S. 2618, H.R. 5365, S. 2781, H.R. 4324, S. 150, S. Con. Res. 146, H.R. 5360, H.R. 1350, H. Res. 858, and H. Res. 859.

TRIBUTE TO FRANCESC DE PAULA SOLER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. SERRANO. Mr. Speaker, I rise today to once again acknowledge the gifted composer and musician Francesc de Paula Soler. On November 8, 2004 he performed at the Library of Congress in an event sponsored by the Library's Hispanic Division. This special event was part of the celebration of Hispanic Heritage Month, which allows us to acknowledge our roots and celebrate the accomplishments of Hispanic-Americans in this great nation.

Mr. Soler grew up in Spain and began classical guitar lessons at the age of 6. Under the tutelage of two legendary guitarists, Andrés Segovia and Narciso Yepes, he received rigorous and intensive training with in classical guitar and has truly become a legend in his own right. Mr. Soler has played music halls and auditoriums throughout the United States and Europe, mesmerizing his audiences and earning the nickname "The Poet of the Guitar."

Mr. Speaker, Mr. Soler has graced us with his presence before, playing concerts at the Library of Congress that have both entertained us and lifted our spirits. I was very pleased that he returned to play for us this year and I hope he will continue to bless us with his amazing performances in the years to come. I ask that my colleagues once again join me in paying tribute to Mr. Francesc de Paula Soler.

SENATE—*Wednesday, November 24, 2004*

The Senate met at 5 p.m. and was called to order by the Honorable DON NICKLES, a Senator from the State of Oklahoma.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Wondrous sovereign God, giver of every good and perfect gift, in this Thanksgiving season we express gratitude for Your many blessings. Thank You for military people in harm's way who sacrifice to keep us free. Be with their families during this season of gratitude. Thank You for emergency personnel who will work this Thanksgiving to keep America safe. Bless them with Your peace. Give prayerful mercies to the many who will journey to see loved ones.

In these challenging times, Lord, rule our world by Your wise providence. Sustain our Senators, enabling them to leave a legacy of excellence. As you remind them of Your precepts, guide them with righteousness and integrity. You are our help and our shield, and we wait in hope for You. Amen

PLEDGE OF ALLEGIANCE

The Honorable DON NICKLES led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 24, 2004.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DON NICKLES a Senator from the State of Oklahoma, to perform the duties of the Chair.

TED STEVENS,
President Pro Tempore.

Mr. NICKLES thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. McCONNELL. I thank the occupant of the chair.

SCHEDULE

Mr. McCONNELL. Mr. President, Senator REID and I did not expect to be back so soon, but we are here again for a very brief session. We convene to consider two housekeeping matters that have been received from the House. The House has not yet acted on the concurrent resolution which will correct the enrollment of the consolidated or Omnibus appropriations measure. Without that House action we will be unable to transmit the conference report to the House so that they may then transmit the bill to the President. Therefore, we are here today to pass a short-term continuing resolution which is at the desk.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2005

Mr. McCONNELL. Having said that, I now ask consent that the Senate proceed to the consideration of House Joint Resolution 115 which is at the desk; provided further that the joint resolution be read three times and passed, that the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The joint resolution (H.J. Res. 115) was read the third time and passed.

CONDITIONAL RECESS OR ADJOURNMENT OF THE HOUSE AND SENATE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the House message accompanying the adjournment resolution.

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

H. CON. RES. 529

Resolved, That the House agree to the amendment of the Senate to the resolution (H. Con. Res. 529) entitled "Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate", with the following House amendments to Senate amendment:

(1) On page 1, line 2, before "on a motion" insert "or on Saturday, November 27, 2004,".

(2) On page 1, line 8, strike "Wednesday, November 24" and insert in lieu thereof "Saturday, November 27".

Mr. McCONNELL. I further ask the Senate concur in the amendments of the House.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

AMENDING THE DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999

Mr. McCONNELL. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 659, H.R. 4012.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4012) to amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENTS NOS. 4080 AND 4081

Mr. McCONNELL. I ask unanimous consent the amendments at the desk be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4080

(Purpose: To reduce extension to 2 years)

In section 1(a) strike "10 succeeding" and insert "7 succeeding".

In section 1(b) strike "10 succeeding" and insert "7 succeeding".

AMENDMENT NO. 4081

(Purpose: To amend the title of the bill)

Amend the title to read as follows:

"To amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act.".

The bill (H.R. 4012), as amended, was read the third time and passed.

SENATOR FRIST'S REMARKS TO FEDERALIST SOCIETY

Mr. McCONNELL. Mr. President, I ask unanimous consent to place in the RECORD a speech delivered on November 11 by the majority leader, Senator FRIST, to the Federalist Society regarding the treatment of judicial nominations in the 108th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

REMARKS AS PREPARED FOR MAJORITY LEADER BILL FRIST, MD, THE FEDERALIST SOCIETY 2004 NATIONAL CONVENTION

WARDMAN PARK MARRIOTT HOTEL, Nov. 11.—Thank you all for that warm welcome. You've succeeded at an almost impossible task: you've put a doctor at ease in a room filled with a thousand lawyers.

I take great pride in being a citizen legislator—someone who sets aside a career for a period of time to serve in public office.

Perhaps the most famous citizen legislator of modern times was Jefferson Smith. Or, as he's better known: "Mr. Smith" in the classic American film, "Mr. Smith Goes to Washington."

One of my favorite scenes in that movie is when Mr. Smith takes the oath of office. He raises his right hand. And the Senate President reads the oath.

Mr. Smith pledges: "I do." Then the Senate President says with a less than subtle touch of sarcasm: "Senator, you can talk all you want to, now."

United States Senators do talk all they want. And, with only one Senator and the presiding officer in the chamber during many debates, you often see them talking just to themselves.

It makes me think that I'd be a lot better prepared as Majority Leader with 20 years of experience, not as a heart surgeon, but as a psychiatrist.

The right to talk—the right to unlimited debate—is a tradition as old as the Senate itself.

It's unique to the institution. It shapes the character of the institution.

It's why the United States Senate is the world's greatest deliberative body. And, as James Madison wrote in Federalist No. 63, "History informs us of no long lived republic which had not a senate."

From time to time Senators use the right to unlimited debate to stop a bill. A Senator takes the floor, is recognized, starts talking, and doesn't stop talking.

This brings Senate business to a halt. And it's called a filibuster.

Senators have used the filibuster throughout much of Senate history. The first was launched in 1841 to block a banking bill. Civil rights legislation was filibustered throughout the 1950s and 60s.

The flamboyant Huey Long once took the floor and filibustered for over 15 hours straight.

When Senator Long suggested that his colleagues—many of whom were dozing off—be forced to listen to his speech, the presiding officer replied, "That would be unusual cruelty under the Bill of Rights."

The current Minority has not hesitated to use the filibuster to bring Senate business to a halt in the current Congress.

I have grave concerns, however, about one particular and unprecedented use of the filibuster.

I know it concerns you, as well. And it should concern every American who values our institutions and our constitutional system of government.

Tonight I want to share with you my thoughts about the filibuster of judicial nominees: it is radical; it is dangerous; and it must be overcome.

The Senate must be allowed to confirm judges who fairly, justly and independently interpret the law.

The current Minority has filibustered 10—and threatened to filibuster another 6—nominees to federal appeals courts.

This is unprecedented in over 200 years of Senate history.

Never before has a Minority blocked a judicial nominee that has majority support for an up-or-down vote on the Senate floor.

Never.

Now the Minority says the filibuster is their only choice, because the Majority controls both the White House and the Senate. But that fails the test of history.

The same party controlled the White House and the Senate for 70 percent of the 20th Century. No Minority filibustered judicial nominees then.

Howard Baker's Republican Minority didn't filibuster Democrat Jimmy Carter's nominees.

Robert Byrd's Democrat Minority didn't filibuster Republican Ronald Reagan's nominees.

Bob Dole's Republican Minority didn't filibuster Democrat Bill Clinton's nominees.

Now there's nothing specific in the formal Rules of the Senate that restrained those Minorities from filibustering. They simply used self-restraint.

Those Senators didn't filibuster, because it wasn't something Senators did.

They understood the Senate's role in the appointments process. And they heeded the intent and deferred to the greater wisdom of the Framers of the Constitution.

Then came the 108th Congress.

Majority control of the Senate switched hands. And one month later—in February 2003—the Minority radically broke with tradition and precedent and launched the first-ever filibuster of a judicial nominee who had majority support.

That nominee was Miguel Estrada—a member of this society.

You know first-hand that Miguel Estrada is an extraordinary human being.

He's an inspiration to all Americans and all people who aspire to one day live the American dream.

Miguel Estrada immigrated to the United States from Honduras as a teenager. He spoke little English.

But with a strong heart and a brilliant mind, he worked his way up to the highest levels of the legal profession.

He graduated magna cum laude and Phi Beta Kappa from Columbia College in New York. He earned his J.D. from Harvard Law School—where he served as editor of the Harvard Law Review.

He clerked in the Second Circuit Court of Appeals and for Supreme Court Justice Anthony Kennedy. He worked as a Deputy Chief U.S. Attorney and as an Assistant to the Solicitor General of the United States.

Miguel Estrada would have been a superb addition to the D.C. Circuit court. He's considered to be among the best of the best legal minds in America.

The American Bar Association gave him their highest rating.

But after two years, more than 100 hours of debate, and a record 7 attempts to move to an up-or-down vote, Miguel Estrada withdrew his name from consideration.

A sad chapter in the Senate's history came to a close. But, unfortunately, it was just the beginning.

The Minority extended its obstruction to Priscilla Owen, Carolyn Kuhl, William Pryor, Charles Pickering, Janice Rogers Brown, Bill Myers, Henry Saad, Richard Griffin and David McKeague.

With the filibuster of Miguel Estrada, the subsequent filibuster of 9 other judicial nominees, and the threat of 6 more filibusters, the Minority has abandoned over 200 years of Senate tradition and precedent.

This radical action presents a serious challenge to the Senate as an institution and the principle so essential to our general liberty—the separation of powers.

It would be easy to attribute the Minority's actions to mere partisanship. But there is much more at work.

The Minority seeks nothing less than to realign the relationship between our three branches of government.

The Minority has not been satisfied with simply voting against the nominees—which is their right. They want to require a supermajority of 60 votes for confirmation.

This would establish a new threshold that would defy the clear intent of the Framers.

After much debate and compromise, the Framers concluded that the President should have the power to appoint. And the Senate should confirm or reject appointments by a simple majority vote.

This is "advice and consent." And it's an essential check in the appointment process.

But the Minority's filibuster prevents the Senate from giving "advice and consent." They deny the Senate the right to carry out its Constitutional duty.

This diminishes the role of the Senate as envisioned by the Framers. It silences the American people and the voices of their elected representatives.

And that is wrong.

This filibuster is nothing less than a formula for tyranny by the minority.

The President would have to make appointments that not just win a majority vote, but also pass the litmus tests of an obstructionist minority.

If this is allowed to stand, the Minority will have effectively seized from the President the power to appoint judges.

Never mind the Constitution.

Never mind the separation of powers.

Never mind the most recent election—in which the American people agreed that obstruction must end.

The Senate cannot allow the filibuster of circuit court nominees to continue. Nor can we allow the filibuster to extend to potential Supreme Court nominees.

Senators must be able to debate the merits of nominees on the floor and have the opportunity to publicly and permanently record a yes or no vote.

We must leave this obstruction behind. And we can—as an aberration in Senate history and a relic of a closely divided body during a challenging time for America.

The American people have re-elected a President and significantly expanded the Senate majority.

It would be wrong to allow a Minority to defy the will of a clear and decisive Majority that supports a judicial nominee.

And it would be wrong to allow a Senate Minority to erode the traditions of our body and undermine the separation of powers.

To tolerate continued filibusters would be to accept obstruction and harden the destructive precedents established in the current Congress.

With its judicial filibusters, the Minority has taken radical action. Now the damage must be undone.

American government must be allowed to function. And America must be allowed to move forward.

Senate rules and procedures have been shaped and molded throughout the body's history.

They're not set in stone. They can be changed to fit the governing climate, to respond to emerging challenges, and to restore vital constitutional traditions.

So when it became clear that the Minority was intent on abusing the filibuster in this

Congress, we proposed to reform the rules.

In May 2003, Senator Zell Miller and I—joined by every member of the Majority leadership—proposed a new way to end debate and move to an up-or-down vote on nominations over a reasonable period of time.

A first attempt would require 60 votes, the next 57, the next 54, then 51, and finally we could end debate by a simple majority.

The Frist-Miller resolution went to the Rules Committee. Senator Lott chaired a hearing and the committee approved it in June.

For the remainder of 2003 and all of this year, Frist-Miller has sat on the Senate calendar—facing a certain filibuster by those who want to continue to filibuster judges.

The Frist-Miller reforms would be a civil, constructive and cooperative way to end the filibuster of judicial nominees.

The Senate now faces a choice: either we accept a new and destructive practice, or we act to restore constitutional balance.

We are the stewards of rich Senate traditions and constitutional principles that must be respected. We are the leaders elected by the American people to move this country forward.

As my colleague, Senator Feinstein said, "A nominee is entitled to a vote. Vote them up; vote them down. . . . If we don't like them, we can vote against them. That is the honest thing to do."

I fervently believe in the principles of the American Founding.

And I know you do too. Because I serve and work closely with 4 members of this society: Mitch McConnell, John Kyl, Jeff Sessions and Orrin Hatch.

Let me say this about these Senators: there are no more passionate defenders of America's founding principles anywhere in our government. They are true patriots.

They know that the principles enshrined in our Constitution have guided a miraculous experiment that has matured into the most stable form of government in human history.

And if we truly desire lasting solutions to the challenges of the 21st century, those same principles must guide us today and in the future.

The filibuster of judicial nominees is about Senate tradition. It's about the separation of powers. It's about our constitutional system of government.

But, at the most fundamental level, this filibuster is about our legacy as the leaders of the greatest people and nation on the face of the Earth.

What will we accomplish over the next four years? What will we do with the time and the trust that the American people have so generously given us?

One way or another, the filibuster of judicial nominees must end. The Senate must do what is good, what is right, what is reasonable, and what is honorable.

The Senate must do its duty.

And, when we do, we will preserve and vindicate America's founding principles for our time and for generations to come.

ADDITIONAL STATEMENTS

TAX RETURN PRIVACY

• Mr. CONRAD. On Saturday, November 20, 2004, the American taxpayers dodged a bullet. The Congress came close, much too close, to passing legislation that would have stripped every American of their right to privacy with regard to their tax returns.

The Senate averted this dangerous step, in part, because members of my staff and one staffer in particular—came in to work on Saturday and read through more than 3.646 pages of a bill and its explanatory text.

As my colleagues know, we were called to the Chamber on Saturday to debate and vote on the conference report on H.R. 4818, the Omnibus appropriations bill. This so-called "catch-all spending" package included nine different appropriations bills costing some $388 billion for fiscal year 2005.

Many Members of Congress were familiar with some elements of the individual appropriations bills, including funding levels for programs and projects important to our States. But few, if any, Members were able to carefully analyze the bill in its entirety. Because the bill was delivered to each Senator and House Member at 6 a.m., we did not have much time to review the massive bill before we were asked to vote on it.

When the bill arrived I asked members of my staff to pore over the bill, each tasked with finding and reviewing sections of the bill where they have policy expertise. It was during this effort to review the bill that one of my staff members discovered an egregious tax provision. Steve Bailey, my tax counsel on the Senate Budget Committee, reading the Transportation-Treasury section of the bill, spotted section 222 and immediately realized it was a huge problem. The paragraph read:

> Notwithstanding any other provision of law governing the disclosure of income tax returns or return information, upon written request of the Chairman of the House or Senate Committee on Appropriations, the Commissioner of the Internal Revenue Service shall hereafter allow agents designated by such Chairman access to Internal Revenue Service facilities and any tax returns or return information contained therein.

Mr. Bailey, who has worked on tax issues for more than 20 years, knew that if enacted, the provision would endanger the right and expectation of every American. This provision held the very real promise that the privacy of their tax returns could be compromised.

Thanks to Mr. Bailey's close reading of the bill and his quick recognition of the negative implications of that 60-word paragraph, I was able to bring the paragraph's existence to the attention of my colleagues. Fortunately, the Senate then firmly and unanimously rejected the paragraph and demanded that the House of Representatives remove the offending language before the bill could be sent to the President's desk for his signature.

At the conclusion of my remarks, I would like to have printed in the RECORD at the conclusion of my remarks an editorial from today's New York Times, "Snookering the Taxpayers." This editorial mentions "a sharp-eyed Democratic staff member [who] spotted the terse paragraph sitting like a toxic clam in the muck of the omnibus spending bill. . . ." This editorial concludes with a clear understatement, "Taxpayers can only hope someone keeps reading."

Well, I can assure my constituents in North Dakota that my staff and I will keep on reading. But I also hope this experience will lead to a new method of doing business next year. The Senate should never again tolerate a process by which we are given a 3,600-page bill and are then asked to vote upon that bill several hours later. As my colleague from Arizona, Senator JOHN MCCAIN, has noted, this process is broken and it must change. I will be working with my colleagues to accomplish that goal next year.

I wanted to take this opportunity to recognize and thank Mr. Steve Bailey for his outstanding work and service to me and to the Senate. This past week, his hard work made a big difference to millions of American taxpayers.

The editorial follows.

[From the New York Times, Nov. 24, 2004]

SNOOKERING THE TAXPAYERS

It is called a snooker clause in legislative parlance—a last-minute insert into a dense and hurried midnight bill that, if ever disclosed after passage, always leaves legislators shocked, shocked at how such an undemocratic bit of mischief ever came to be. "No earthly idea how that got in there," said Bill Frist, the Senate majority leader, after the impenetrable, 14-inch-thick omnibus budget bill turned out to have a provision giving Congressional chairmen and staff members entree to Americans' tax returns without regard to privacy protections.

This has been a sacrosanct area ever since the Watergate scandals. Severe civil and criminal penalties were enacted after the Nixon administration's rifling of private tax returns to build the "enemies list" aimed at government harassment.

A sharp-eyed Democratic staff member spotted the terse paragraph sitting like a toxic clam in the muck of the omnibus spending bill, a 3,000-page disgrace in its own right that capped months of Capitol procrastination. Once the provision was found, everyone felt compelled to denounce it. Senator Charles Grassley, the Iowa Republican, growled that it summoned "the dark days in our history when taxpayer information was used against political enemies." The Senate declared the clause void, forcing G.O.P. leaders in the House, where the gambit originated, to sheepishly follow suit. House leaders insisted there was never an intent to pry into taxpayers' lives. The goal, they said, was simply to establish better oversight of the tax collection bureaucracy. Really? Then how come anyone bothering to read the bill (and that did not include many members of Congress) could see what an outrageous license it provided for the appropriations committees to look into tax offices "and any tax returns or return information contained therein."

Embarrassed solons had to admit they had no idea what other dangerous items might be in the bill. Taxpayers can only hope someone keeps reading.•

IDEA

• Mr. HARKIN. Mr. President. I wish to thank my colleagues, Chairman GREGG and Senator KENNEDY, as well as Chairman BOEHNER and Representative MILLER, for conducting a truly bipartisan conference. When the legislative process is working properly, we have a fair negotiation, and more often than not, that produces a better bill. Not a bill that gives each of us everything we wanted, but a fair result given the two bills that we are charged with reconciling. And that is what we have here.

Last week, Washington Post's internet site ran a cartoon by Ted Rall that was one of the most egregious things I have ever seen. I don't know if many of you saw it, but it showed a student in a wheelchair with crossed eyes and drool coming from his mouth. He had joined a class of students without disabilities and here is what one of the panels of the cartoon read: "The special needs kids make people uncomfortable and slow the pace of learning." The cartoon showed the class changing from higher level math to simple addition because of the special education student.

The cartoon was supposed to be some kind of analogy to the United States, but it was very hard to understand the point. What was crystal clear, however, was the author's bigotry and stereotyping of children with disabilities. I understand that the Post will no longer run cartoons by Mr. Rall because cartoons like this are not funny. They are hurtful and serve as a stark reminder of why we are here and why IDEA is such important civil rights legislation.

I was here in Congress in 1975, as were some of my Senate colleagues, when IDEA was enacted. It is important to remember why we passed this legislation in the first place. We passed it because bigotry and discrimination were keeping a million children with disabilities completely out of school. Those children were locked out of an education and denied the bright future that comes with an education. IDEA opened the doors of opportunity for those children.

I have participated in many subsequent revisions to the law over the past 29 years, and I am supporting this reauthorization because we continue our proud tradition of ensuring that children with disabilities have the right to a free, appropriate public education (FAPE). In addition, we improve the enforcement of that right.

Over the years, I have been involved in the debate about disciplining students with disabilities—and this was a major issue for the conferees. I know parents were very concerned about changes to this section of the law. I appreciate and understand those concerns because I have shared them.

While this reauthorization streamlines the discipline provisions, it continues several key principles. We will continue to consider the impact of the disability on what the child is doing, and we will not punish children for behavior that is related to their disability. It is also important that we continue to require that children receive educational services when they are being disciplined so they do not fall further behind. We also continue to emphasize that an assessment and services must be provided to children who have more serious behaviors so we can prevent future discipline problems.

I believe that discipline will become less and less of an issue over time as schools implement positive behavior supports more widely. Section 614(d)(3)(B), entitled Consideration of Special Factors, was added in 1997 to provide special emphasis on certain related services, modifications, and auxiliary aides which were not being considered by IEP teams and therefore not provided. The Senate bill modified subsection 614(d)(3)(B)(i) to state that behavioral supports must be provided when the child's behavior impeded his/her education or that of others. In conference, current law was reinstated in order to make the subsection consistent with the other special consideration subsections.

By instructing the IEP team to consider the specified services, it goes without saying that the services must be provided if the IEP team finds that the services will assist the child in benefiting from his/her educational program. In the case of behavioral interventions, the section sets forth the circumstances when the services would be required.

The regulations to IDEA specify that "if, in considering the special factors . . . the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP." 34 C.F.R. Sec. 346(c). And IEP services must be provided to the student. See Office of Special Education Programs Letter to Osterhout, 35 IDELR 9 (2000).

There has been widespread noncompliance with this requirement. However with reauthorization's increased emphasis on monitoring and enforcement, we expect this implementation will improve. Children whose behavior is impeding them or others from learning should get the positive behavioral supports they need when the IEP team considers this issue and finds that the services are part of FAPE for that child.

In addition, we allow schools to use up to 15 percent of their funds to address behavior issues for children who have not been identified as special education students. Also, Senator CLINTON has worked to include authorization for a program that would provide funding for systemic positive behavioral supports in schools.

Research by Dr. George Sugai and others indicates that the implementation of positive behavioral supports can have a dramatic impact on disciplinary problems. Dr. Sugai testified in 2002 before the Health, Education, and Labor Committee that by shifting to schoolwide positive behavioral supports, an urban elementary school decreased its office referrals from 600 to 100. It also decreased in 1 year its days of suspension from 80 to 35. Schools can save administrators' time and resources and cut down on discipline problems by implementing these programs.

Another area that generated discussion in this reauthorization is litigation and attorneys fees. However, the facts show that there is very little litigation under IDEA. GAO examined the data and concluded that the use of "formal dispute resolution mechanisms has been generally low relative to the number of children with disabilities," according to a 2003 report titled, "Special Education: Numbers of Formal Disputes are Low and States are Using Mediation and Other Strategies to Resolve Conflicts."

My own State of Iowa follows the general trend of very low hearings and court cases. A graduate student in Iowa did a thorough analysis of due process hearings in Iowa from 1989–2001. Since the amendments in 1997, there were three hearings in 1998; three also in 1999 and four hearings in 2000. The Department of Education informs me that this trend continues, with only three hearings in each of the past 2 years. And there are thousands of children in special education in the State of Iowa.

Given the fact that litigation is generally not a problem in IDEA, in this reauthorization we merely include a standard that is used in other civil rights contexts—it is generally referred to by the case, *Christiansburg Garment Company* vs. *Equal Employment Opportunity Commission*, 98 S.Ct. 694 (1978). Both prongs of the Christiansburg standard (filing or pursuing litigation that is groundless or for bad faith/improper purpose) adopted today are very high standards, and prevailing defendants are rarely able to meet them. They are designed for only the most egregious cases.

Also, in deciding cases under this standard, courts have considered the party's ability to pay. This is important because Congress does not intend to impose a harsh financial penalty on parents who are merely trying to help their child get needed services and supports. So in applying this standard and deciding whether to grant defendants fees, the court must also consider the ability of the parents to pay.

A school district would be foolhardy to try to use these provisions in any but the most egregious cases. Not only would the school be wasting its own resources if it did not prevail, but it would be liable for the parents' fees defending the action.

Unlike parents who are entitled to attorney fees if they win the case, the fact that a LEA ultimately prevailed is not grounds for assessing fees against a parent or parent's attorney. As the Supreme Court concluded in Christiansburg, courts should not engage in "post hoc reasoning by concluding that, because a plaintiff did not ultimately prevail, his action must have been unreasonable or without foundation. This kind of hindsight logic could discourage all but the most airtight claims, for seldom can a prospective plaintiff be sure of ultimate success."

As GAO found, there has been a low incidence of litigation under IDEA. The cases that are filed are generally pursued because parents have no other choice. Congress does not intend to discourage these parents from enforcing their child's right to a free, appropriate, public education. This is merely to address the most egregious type of behavior in very rare circumstances where it might arise.

In this reauthorization, we also include a 2-year statute of limitations on claims. However, it should be noted that this limitation is not designed to have any impact on the ability of a child to receive compensatory damages for the entire period in which he or she has been deprived of services. The statute of limitations goes only to the filing of the complaint, not the crafting of remedy. This is important because it is only fair that if a school district repeatedly failed to provide services to a child, they should be required to provide compensatory services to rectify this problem and help the child achieve despite the school's failings.

Therefore, compensatory education must cover the entire period and must belatedly provide all education and related services previously denied and needed to make the child whole. Children whose parents can't afford to pay for special education and related services when school districts fail to provide FAPE should be treated the same as children whose parents can. Children whose parents have the funds can be fully reimbursed under the Supreme Courts decisions in Burlington and Florence County, subject to certain equitable considerations, and children whose parents lack the funds should not be treated differently.

I also want to discuss the monitoring and enforcement sections of this bill. I want to thank Senator KENNEDY for his leadership on this issue. Again, GAO has issued a report that has informed our deliberations around this issue. They noted that the Department of Education found violations of IDEA in 30 of the 31 States monitored. In addition, GAO found that the majority of these violations were for failure to provide actual services to children. That report, issued this year, is titled, "Special Education: Improved Timeliness and Better Use of Enforcement Actions Could Strengthen Education's Monitoring System."

When we passed the Americans with Disabilities Act, we said that our four national goals for people with disabilities were equality of opportunity, full participation, independent living, and economic self-sufficiency. But children with disabilities are never going to meet any of those goals if they don't get the tools they need when they are young. So if we truly want equal opportunity for individuals with disabilities, it has to start with IDEA, and with our youth, who are our future. The law must be enforced so they receive the services and supports they need to get a quality education and a brighter future.

As part of the enforcement of this law, States must ensure that local education agencies are meeting their targets to provide a free, appropriate public education. If they fail to do so, the State must take action, including prohibiting the flexible use of any of the local education agency's resources.

In addition to monitoring and enforcement, there are other improvements in this bill. I will mention one area that is near and dear to my heart because of my brother Frank, who, as many of you know, was deaf. In this bill, we add interpreter services to the list of related services, a change that is long overdue and we continue to require the Department of Education to fund captioning so deaf and hard-of-hearing individuals will have equal access to the media.

While I support the bill, I must point out, however, that I am deeply disappointed that this bill does not include mandatory full funding of IDEA. We fought for this on the floor of the Senate. Even though a majority of the Senate agreed, we did not have the needed 60 votes, and it did not become part of the Senate bill. I continue to believe that mandatory funding is required to give schools the resources they need to ensure that all children get a quality education.

This bill does, however, have specific authorized levels that will get us to full funding in 7 years. If we fail to meet these levels, I will continue to argue that Congress should provide mandatory funding to ensure we meet the commitment we made almost 30 years ago.

This is a bill about children. We all tell our children to keep their promises, to fulfill any commitments they make. Yet Congress has not kept its word to these children and their families. We have not provided the resources we said we would. We must fully fund IDEA. This is important to children, to schools, and to our communities. And it is the right thing to do.

I want to thank the staff who worked so hard on this bill. On my staff, I would like to thank Mary Giliberti, Julie Carter, Erik Fatemi, and Justin Chappell. I especially thank Senator KENNEDY's staff for their dedication to children with disabilities, including Connie Garner, Kent Mitchell, Michael Dannenberg, Roberto Rodriguez, and Jeremy Buzzell.

I would also like to thank Denzel McGuire, Annie White, Bill Lucia, and Courtney Brown on Senator GREGG's staff for their efforts to ensure a bipartisan process.

Also, thanks go to Sally Lovejoy and David Cleary with Congressman BOEHNER; Alex Nock with Congressman MILLER; Michael Yudin with Senator BINGAMAN; Carmel Martin, formerly with Senator BINGAMAN's staff; Jamie Fasteau, with Senator MURRAY's; Bethany Little, formerly with Senator MURRAY's staff; Catherine Brown, with Senator CLINTON; Justin King with Senator JEFFORDS; Rebecca Litt, with Senator MIKULSKI; Elyse Wasch, with Senator REED; Maryellen McGuire and Jim Fenton with Senator DODD; Joan Huffer, with Senator DASCHLE; Bethany Dickerson with the Democratic Policy Committee; and Erica Buehrens, with Senator EDWARDS.

Mr. President, IDEA is fundamentally a civil rights statute for children with disabilities. I have worked with my colleagues on this conference to ensure that core rights are protected and enforced.●

NAMING OF JAMES R. BROWNING FEDERAL COURTHOUSE

● Mr. BAUCUS. Mr. President, I would like to speak briefly about legislation to rename the U.S. Courthouse in San Francisco after Judge James R. Browning. This legislation cleared Congress over the weekend. It is a long overdue honor for one of the Nation's finest public servants.

I would like to thank my Senate friends and colleagues for their hard work and support, particularly Senator BOXER, who sponsored the Browning courthouse naming legislation. I would also like to recognize and thank Senator HATCH and Senator STEVENS. Their efforts were crucial in moving this legislation across the finish line in the 109th Congress.

Let me tell you about Judge James R. Browning. First, he is a great man and a fine judge who has committed the better part of his life to promoting and improving the administration of justice. Montana is proud to call him one of their own, and I am proud to call him my friend.

Judge Browning was born in Great Falls, MT, just like another famous Montana son former Senate Majority Leader and Ambassador to Japan, Mike

Mansfield. Judge Browning grew up in the small town of Belt, MT, and married his high-school sweetheart Marie Rose from Belfry, MT. Judge Browning received his law degree from the University of Montana in 1941, graduating at the top of his class. He worked for the Antitrust Division of the Department of Justice before joining the U.S. Army where he served in Military Intelligence for 3 years, attaining the rank of first lieutenant and winning the Bronze Star.

After the war, he returned to the Justice Department, eventually rising through the ranks to become Executive Assistant to the Attorney General. In 1953, he entered private practice, leaving after 5 years to serve as the Clerk of the U.S. Supreme Court at the request of Chief Justice Earl Warren. In that position, he held the Bible during President John F. Kennedy's inauguration.

In 1961, President Kennedy named James Browning to be a Circuit Judge of the U.S. Court of Appeals for the Ninth Circuit. Judge Browning has served on that court with distinction and honor for more than 40 years, longer than any other judge in Ninth Circuit history. He was still working 6 days a week as an active federal judge when he turned 80 in 1998, and he did not take senior status until November of 2000. He has participated in nearly 1000 published appellate decisions.

Judge Browning was named chief judge of the Ninth Circuit in 1976. During his 12-year tenure as the chief judge, the Ninth Circuit expanded from 23 to 28 judges, eliminated its case backlog entirely, and reduced by half the time needed to decide appeals. He worked tirelessly to improve the administration of the courts, dramatically increasing the efficiency and productivity of the Ninth Circuit, all the while emphasizing collegiality and civility among his colleagues on the Ninth Circuit. Judge Browning's leadership and innovation sparked similar administrative reforms throughout the country.

Judge Browning is held in the highest regard by both bench and bar across California, in Montana, and within the Ninth Circuit legal community. His rich and distinguished career spans more than six decades—most of it spent in public service. We have finally recognized his long service to his country and the Ninth Circuit by renaming the U.S. Courthouse in San Francisco in his honor. It is a long way from Belt, MT, but Judge Browning never forgot his roots, and now neither will the Ninth Circuit that he helped to build.•

FAMILY ENTERTAINMENT AND COPYRIGHT ACT OF 2004

• Mr. CORNYN. Mr. President, would the chairman yield for a question?

Mr. HATCH. I would be happy to yield for a question from the distinguished Senator from Texas.

Mr. CORNYN. As the chairman knows, he and I and our other co-sponsors have worked throughout this Congress on the provisions of the Family Entertainment and Copyright Act of 2004 that we have introduced today. I just want to confirm what I believe to be our mutual understanding about the effect of certain provisions of the Family Movie Act. Title II of the Family Entertainment and Copyright Act of 2004 that we introduced today modifies slightly the Family Movie Act provisions of H.R. 4077 as passed by the House of Representatives. That bill created a new exemption in section 110(11) of the Copyright Act for skipping and muting audio and video content in motion pictures during performances that take place in the course of a private viewing in a household from an authorized copy of the motion picture. The House-passed version specifically excluded from the scope of the new copyright exemption computer programs or technologies that make changes, deletions, or additions to commercial advertisements or to network or station promotional announcements that would otherwise be displayed before, during, or after the performance of the motion picture.

My understanding is that this provision reflected a "belt and suspenders" approach that was adopted to quiet the concerns of some Members in the House who were concerned that a court might misread the statute to apply to "ad-skipping" cases. Some Senators, however, expressed concern that the inclusion of such explicit language could create unwanted inferences as to the "ad-skipping" issues at the heart of the recent litigation. Those issues remain unsettled, and it was never the intent of this legislation to resolve or affect those issues. In the meantime, the Copyright Office has confirmed that such a provision is unnecessary to achieve the intent of the bill, which is to avoid application of this new exemption in potential future cases involving "ad-skipping" devices; therefore, the Senate amendment we offer removes the unnecessary exclusionary language.

Would the chairman confirm for the Senators present his understanding of the intent and effect, or perhaps stated more appropriately, the lack of any effect, of the Senate amendment on the scope of this bill?

Mr. HATCH. My cosponsor, Senator Cornyn, raises an important point. While we removed the "ad-skipping" language from the statute to avoid this unnecessary controversy, you are absolutely correct that this does not in any way change the scope of the bill. The bill protects the "making imperceptible . . . limited portions of audio or video content of a motion picture . . ." An advertisement, under the Copyright Act, is itself a "motion picture," and thus a product or service that enables the skipping of an entire advertisement, in any media, would be beyond the scope of the exemption. Moreover, the phrase "limited portions" is intended to refer to portions that are both quantitatively and qualitatively insubstantial in relation to the work as a whole. Where any substantial part of a complete work, such as a commercial advertisement, is made imperceptible, the new section 110(11) exemption would not apply.

The limited scope of this exemption does not, however, imply or show that such a product would be infringing. This legislation does not in any way deal with that issue. It means simply that such a product is not immunized from liability by this exemption.

Mr. CORNYN. I thank the chairman. I am pleased that we share a common understanding. If the chairman would yield for one more question about the Family Movie Act?

Mr. HATCH. Certainly.

Mr. CORNYN. This bill also differs from the House-passed version because it adds two "savings clauses." As I understand it, the "copyright" savings clause makes clear that there should be no "spillover effect" from the passage of this law: that is, nothing shall be construed to have any effect on rights, defenses, or limitations on rights granted under title 17, other than those explicitly provided for in the new section 110(11) exemption. The second, relating to trademark, clarifies that no inference can be drawn that a person or company who fails to qualify for the exemption from trademark infringement found in this provision is therefore liable for trademark infringement. Is that the chairman's understanding as well?

Mr. HATCH. Yes it is. Let me ask that a copy of the section-by-section analysis of the Family Movie Act as amended by the Senate be included in the Record. This section-by-section analysis contains a more complete analysis of the bill as proposed today in the Senate, including the limited changes made by the bill Senators Leahy, Cornyn, Biden, and I offer today.

The analysis follows.

SECTION-BY-SECTION ANALYSIS OF THE FAMILY MOVIE ACT OF 2004, AMENDED AND PASSED BY THE SENATE

OVERVIEW

Title II of the Family Entertainment and Copyright Act of 2004 incorporates the House-passed provision of the Family Movie Act of 2004, with limited changes as reflected in this section-by-section analysis. As discussed herein, these changes are not intended to and do not affect the scope, effect or application of the bill.

The purpose of the Family Movie Act is to empower private individuals to use technology to skip and mute material that they find objectionable in movies, without impacting established doctrines of copyright or trademark law or those whose business models depend upon advertising. This amendment to the law should be narrowly construed to effect its intended purpose only. The sponsors of the legislation have been careful to tailor narrowly the legislation to clearly allow specific, consumer-directed activity and not to open or decide collateral issues or to affect any other potential or actual disputes in the law.

The bill as proposed in the Senate makes clear that, under certain conditions, "making imperceptible" of limited portions of audio or video content of a motion picture—that is, skipping and muting limited portions of movies without adding any content—as well as the creation or provision of a computer program or other technology that enables such making imperceptible, does not violate existing copyright or trademark laws. That is true whether the movie is on prerecorded media, like a DVD, or is transmitted to the home, as through pay-per-view and "video-on-demand" services.

Subsection (a): Short Title

Subsection (a) sets forth the short title of the bill as the Family Movie Act of 2004.

Subsection (b): Exemption From Copyright and Trademark Infringement for Skipping of Audio or Video Content of Motion Pictures

Subsection (b) is the Family Movie Act's core provision and creates a new exemption at section 110(11) of the Copyright Act for the "making imperceptible" of limited portions of audio or video content of a motion picture during a performance in a private household. This new exemption sets forth a number of conditions to ensure that it achieves its intended effect while remaining carefully circumscribed and avoiding any unintended consequences. The conditions that allow an exemption, which are discussed in more detail below, consist of the following:

The making imperceptible must be "by or at the direction of a member of a private household." This legislation contemplates that any altered performances of the motion picture would be made either directly by the viewer or at the direction of a viewer where the viewer is exercising substantial choice over the types of content they choose to skip or mute.

The making imperceptible must occur "during a performance in or transmitted to the household for private home viewing." Thus, this provision does not exempt an unauthorized "public performance" of an altered version.

The making imperceptible must be "from an authorized copy of a motion picture." Thus, skipping and muting from an unauthorized or "bootleg" copy of a motion picture would not be exempt.

No "fixed copy" of the altered version of the motion picture may be created by the computer program or other technology that makes imperceptible portions of the audio or video content of the motion picture. This provision makes clear that services or technologies that make a fixed copy of the altered version are not afforded the benefit of this exemption.

The "making imperceptible" of limited portions of a motion picture does not include the addition of audio or video content over or in place of other content, such as placing a modified image of a person, a product, or an advertisement in place of another, or adding content of any kind.

These limitations, and other operative provisions of this new section 110(11) exemption, merit further elaboration as to their purposes and effects.

The bill makes clear that the "making imperceptible" of limited portions of audio or video content of a motion picture must be done by or at the direction of a member of a private household. While this limitation does not require that the individual member of the private household exercise ultimate decision-making over each and every scene or element of dialog in the motion picture that is to be made imperceptible, it does require that the making imperceptible be made at the direction of that individual in response to the individualized preferences expressed by that individual. The test of "at the direction of an individual" would be satisfied when an individual selects preferences from among options that are offered by the technology.

An example is the ClearPlay model. ClearPlay provides so-called "filter files" that allow a viewer to express his or her preferences in a number of different categories, including language, violence, drug content, sexual content, and several others. The version of the movie that the viewer sees depends upon the preferences expressed by that viewer. Such a model would fall under the liability limitation of the Family Movie Act.

This limitation, however, would not allow a program distributor, such as a provider of video-on-demand services, a cable or satellite channel, or a broadcaster, to make imperceptible limited portions of a movie in order to provide an altered version of that movie to all of its customers, which could violate a number of the copyright owner's exclusive rights, or to make a determination of scenes to be skipped or dialog to be muted and to offer to its viewers no more of a choice than to view an original or an altered version of that film. Some element of individualized preferences and control must be present such that the viewer exercises substantial choice over the types of content they choose to skip or mute.

It is also important to emphasize that the new section 110(11) exemption is targeted narrowly and specifically at the act of "making imperceptible" limited portions of audio or video content of a motion picture during a performance that occurs in, or that is transmitted to, a private household for private home viewing. This section would not exempt from liability an otherwise infringing performance, or a transmission of a performance, during which limited portions of audio or video content of the motion picture are made imperceptible. In other words, where a performance in a household or a transmission of a performance to a household is done lawfully, the making imperceptible limited portions of audio or video content of the motion picture during that performance, consistent with the requirements of this new section, will not result in infringement liability. Similarly, an infringing performance in a household, or an infringing transmission of a performance to a household, are not rendered non-infringing by section 110(11) by virtue of the fact that limited portions of audio or video content of the motion picture being performed are made imperceptible during such performance or transmission in a manner consistent with that section.

The bill also provides additional guidance, if not an exact definition, of what the term "making imperceptible" means. The bill provides specifically that the term "making imperceptible" does not include the addition of audio or video content that is performed or displayed over or in place of existing content in a motion picture. This is intended to make clear in the text of the statute what has been expressed throughout the consideration of this legislation, which is that the Family Movie Act does not enable the addition of content of any kind, including the making imperceptible of audio or video content by replacing it or by superimposing other content over it. In other words, for purposes of section 110(11), "making imperceptible" refers solely to skipping scenes and portions of scenes or muting audio content from the original, commercially available version of the motion picture. No other modifications of the content are addressed or immunized by this legislation.

The House sponsor of this legislation noted in his explanation of his bill, and the Senate is also aware, that some copy protection technologies rely on matter placed into the audio or video signal. The phrase "limited portions of audio or video content of a motion picture" means what it would naturally seem to mean (i.e., the actual content of the motion picture) and does not refer to any component of a copy protection scheme or technology. This provision does not allow the skipping of technologies or other copy-protection-related matter for the purpose of defeating copy protection. Rather, it is expected that skipping and muting of content in the actual motion picture will be skipped or muted at the direction of the viewer based on that viewer's desire to avoid seeing or hearing the action or sound in the motion picture. Skipping or muting done for the purpose of or having the effect of avoiding copy protection technologies would be an abuse of the safe harbor outlined in this legislation and may violate section 1201 of title 17.

Violating the Digital Millennium Copyright Act, and particularly its anti-circumvention provisions, is not necessary to enable technology of the kind contemplated under the Family Movie Act. Although the amendment to section 110 provides that it is not an infringement of copyright to engage in the conduct that is the subject of the Family Movie Act, the Act does not provide any exemption from the anti-circumvention provisions of section 1201 of title 17, or from any other provision of chapter 12 of title 17. It would not be a defense to a claim of violation of section 1201 that the circumvention is for the purpose of engaging in the conduct covered by this new exemption in section 110(11), just as it is not a defense under section 1201 that the circumvention is for the purpose of engaging in any other non-infringing conduct.

There are a number of companies currently providing the type of products and services covered by this Act. The Family Movie Act is intended to facilitate the offering of such products and services, and it certainly creates no impediment to the technology employed by those companies. Indeed, it is important to underscore the fact that the support for such technology and consumer offerings that is reflected in this legislation is driven in some measure by the desire for copyright law to be respected and to ensure that technology is deployed in a way that supports the continued creation and protection of entertainment and information products that rely on copyright protection. This legislation reflects the firm expectation that those rights and the interests of viewers in their homes can work together in the context defined in this bill. Any suggestion that support for the exercise of viewer choice in modifying their viewing experience of copyrighted works requires violation of either the copyright in the work or of the copy protection schemes that provide protection for such work should be rejected as counter to legislative intent or technological necessity.

The House-passed bill included an explicit exclusion to the new section 110(11) exemption in cases involving the making imperceptible of commercial advertisements or network or station promotional announcements. This provision was added on the House floor to respond to concerns expressed by Members during the House Judiciary Committee markup that the bill might be read somehow to exempt from copyright infringement liability devices that allow for skipping of advertisements in the playback of recorded television (so called "ad-skipping" devices). Such a reading is not consistent with the language of the bill or its intent.

The phrase "limited portions of audio or video content of a motion picture" applies only to the skipping and muting of scenes or dialog that are part of the motion picture itself, and not to the skipping of commercial advertisements, which are themselves considered motions pictures under the Copyright Act. It also should be noted that the phrase "limited portions" is intended to refer to portions that are both quantitatively and qualitatively insubstantial in relation to the work as a whole. Where any substantial part of a complete work (including a commercial advertisement) is made imperceptible, the section 110(11) exemption would not apply.

The House-passed bill adopted a "belt and suspenders" approach to this question by adding exclusionary language in the statute itself. Ultimately that provision raised concerns in the Senate that such exclusionary language would result in an inference that the bill somehow expresses an opinion, or even decides, the unresolved legal questions underlying recent litigation related to these so-called "ad-skipping" devices. In the meantime, the Copyright Office also made clear that such exclusionary language is not necessary. In other words, the exclusionary language created unnecessary controversy without adding any needed clarity to the statute.

Thus, the Senate amendment omits the exclusionary language while leaving the scope and application of the bill exactly as it was when it passed the House. The legislation does not provide a defense in cases involving so-called "ad-skipping" devices, and it also does not affect the legal issues underlying such litigation, one way or another. Consistent with the intent of the legislation to fix a narrow and specific copyright issue, this bill seeks very clearly to avoid unnecessarily interfering with current business models, especially with respect to advertising, promotional announcements, and the like. Simply put, the bill as amended in the Senate is narrowly targeted to the use of technologies and services that filter out content in movies that a viewer finds objectionable, and it in no way relates to or affects the legality of so-called "ad-skipping" technologies.

There are a variety of services currently in litigation that distribute actual copies of altered movies. This type of activity is not covered by the section 110(11) exemption created by the Family Movie Act. There is a basic distinction between a viewer choosing to alter what is visible or audible when viewing a film, the focus of this legislation, and a separate entity choosing to create and distribute a single, altered version to members of the public. The section 110(11) exemption only applies to viewer directed changes to the viewing experience, and not the making or distribution of actual altered copies of the motion picture.

Related to this point, during consideration of this legislation in the House there were conflicting expert opinions on whether fixation is required to infringe the derivative work right under the Copyright Act, as well as whether evidence of Congressional intent in enacting the 1976 Copyright Act supports the notion that fixation should not be a prerequisite for the preparation of an infringing derivative work. This legislation should not be construed to be predicated on or to take a position on whether fixation is necessary to violate the derivative work right, or whether the conduct that is immunized by this legislation would be infringing in the absence of this legislation.

Subsection (b) also provides a savings clause to make clear that the newly-created copyright exemption is not to be construed to have any effect on rights, defenses, or limitations on rights granted under title 17, other than those explicitly provided for in the new section 110(11) exemption.

Subsection (c): Exemption From Trademark Infringement

Subsection (c) provides for a limited exemption from trademark infringement for those engaged in the conduct described in the new section 110(11) of the Copyright Act.

In short, this subsection makes clear that a person engaging in the conduct described in section 110(11) the "making imperceptible" cf portions of audio or video content of a motion picture or the creation or provision of technology to enable such making available is not subject to trademark infringement liability based on that conduct, provided that person's conduct complies with the requirements of section 110(11). This section provides a similar exemption for a manufacturer, licensee or licensor of technology that enables such making imperceptible, but such manufacturer, licensee or licensor is subject to the additional requirement that it ensure that the technology provides a clear and conspicuous notice at the beginning of each performance that the performance of the motion picture is altered from the performance intended by the director or the copyright holder.

Of course, nothing in this section would immunize someone whose conduct, apart from the narrow conduct described by 110(11), rises to the level of a Lanham Act violation. For example, someone who provides technology to enable the making imperceptible limited portions of a motion picture consistent with section 110(11) could not be held liable on account of such conduct under the Trademark Act, but if in providing such technology the person also makes an infringing use of a protected mark or engages in other ancillary conduct that is infringing, such conduct would not be subject to the exemption provided here. As amended by the Senate, the bill also makes clear that failure by a manufacturer, licensee, or licensor of technology to qualify for the exemption created by this subsection is not, by itself, enough to establish trademark infringement. Failure to qualify for the safe harbor from trademark liability merely means that the manufacturer, licensee, or other licensor of technology cannot assert an affirmative defense based on this exemption in a case where trademark infringement or some other violation of the Trademark Act is established.

Subsection (d): Definition

Subsection (d) provides definitional clarification regarding short-hand references throughout this section to the "Trademark Act of 1946."●

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on November 24, 2004, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the resolution (H. Con. Res. 529) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, with amendments.

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on November 24, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 434. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 1146. An act to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

S. 1241. An act to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes.

S. 1727. An act to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978.

S. 2042. An act for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida.

S. 2214. An act to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the "Mike Mansfield Post Office".

S. 2302. An act to improve access to physicians in medically underserved areas.

S. 2484. An act to amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists and to authorize alternate work schedules and executive pay for nurses, and for other purposes.

S. 2640. An act to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the "Guardians of Freedom Memorial Post Office Building" and to authorize the installation of a plaque at such site, and for other purposes.

S. 2693. An act to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, as the "Lieutenant John F. Finn Post Office".

S. 2965. An act to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting.

Under the authority of the order of January 7, 2003, the enrolled bills were signed by the President pro tempore (Mr. STEVENS) on November 24, 2004.

ENROLLED BILLS PRESENTED DURING ADJOURNMENT

The Secretary of the Senate reported that on November 24, 2003, she had presented to the President of the United States the following enrolled bills:

S. 434. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 1146. An act to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

S. 1241. An act to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes.

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S. 2965. An act to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting.

ADDITIONAL COSPONSORS

S. 3021

At the request of Mr. CORNYN, his name and the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 3021, a bill to provide for the protection of intellectual property rights, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4080. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 4012, to amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act.

SA 4081. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 4012, supra.

TEXT OF AMENDMENTS

SA. 4080. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 4012, to amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act; as follows:

In section 1(a) strike "10 succeeding" and insert "7 succeeding".

In section 1(b) strike "10 succeeding" and insert "7 succeeding".

SA. 4081. Mr. MCCONNELL (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 4012, to amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act; as follows:

Amend the title to read as follows:

"To amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act.".

ORDERS FOR TUESDAY, DECEMBER 7, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned under the provisions of H. Con. Res. 529 until 9:30 a.m. on Tuesday, December 7, 2004. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period of morning business until the hour of 12:30 with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PROGRAM

Mr. MCCONNELL. That completes our business for today's session. I thank the Democratic leadership for their assistance today. Even though our work this afternoon took only a few moments, I also thank the staff and everyone around the Chamber for being here, this day before Thanksgiving.

With that said and if there is nothing further from my colleague, I wish everyone a happy and safe Thanksgiving.

ADJOURNMENT UNTIL TUESDAY, DECEMBER 7, 2004, AT 9:30 A.M.

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 529.

There being no objection, the Senate, at 5:06 p.m. adjourned until Tuesday, December 7, 2004, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, November 24, 2004*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. TOM DAVIS of Virginia).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 24, 2004.

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Gracious Creator of all good gifts and Father of us all, as we Americans prepare now to be with family and friends around a table tomorrow to give You thanks for our many blessings, protect all who are traveling. Grant them safe passage, and may peace await all in every household.

Grant a special blessing of Your loving presence to all those who are away from home this Thanksgiving Day, especially the women and men who serve in our military forces and those first responders in time of emergency. May their families who feel their absence this holiday be comforted by knowing Your faithful protection and loving care.

America expresses gratitude to You, O Lord, for all those who serve this Nation in public service and in the cause of freedom and peace in the world.

Thanksgiving, praise and glory be Yours, O Lord, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, concurrent resolutions of the House of the following titles:

H. Con. Res. 528. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

H. Con. Res. 529. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate has passed bills and a joint resolution of the following titles in which concurrence of the House is requested:

S. 423. An act to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 2488. An act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

S. 2635. An act to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments.

S. 2657. An act to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2866. An act to amend the Farm Security and Rural Investment Act of 2002 to clarify the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

S. 3021. An act to provide for the protection of intellectual property rights and other purposes.

S. 3027. An act to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes.

S. 3028. An act to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

S.J. Res. 42. Joint Resolution to make a correction in the Conference Report to accompany H.R. 4818.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 20, 2004.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 20, 2004 at 6:00 p.m.

That the Senate passed without amendment H.R. 4302.

With best wishes, I am Sincerely,

JEFF TRANDAHL,
Clerk of the House

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 22, 2004.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 20, 2004 at 8:45 p.m.:

That the Senate passed without amendment H.J. Res. 114.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill and joint resolution on Saturday, November 20, 2004:

H.R. 2655, to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998;

H.J. Res. 114, making further continuing appropriations for the fiscal year 2005, and for other purposes.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TODAY AND ON WEDNESDAY, DECEMBER 8, 2004

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on today and on Wednesday, December 8, 2004.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend remarks and include extraneous material on H.J. Res. 115, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2005

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 2005, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. OBEY. Mr. Speaker, reserving the right to object, I think before we move forward on this, it is necessary to clarify a few things and ask a few questions.

We are here because a provision was included in the omnibus appropriation bill that allows the chairmen of the Committee on Appropriations or their agents access to IRS facilities and tax return information that may be housed within those facilities without apparently adequate protection for the privacy of taxpayers. Most Members did not know this language had been included. So far as I know, I have yet to meet a single Member who knew it. Certainly I did not know the language had been included.

This is a serious problem, and it raises the question, why did it happen. It seems to me there are three reasons for that.

First, there was obviously not enough time to review the bill. This bill spends over $380 billion of taxpayer money. It is over 3,000 pages long. The IRS provision is six lines in the middle of it all. It was not filed until 1 a.m. on Saturday morning. Unless they have come down today, there is still no official GPO print of the document. It was not available in useful electronic form until Tuesday.

Despite the fact that this issue was briefly discussed on the House floor in a relatively obscure way during the colloquy between the gentleman from Florida (Chairman YOUNG) and the gentleman from California (Chairman THOMAS), it was only thanks to the review of the legislative language by Senator CONRAD's staff that we discovered the problem. That alone suggests Members should have had more time to review the bill.

Second, the pressure from the majority party leadership to complete action and adjourn was overriding. To meet the timetable of that leadership, staff worked all night for several days in a row in an effort to finalize the omnibus bill as quickly as possible; and as a result, corners were cut.

Third, this provision is not the only problem with the omnibus. There are important policy issues that were placed in this bill that were never voted on in either Chamber. Some of them are reasonable and some of them most certainly are not.

There are also a number of other important provisions that were dropped at the insistence of the Republican leadership, even though they had been supported by majorities in both Houses. In neither case were Members of the House given sufficient time to become aware of them or to fully understand their significance.

I include the following examples for the RECORD.

Some examples of problematic provisions added include:

Limits on judicial review of timber sales in Alaska;

Removal of the wilderness designation for areas of Georgia;

Extension of grazing permits without legally required environmental reviews;

Allowing use of wilderness in ways that are banned under current law [other examples to follow].

Some examples of items that were dropped include:

Language related to contracting out;

The bipartisan Chabot/Andrews amendment would have prohibited road building in the Tongas National Forest in Alaska to support non-economically viable timber sales;

The provisions that would ease the economic embargo and travel restrictions on Cuba;

The Sanders cash-balance pension plan amendment that would have protected American workers who are covered under traditional pension plans from unfair conversions to cash-balance plans; and,

The MILC reauthorization.

Mr. Speaker, in addition to these examples, I think it is important to understand that there were still other problems with this legislation. The full policy impact of funding cuts, for instance, were obscured by the manner in which the across-the-board cut effectively hid the real funding levels for a number of key programs.

For all of those reasons, that is why I said during floor debate the following: "As the press finds out more and more about what the impact is on various programs, I think the Congress is going to wish that we spent considerably more time dealing with this in a rational manner."

Now, some of those problems could be avoided if the House adhered to rules that are meant to give Members time to review legislation before they vote on it. But the majority leadership has almost routinely set aside those safeguards. I agree with Senator CONRAD's statement yesterday, echoed by comments yesterday and today by the gentlewoman from California (Ms. PELOSI), that that must change.

But in the final analysis, an even more important reason for this fiasco is the way the House majority party leadership has systematically sought to minimize accountability for their decisions by hiding those decisions until after the election. From day one the majority party leadership ran this House in a way that guaranteed that appropriation decisions would be hidden from the public until after the election.

Congressional Quarterly wrote this 2 days ago: "Appropriation bills are the only measures that are traditionally open to free-wheeling amendments in both Chambers. But in the Senate this year, seven of the 13 measures were never put to a minute of floor debate."

Continuing to quote CQ: "That may have limited the right of Senators to try to change the legislation, but it was of great benefit to the majority leader, who did not have to tie up the Chamber for most of June and July allowing Senators to offer amendments, and it was further evidence that the GOP leadership had every intention all year long of compressing most appropriations into one bill." So says CQ.

Now, why did they do that? Because the Republican leadership knew that they could not sell the appropriations bills to moderates in their own caucus in the other body before the election.

Congressional Quarterly pointed out: "In the omnibus Senate VA appropriations subcommittee, Chairman BOND had to slash $3 billion from the VA-HUD bill that advanced unanimously earlier through the Appropriations Committee in September. Senator SPECTER likewise had to use budgetary legerdemain to make his bill more politically attractive until it was rolled into the omnibus and pared back. 'The amount we have been given was not adequate,' BOND said."

Mr. Speaker, to avoid these controversies, these bills were packaged together. The main reason for this problem is political, not procedural. Staffers are being blamed; but as a practical matter, staffers were forced to produce legislation under impossible circumstances. The majority staff presented language that had not been properly vetted. The minority staff did not catch the fact that the majority had inadvertently dropped language that would have protected the privacy of American taxpayers.

As a result, the Congress has egg on its face, the majority is disgraced, the Committee on Appropriations' ability to conduct oversight still has not been addressed because legislative language will be dropped rather than fixed, nobody wins, and the Nation has less confidence in the competence and honesty of its institutions.

One measure of how badly this institution is suffering is the level of distrust and suspicion that now permeates both Chambers. It has become hard for some to believe what I want to believe, that this was an unintended mistake that resulted from lack of time for Members to meet their responsibilities and lack of sleep on the part of the staff that had been pushed to the point of exhaustion.

I have been told, for instance, that two members of the appropriations staff actually fainted during a readout of the energy and water bill because they had been up for more than 2 days in a row without sleep. That would not have happened if the House and Senate had passed its bills under the regular order and conferenced them one by one with no "doomsday" deadline.

It is one thing for Congress to wind up putting numerous appropriation bills into a broad-based omnibus bill because legitimate controversies have delayed the compromises necessary to pass those bills. It is quite another thing to produce this kind of end-of-session chaos by design.

This should be a wake-up call to the majority party leadership to change practices and procedures to prevent this type of credibility and accountability problem in the future. Most of all, it is a wake-up call to reestablish trust, by recognizing that adherence to normal rules and respect for the rights of the minority do not just protect the minority, but the majority as well.

□ 1415

If Dick Bolling, the legendary former chairman of the Committee on Rules, were around today, he would say, "Let's stop the bitching and get about the fixing." That is exactly what we ought to do. But the problem is that in the old days, we actually used to have conferences. Every member of every subcommittee used to meet with members of the other body in conference and they would thrash out the differences. As a result, Members took pride in the fact that they all knew what was in the bill, even if the other body largely relied on staff. Today that difference is gone. Today it is apparent that even people who are in charge of producing the bill are not fully aware of what is in it because of the rush and because of the lack of an orderly procedure.

We need to go back to the time when we were having real conferences with the other body so that we could legislate rather than simply impose policy decisions that are predetermined ahead of time in the majority leadership's office.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, we actually had quite a week last week. The 9/11 conference came back with a bipartisan solution with the two Senators and obviously the two House Members, both Democrats and Republicans agreeing; and it was not brought to the floor because even though the President and Vice President supported the legislation, at the same time the Joint Chiefs of Staff said he was against it. We do not know why it did not come up, but hopefully we get some action on this.

Secondly, the Republican conference had a meeting, and they reversed 11 years of a rule that now will allow an indicted felon who is in the leadership to continue on in the leadership and not have to step aside until the matter is resolved.

Lastly, obviously, by having a bill come up, $388 billion, over 3,000 pages, and having language that basically will allow any staffer that is assigned by the chairman of the Committee on Appropriations to look at anyone's tax return. Let me tell Members what this really is all about. Talking about a tax return, if in fact that law went into place, and in spite of the little colloquy the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. THOMAS) had, that was irrelevant because the language of the law speaks for itself. This would have been in the law if not for the fact that Mr. CONRAD caught it.

That would allow a staffer to go to the IRS in an open meeting and ask for a specific return from any individual in this room or anywhere else and open up that return, display it, give it to the national newspapers, do whatever that person wanted with it and not suffer any consequences.

The reason we actually had to tighten the law was because in the 1970s when Watergate occurred, when we had the enemies list, when we had the plumbers and all of those things going on, the wiretaps, people were allowed to go to the Internal Revenue Service and ask for returns of individual members. It was not until the mid-1970s when we tightened it up.

Perhaps members of the Committee on Ways and Means, or their designees, particularly the chairman of the committee, can in fact obtain tax returns of companies, corporations, and obviously individuals. But before that happens, one has to have an executive session so it has to be properly noticed. Executive session, as my colleagues know, is a closed session. If any of the information in those documents should be released to the press or to the public or to anyone else, it is a felony offense with up to 5 years in prison, $5,000 fine, and other sanctions. That was as a direct result of Watergate.

Here now in the dark of night without any notice a provision was slipped into this bill, a $388 billion bill, to basically allow staffers to look at anyone's return without any criminal sanctions.

I have to say, I know there is a discussion about what happened, why it happened and what was the purpose of it; but what is really troubling to me, I do not believe an IRS agent or one of the IRS employees wrote this provision. Had they been asked to write the provision, they would have based it upon how the Committee on Ways and Means would obtain that information. They would not have written it so broadly. One of the most important things an IRS employee will tell you is they protect tax returns of individuals, companies, and nonprofit corporations. So there was more to this.

I have to say in conclusion here, the real problem I see is the fact that as long as we are not given notice, as the gentleman from Wisconsin (Mr. OBEY) says, as long as there is not a give and take, this problem is going to come up more and more. We ought to be happy that the other body saved us from a massive embarrassment, because the reality is had this become law, there would have been some time over the next few years when someone would have abused that process and someone's returns would have been disclosed to the press.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. TOM DAVIS of Virginia). Is there objection to the request of the gentleman from Virginia?

Mr. HOYER. Reserving the right to object, Mr. Speaker, I want to say that this was not unanticipated. I rose during the consideration of the rule on Saturday and said, "But the fear of the American people," referring to the bill that was to be considered pursuant to the rule that was then under consideration, "is in the dead of the night, in the cloudiness of quick consideration that many things are included in these bills which perhaps both Houses would not have put in there, as has happened too frequently during the course of this Congress, or that either House really knows is in there."

I said that on Saturday.

Later that day it was discovered on the floor of the Senate legislation which had been discussed in this House but the ramifications of which, the meaning of which, the effect of which was really not known. That is of great concern. The chairman of the Committee on Finance in the Senate said it was "an outrage." JOHN MCCAIN said "the process is broken."

Mr. Speaker, nine of 13 appropriation bills were included in the pages of the legislation that is before me here on the desk. Now, this is approximately 1.500, 1,600 pages. The bill is actually between 3.300 and 3.400 because the bill has fewer words per page on it. Seventy-five percent of the bill which we considered, which included the language which has brought us here today, 75 percent of that bill had never been on the floor of the United States Senate, never considered, never debated, never open to the public's review. Seventy-five percent of the bill that was brought to this floor.

Mr. Speaker, the issue here today is not the granting of unanimous consent to ensure that the government keeps running until the 8th of December. We are all going to be for that. That is the appropriate thing for us to do. Nor is, in my opinion, the staff work. We have an extraordinarily excellent staff on the Committee on Appropriations, led by an extraordinary leader of judgment, of wise counsel, and great integrity who was forced, along with staff, to work in an incredibly telescoped fashion.

So 75 percent of the bills were never considered on the Senate floor, one of the bills never on the House or Senate floor, and one never even reported out of the Senate subcommittee. In addition to that, and some may not know this even at this point in time, there were three major authorization bills included in this bill that have never been debated on the floor in terms of their effect: the Satellite Home Extension Reauthorization Act, the Snake River Water Rights Act, and the Federal Lands Recreation Enhancement Act.

My presumption is, and I have not talked to each one of the ranking members of each committee, the Resources Committee in two of the cases, Committee on Energy and Commerce in the third, my presumption is that they agreed and therefore did not object to their inclusion.

In addition to that, we deleted provisions that were approved in the House, approved in the Senate, one affecting millions of Americans on minimum wage. This House directed the conference to keep it in by a significant majority vote. The Senate adopted it. It was dropped without really any ability to discuss it, as my ranking member on the Committee on Appropriations said, in conference.

I have been on the Committee on Appropriations not as long as the gentleman from Wisconsin (Mr. OBEY), but a significant number of years, 23 to be specific, and was used to going to conference, to sitting at the table representing the 662.000 people I represent and saying I believe that we ought to do A or B. There was no opportunity given by this procedure to do that.

Now the sad fact is that this is not an abberation. As the gentleman from Wisconsin (Mr. OBEY) pointed out, this is the way we do appropriation bills now. Last year we did not adopt the majority of the appropriation bills until the following calendar year: the year before that until the following calendar year, once in January and once in February. My goodness, it is November 24 today. We are doing it early, one could say.

But the fact of the matter is this has become the practice of this House, the practice of this House not to have conferences, not only on appropriation bills, but not to have conferences on Ways and Means and tax bills that affect millions and millions of Americans, not to have conferences even when we refer bills from the floor back to a conference. And we have found last year a bill being reported back that had never gone to that conference notwithstanding the vote of this House to send it to conference, and no conferee had an opportunity to say anything about the bill.

Mr. Speaker, the lamentable fact is we are here because of a process that is undermining this democratic institution. We are here because we are not taking the time to include all interested parties, including the American people, in the consideration of this legislation. We have closed rules, closed conferences or no conferences, conferences called without Democrats being included, dropping items approved by both Houses, and adding measures not approved by either House. This is unfortunate.

Mr. Speaker, as I said, we are not going to object to this unanimous consent. It is the appropriate request to make. The good news for the American people is, as the gentleman from California (Mr. MATSUI) has observed, it will give us an opportunity to do something that has been vetted, that has been considered, has been considered in the open with due hearings, on television, in a bipartisan fashion, reported out, and I refer of course to the 9/11 Commission report.

This report seeks to prevent another tragic attack on the United States of America and the loss of 3,000 souls within hours, within minutes. This report was unanimously adopted. This report was passed overwhelmingly by the other body with less than four people opposing it, and it came to a conference, essentially, a meeting: the gentleman from New Jersey (Mr. MENENDEZ) on our side, a number on the other side of the aisle. The Senate came together. Senator LIEBERMAN and Senator COLLINS came together and agreed and were overwhelmingly supported by their Senate colleagues. They said we have a bipartisan agreement to make America safer.

□ 1430

Governor Kean and our distinguished former colleague, Lee Hamilton, said we must act now. They said that in July.

Mr. Speaker, we have not acted. But as a result of what we do today, we will come back to this House on the 6th or 7th of December with an obligation to act on the omnibus appropriation bill, but it will give us an opportunity to do the right thing and pass the 9/11 Commission report which is overwhelmingly supported.

I will tell my friends in this body, I was somewhat dismayed at the Speaker's spokesman when he said that what good was it to pass a bill that the majority of the conference did not support. I will tell my friends in this House, without fear of contradiction, not one, and I invite anybody to come to the floor to contradict me, if the 9/11 Commission report is put on this floor as reported out of the Senate and as agreed to in the conference committee on this bill, it will be passed overwhelmingly in this House.

And I will say to my friend, the spokesman for the Speaker, the good is that the American people will be well served, whether or not a majority of your conference agrees. That is the good. That is why we are here. That ought to be our focus. And because of this happenstance, this mistake, this rightfully-to-be-reconsidered provision that was put in the bill without due consideration, or, if given due consideration, inartfully drawn by someone not in this body, then we will be advantaged because we will have an opportunity to respond to the American public's concern and the unanimous recommendations of the 9/11 Commission and to the support of the President of the United States who asked this to pass.

Now, Mr. Rumsfeld, our Secretary of Defense, says he is supportive of the President's view that it ought to pass. Now, if we have the President, we have the Secretary of Defense, we have the overwhelming majority, I do not know of anybody on our side of the aisle who is going to oppose it. Maybe there are some. And I am sure that there are certainly sufficient Members on your side of the aisle to ensure 218 votes to pass such a unanimously and supported recommendation to make America safer.

Mr. Speaker, I yield to my friend from Wisconsin under my reservation.

Mr. OBEY. I thank the gentleman for yielding. I will be very brief. I would just like to make one point. A fair amount has been written about how the responsibility for this mistake lies with congressional staff. I want to simply make the point that the staff was ordered to produce an appropriation bill by a certain deadline. And so they performed in an astoundingly enervating way in trying to meet the deadlines that they were ordered to meet and they worked to the point of exhaustion. And when people do that, there are going to be mistakes made.

The reason we have rules is because it enables not just the minority but the majority as well to catch mistakes and correct them before they embarrass the institution and do damage to our system. The way to avoid mistakes like this is to prevent hundreds of pages of appropriations from coming to the floor without ever having been considered in both bodies. The way to avoid problems like this in the future is to see to it that the necessary political compromises are made at the beginning of the process in the budget resolution so that you do not have such an unrealistic set of marching orders to the Appropriations Committee that the leadership is forced to conclude that they cannot get the votes from their own troops in the other body until after they are safely past the election.

So a little less rigidity, a little less ideological zeal, a little more willingness to compromise, and a little more recognition that every Member of this body has a right to do his or her job and they can best do it when they are given the time to do it. That will mean that in the end we remake this body into what it is supposed to be, which is 435 people who are legitimate representatives of their constituents, rather than rubber stamps for whatever the leadership front office wants them to vote for on a particular day.

Mr. HOYER. Reclaiming my time under my reservation, I thank the gentleman for his comments and would join him in reiterating the fact that the fault lies not in the staff. The fault lies not in the objective in this particular provision that was trying to be attained. It was that a significant, very harmful mistake was made. Whoever made it made it, as the gentleman from Wisconsin has pointed out, in the press of a process which did not give time for reflection, so that, having been caught at a time when we did not then have time to correct it because the rush to judgment was in place, we now have taken that time, and I think that is a good thing. I appreciate the staffs helping us get to that point on both sides of the aisle.

I want to say, secondly, that our Founding Fathers set up a process, Mr. Speaker, that was not as efficient as authoritarian regimes claim to be. If you have the votes and you can jam something through, so be it; but our Founding Fathers, Mr. Speaker, wanted a reflective process, a process where there was full and fair consideration in both Houses, because their concern was that democracy would work if everybody had the opportunity to see it and to participate in it.

This process of thousands of pages of bills being passed within hours under a martial-law rule did not allow that process to occur, and the result was inevitable, that things would be passed unknown to this body, unknown to the American public and of great concern to them which would not have enjoyed a majority of support in this House or the Senate if they had been fully aired.

Hopefully, this will be an object lesson which will lead us to a process more open, more open to minority views, with time given to staff and Members to digest, to reflect, and to make wise judgments.

Mr. YOUNG of Florida. Mr. Speaker, I regret that some have misinterpreted section 222 in the omnibus bill. The administration had requested an unprecedented increase to hire additional staff for the IRS's processing and enforcement activities. Because of this more than $500 million increase in funds, the subcommittee felt it necessary to conduct proper oversight. The provision was simply an attempt to exercise our constitutional stewardship of the IRS's budget request, with no intention to review or investigate individual tax returns. This intent was clearly communicated in a colloquy with the chairman of the Ways and Means Committee during Saturday's floor debate.

In order to allow oversight of these funds without infringing upon individual's privacy, the subcommittee requested that IRS draft the language. Two days prior to the bill being considered by the House, 17 staff members from the House and the Senate, Republicans and Democrats, read through every word of the subcommittee's bill and report. Clearly, there was never any desire to access personal information and it's unfortunate that some have misrepresented and exaggerated the purpose of this language. Nevertheless, I support the removal of the provision to end the confusion surrounding the issue.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. TOM DAVIS of Virginia). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 115

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 108 309 is further amended by striking the date specified in section 107(c) and inserting the following: "December 8, 2004".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OF THE TWO HOUSES

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the House concur in the Senate amendment to House Concurrent Resolution 529 with the amendment that I have placed at the desk.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Senate amendment:

On page 1, line 2, strike from "That" through the end of page 2, line 9 and insert in lieu thereof the following: *when the House adjourns on Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, December 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and when the Senate recesses or adjourns from Saturday, November 20, 2004, through Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 6, 2004, or Tuesday, December 7, 2004, or until such other time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until the time of reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.*

The Clerk read the House amendment to the Senate amendment, as follows:

House amendment to Senate amendment:

On page 1, line 2, before "on a motion" insert "or on Saturday, November 27, 2004,".

On page 1, line 8, strike "Wednesday, November 24" and insert in lieu thereof "Saturday, November 27".

The SPEAKER pro tempore. Without objection, the House amendment to the Senate amendment is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO SATURDAY, NOVEMBER 27, 2004

Mr. WOLF. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Saturday, November 27, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in the House amendment to the Senate amendment to House Concurrent Resolution 529, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3184

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3184, the Streamlined Sales and Use Tax Act. My name was added in error.

The SPEAKER pro tempore (Mr. WOLF). Is there objection to the request of the gentleman from Virginia?

There was no objection.

OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, NOVEMBER 19, 2004, AT PAGE H10071

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today and November 20 on account of business in the district.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2866. An act to amend the Farm Security and Rural Investment At of 2002 to clarify the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans; to the Committee on Agriculture.

S. 3028. An act to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied; to the Committee on Energy and Commerce; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1350. An act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

H.R. 2655. An act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

H.R. 4302. An act to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect.

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 150. An act to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 437. An act to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

S. 1466. An act to facilitate the transfer of land in the State of Alaska, and for other purposes.

S. 2192. An act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2486. An act to amend title 38, United State Code, to improve and extend housing, education, and other benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2618. An act to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

S. 2873. An act to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

S. 3014. An act to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

ADJOURNMENT

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly, pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Saturday, November 27, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in the House amendment to the Senate amendment to House Concurrent Resolution 529, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon, (at 2 o'clock and 41 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Saturday, November 27, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in the House amendment to the Senate amendment to House Concurrent Resolution 529, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11224. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on International Relations.

11225. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003, as expanded in scope in Executive Order 13315 of August 28, 2003; to the Committee on International Relations.

11226. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Contributions by Employers to Accident and Health Plans [Notice 2004-79] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11227. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Expedited Determination Procedures for Provider Service Terminations [CMS-4004-FC] (RIN: 0938-AL67) received November 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

[The following action occurred on November 22, 2004]

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than December 10, 2004.

H.R. 2971. Referral to the Committees on Financial Services, Energy and Commerce, and the Judiciary extended for a period ending not later than December 10, 2004.

H.R. 3143. Referral to the Committees on Financial Services and International Relations extended for a period ending not later than December 10, 2004.

H.R. 3358. Referral to the Committee on the Budget extended for a period ending not later than December 10, 2004.

H.R. 3551. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than December 10, 2004.

H.R. 3800. Referral to the Committee on the Budget extended for a period ending not later than December 10, 2004.

H.R. 3925. Referral to the Committee on the Budget extended for a period ending not later than December 10, 2004.

H.R. 2440. Referral to the Committees on Energy and Commerce and Ways and Means extended for a period ending not later than December 10, 2004.

H.R. 2801. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 10, 2004.

H.R. 3283. Referral to the Committee on Agriculture extended for a period ending not later than December 10, 2004.

[Submitted November 24, 2004]

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. JO ANN DAVIS of Virginia:

H.R. 5422. A bill to support the Boy Scouts of America and the Girl Scouts of the United States of America; to the Committee on Government Reform.

By Mr. WOLF:

H.J. Res. 115. A joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes; to the Committee on Appropriations. Considered and passed.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SMITH of New Jersey introduced a bill (H.R. 5423) for the relief of Rosario Amato and Salvatore Amato; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1117: Mr. MANZULLO.

H.R. 2959: Mr. DAVIS of Alabama.

H.R. 3619: Mr. MCINTYRE.

H.R. 4897: Mr. ANDREWS.

H.R. 4900: Mr. BLUMENAUER.

H.R. 5193: Mr. GARRETT of New Jersey.

H.R. 5292: Mr. EVANS.

H.R. 5410: Mr. SANDERS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3184: Mr. TOM DAVIS of Virginia.

EXTENSIONS OF REMARKS

A TRIBUTE TO BOOKER T. JOHNSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Booker T. Johnson for his nearly three decades of public service to the citizens of New York City and his continued commitment to improving our community.

Booker is the son of Booker T. Johnson, Sr. and Piccola Tyler Johnson. He was born in the State of Virginia and received his education in South Carolina where he graduated from Scotts Brance High School in Summerton, S.C. In 1957, Booker relocated to New York. He married Roxie Carter Johnson in 1961, and they are proud parents of Booker T. Johnson, Jr. and Deron Johnson, and proud grandparents of Booker T. Johnson III.

Booker joined the New York City Police Department in 1968 receiving several commendations during his 28-year career. He retired in 1995. From 1975 to the present, he has been the owner and operator of B & D Florist on Atlantic Avenue in Brooklyn that serves many churches, business organizations, and the public.

In 1970, he joined Tuscan #58 F&A.M. (PH) Masonic Lodge becoming Master of the Lodge in 1980 and served as Grand Junior Warden in 1986. In 1978, he became a member of Fidelity Chapter #54 O.E.S.,P,H.A. In South Carolina, he was a member of St. Phillip Church and joined Brown Memorial Baptist Church upon moving to Brooklyn, New York. Booker's motto is to, "treat everyone as you wish to be treated."

Mr. Speaker, Booker T. Johnson dedicated his professional life to protecting New York's and he continues to be committed to strengthening our community. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

PERSONAL EXPLANATION

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. COX. Mr. Speaker, had I been present on October 8, 2004, I would have voted "yes" on H. Amdt. 789, amending H.R. 10 to establish a "zero tolerance" policy towards the unlawful importation, possession, or transfer of shoulder fired guided missiles (MANPADS), atomic weapons, dirty bombs, and variola (smallpox) virus by making their unauthorized possession a federal crime carrying stiff mandatory penalties.

ANNIVERSARY OF GEORGIA'S "ROSE REVOLUTION"

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, one year ago yesterday, November 23, 2003 the world witnessed an extraordinary political event involving the peaceful pursuit of democracy. In what has become known as the "Rose Revolution", the people of the Republic of Georgia, after several weeks of peaceful and bloodless protests following parliamentary elections which were determined to be fraudulent, forced a peaceful change in their government. On that day, opposition parliamentarians entered their Assembly, roses in hand, demanding that the will of the people, expressed by their recent vote, be honored. Given the strong support of the public the government of Eduard Shevardnadze collapsed.

Soon after, and under the effective management of interim President Nino Burdzhanadze, a free, fair and democratic presidential election was held. Mikhail Saakashvili, leader of the opposition protest, was overwhelmingly elected and sworn into office on January 24 of this year as President of the Republic of Georgia.

Mr. Speaker, Georgia is a small, but strategic country located in the Caucasus, between Russia, Iran, Turkey, and Central Asia. President Saakashvili is a young, energetic leader who has received educational training here in the U.S. and has repeatedly stressed the importance of strong ties with the United States. Since his election, he has committed his country to a strong effort against global terrorism and has deployed troops to Iraq. When President Saakashvili visited the United States Congress earlier this year he delivered a strong message of peace, stability, democracy, political reform, economic opportunity and closer cooperation with the West.

Recognizing the important developments taking place in Georgia, the Europe Subcommittee, which I Chair, passed H. Res. 483 in October, pledging the continued support of the United States for the continued development of democracy in Georgia.

Today, as we remember the events of November 23, 2003, we express our congratulations to the people and Government of Georgia and reaffirm our support for the sovereignty, independence and territorial integrity of the Republic of Georgia.

COMPREHENSIVE PEACE IN SUDAN ACT OF 2004

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. McCOLLUM. Mr. Speaker, I rise today in support of S. 2781, the Comprehensive Peace in Sudan Act of 2004.

There can be no mistake that the situation in Darfur constitutes a massive humanitarian disaster. There is indisputable evidence from Members of Congress, international observers and non-governmental organizations that thousands of people have been killed, countless numbers of women and girls have been raped, and hundreds of thousands of people have been displaced. Lives remain in danger as water and food is scarce and the potential of a cholera outbreak is very real. It is imperative that the United States and the international community become more actively engaged in this issue—we should not allow the human suffering to continue a day longer.

The Comprehensive Peace in Sudan Act is a significant measure designed to aid the suffering in Darfur while holding the perpetrators of these atrocities responsible for their actions. The Comprehensive Peace in Sudan Act authorizes hundreds of millions of dollars for humanitarian development and refugee assistance. At the same time, this legislation blocks the U.S. assets of complicit senior officials of the Sudanese government and seeks to prevent the travel of Sudanese government officials to the U.S. until demonstrated human rights protections are in place.

The provisions in the Comprehensive Peace in Sudan Act are necessary steps toward ending the humanitarian crisis in Darfur, but they are far from sufficient. The U.S. and the international community must maintain pressure on the Sudanese government to end the violence immediately and unconditionally.

I remain committed to working with my colleagues in Congress and the international community to end the genocide in Darfur and bring peace and stability to the Sudanese people.

PROVIDING FOR CONSIDERATION OF S. 2986, INCREASING THE PUBLIC DEBT LIMIT

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. KIND. Mr. Speaker, I rise today in strong opposition to the bill before us today. For the third time in as many years, we are

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

debating raising the debt limit because of irresponsible government policy. Today, this House will vote on raising the debt limit by $800 billion, which will bring the debt ceiling to an astounding $8.2 trillion.

It concerns me that we need to raise the debt limit because of irresponsible fiscal policy such as giving tax cuts to the nation's millionaires while our country is fighting a war overseas and my home state of Wisconsin is hemorrhaging manufacturing jobs.

While I understand that it is sometimes inevitable that we must raise the debt limit, I believe that such a serious step should be taken in conjunction with pay-as-you go rules. I believe our country must return to the days of fiscal responsibility with a realistic, workable plan to put America back on a path to fiscal security. A first step towards that goal is to restore the pay-as-you-go requirements which left budget surpluses in the 1990s and enabled us to begin paying down the debt.

We need to start making decisions that will leave our children a better country to inherit. As the father of two little boys, I did not come to Congress to leave my sons a legacy of debt, hurt economic growth, and make this country more dependent on foreign nations, who are currently the largest holders of our debt. By 2014, American families will pay an additional $9,400 in interest on the national debt. That same year, the Social Security Trust Fund will be completely depleted if this Congress' reckless fiscal policies continue unchecked.

I am voting against such fiscal recklessness because there is no plan to restore fiscal responsibility in the future as we rapidly approach the Baby Boom generation's impending retirement. The American people deserve no less than a government that applies the same fiscal responsibility that any hard-working American family would in crafting a household budget. This Congress has failed to apply such fiscal responsibility; therefore, I urge all my colleagues to oppose this bill.

TRIBUTE TO GERALDINE SCOTT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Geraldine Scott for her dedication to our community and commitment to mentoring our youth.

Born in Queens, raised in Brooklyn, Gerri has dedicated her life to the service of others. She was educated in the New York City public school system and graduated from Hunter College in 1991 with a Bachelor of Science degree in economics. She is the granddaughter of Rudell Howell, the daughter of Ethel Owens and the proud mother of Bernard Isaiah Scott.

Professionally, Gerri has worked for the Topps Company, Inc. for more than 15 years. Initially employed as a Credit Coordinator, she has received numerous promotions and, as of 2000, was promoted to the position of Office Service Supervisor. As Office Service Supervisor, Gerri manages a staff of employees and oversees various functions and operations for Topps, including building services management. Her responsibilities also include Buyer Coordinator, Telecommunication Analyst for all Topps locations, and Communications Coordinator for the U.S., Canadian and UK offices.

Personally, she has been actively involved in her community and the Berean Baptist Church for over 25 years, serving her church through membership on various ministries, including but not limited to: the Junior Usher Board, Youth Lay League, Young Adult Choir, Young Adult Ministry, Sunday School, and Bible Study. She served her community by working with the elderly at the Kingsboro Senior Citizens home and tutored children as well as adults in math and reading.

She joined the Girl Scouts at the age of 5 and eventually became a Scout Leader. Having served as a leader for over 10 years, Gerri enjoys her work in supervising girls of all ages. She has served as Service Unit Manager for the North Brook #3 area for 4 years, during which time her scouting unit experienced tremendous growth. She implemented new programs and worked diligently with her girls, affording her the opportunity to listen, witness, and attend to their many needs. Gerri also coordinated a summer job and volunteer program for her Senior and Cadette Scouts to provide them with a "real world" experience in a work environment. One of Gerri's greatest pleasures is a visit from one of her former Girl Scouts. Gerri says, "When a Scout comes back and shares their experiences and accomplishments with me, I feel as if I have made a difference in their life."

She works tirelessly and selflessly as a mother, manager, and community leader. She truly cares about her fellow man and considers it an honor to be able to help shape and mold her son into the man that God has called him to be and for the opportunity to positively affect the lives of the girls she works with through the Girl Scouts. She lives her life encouraged and empowered by her favorite scripture, Philippians, 4:13, "I can do all things through Christ who strengthens me."

Mr. Speaker, Geraldine Scott has been actively involved in strengthening our community through her various volunteer efforts at her church, a senior home and with the Girl Scouts. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

IN CELEBRATION OF THE 40TH ANNIVERSARY OF LEISURE WORLD-LAGUNA WOODS

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. COX. Mr. Speaker, I rise today to commemorate the 40th Anniversary of Leisure World in Laguna Woods, California. It was on September 10, 1964 that the first residents moved into Leisure World, a private community designed especially for active, retired seniors. Within a mere 3 years, the community had grown to a population of 10,000, making it one of our country's earliest and largest agerestricted developments.

Today, Leisure World is home to nearly 18,000 residents who enjoy a variety of housing options and social services, an abundance of recreational activities and organizations, and an exceptionally warm and welcoming community. Nestled in the rolling hills of South Orange County, Leisure World existed as an unincorporated part of the county for more than 3 decades. In 1999, the community made history when its residents voted for city-hood and the area officially became part of Laguna Woods, America's first and only age-restricted city.

I had the pleasure of getting to know the residents of Leisure World when I was first running for Congress in 1988. And, for the past 16 years, it has been a true honor to represent this unique and thriving community. In my experience, Leisure World residents are among the most politically aware and active of my constituency. Local political clubs have included me in hundreds of roundtable discussions, candidate debates, and "Get-Out-The-Vote" events. Leisure World TV has interviewed me on numerous occasions for its local cable show, and the community newsletter has welcomed my columns.

Most importantly, individual residents are always willing to share their informed opinions and suggestions on nearly any issue. Because of their insight, I have authored laws to reduce death taxes for seniors living in communities such as Leisure World, and to ease federal regulations that sought to outlaw age-restricted communities. I truly value my relationship with Leisure World, and I appreciate the opportunity to carry legislation on behalf of this community.

Mr. Speaker, it is my sincere honor to ask the Congress of the United States of America to join me in congratulating Leisure World-Laguna Woods on the occasion of its 40th Anniversary.

RECOGNIZING THE BOY SCOUTS OF AMERICA FOR PUBLIC SERVICES PERFORMED ACROSS THE UNITED STATES

SPEECH OF

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H. Res. 853, which expresses the Sense of Congress that the Department of Defense should continue to exercise its authority to support the activities of the Boy Scouts of America.

I am appalled that the Department of Defense agreed to warn its military bases worldwide not to sponsor Boy Scout Troops—just because the ACLU is upset that they require their members to swear an oath to God. I wholeheartedly disagree with this decision, and I think the Pentagon should reconsider this short-sighted settlement.

Over the last 30 years, the Department of Defense has been specifically authorized to host Scouts on its installations and to provide equipment, transportation, and other services for both national and international events such as the Boy Scout Jamboree. Furthermore, United States Code Title 10, Sections 4682, 7541, and 9682 authorizes the Department of Defense to sell and donate (in certain cases) obsolete or excess material to the Boy Scouts of America to support its activities.

In the First District of Virginia, the Boy Scout Jamboree is hosted at Fort A.P. Hill every four years. The success of this event is directly attributable to the strong relationship that the Boy Scouts and the Department of Defense have built over the years.

The Boy Scouts and the Department of Defense have enjoyed a unique relationship with many former Scouts joining the ranks of our nation's military. The Pentagon's recent agreement threatens this unique relationship of two organizations dedicated to one important objective: service to God and country.

I would remind my colleagues that Boy Scouts are not the only people who swear an oath to God. The fact is that our own service men and women take a similar oath before God at the beginning of their service, and I will not support any action or agreement which attempts to endanger a partnership which clearly benefits both organizations. I urge the Pentagon to reconsider its decision and to continue to support the Boy Scouts of America.

HONORING MARGARET HASSAN

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Ms. McCOLLUM. Mr. Speaker, it is with great sadness and reflection that I rise today to honor Mrs. Margaret Hassan—a friend of the international community and a true humanitarian.

Mrs. Hassan worked in humanitarian relief in Baghdad for more than 25 years, the last 12 for CARE International as CARE Iraq's country director. She was a British citizen from an Irish family—but her husband Tahseen and her friends would attest that she was an Iraqi through-and-through. She loved the country, the people and the challenge. While others would leave, her hard work never wavered. "I'm staying with my people," she was quoted as saying. "This is my home."

I had the unique experience of talking with Mrs. Hassan about the challenges and difficulties facing the Iraqi people. We spoke at length about the people, the security and the future. While she expressed concern about the safety of the Iraqi people, she maintained a sense of optimism for the future of her adopted home. She was determined to continue her work, and her personality, courage and compassion kept her spirits high, even in the darkest of hours.

In October, the Times of London described her resiliency and courage in the face of the utmost danger. They wrote, "Even at the height of the air raids on Baghdad, she would travel around government departments in the city offering assistance to local officials who had helped her in the past and lobbying them to ensure that fresh water was available in the main hospitals" (Times Newspapers, 10/20/04). She was always working for the betterment of the Iraqi people, even when it threatened her own personal safety.

In her death, the Iraqi people have lost a hero, and the world has lost a true friend. My thoughts and prayers are with her husband, her family, her friends and the Iraqi people.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. KIND. Mr. Speaker, I strongly oppose H.R. 4818, the omnibus appropriations bill for fiscal year 2005. This $388.4 billion catchall federal spending bill represents the skewed budget priorities under which the Republican House Leadership has been operating. It puts special interest priorities before the public trust and severely underfunds critical programs.

H.R. 4818 is an exclamation point on a year-long spending spree by Congress at the expense of taxpayers and future generations. Taxpayers are picking up the tab on gratuitous government spending, while essential programs are shortchanged; the bill falls short of its commitment to the No Child Left Behind program by $9.4 billion, freezes the maximum Pell Grant for the second year in a row, and shortchanges funding for veterans' benefits and rural conservation initiatives.

Additionally, the credibility of the legislative process was compromised, as appropriators of the majority party defied procedural methods to rework the bill exactly to their liking, not to mention the liking of the White House. Appropriators handily struck backroom deals to make the following changes: to exclude a measure to allow the reimportation of prescription drugs; to override a House-passed provision to protect overtime benefits to six million employees; and to change bicameral recommendations on federal outsourcing and travel and trade relations with Cuba.

Also, it concerns me that just last week we had to raise the debt limit for the third time in the past several years to an astounding $8.2 trillion. Moreover, it worries me that we had to raise the debt limit because of irresponsible fiscal policy such as giving tax cuts to the Nation's millionaires while our country is fighting a war overseas and my home State of Wisconsin is hemorrhaging manufacturing jobs.

The proponents of the fiscal year 2005 Omnibus have touted it as a package of real programs that benefit real people. This bill is an insult to the principles of this democratic body, and what I want to know is when the special interest spending spree will cease and real people will again be the priority.

We need to start making decisions that will leave our children a better country to inherit. As the father of two little boys, I did not come to Congress to leave my sons a legacy of debt, hurt economic growth, and make this country more dependent on foreign nations, who are currently the largest holders of our debt. By 2014, American families will pay an additional $9,400 in interest on the national debt. That same year, the Social Security Trust Fund will be completely depleted if this Congress's reckless fiscal policies continue unchecked.

Mr. Speaker, I strongly oppose the fiscal year 2005 omnibus bill. I cannot in good faith support such fiscal recklessness because there is no plan to restore fiscal responsibility in the future as we rapidly approach the Baby Boom generation's impending retirement. The American people deserve no less than a government that applies the same fiscal responsibility that any hard-working American family would in crafting a household budget.

A TRIBUTE TO JOELLE BAILEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Joelle Bailey for her accomplishments in the field of business and efforts to improve the manners of all people in our community.

Joelle has over 20 years experience in catering, event planning and the restaurant business. Little did she know that a position at Essence Magazine would serve as the impetus for her to enter the food and hospitality industry. At a very young age, Joelle's mom Marie felt very strongly about manners and etiquette and instilled those values in Joelle and her sister Yves. Joelle has taken these values and turned them into a lifetime mission not only for herself but to assist and instruct others in these areas.

Joelle has learned through some of the best working positions at the Vista Hilton, Marriott and Plaza Hotels and LSG Sky Chefs. She received her formal training at the French Culinary Institute and Sky Chefs. By 1994, she opened Classic Catering which is a full service event planning and catering business that caught the attention of the New York Times, Daily News, NY Post, 98.7 KISS FM and WOR 710. In June 2004, Joelle was featured in the Daily News' "Spotlight On Great People" by Clem Richardson. Publicity aside, Joelle is pleased that her clients and guests approve of her fabulous catering and cooking skills. Currently, Joelle writes several columns, sharing her knowledge on entertaining, etiquette and menu and recipe suggestions. Some of Joelle's most memorable clients have included: The New York Urban League, Diana Ross, Mt. Sinai Hospital, Russell Simmons, Suzanne Taylor, The United Way, Bill Cosby, Children's Television Network, Jackie Robinson Foundation, New York Bar Association, New York University, Columbia University and many more.

Joelle shares her love for young people by teaching courses in the art of etiquette, table manners, sophistication, food, nutrition and basic "101" cooking skills. She teaches these classes for the community in different schools and also in her home. Each event is sponsored with her own personal finances. Adults are welcome as well. Additionally, her very own etiquette/cookbook will be launched next year and a food show is in the works.

On her son Issiah's 3rd birthday March 27, 2004 Joelle launched a not-for-profit foundation called Issiah W. Simms Foundation to help children improve their etiquette and manners. Eight years ago, Joelle realized that she was not satisfied with the etiquette and manners of today's children, teens and even adults. For her, there was a major state of emergency existing in society that needed to be addressed. This concern led her to form the Issiah W. Simms Foundation.

Joelle is fortunate to have wonderful and insightful parents Hubert and Marie Valbrun, mentors (stepmother, Rosette Waynne), teachers and friends who are supportive of her work. She has a degree in Liberal Arts from Pace University and an MBA from Liberty University. She dreams of opening a finishing school that would be free to her Brooklyn community.

Mr. Speaker, Joelle Bailey has been a leader in our community through her entrepreneurial accomplishments and efforts to create a more civil society. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

A TRIBUTE TO THE COMMUNITY OF CORONA DEL MAR ON THE OCCASION OF ITS CENTENNIAL CELEBRATION

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. COX. Mr. Speaker, I rise today to pay tribute to the community of Corona del Mar on the occasion of its centennial celebration. Residents, community leaders, and City officials have been planning the communitywide celebration of this historic anniversary for the last 2 years. It is with great pleasure that I recognize today the entire Corona del Mar citizenry for the outstanding quality of life, arts, education, and rich history that has made this area one of the most sought after places to live in America.

On June 29, 1904, George E. Hart, a Los Angeles real estate mogul, signed an agreement with the Irvine Company for the purchase of a 706-acre corner of Irvine Ranch. In early July 1904, the transaction of this sale and ownership was officially recorded with the County of Orange, and the village of Corona del Mar was born.

A grand celebration recently brought together the entire community in a citywide celebration to honor the 100th birthday of Corona del Mar, as well as to plan for the future.

The official Centennial Celebration, which began with an official launch event and gala art show, culminated with the Centennial Celebration on the weekend of October 14–17, 2004 in Corona del Mar.

I would like to commend the Corona del Mar Centennial Foundation and Organizing Committee for its dedicated commitment to plan a first class, year-long communitywide celebration honoring this important time in Corona del Mar's history. Certainly the village itself, and the people who live in it, deserve the very best. It is an honor to represent Corona del Mar in the United States House of Representatives.

ELECTION IN UKRAINE

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, 2 months ago, this House overwhelmingly passed H. Con. Res. 415 regarding the October 31 Presidential elections about to be held in the Ukraine.

During the floor debate on that resolution, I noted that the development of a strong democracy in the Ukraine has been slow and difficult over the past 13 years. In recognizing this fact, I stated that no issue would be more important to the Ukraine's future standing with the West than the test its democracy was about to face in that Presidential election. I said that in many ways the election represented a historic opportunity for the people of the Ukraine to decide whether or not democracy can flourish in this important nation.

Those elections did take place on October 31. Since no candidate received over 50 percent of the votes, a runoff election was just held this past Sunday. Regrettably, and despite every effort we were told would be made by the Government for a free and fair election, the rhetoric was not matched by the actions and the elections seemed to have been seriously flawed.

A preliminary assessment of the elections conducted by the International Election Observation Mission (IEOM), consisting of representatives from the OSCE, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and the NATO Parliamentary Assembly, indicated that the second round of the presidential election did not meet a considerable number of internationally accepted standards for democratic elections. The IEOM report listed election day violence, intimidation of voters and observers, suspiciously high voter turnout in some regions, problems with ballot counting and the addition of several hundred thousand absentee ballots.

In a statement issued by Senator RICHARD LUGAR who was observing the elections as the representative of President Bush, the Senator reported that it was apparent that a concerted and forceful program of election day fraud and abuse was enacted with either the leadership or cooperation of government authorities.

Mr. Speaker, this is disappointing and unacceptable news from the Ukraine. It seems incomprehensible to me that with the rocky relationship the West has had at times with the outgoing leadership in Kiev that the new President of the Ukraine would want to spend the next 5 years under a cloud of legitimacy as a result of an unfair electoral process.

Mr. Speaker, we in the Congress have long supported building a stable, democratic, and prosperous nation in the Ukraine and have tried to work with those individuals and organizations who shared our goals. Unfortunately, and regrettably, the conduct of these recent elections suggests that many in Ukraine's current government have not yet committed themselves to this goal and lack the political will to do so.

As chairwoman of the Europe Subcommittee I believe I can speak for the House in expressing our deep disappointment with the conduct of these recent elections and our concerns for the Ukraine's future. We join with the Bush administration in calling on the current President of the Ukraine, the Rada and the Supreme Court to conduct a thorough review of these elections and investigate the charges of mass fraud before any certification of the results is made. At the very least, it may be necessary to hold new elections in those cities or regions where the fraud was most blatant. We also call on all sides of the dispute to exercise restraint and avoid violence. Finally, if the dispute is not resolved in support of the democratic process, then I believe the Bush administration must begin a review of our relations with the Ukraine and take what ever actions may be necessary to express our displeasure with the actions of the Ukraine government and its leaders.

A TRIBUTE TO ROSA CALHOUN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Rosa Calhoun in recognition of her accomplishments in her field of business and commitment to the community.

Rosa was born in Brooklyn, New York, the second child of Ruby Calhoun. Her daughter, Saretta, and her son, Dominique, are Rosa's pride and joy.

Rosa graduated from Clara Barton Vocational High School where she enhanced her talent in hair care by specializing in weaving and hair cutting. She has received many trophies because of these specialties.

Rosa has been in business for 30 years and participated in many fashion shows as "Top Hair Designer". She worked with and received many awards and certificates from The Hilton, Leviticus, Coliseum, and the Bronner Brother in Atlanta for her outstanding expertise in the field of hair styling. She was featured in 1986 "Shop Talk" and the 1998 "Essence" magazines.

Rosa has an active member of the Berean Baptist Church for 7 years. She is a member of the Berean Choir and the Hospitality Committee. In addition, Rosa is a member of the Aurelia Chapter #724 Order of Eastern Stars. She is a potential candidate for the Central Brooklyn Lions Club and the Negro Business and Professional Women's Inc. where she plans to serve as a member. Today, Rosa continues to strive for excellence in hair care. She enjoys working within the community where she grew up. Her love for hair styling has led her to achieve and attain all of her goals in her professional career.

Mr. Speaker, Rosa Calhoun, a Brooklyn native, has been a consistently positive force in her community through her business efforts, church and other civic activities. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

RECOGNIZING LUPUS INTERNATIONAL

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. COX. Mr. Speaker, I rise today to call this Congress' attention to a devastating disease that affects millions of Americans. Systematic Lupus Erythematosus, commonly known as lupus, is a chronic, complex, and often life-threatening autoimmune disease. It causes the immune system to become hyperactive and attack the body's own tissue, damaging vital organs which can lead to severe disability or death.

Research shows that 1.5 million people are afflicted with lupus in the United States—more than those affected by AIDS, Cerebral Palsy, Multiple Sclerosis, Sickle Cell Anemia and Cystic Fibrosis combined. In Southern California alone, more than 100,000 people suffer from this disease. Although lupus can affect people of all ages, it strikes primarily women between the ages of 16–45, and is currently the fourth leading cause of disability in females.

To date, there is no known cure for lupus, and there are still very few treatments specific to the disease. However, with increased public awareness, education, and innovative research, we are hopeful that this battle can and will be won. Lupus International, a nonprofit organization in Irvine, California, has been a champion in the field of lupus research since it was founded in 1983. For over two decades, Lupus International has worked to alleviate suffering for millions of patients through support services, awareness promotion, and early detection of undiagnosed cases.

On October 17, 2004, Lupus International held its fifth annual "Lupus Race for Life," to raise money for lupus research. I ask my colleagues to join me today in honoring this outstanding organization for its 20 year commitment to finding a cure for lupus, and its tremendous service to the millions of Americans suffering from this devastating disease.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. BALDWIN. Mr. Speaker, I rise today to protest the inclusion of the federal refusal clause in the FY2005 Omnibus Appropriations bill. As a strong supporter of a woman's constitutionally guaranteed right to choose, I fear that this provision chips away at this right and will place women's health in jeopardy.

A woman's right to exercise control over her own body and to make her own health care decisions is vitally important. This right, as guaranteed by the United States Supreme Court in Roe v. Wade, has been the target of systematic attacks in recent years. This most recent attack—the federal refusal clause—is particularly egregious due to its radical change of current law.

The federal refusal clause allows a broad range of health care entities to refuse to comply with existing federal, state, and local laws and regulations pertaining to abortion services. The bill severely limits patients' rights and access to services and information, thereby impeding their ability to make informed decisions about their health care options.

This drastic departure from current law will have devastating effects on countless women. This clause would change existing law to say that federal, state, and local governments may not require a health care entity to perform, provide coverage of, pay for, or even refer for abortions. Further, the clause was drafted so as to encompass the broadest possible range of health care entities, including insurance companies, hospitals, HMOs, and many others.

This clause will be far-reaching. It will override federal Title X guidelines ensuring women receive full information. It will strip states of their ability to set the parameters of their own Medicaid programs. It will block states' attempts to improve women's access to full reproductive health services.

But most disturbing, the end result of this clause will be that women will be prevented from obtaining the reproductive health information and care they need and deserve.

This radical change is unacceptable and I hope that my colleagues will join me in working to repeal this dangerous provision.

A TRIBUTE TO LYDIA PATRICIA IRBY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Lydia Patricia Irby for her spiritual leadership and varied efforts to strengthen the community.

Lydia Patricia Irby was born on December 11, 1952. She has been married 26 years to Minister Willie H. Irby and is the proud mom of her "royal court," 3 beautiful princesses, Kiwana Yiesha Simon Garcia, Nikkia Latanya George-Caquias, Kristina Dawn Irby and one handsome prince, Adam Benjamin Irby. She is also proud of her grandchildren, the lovely Jordan Lydia Garcia, and her handsome grandsons Taiwan Michael Simon, Christopher Todd Caquias, and Jeremiah Justin Caquias. They are "the sweetest sugars in her life".

Lydia answered the call of God upon her life 27 years ago, when she was filled with the Holy Spirit and called into the ministry of Missionary and Evangelist. She has carried the word of the Lord throughout these United States, Canada, and Jamaica. She is a faithful member of Brooklyn Miracle Temple under the anointed leadership of Pastor Jimmy Talton and Lady Daisy Talton. The "Voice of God" and the BMT experience have brought her to another level of ministry. Lydia and her husband are the visionaries for a thriving clothing and food ministry, which meets the needs of people in the community.

Lydia is a very industrious woman, "true to her biblical name." She is an international millinery designer, a parent coordinator, conflict resolution specialist, and coordinator of student activities at the Brooklyn High School of the Arts. She has worked in successful partnerships with Principal Robert Finly for the past five years.

She also has a diverse educational and occupational background and training including work as a licensed stockbroker for 12 years through the New York State Institute of Finance, seven years in licensed real estate management in the City of New York, certification in conflict resolution and mediation at Long Island University and successful completion of academic requirements as a Bible teacher at The Total Truth Institute. However, when is its all said and done Lydia's heartfelt desire is simply to live a life that is pleasing and acceptable to her Lord and Savior Jesus Christ. Her motto is: "I will leave the life of everything and everybody that I touch better than when I found it."

Mr. Speaker, Lydia Patricia Irby has been a leader in our community through her spiritual leadership and civic participation to improve the quality of life in Brooklyn. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

CONGRATULATING BOSTON RED SOX ON WINNING THE 2004 WORLD SERIES

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Ms. DELAURO. Mr. Speaker, I rise to congratulate the Boston Red Sox on their historic World Series Championship, and I want to thank my colleague from Massachusetts, Mr. Capuano, for his continued—and, I might add, longstanding—leadership on this issue.

I must admit this moment is somewhat bittersweet. As a lifelong fan of the New York Yankees, winners of 26 titles and 6 American League East division titles in a row, I had become accustomed to the annual October routine of dispatching the Red Sox—often in the most heartbreaking of fashions.

As such, I have always treasured moments like Bucky Dent hitting his game-winning home run off Mike Torrez in a sudden death playoff game against the Red Sox in 1978. Last year had been particularly satisfying, as the Yankees had triumphed over the Red Sox in Game 7 of the American League Championship Series with Aaron Boone's extra-inning homerun after having stormed back against a seemingly dominant Pedro Martinez.

And this year, the Yankees seemed poised yet again to break the collective heart of Red Sox Nation—having outmaneuvered Boston to trade for Alex Rodriguez in the off-season before staking a three-games-to-none lead in the

American League Championship. No baseball team had ever come back from a three-game deficit in a best-of-seven series. And with a crippling injury to Curt Schilling's ankle in Game 1 and a 19–to–8 drubbing of the Red Sox at Fenway Park in Game 3, it seemed once again that the fabled Curse of the Bambino would be making its annual devastating appearance.

Yet then, the impossible happened—in what even this ardent Yankee fan must admit was thrilling, historic fashion, the Red Sox won the next 4 games and the series.

And so, with their defeat of not only the Yankees but also their commanding 4-game sweep of the St. Louis Cardinals, I join my New England colleagues in congratulating the Boston Red Sox for rewarding the fans of Red Sox Nation with their first World Series title in 86 years. I, for one, will miss the "Nineteen-Eighteen" chants for sure, but life will go on. Even if the Red Sox are the very best baseball team in the world right now, I know that a return to Yankee domination is but 4 short months away. So, we will give you this one.

Let me again thank my colleagues—I can only hope that they will join me here next year as we return to our annual practice congratulating the Yankees.

TRIBUTE TO BOB PALMER, DEMOCRATIC STAFF DIRECTOR OF THE COMMITTEE ON SCIENCE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Ms. PELOSI. Mr. Speaker, I would like to express my deep appreciation for the distinguished and colorful career of Dr. Robert E. Palmer. At the end of this Congress, Bob will retire, having served on the Committee on Science for 25 years. He is retiring as the Democratic Staff Director of the Committee on Science—having served in that position for longer than any other person in the history of the Committee.

Bob began his career with the Committee in the late 1970s as a Congressional Fellow of the American Association for the Advancement of Science. Rather than return to academia as a research marine biologist—his field of training—Bob elected to stay on the Science Committee staff. For a quarter century, Bob has been a central participant in science and technology policy. Though he has worked largely in the background, he has made significant contributions to our Nation's well-being.

Bob was not a typical scientist. As an undergraduate, he studied psychology at Harvard and served as a Vista Volunteer. He supported himself in such varied ways as moving furniture, playing music and even working as a private detective. He left Massachusetts for the University of Delaware, where he earned a Ph.D. in marine biology. It was after he had completed his graduate work that he started on the Committee as a National Oceanic and Atmospheric Administration (NOAA) expert. Among his first critical assignments was to help negotiate the transition of LANDSAT from a government program to an operational satellite system in the private sector. This was followed by a leadership role on the Global Change Research Act. That initiative has led to the research that underpins much of our knowledge of global climate change today. He also set up a key hearing on the Search and Rescue Satellite Program that prevented that important international program from being canceled.

In the mid-1980s Dr. Palmer was promoted to Committee management. He first served as the staff Director of the Subcommittee on International Scientific Cooperation and then the Subcommittee on Investigations and Oversight. He played a major role in the staff investigation of the Challenger accident, including studying issues around the fatal decision to launch.

On the I & O Subcommittee he led the investigation into problems with the NOAA–NASA weather satellite program. Without his work, it is likely that the country would have suffered some break in the gathering of real-time, high-quality data regarding emerging dangerous weather patterns. Such a break in coverage would have meant lost lives and increased property damage. Subsequent investigative work by Bob led to the resignation and later indictment and conviction of an Inspector General at an agency in the Committee's jurisdiction. His early work as a private detective ended up serving him well in his role on the Committee.

These are just a few specific examples of Bob's role in the work of the Committee. But he has helped draft numerous pieces of legislation, worked to investigate misconduct, served in many conferences with the Senate as the lead Democratic staffer and worked with Administration figures—regardless of party-to try to insure that policies and programs reflected the intent of Congress. His intelligence, energy, experience and humor have allowed him to accomplish much.

When Dr. Radford Byerly moved to Colorado in 1993, then Science Committee Chairman George Brown choose Dr. Palmer as the natural person to replace Byerly as the staff director of the full Committee on Science, Space and Technology. Bob has continued as the Democratic staff director of the committee for over a decade, serving under three senior Democratic Members from across the political spectrum. Bob has served each with talent and professionalism and all the Members of the Committee hold him in the highest regard.

Unfortunately for the Committee and the Congress, Bob's wife Mary, an accomplished researcher and teacher, has received an academic appointment from the University of Florida. So she is leaving the University of Maryland for Gainesville and Bob will follow her there. In his typically good-natured way, he says that she followed him to Washington 25 years ago and has stayed here for his career advantage; it is his turn to relocate to support her career. We wish you both well in the future. You have served the Committee, the Congress and the country with great distinction.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. YOUNG of Alaska. Mr. Speaker, I rise to commend the conferees for including economic development funding for the Pribilof Islands. The economies of these Island communities have been struggling in the face of the ban on the fur seal harvest and the collapse of the crab and other fisheries in the area. The funding in this appropriations bill is a key step in helping the Aleut population of the Islands to develop a diversified, sustainable economy.

For over 100 years, the Federal Government controlled the Natives' fur seal harvest on the Islands, as well as their social and municipal services. In the 1980s the National Oceanic and Atmospheric Administration and the Congress embarked on a plan for transition of the Islands to independence and economic self-sufficiency. One of the most important aspects of the plan was that the Federal Government would transfer control of the fur seal harvests to the Natives and permit the Natives to keep the income from the harvests. Unfortunately, one year after the plan was developed, the Government banned fur seal harvesting on environmental grounds and removed a critical source of regular income from the community.

Four years ago, the Congress enacted the Pribilof Island Transition Act, which I authored. I worked closely with my Alaska colleagues in the other body in crafting that legislation and shepherding it through the legislative process. The Act was aimed at compensating for the loss of the fur seal industry and for the delays in implementation of two other key objectives of the transition plan: construction of usable harbors and transfer of lands from NOAA to Island entities. The Transition Act authorized $28 million for economic development over a period of five years. This is the first year that funds have been appropriated for this purpose, and it comes at a crucial time.

It is my hope that additional funding for Pribilof Island economic development will be forthcoming in the years ahead.

THERE IS NO THERE THERE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, the recent resignation—apparently encouraged by the President—of Secretary of State Powell has stripped one of the important facades behind which the reality of the Bush foreign policy has been hidden. It is deeply regrettable that the President and the Secretary of State worked together to keep this façade in place until now, because the fact that the Secretary of State would be leaving is the sort of information that would have been relevant to the voters on Election Day. There is no clear evidence that Secretary Powell had any great influence on the Administration's foreign policy, but his having been around did I think help the Administration in its effort to appear more reasonable in its foreign policy than it has been.

But Secretary Powell's leaving is not the only recent example we have of a facade being lifted from this Administration's record in international affairs. In the Washington Post Monday, November 15, Fred Hiatt points out another great gap between the reality of the President's foreign policy and the way in which the Administration has described it—the issue of the promotion of democracy as a goal of American foreign policy.

As Mr. Hiatt notes, when JOHN KERRY "made clear that promoting democracy abroad would not be a priority of his presidency," this quote "allowed George W. Bush to claim the high moral ground of foreign policy." As Mr. Hiatt notes, the President asserted at his nominating convention in 2004, "I believe in the transformational power of liberty . . . the wisest use of American strength is to advance freedom."

But as he points out, this high-minded statement of purpose bears very little relation to the Bush foreign policy in reality.

Mr. Hiatt clearly documents the President's high tolerance for wholly undemocratic actions by foreign nations as long as they are compliant with American foreign policy in other regards. Indeed, as he notes, the only two examples that can be cited by the President's defenders in which the goal of promoting democracy has played a role are Afghanistan and Iraq. And these examples in no way bear out the claim that the President has made the advancement of democracy a central part of his foreign policy—or even a peripheral one.

In Iraq, the President advanced the notion of promoting democracy to explain his decision to go to war only after his preferred political explanations—the tie between Iraq and September 11th and the presence of weapons of mass destruction—were rebutted. Democracy here was a rationalization constructed to justify a policy that clearly had other goals, and then only after alternative explanations were refuted.

It is true that the results of the American intervention in Afghanistan will certainly be a far more democratic Afghanistan, and I welcome that. But here too it should be noted that the President's approach was to first ask the repressive and brutal Taliban to surrender Osama bin Laden to us, and only after that government refused to do that did we invade. Democracy in Afghanistan will be a happy byproduct of our war, but it was not the motivating factor.

Beyond that, as Mr. Hiatt makes clear, there is not an area in the world in which promotion of democracy has been an important part of the Bush foreign policy. To quote Mr. Hiatt, "in Bush's first term, democracy promotion seemed to be the policy mostly when it was convenient . . ."

I agree with Mr. Hiatt that it is not axiomatic that the promotion of democracy should be the single or even the most important goal of American foreign policy in every instance. But what is—or at least ought to be—clear is that a President should not claim a moral basis for his foreign policy which in no way corresponds to reality.

Mr. Speaker, with Colin Powell no longer serving as a diversion without real policy influence, and with the experience we have had with the Administration's inaccurate claims about weapons of mass destruction, I hope that the Administration's actual foreign policy will receive a good deal more scrutiny than it has in the past. Mr. Hiatt's column is a good beginning in that effort. I ask that it be printed here.

[From the Washington Post, Nov. 15, 2004]

A FOREIGN POLICY TO MATCH BUSH'S RHETORIC?

(By Fred Hiatt)

In an interview last spring, Sen. John F. Kerry made clear that promoting democracy abroad would not be a priority of his presidency. Of course he believed in freedom and human rights, but in every country there seemed to be a goal that would rank higher for him in importance: securing nuclear materials in Russia, fighting terrorism alongside Saudi Arabia, pursuing Middle East peace with Egypt, controlling Pakistan's nuclear program, integrating China into the world economy.

Kerry's ostensibly pragmatic approach alarmed some idealists in his own party and allowed George W. Bush to claim the high moral ground of foreign policy. "I believe in the transformational power of liberty," Bush declared as he accepted his party's nomination for the second time. "The wisest use of American strength is to advance freedom."

But here's the irony: Kerry's recital of priorities around the world was a pretty fair description of Bush's first-term record. An interesting second-term question will be whether the president reshapes his policy to match his rhetoric: whether he really believes that democracy abroad is in the U.S. national interest. There are, after all, plenty of smart foreign policy experts who doubt that proposition.

In 2000 Bush did not campaign on a liberty platform, and even after his oratory began to soar, his policies didn't change much. In Afghanistan and Iraq, democracy evolved gradually into a central goal of post-invasion U.S. policy. But in the rest of the world there seemed—just as for Kerry—to be higher priorities.

The administration counted its management of relations with China and Russia as a major first-term success, for example, marked by stability and cooperation in fighting terrorism. The fact that China was chewing away on Hong Kong's freedoms, and continuing to lock up its own dissidents, journalists and priests, didn't get in the way. The stunning rollback of freedoms in Russia didn't seem to bother Bush either.

Smaller countries offered a similar picture. Bush welcomed Thailand's autocratic leader as a comrade in the war on terrorism even as democracy there eroded. Under congressional pressure, the administration rapped the knuckles of Uzbekistan's torturers, but not so hard as to interfere with a budding military relationship. Azerbaijan's longtime communist strongman bequeathed power to his ill-prepared son, but that was okay; Azebaijan is rich in oil and gas. Pakistan's strongman broke repeated promises to return his country to civilian rule, but he was too valuable an ally against al Qaeda for the administration to object. And so on, around the world.

The choices Bush made weren't evil, and they didn't mean that, all things being equal, he wouldn't prefer to encourage democracy. The United States was attacked, and it needed basing rights in Uzbekistan to retaliate. Its economy needs Azeri oil, and Venezuelan oil, and all kinds of other undemocratic oil. The alternative to the general running Pakistan might be a lot worse—a fundamentalist Islamic regime with nuclear weapons, for instance.

So there were strong arguments for maintaining good relations with all of these autocrats. But that's the point; there will always be countervailing arguments. If you think democracy is just a secondary, wouldn't-it-be-nice objective—if you don't think raw national interest is served by spreading freedom abroad—liberty will always rank below some other, legitimate priority.

You might understand if Bush felt that way. After all, it was democratically elected leaders in France and Germany who caused him the most first-term heartburn. Many experienced diplomats, including senior officials of the Bush administration, believe it's more important to appeal to the national interest of a Russia or an Egypt than to worry about how those nations are governed.

But Bush says he is convinced of the opposite view: that America will actually be safer if more countries become democratic. "As freedom advances, heart by heart, and nation by nation, America will be more secure and the world more peaceful," he argued in that same convention address.

Such a belief translated into policy would not mean that liberty would automatically and always take precedence over basing rights, counterterrorism cooperation or smooth trade relations. But in Bush's first term, democracy promotion seemed to be the policy mostly when it was convenient: in Palestine, where it allowed him to avoid confrontation with Israel's leader; in Cuba, where it allowed him to win votes in Florida. If you see him in the next four years risking other U.S. interests to champion liberty where it is not so convenient, then you will know he meant what he said on the campaign trail.

ZION LUTHERAN CHURCH, NAPERVILLE, ILLINOIS

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate the members of Zion Lutheran Church in Naperville, Illinois on the 150th anniversary of the founding of their outstanding institution.

Established in the difficult years leading up to the Civil War, Zion Lutheran Church has well withstood the test of time. Through the Great Depression, a closed school, a devastating fire, and other trials, the dedication and determination of its members have triumphed. Generation after generation, they have shown their unswerving commitment to faith, family and community.

The countless and varied contributions of the members of Zion Lutheran have played a vital role in making the Village of Naperville, Illinois a great place to live and raise families. Over the past century and a half, their selfless community service has touched the lives of so many, especially children.

Zion Lutheran Church is more than just a place of worship. It is a community with a strong tradition of service, faith, and values.

Today, we all share in their joy as they celebrate 150 wonderful years. The world is a better place because of the people of Zion Lutheran Church, and the residents of Naperville and the 13th Congressional District are fortunate to count them as our friends and neighbors.

I am happy to wish Zion Lutheran Church all the best for continued success in their good work. May the next 150 years be as great a blessing as the first.

HONORING LANCE CPL. JOSEPH WELKE

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Ms. HERSETH. Mr. Speaker, I want to take this opportunity to honor the life of Lance Cpl. Joseph Welke who died November 20, 2004 from wounds suffered while serving in Operation Iraqi Freedom during the battle for Fallujah.

Joseph, who was a Greater Dakota All-Conference football player, graduated from Stevens High School in Rapid City, South Dakota in 2003. He enlisted in the Marines soon after graduation, and was assigned to the Marine Corps base camp in Pendleton, California. He was a member of the 1st Marine Division, 1st Marine Expeditionary Force and was deployed to Iraq this past June.

Joseph dreamed of playing college football, but put those plans on hold to join the Marines and serve his country. He is described as an individual who was self-motivated and liked by everyone who knew him. Joseph's family believes his smile said it all. His mother explained that her son seldom got punished, even when he did something wrong, just because of his smile. He was committed to and gave one hundred percent to everything he did—including football, the Marines, and his family.

Every member of the House of Representatives has taken a solemn oath to defend the constitution against all enemies, foreign and domestic. While we certainly understand the gravity of the issues facing this legislative body, Lance Cpl. Joseph Welke lived that commitment to our country. Today, we remember and honor his noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

The lives of countless people were enormously enhanced by Joseph's compassion and service. Joseph, who represented the best of the United States, South Dakota, and the Marines continues to inspire all those who knew him and many who did not. Our Nation and the State of South Dakota are far better places because of his service, and the best way to honor him is to emulate his devotion to our country.

I join with all South Dakotans in expressing my sympathies to the family of Lance Cpl. Joseph Welke. His commitment to and sacrifice for our Nation will never be forgotten.

TRIBUTE TO RICK RIDDER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. UDALL of Colorado. Mr. Speaker, I have used this forum from time to time to acknowledge the bipartisan public service of many distinguished Coloradans. Today I rise in what I hope will be a moment my Republican friends and colleagues will not begrudge—to honor a distinguished Coloradan who is anything but bipartisan. I rise to acknowledge Rick Ridder.

Rick has been a trusted advisor and friend throughout my career in politics. Although Rick is respected and widely sought after in Colorado politics, he has never lost his down-to-earth nature. This is because he is the rarest of political partisans—a determined strategist who keeps his humanity intact. He understands the game of politics well and he most certainly plays to win. At the same time he is unwavering in his integrity and his sincere desire to work for the betterment of people.

Rick has never been particularly impressed with the "glitter" of politics that attracts so many to our profession. Rather, he believes at his core in the importance of our democracy and his duty to fight for its vitality. This should come as no surprise to anyone familiar with his upbringing. By way of example, his mother took him to an Adlai Stevenson rally at the age of three. To occupy her little boy, she suggested that he pass out flyers promoting the Illinois Governor's bid for the presidency in 1956. In addition, having grown up in and around Washington, DC his playmates included the children of Robert Kennedy and Eugene McCarthy. Whereas many of our generation looked at those men as heroes and even icons of a generation, Rick saw them simply as his friends' dads.

Had he a different character this upbringing might have led Rick to a sense of entitlement, but instead, it gave him a razor sharp sense of purpose. He uses his unique experience in politics to serve a goal greater than his own self-interest. He has worked tirelessly to that effect for decades.

In 1982, he helped Colorado Governor Richard Lamm with his third gubernatorial campaign. He went on to become the National Field Director for Gary Hart's 1984 presidential campaign. In 1985 with his wife Joan, he formed Ridder-Braden Inc., a political consulting and polling firm that has been instrumental in crafting campaigns in Colorado and across the country. His clients have included Colorado Governor Roy Romer, Congressman David Skaggs, Senator BEN NIGHTHORSE CAMPBELL and various Members of Congress. In 2004 he helped launch the meteoric rise of Governor Howard Dean, and a provocative ballot initiative on reform of the Electoral College that made a significant contribution to the public debate on a largely over-looked, but critical, component of our democratic process.

While many political consultants are rightly maligned as "hired guns" who corrode public confidence in the political process, professionals like Rick Ridder and Joanie Braden are rare examples of people who work to elevate public discourse and improve our democracy.

For the information of my colleagues I'm attaching the original article.

[From the Rocky Mountain News, Oct. 29, 2004]

CONSULTANT RIDDER SAYS MEASURE IS ABOUT STRONGER DEMOCRACY

(By James B. Meadow)

Joanie Braden was deep into labor, nearing the delivery of her child, when she noticed something that years later would strike her as both odd and normal.

Right next to her bed, there was her husband, the father of the child, diligently checking his wristwatch so he could time the intervals between contractions. And, simultaneously, right next to her bed, the same man was diligently talking long-distance on the phone, processing voter pattern information from key precincts in the 1984 Oregon presidential primary.

"As Rick was doing that," says Braden, laughing, "I remember him acting as if it was the most natural thing in the world. He was there for me; he was there for the campaign."

Happily, both labors—natal and political—paid off for Rick Ridder. Nathaniel Ridder arrived pink and healthy; Gary Hart took Oregon.

Given this, it's no surprise to learn that "Rick absolutely loves politics . . . he lives and breathes politics." At least that's the opinion of Tom Strickland, who hired Ridder for his two cracks at one of Colorado's U.S. Senate seats.

Although Strickland came away 0-for-2, his respect for Ridder remains resolute.

"Rick has a gifted political mind," says Strickland. "He may be very understated and unassuming—he's like a political version of Columbo, lulling you into thinking he's not following you—but he's really a couple of steps ahead all the time."

He better be.

As Election Day draws closer, Ridder's campaign for Amendment 36 is taking on water. The controversial measure, which would revamp Colorado's electoral votes system, replacing the current winner-take-all setup with one that awards the electoral votes proportionally, based on popular vote, has drawn national attention.

Republicans have decried it as a not-so-sneaky way to siphon votes from George W. Bush. Not all Democrats are for it, either.

And 36's proponents?

Well, one of them claims it's more representative, makes everybody's vote count equally. Furthermore, "It's the right thing to do in order to create a stronger democracy. The system we installed for democratic rule in Afghanistan did not include an Electoral College, did it?"

Those words come courtesy of Ridder, who's heading up the pro-36 fight. But words—to say nothing of a reported $700,000—might not be enough to win. Although Ridder's side was ahead early on, a Rocky Mountain News/News 4 poll released today shows the measure sinking 60-32.

Those numbers prompted one political observer to refer to Amendment 36 as "toast."

Ridder's reaction to the new poll numbers was cautious. "I think that one of the real issues that we're bringing forth in this campaign is the importance of making votes count—one person, one vote. And it is clear that we have started a debate on the issue, particularly on the Electoral College."

Earlier, in a previous interview, he acknowledged his base optimism. "You have to believe that change is possible and that what you fight for can come about."

Although there is passion in his voice, it is tamed by a reflexive calm and control.

He is 51, has thinning hair, and his 6 foot 1, 150-pound frame gives him a slightly Ichabod Crane air.

A scion of the Knight-Ridder newspaper family, Victor Frank Ridder II was immersed in politics before, well, almost before he was tall enough to be immersed in anything. When he was 3, his mother was attending a rally for Adlai Stevenson. To occupy her son, she had him handing out leaflets for the Illinois governor who was bidding for the presidency in 1956.

The political theme stayed strong in his life, perhaps in part because growing up in and around Washington, D.C., brought him into contact with playmates who were the children of Robert Kennedy and Eugene McCarthy.

After taking a year off between high school and college to toil on behalf of George McGovern's 1972 stab at the presidency, he returned to academe and graduated from Middlebury College in Vermont and earned a masters in broadcasting from Boston University.

As he was getting ready to start his Ph.D. in communications, he decided instead to defer his studies and work on Hart's 1980 reelection as U.S. senator in Colorado.

In 1982, he returned to Colorado to help with Richard Lamm's third gubernatorial campaign. He then became national field director for Hart's 1984 presidential campaign.

By then, Braden and Ridder, married in 1981, had decided Colorado was the place to raise a family and were ensconced in Denver. In 1985, Ridder-Braden Inc., a political consulting and polling firm, was born.

Over the years, Ridder compiled an impressive—and wholly Democratic—political resume. He worked on all three of Roy Romer's gubernatorial campaigns, as well as for numerous congressional candidates.

Many campaigns later, in November 2002, Ridder surprised the political world when he took on the job of campaign manager for Howard Dean's fledgling presidential run. By April 2003, however, Ridder was gone from the campaign, a victim of infighting and his disinclination to work for a "movement" rather than a candidate.

Although Ridder points to his leap of faith with the Dean campaign as proof that he takes chances, others aren't so sure. One competitor says that Ridder's strength has to do more with "analysis behind the scenes" than being a "big picture guy or a risk taker."

Ridder, unflappable as usual, takes the comments and criticisms in stride. He's not only heard the personal remarks before, he's aware of the digs against his profession. "There is a wariness of the political consultant industry," he says. "People don't like the perception that they're being manipulated."

Ridder insists this isn't the case. As he once said, "The best we can do is take the positive aspects of our candidate or cause and emphasize them. We can't take Adolf Hitler and make him Mahatma Gandhi."

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. SHAYS. Mr. Speaker, I strongly support H.R. 4818 and salute Chairman KOLBE and Ranking Member LOWEY in their efforts to bring this important measure forward.

Mr. Speaker, the foreign operations bill is a critical funding measure that allows the United States to engage and uplift the world's poorest citizens. The United States Agency for International Development (USAID), the Department of State, the Department of Agriculture and now the established Millennium Challenge Corporation, should be proud of the work they do in partnership with American charitable organizations and various national governments around the globe to alleviate poverty and ease hardship. USAID effectively partners with several organizations based in Connecticut's Fourth Congressional District such as TechnoServe based in Norwalk, Save the Children, based in Westport and AmeriCares, based in Stamford.

TechnoServe's mission is quite simple, it provides hardworking men and women in the developing world with the tools and the means to participate in and benefit from the global economy. In partnership with USAID, the Department of State, USDA and some of the world's most respected corporations, TechnoServe is helping entrepreneurs build businesses that create real economic growth.

TechnoServe helps entrepreneurs build solid businesses that produce quality products for local, regional and international markets. These businesses provide jobs and raise incomes especially in the agricultural sectors of rural communities.

I am also grateful to have Save the Children headquartered in the Fourth Congressional district. Save the Children works tirelessly to provide hope to children in need across the world. The organization's ambitious mission calls its workers to service in the areas of education, HIV/AIDS treatment and prevention, women and children's health, economic development, combating hunger, and assisting refugees. Save the Children also produces excellent reports, which my staff and I use to better assess living conditions for women and children across the globe.

I am also grateful for the important work of AmeriCares, which provides disaster relief, humanitarian aid and is equipped to immediately respond to emergency medical needs for people all around the world. AmeriCares solicits donations of medicines and other relief materials from U.S. and international manufacturers and delivers them quickly and efficiently to indigenous health care and welfare professionals around the world.

Mr. Speaker, the foreign operations bill is a vital funding component of our presence in the developing world and a bill that will truly save lives and build hope for the future. I salute those in the United States government who are involved in humanitarian and development activities and am grateful for the opportunity to highlight the work of organization's like TechnoServe, Save the Children and AmeriCares as this measure moves to final passage.

THE CASE FOR RESTRAINT IN IRAN

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 24, 2004

Mr. LEACH. Mr. Speaker, there are few areas of the world with a more troubling mix of geopolitical problems than the Middle East. The irony is that the war in Iraq which has consumed so much of our country's political and economic capital may hold less far-reaching consequences than challenges posed in neighboring Middle Eastern countries.

To the West, the Israeli-Palestinian stand-off remains the sorest point in world relations, although new opportunities for reconciliation between the two sides have presented themselves in the wake of Yasser Arafat's passing. To the East, the sobering prospect of Iran joining the nuclear club stands out.

It is this East of Baghdad trauma that I wish to address this afternoon.

In life, individuals and countries sometimes face circumstances in which all judgments and options are bad. The Iranian dilemma is a case-in-point. But it is more than just an abstract bad option model because at issue are nuclear weapons in the hands of a mullah-controlled society which has actively aided and abetted regional terrorists for years.

In reference to recent disclosures of enhanced Iranian efforts to develop nuclear weapons as well as missile delivery systems to carry such weapons, concerned outside parties are actively reviewing options.

The Europeans have led with diplomatic entreaties; the Israelis, with requests for the provision by the United States of sophisticated bunker-busting bombs; American policy-makers, with open-option planning, with neo-con muscularity being the principal reported theme.

In the background are references to the 1981 preemptive strike by the Israeli Air Force against Iraq's Osirak reactor.

At issue is the question of whether preemption is justified; if so, how it should be carried out; and, if carried out, whether intervention would lead to a more conciliatory, non-nuclear Iran or whether the effects of military action would be short-term, perhaps pushing back nuclear development a year or two, but precipitating a new level of hostility against the United States and Israel in Iran and the rest of the Muslim world which could continue for decades, if not centuries.

Since the American hostage crisis which so bedeviled the Carter administration in the late 1970s, we have had a policy of economic sanctions coupled with comprehensive efforts to politically isolate Iran.

Four years ago, Senator ARLEN SPECTER and I invited Iran's U.N. Ambassador to Capitol Hill, the first visit to Washington by a high-level Iranian representative since the hostage crisis.

On the subject of possible movement toward normalization of relations with Iran, I told the ambassador that while many would like to see a warming of relations, it would be inconceivable for the United States to consider normalizing our relationship so long as Iran continued its support of Hamas and Hezbollah. The ambassador forthrightly acknowledged that Iran provided help to both these terrorist organizations, but also noted, in what was the most optimistic thing he said that day, that his government was prepared to cease support to anti-Israeli terrorist groups the moment a Palestinian state was established with borders acceptable to Palestinians.

For decades in the Muslim world, debate has been on-going whether to embrace a credible two state (Israel and Palestine) approach or advance an irrevocable push-Israel-to-the-sea agenda.

The implicit Iranian position, as articulated by the ambassador, is support for a two-state approach, but if the United States on its own, or Israel as a perceived surrogate, were to attack Iran, the possibility that such a compromise can ever become possible deteriorates.

While angst-ridden, the Muslim world understands the rationale for our intervention in Afghanistan where the plotting for the 9/11 attack on the United States occurred. It has no sympathy for our engagement in Iraq, which had nothing to do with 9/11, but if these two interventions were followed by a third in Iran, the likelihood is that such would be perceived in the vocabulary of the Harvard historian, Samuel Huntington, as an all-out "clash of civilizations," pitting the Judeo-Christian against the Muslim world. In the Middle East it would be considered a war of choice precipitated by the United States. We might want it to be seen as a short-term action to halt the spread of nuclear weapons, but the Muslim world would more likely view it as a continuance of the Crusades: a religious conflict of centuries' dimensions, with a revived future.

If military action is deemed necessary, the United States broadly has only three tactical options: (a) Full scale invasion a la Iraq; (b) surgical strikes of Iranian nuclear and missile installations; or (c) a surrogate strike by Israel, modeled along the lines of Osirak.

The first can be described as manifestly more difficult than our engagement in Iraq, particularly a post-conflict occupation. The second presents a number of difficulties, including the comprehensiveness of such a strike and the question of whether all aspects of a program that is clandestine can be eliminated. The third makes the United States accountable for Israeli actions, which themselves are likely to be more physically destructive but less effective than the 1981 strike against Osirak.

In thinking through the consequences of military action, even if projected to be successfully carried out, policymakers must put themselves in the place of a potential adversary. A strike that merely buys time may also be a strike that changes the manner and rationale of Iranian support for terrorist organizations. It may also change the geo-strategic reason for a country like Iran to garner control of nuclear weapons.

It is presumed that the major reasons that Iran currently seeks nuclear weapons relates to: (1) Pride: a belief that a 5,000-year-old society has as much right to control the most modern of weapons systems as a younger civilization like America or its neighbors to the west, Israel, and to the east, Pakistan; (2) power: the implications of control of nuclear weapons with regard to its perceived hegemony as the largest and most powerful country in the Persian Gulf, particularly with regard to its nemesis, Iraq, which not only once attacked Kuwait, but Iran itself using chemical weapons; and (3) politics: the concern that Israeli military dominance is based in part on the control of weapons that cannot be balanced in the Muslim world, except by a very distant Pakistan.

The issue of the day from an American perspective is weapons of mass destruction (WMD), their development and potential proliferation to nation-states and non-national terrorist groups. The question that cannot be ducked is whether military action against Iran might add to the list of reasons Iran may wish to control such weapons: their potential use against the United States. Perhaps as significantly, American policymakers must think through the new world of terrorism and what might be described as lesser weapons of mass destruction, which might be dubbed, "LWMD."

Any strike on Iran would be expected to immediately precipitate a violent reaction in the Shi'a part of Iraq, where the United States has some support today. With ease, Iranian influence on the majority Shi'a of Iraq could make our ability to constructively influence the direction of change in Iraq near hopeless.

And there should be little doubt that in a world in which "tit for tat" is the norm, a strike on Iran would increase the prospect of counter-strikes on American assets around the world and American territory itself. The asymmetrical nature of modern warfare is such that traditional armies will not be challenged in traditional ways. Nation-states which are attacked may feel they have little option except to ally themselves with terrorist groups to advance national interests.

We view terrorism as an illegitimate tool of uncivilized agents of change. In other parts of the world, increasing numbers of people view terrorist acts as legitimate responses of societies and, in some cases, groups within societies who are oppressed, against those who have stronger military forces.

If Afghanistan, an impoverished country as distant from our shores as any in the world, could become a plotting place for international terrorism, such danger would increase manifoldly with an increase in Iranian hostility, especially if based on an American attack.

If there exists today something like a one-in-three chance of another 9/11-type incident or set of incidents in the United States in the next few years, a preemptive strike against Iran must be assumed to increase the prospect to two-in-three.

And Iran, far more than Osama bin-Laden, has within its power the ability not only to destabilize world politics, but world economies as well. Oil is, after all, the grease of economic activity, and a devastating Iranian-led cutback in supply cannot be ruled out.

Given the risk, if not the untenability, of military action, policymakers are obligated to review other than military options. One, which has characterized our post-hostage taking Iranian policy for a full generation, is isolation of Iran. This policy can be continued, but as tempting as it is, there is little prospect of ratcheting it up much more, except in ways, such as a naval embargo on Iranian oil, that would be difficult to garner international support for and would, in any regard, damage us more than Iran.

The only logical alternative is to consider advancing carrots, without abandoning the possibility of future sticks, and increase our dialogue with this very difficult government.

A proposal that might be suggested is negotiation of a Persian Gulf nuclear-free zone, which would reduce, although given the high possibility of cheating, not eliminate entirely one of the reasons Iran presumably seeks nuclear weapons—fear that it may be at a disadvantage in a conflict with an oil-rich neighbor. In return, America could offer not only normalization of relations in trade but the prospect of a free trade agreement and expanded country-to-country cultural ties with Iran.

Here, it should be stressed, hundreds of thousands of Iranians have been educated in the United States. The country has strong democratic proclivities. While the apparatus of democratic governance is extensive, real power is controlled by the mullahs. Nevertheless, few societies in the world have more potential to move quickly in a democratic direction than Iran. And just as it is hard to believe that outside military intervention would lead to anything except greater ensconcement of authoritarian mullah rule, the prospect of a bettering of U.S. relations with Iran implies a greater prospect of a better Iranian society.

Finally, a note about arms control. If the United States wishes to lead in multilateral restraint, we might want to consider joining rather than rebuking the international community in development of a comprehensive test ban (CTB). All American administrations from Eisenhower on favored negotiation of a CTB. This one has taken the position the Senate took when it irrationally rejected such a ban 5 years ago. The Senate took its angst against the strategic leadership of the Clinton administration out on the wrong issue. This partisan, ideological posturing demands reconsideration. We simply cannot expect others to restrain themselves when we refuse to put constraints on ourselves.

We are in a world where use of force can not be ruled out. But we are also in a world where alternatives are vastly preferable. They must be put forthrightly on the table.

HOUSE OF REPRESENTATIVES—*Monday, December 6, 2004*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 6, 2004.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

NOTICE

If the 108th Congress, 2d Session, adjourns sine die on or before December 10, 2004, a final issue of the Congressional Record for the 108th Congress, 2d Session, will be published on Monday, December 20, 2004, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Monday, December 20. The final issue will be dated Monday, December 20, 2004, and will be delivered on Tuesday, December 21, 2004.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

At this time of the year from across the world arises Handel's Song of Isaiah's text. Today the same vigorous words are laid tenderly, like the music, upon this House of Representatives:

"Comfort my people. Give comfort to my people, says your God. Cry out to the nation that her warfare is accomplished; that her iniquity is pardoned. The glory of the Lord shall be revealed, and all flesh shall see it together: for the mouth of the Lord hath spoken it."

Lord, may this seasonal song strengthen Your people in their desire for lasting peace, and may justice and right judgment in this Chamber be a comfort to Your people now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. KLINE) come forward and lead the House in the Pledge of Allegiance.

Mr. KLINE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4012. An act to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public school and private school tuition assistance programs established under the Act.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 29, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 24, 2004 at 6:10 p.m.:

That the Senate Concurs in House Amendments to Senate Amendment to H. Con. Res. 529.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES
Washington, DC, November 29, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 24, 2004 at 6:30 p.m.:

That the Senate passed without amendment H.J. Res. 115.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, Speaker Pro Tempore WOLF signed the following enrolled joint resolution on Monday, November 29, 2004:

H.J. Res. 115, making further continuing appropriations for the fiscal year 2005, and for other purposes.

TRIBUTE TO JEFF OLSEN ON OCCASION OF HIS RETIREMENT AS MINNESOTA COMMISSIONER OF VETERANS AFFAIRS

(Mr. KLINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE. Mr. Speaker, I rise today to recognize the contributions of Minnesota Commissioner of Veterans Affairs, Jeff Olsen, on the occasion of his retirement.

Jeff Olsen was appointed Commissioner of Veterans Affairs by Governor Ventura in January 2001 and has continued to serve the veterans community proudly. Throughout the past 4 years, Jeff has been a tireless advocate and representative for Minnesota's 450,000 veterans. By working closely with groups such as the Veterans Service Organizations of Minnesota and the Minnesota Association of County Veterans Service Officers, Jeff has remained constantly in touch with the issues of concern to the men and women he represents.

No stranger to those issues himself, Jeff began his career as a member of the United States Army, attached to the United States Armed Forces Courier Service, a joint services mission responsible for the preparation and transportation of top-secret materials throughout the world. This experience has continued to inspire Jeff and motivate him to serve his fellow veterans with honor and respect.

Jeff's dedication to the veterans community will continue to shine through the legacy of his accomplishments. Thank you, Jeff, for the example you have set. Your fellow veterans will miss you. We wish you the best in your next chapter of life.

HOUSE MUST PASS 9/11 LEGISLATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the House today and tomorrow has one, one, simply one chance to do what is right, and that is to pass the 9/11 Commission report legislation. It is not a question of whether this is a bad bill; it is a question of whether or not we can put aside special interests and do our jobs.

Frankly, the issues that are standing in the way now are issues that can be addressed very well in the 109th Congress. In fact, I look forward to comprehensive immigration reform. I am delighted we are working through the issues concerning our military. And in fact, we have been informed by those in charge of the military in the Pentagon that these issues are resolved.

It is a shame when we hear the former, or soon-to-be former, Secretary of Health and Human Services tell us that our food supply may be in jeopardy. Human intelligence is vital. The 9/11 Commission legislation will address that.

With homeland security as the backdrop of our work, we need more work with the Transportation Security Administration, more training and testing of cargo on airplanes. There is so much work to be done. We must pass the 9/11 Commission legislation now. Only then can we begin the work of securing the homeland seriously.

MR. DENTON GOES TO SENATE

(Mr. WILSON of South Carolina) asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, with the conclusion of a session, there is a normal shuffling of staff positions, and for the office of the Second District of South Carolina we will miss Wesley Denton, who has served for 3 years as communications director.

I have mixed feelings, personally, about this move; but I am thrilled Wesley has been selected to serve with Senator-elect JIM DEMINT of South Carolina. Congressman DEMINT is a person of high integrity and competence, which is reflected by his choosing Wesley.

Wesley will be a part of history, in that South Carolina has not had two Republican U.S. Senators since 1877. Beginning in January, we will have the achievement of U.S. Senators LINDSEY GRAHAM and JIM DEMINT. With Wesley's congressional experience, his training with Ed Meese at the Heritage Foundation, and his work with the House Committee on Armed Services, Wesley will assist the Senator to best represent the people of South Carolina.

Wesley Denton, one of five sons of Cassy and Dan Denton of Beaufort, South Carolina, and the newlywed husband of the former Kari Brooks, is a credit to the people of South Carolina, and I wish him Godspeed.

In conclusion, God bless our troops and we will never forget September 11.

BIPARTISAN INTELLIGENCE REFORM BILL

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. Speaker, today I rise to ask for the opportunity to vote on the 9/11 intelligence reform bill, supported both by Republicans and Democrats. Smart, effective intelligence reform, such as this piece of legislation before Congress, will help to strengthen our intelligence agencies and better protect Americans against terrorism.

Unfortunately, extreme conservatives are playing politics with America's security. They have prevented us from making America safer for our families because they continue to insist that the House-passed controversial immigration provisions need to be included. The 9/11 Commission has stated, and I quote, "We believe strongly that this bill is not the right occasion for tackling controversial immigration and law enforcement issues."

I believe with the 9/11 Commission. The legislation before us has the support of the President, the support of congressional leaders in both the House and the Senate, and it is the will of the 9/11 Commission and the wishes of the 9/11 families that Congress pass this legislation.

Let us make America safer and pass this bipartisan compromise.

ONE-YEAR ANNIVERSARY OF MEDICARE MODERNIZATION ACT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, we come up on the 1-year anniversary of the President signing the Medicare Modernization Act. This is truly an accomplishment of which this Congress can be proud. We begin the process of the transformation of Medicare.

Mr. Speaker, with the advances in medical science, and those that are to come in fields such as genomics and protenomics, we are going to see improved longevity and improved health outcomes. Medicare, for the first time, will pay for wellness instead of compensating for disease.

In our bill, we allowed the expansion of health savings accounts. Health savings accounts will change the way the next generation approaches paying for health insurance, giving them far greater power over their own health decisions. Mr. Speaker, today's seniors, next year, will have the missing piece of Medicare when coverage for prescription drugs begins.

Mr. Speaker, this was indeed landmark legislation that passed this House a year ago, and I salute those on the committees of jurisdiction that had a hand in getting this legislation passed. Every Member of this Congress and their staffs can be proud of their accomplishment.

ADMINISTRATION MUST BE HELD ACCOUNTABLE FOR UNJUST WAR IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, nearly 1,300 brave American men and women have sacrificed their lives in Iraq. Yet the central reasons for the U.S. invasion have fallen apart: Iraq had nothing to do with 9/11, Iraq had no weapons of mass destruction, there is no proof that Iraq was instrumental with al Qaeda's role in 9/11, and Iraq was not trying to get nuclear materials from Najir.

This administration misled the Congress, misled the American people, violated international law, directed the bombings of populated areas causing the disruption of water, sewer, and electrical service, ordered house-to-house fighting, and now, the civilian toll, by one account, is over 100,000 Iraqi civilians perished. Why?

Freedom, if it is to be obtained anywhere, must be advanced under the standard of truth. The Iraqis will not be handed freedom based on lies, nor will our own Nation preserve our freedoms if we continue to accept the basis for our occupation of Iraq.

This administration must be held accountable under international law for the disaster it visited upon Iraq. Only the truth can clean the stain on our Nation's conscience.

COMMUNICATION FROM DISTRICT CHIEF OF STAFF OF HONORABLE ILEANA ROS-LEHTINEN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Debra Musgrove Zimmerman, District Chief of Staff of the Honorable ILEANA ROS-LEHTINEN, Member of Congress:

HOUSE OF REPRESENTATIVES,
November 24, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and documents issued by the Circuit Court of the Sixteenth Judicial Circuit in and for Monroe County, Florida.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
DEBRA MUSGROVE ZIMMERMAN,
District Chief of Staff for Ileana Ros-Lehtinen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 528, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 4818

Mr. YOUNG of Florida. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the concurrent resolution (H. Con. Res. 528) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

The Clerk read as follows:

Senate amendment:

At the end of the resolution, insert the following:

Strike Section 222 of Title II of Division H.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

□ 1415

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before the House, H. Con. Res. 528, directs the Clerk of the House to make technical corrections in the enrollment of the bill H.R. 4818, the Omnibus Appropriations Act for Fiscal Year 2005. Members may recall that the House passed this resolution, H. Con. Res. 528, along with the omnibus appropriation bill on November 20, 2004. Today we are considering an amendment which was added by the Senate to the concurrent resolution that would make a further correction to the omnibus appropriations bill by deleting section 222 of the bill which deals with IRS oversight.

I think it is important to take just a minute or two to say some things about this provision. I explained why this provision was included, and I included this statement in the CONGRESSIONAL RECORD in part of the debate on the last continuing resolution. I want to be clear, though, that the Committee on Appropriations never had any intention to review or investigate individual tax returns. That is the prerogative of the Committee on Ways and Means in the House and the Committee on Finance in the Senate.

However, it is important to note that the IRS had requested an increase of $500 million, a half a billion dollars, for their programs and functions in the IRS. The Committee on Appropriations does have an obligation to review and provide oversight of that kind of an expenditure. That was the purpose of the language. It was never intended to have anything to do with individual income tax returns.

I stated this very clearly in a colloquy with the chairman of the Committee on Ways and Means. I will also point out that section 203 of the same division of the bill includes an IRS general provision which has been carried for years. The section reads, "The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information." IRS would have had the authority they needed to protect taxpayer privacy.

It is an unfortunate set of circumstances that have led many to misinterpret the section in question and the intent of that section, section 222, of the appropriations bill. However, in order to eliminate the confusion that has been created around this issue, I ask that the House agree with the amendment by the Senate to this concurrent resolution and ask the Members to support it.

Before the Omnibus Appropriations bill, which has been passed by the House and the Senate, but before it can be sent to the President for his signature, this concurrent resolution has to be passed.

I would like to read for the RECORD the colloquy I just referenced.

Mr. THOMAS said, Mr. Chairman, I understand section 222 of the Transportation, Treasury and Postal title provides the Committee on Appropriations with proper access IRS facilities for oversight purposes but not the ability to examine individual tax returns, data, or information and that it is the intent of the Committee on Appropriations that all access to taxpayer information would remain governed by the disclosure and privacy rules of section 6103 of the Internal Revenue Code. Is that correct?

I responded by saying the gentleman is correct. The Committee on Appropriations needs access to IRS field facilities to do our oversight work. That work does not require the Committee on Appropriations to review individual tax returns under section 6103, but it does require access to the facilities.

This colloquy can be found on page H10191 of the CONGRESSIONAL RECORD of November 20, 2004.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I do not stand here to get involved in a jurisdictional fight between the Committee on Ways and Means and the Committee on Appropriations, and there is not a Member of this House that I have more respect for than the chairman of the Committee on Appropriations. We have served together over the years, and sometimes even forgot we were Republican and Democrat because he has been such a gentleman even when we disagreed on issues.

I am just surprised there is not more outrage on the process. Whether it is Ways and Means or Appropriations, the whole idea that a staff member can contact the Internal Revenue Service, and the Internal Revenue Service drafts a provision of law and then somehow it finds itself in a conference report is something that takes away the integrity, and not of the tax-writing committee or the appropriation committee, but the United States Congress, the House and the Senate. This is outrageous when we are talking about such a sensitive issue.

The United States is one of the few republics which has a democracy which has a volunteer system for the filing of income tax. True, we have the threat of what happens if a taxpayer is so unlucky that they are audited and found to have done something wrong, but the whole basis of the system is having confidence that what you are telling them is being held private. It is not too unusual to find things coming into conference reports that did not pass the House and did not pass the Senate, but at least the majority has the chutzpah enough to waive points of order. At least they say they are cheating and have already waived the authority of the minority to have any input in what they are doing in the conferences wherever they are held. But to say that the privacy of filing income tax, and some people say they do not know how it got in here, but the IRS certainly knows how it got in here, and the appropriations staff person certainly knows how it got in here, the only people who do not know how this happened are Members of Congress because we have reached a point where we do not read your bills anymore, we just take your word for it.

Mr. Speaker, I hope as the gentleman from Florida (Mr. YOUNG) leaves the leadership of this committee that we might find more outrage when things like this happen, regardless of which committee it is. We have to find some way that staffs cannot legislate for the House, for the Senate, and for the Congress. We cannot blame staff when we give them the authority to do such a thing. I do not care whether it is the Committee on Ways and Means, Committee on Appropriations or what committee it is, we are losing each and every day a lot of confidence from the voters, and if we start losing them in the taxpayers and, we have a taxpayers' revolt as well as a political revolt, there will be no winners in this House, Republicans or Democrats.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I will say to the gentleman that unlike some committees in this House who do their work in secret, this committee does its work in public, in the open. We may have to work late hours, all night long, weekends, and that is a fact. The fact of the matter is this provision, along with every other provision of that section that we are concerned about here, was read word for word, comma by comma, period by period, by 17 staff members who supposedly reported to their chairmen and their ranking members. These 17 staff members were Republicans, they were Democrats, they were from the House committee, and they were from the Senate committee, and they read the entire section, and they reported to the leadership of their respective committees. It was done in public. We do not do our bills in secret.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I would like to say to the gentleman from Florida (Chairman YOUNG), stealing in public to me is no different than stealing in the middle of the night. If this thing is so repugnant that it is on the suspension calendar to take it out, why is the gentleman so proud that you put it in?

What I am talking about is not the gentleman and not this committee, but a process that is repugnant to everything that a House Member or Member of Congress should believe in. I do not mean to take this out on the gentleman from Florida personally. I said Members should not allow staff to do this. If it was read at 3 in the morning or 3 in the afternoon, what difference does it make? We are taking it out now, and that means it was wrong to put it in there, and we are proud to take it out.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute to respond to the gentleman.

The problem is not in the House. This issue was discussed openly in a colloquy with the chairman of the Committee on Ways and Means. We discussed this issue thoroughly, and we made it clear what the intent was. Why we are removing the provision today is because the other body amended our resolution and said they wanted it out. We are a bicameral legislature, and we have to work with the other body.

In fact, this whole comedy of errors of an omnibus appropriations bill would not have happened if the other body, and I am not allowed by the House rules to say who or what or why, but the other body did not pass their bills.

I really get offended when I hear the news media reporting the Congress did not get their job done. The House did. The Committee on Appropriations passed all of its bills. By the end of July, we had all of our bills reported, and we had all but one through the House floor, and that one could have gone through the House floor, but we were not given time to do it on the floor. The other body did not do their job, so we had to do this omnibus package rather than doing 13 separate bills. There is the answer to the gentleman's question.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, it is ironic that we have an argument going between two gentlemen, neither of whom who had any responsibility for the problem that occurred.

The responsibility for this problem lies squarely on the shoulders of the majority party leadership because they knew that they could not bring their appropriation bills to the floor in the Senate and pass them before the election, so they created the situation in which, after the election, all of these appropriation bills were jammed together. They were then dealt with by the staff night after night. The staff worked with no sleep, and, as a result, language that should have been caught and corrected was not corrected.

That is what happens when Members do not respect the processes of the House. That is what happens when you do not give Members of the majority or minority enough time to actually know what they are doing. The House has egg on its face because the majority party leadership had an agenda on appropriation bills that precluded their ability to get votes for them in the other body until after the election. That is a sad fact as to what happened, and the way to correct this is to see that we have enough time to do our jobs, that we quit suspending the rules around here so Members have enough time to read conference reports, and we make compromises ahead of time so the House can get its appropriations work done in an orderly way. That is what has been sadly lacking over the past year.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to oppose a series of legislative provisions that were included in the Transportation and Treasury section of the Omnibus Appropriations Act without consulting or even notifying the committee of jurisdiction, the Committee on Government Reform.

We strenuously oppose section 522 requiring that each Federal agency have a privacy officer to carry out duties relating to the privacy and protection of personally identifiable information. These Federal information security functions are an intrinsic part of existing Federal information policy.

They are the responsibility of the agency chief information officer in the agencies. Therefore, privacy officers are unnecessary. They are duplicative, and it is confusing.

Further, section 522 attempts to address information security concerns that are already addressed in the Federal Information Security Management Act, the Clinger-Cohen Act, the Electronic Government Act, and the Paperwork Reduction Act. These laws are currently implemented by Federal agencies.

Section 522 merely creates a layer of bureaucracy that contradicts existing Federal information policy currently executed by the CIOs.

The Committee on Government Reform and Federal agencies have worked hard to ensure the Federal Government has coherent information security policies and guidelines in place. Section 522 reverses the progress the Federal Government has made to modernize itself in order to function more efficiently and cost-effectively in a digital age.

In addition, this section is a fine example of legislating on appropriation bills. But worse, there was no attempt to even discuss this provision with our committee, the committee with jurisdiction over Federal information policy. For years we have performed an aggressive legislative and oversight agenda.

We have introduced a bill now to repeal this section, but the disregard for the committee of jurisdiction in this section of the omnibus did not stop there. In July, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Connecticut (Mr. SHAYS) on behalf of the Committee on Government Reform raised and the Chair sustained 12 points of order against legislative provisions in the Transportation and Treasury Appropriations Act. Nine of these were rewritten in the omnibus, in violation of House rules, without consulting our committee, and despite our requests that these provisions not be reinserted including:

1. An amendment that runs contrary to the reauthorization of the Drug Control Policy Act passed by the House last year; and

2. Several legislative provisions that will add unneeded red tape and expense to the Federal procurement process.

What does it say about our institutional integrity, our rules, ours state of affairs, when points of order are sustained and subsequently ignored.

My concerns have been overshadowed by a certain tax provision that also appeared in the Omnibus. But they are symptoms of the same disease.

It is the willingness of appropriators and their staff to legislate on appropriations bills without consulting the committees of jurisdiction that caused the mess over the ill-considered tax provision and this trend is the basis of my concern as well.

The authorizing committees are Congress's experts on the law, and the appropriations process should not be used as an end-run around their consideration.

I recognize that politics and process will sometimes require that legislation be included in appropriations; and,

I have always been willing to work with appropriators to include suitable legislation in their bills. Looking forward to next Congress, it is my hope that this episode will inspire a greater willingness on the part of the appropriators and their staffs to consult and cooperate with the authorizers before legislating on appropriations acts.

Finally, I ask for the appropriators support in repealing the badly considered Chief Privacy Officer provision that was surreptitiously included in the Omnibus at the 11th hour.

□ 1430

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank our distinguished ranking member, the gentleman from Wisconsin (Mr. OBEY), for yielding me this time and once again commend him and the gentleman from Florida (Mr. YOUNG), our chairman, for their service and leadership to our country and this Congress.

Mr. Speaker, 16 days have come and gone since this House passed the omnibus appropriations bill. Yet not one Member of Congress is willing to take responsibility for jeopardizing the privacy of more than 180 million American taxpayers. Instead, a Republican staff member came forward late last week stating that he inserted the provision without mentioning it to the Republican Member of Congress who employed him. Success, it is said, has many fathers, but failure is an orphan.

Let us be clear, this assault on the privacy of America's taxpayers has failed because it is an outrage to the American people and to most of the Members of this body. From the Constitution's protections of freedom of association and political expression to its protection against unlawful searches and self-incrimination, our citizens expect and deserve a government that respects their privacy and does not discriminate against them on the basis of political beliefs.

Yet the provision we are repealing today would have granted sweeping authority to the appropriations committee chairmen and their staffs to review individual tax returns without the restrictions in current law that make it a crime to use private tax information improperly. As a result, private taxpayer information would be vulnerable to unwarranted scrutiny, and taxpayers would have no resource or assurance against the improper use of their private financial information. This sweeping disregard for the protection of taxpayer privacy is deeply troubling and all too familiar.

Just 30 years ago, the Judiciary Committee of this House, on a bipartisan basis, voted to impeach President Nixon for violating the Constitution, including using the Internal Revenue Service to persecute those on his enemies list. Article two of the Articles of Impeachment specifically stated that President Nixon endeavored to obtain from the Internal Revenue Service, in violation of the constitutional rights of citizens, confidential information contained in income tax returns.

This disgraceful episode is a sad part of our history, but it was not all that long ago. Many of us remember. In fact, the distinguished ranking member of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), and the distinguished ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), were both serving on the Judiciary Committee in 1974, and they continue to serve here, obviously, today. We are grateful for their steadfast courage and determination in defending our Constitution. They know that it is our constant duty to protect and defend our civil liberties, our freedoms, and the Constitution of the United States. That is the oath of office that we take, and we must never let our guard down.

Lacking the support of a majority of this body, this assault on taxpayer privacy was possible only because of the Republicans' repeated willingness to abuse their power. My colleagues, as we all know, the rules of this House mandate that Members be given a minimum of 3 days to review legislation. That is a rule of the House. Yet the Republican leadership frequently resorts to the use of martial law to push through legislation by requiring a same-day vote. In the 108th Congress alone, the Republican leadership proposed same-day votes nearly 30 times. This excessive use of martial law rules subverts the will of Congress by denying Members the opportunity to examine critical legislation, thus allowing egregious measures such as the taxpayer privacy persecution provision to pass. It was only caught in the Senate because they had more time to review the legislation.

Mr. Speaker, the Supreme Court noted in an 1886 forfeiture case that illegitimate and unconstitutional practices get their first footing by silent approaches and slight deviations from legal modes of procedure. Before us today is a glaring example of what can happen when slight deviations from legal modes of procedure are allowed to go forward. To prevent future instances of hasty and dangerous decision-making, the House of Representatives must obey its own current rules that require Members of Congress be given at least 3 days to read legislation before voting on it. That is a rule of the House for all legislation. Why would it not be even more important for a 3,000-page bill containing nine appropriations bills, the omnibus bill, that had other extraneous matter in it as we can see? Before us today is again what can happen when slight deviations from legal modes of procedure are allowed to go forward.

I urge my colleagues to remove this taxpayer privacy persecution provision and to demand an end to the irresponsible use of martial law rules. Only if we determine to obey the rules of the House can we truly expect the American people to think that we realized what happened in this bill was wrong and we are determined that it will not happen again.

Mr. Speaker, I urge our colleagues to support the provision that is before us today.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is an extremely regrettable incident. The House is gathered here today, long after the session is supposed to be over, because we had language inserted in an appropriation bill which, if read on its face, would create a grave threat to the privacy of individual taxpayers. I am personally confident that that was not what was meant. I do not believe that this language has been placed in this omnibus appropriations bill because of any conspiracy to invade privacy. I do not believe that at all.

I do believe, however, that the House has been operating under a different kind of conspiracy and that has been a conspiracy to, in essence, shut down the congressional consideration of appropriation bills until after the election because of the knowledge on the part of the majority party leadership that the funding levels for a variety of programs were so tight in areas such as education and science and health that the leadership knew that those votes could not pass the Senate before the election. And then after the election, the appropriations committee, its members and its staff, were then given marching orders to produce bills in virtually no time. Those bills were then brought to the floor.

This is the report, the conference report, now some 3,000 pages of original text. Those bills were brought to the floor with no opportunity for any Member, including the gentleman from Florida and myself as the chairman and ranking member of the committee, to actually take the time to review what was in the language of all 3,000 pages and the language was produced by staff that was sleep-deprived, harried and harassed and under orders only to get the job done within a certain time window laid out by the majority party leadership.

The Washington Post contained the following paragraph in an article written by Dan Morgan in describing the situation. That paragraph in Mr. Morgan's story reads as follows:

"But a reconstruction of what happened suggests less a sinister conspiracy than problems arising from the legislative practices of the present Congress, in which sleep-deprived staffers often take on much of the burden of writing major bills under deadline pressure, and legislation drafted in secret is rushed through both Chambers before lawmakers, let alone the general public, have a chance for review.

"Senator KENT CONRAD, ranking Democrat on the Budget Committee, warned that 'something really seriously bad is going to happen if we let this continue.' Senator JOHN MCCAIN said, 'This process is broken.' "

So says the story in The Post.

I think that story is accurate. And I would point out that when we have legislation that is produced under those conditions and then when that legislation is brought to the floor under conditions in which the rules of the House are suspended so that Members do not have the normal time to look at a bill, what happens is that there are items in the bill that are not only hidden from members of the opposition party; there are items in the bill that are hidden from the majority's own caucus.

I think that rank-and-file Members of both parties are grossly disserved, and I think the appropriations committee is grossly disserved when we are not given sufficient time to review actions taken by staff and to review actions taken by conferees.

This is supposed to be the greatest deliberative body in the world. It is a far cry from that when you are asked to swallow 3,000 pages, when a bill is filed at 1 o'clock in the morning and then brought to a floor vote with no opportunity to really read the fine print.

So I simply think, Mr. Speaker, that the way to gain something out of this experience is to determine that in the future we are not going to suspend the rules on massive appropriation bills; that we are going to allow people to have the time to review the contents.

But even more importantly, there needs to be a determination to begin the process with a realistic budget resolution so that the majority party can bring its bills to the floor and pass them. I am probably not going to like the priorities in those bills. But the House is better served and Members of both parties are better served when there is an orderly process so that we can debate these differences honestly. Right now we are all paying a price and this institution is paying a price because that has not happened in the past year. I have made quite clear where I think the responsibility for that lies.

Mr. Speaker, I would simply ask Members to remember this incident when we vote on rules changes for the coming Congress. I would ask Members to remember that there are reasons why we should not suspend these rules. If it is important for us to pass something quickly and if there is bipartisan agreement on that necessity, you can get two-thirds to bring up these bills. Many times we have cooperated procedurally to move appropriation bills forward, but we need to have the safety valve of those rules in order to prevent future mistakes like this which embarrass the institution.

And so, Mr. Speaker, I would hope that we remember that when we are asked to vote on rules changes at the beginning of the next Congress.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we understand the problems that have been created here, mainly confusion. I certainly endorse what the gentleman from Wisconsin has said about how this came about and what the intent was. The intent was to provide the proper oversight of a half-a-billion-dollar request for an increase in an agency's budget. But this is not the best way to do business.

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An omnibus appropriations bill is the last thing you want to do to get the appropriations bills passed.

Now, appropriations bills have to pass. You cannot adjourn and not complete the appropriations bills, because then the government shuts down. I am happy and proud to say during my chairmanship, on my watch, we did not have any government shutdowns, we did not have any appropriations bills vetoed, and we had pretty good votes on most all of the appropriations bills.

In fact, this year we never got less than 300 votes on an appropriations bill in the House. That is not a bad record.

The reason that the gentleman from Wisconsin (Mr. OBEY) and I both pushed our subcommittees, majority and minority Members, so hard to get our work done on time was to avoid an omnibus appropriations bill, and we did that. The last bill of the 13 bills was reported by the House Committee on Appropriations on July 22, 4½ months ago, the final bill. The last bill that we passed in the House was September 22, 2½ months ago.

The thirteenth bill would have also been passed that same month, except we were not given time to put the bill on the floor. The House would have had its job completed. Then we could have paid attention to 13 bills, each one individually, each one separately, so there would have been time to have a more thorough evaluation of what was in those bills.

But, the other body would not pass their bills. They would not put them on the floor, for whatever reason. So there were nine bills in this omnibus appropriations bill. It was a bad way to do business, but it was the only alternative left to us in order to get the job finished in the time that we had to get it done.

The bill itself has passed. The House passed it with 344 votes. The Senate passed it with approximately 60 votes. The bill has passed. What we are dealing with now is a technical correction. We have all agreed to it. We just ought to go ahead and do it, get the bill transmitted down to the President, and clear the decks so that the new Congress and the new administration, can start with a clean slate.

Hopefully there will be decisions made that will allow the appropriations and budget process to work more effectively. There are some who say that the process is broken. I disagree with that. I do not think the process is broken, because the House passed all of our bills. What broke down was the opportunity to go to conference with the other body, because they did not pass their bills.

The budget process might also be a little bent out of shape because we have not had a budget in a couple of years. The gentleman from Iowa (Chairman NUSSLE) deserves credit. He passed a resolution in the House setting a budget, but, again, there was never any conference agreement with the Senate to bring that budget forward and to have the full force of a budget.

So in the House we deemed the budget number to be that as the House passed it, and the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), although we had different approaches, we worked hard to stay within that budget number.

Mr. Speaker, we stayed within the budget. We did not exceed the budget. The omnibus bill does not violate the budget as deemed by the House. But it would be far better if we could have the budget process work to the point that the House would pass it, the Senate would pass it, we would conference it, and then both of us work from the same budget.

We had to end up with the same number on appropriations bills, and the way we did it was to have this omnibus appropriations bill.

Mr. Speaker, as a member of the Committee on Appropriations, you know how hard I pushed to get this work done. And we did our job. I am proud of this House, and I am proud of the Committee on Appropriations, on both sides of the aisle. We did our job. But we are part of a bicameral legislature. The saying is, "It takes two to tango." Well, it takes two Houses to appropriate. That has been one of our problems.

There is a lot more I would like to say about this, but I am not going to. It is time to get rid of this resolution, H. Con. Resolution 528, and allow this appropriations bill to be transmitted to the President.

Mr. UDALL of Colorado. Mr. Speaker, I will support this resolution. But the fact we are considering it should be a source of embarrassment for our Republican colleagues and their leaders.

The resolution would delete from the omnibus appropriations bill a provision that would put at risk the privacy of every American's income-tax return. The Senate passed the resolution after the discovery of that provision led the chairman of their Appropriations Committee to publicly apologize and after it was agreed that the appropriations bill itself would not be sent to the President until the deletion was made.

Certainly this was an embarrassing development. But it should not have come as much of a surprise, because it was the result of a badly flawed process.

Rolling together nine separate appropriations measures—including one that had not been considered by either chamber and several that had been considered only by the House—is not the way Congress should do its work. And, as in previous years, the Republican leadership made things outrageously worse by rushing the massive measure to the floor under a "martial law" rule that prevented Members from having time to carefully review its thousands of pages.

That was the situation that faced us on November 20th, when the House took up the measure, and when each of us had to decide whether to support or oppose its passage.

I finally decided to support it, but the decision was not an easy one and came only after as much review as my staff and I could give to the measure and after giving serious consideration to voting against it.

On the one hand, a review of the measure showed that its enactment would have many benefits for Colorado and the country.

For example, its enactment would assure that the cleanup of the Rocky Flats site would be able to stay on the schedule that aims for completion and closure by the beginning of 2006, and that there would be funds for much-needed work at the NIST laboratories in Boulder.

It also would mean that the Interior Department could complete the purchase of the lands in the San Luis Valley that will become the new Baca National Wildlife Refuge adjoining the newly designated Great Sand Dunes National Park. It would mean that other Colorado lands could be added to the national forests, including more of the lands in the Beaver Brook watershed that the City of Golden is eager to sell for that purpose as well as the Miller tract near Grand Lake and other sensitive lands in other parts of the state. And it would provide other needed funds for ongoing work related to federal lands or other natural resources in our state being done by the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, and the Army Corps of Engineers.

In addition, it would provide funds for important projects for the benefit of many Colorado communities—including Boulder, Eldorado Springs, Idaho Springs, to mention only some in the Second Congressional District—and institutions, including National Jewish and Avista Hospitals, the Bonfils Blood Center, and the National Sports Center for the Disabled.

Further, both our Nation's leadership in science and Colorado firms would benefit from the $291 million to be used by NASA for servicing the Hubble space telescope—which the statement of managers said "should be one of NASA's highest priorities"—and from the bill's provision of $28.2 million for the space grant program. And I was encouraged by the amounts the bill would provide for renewable energy research and development—including $4.8 million for the National Renewable Energy Laboratory (NREL) as well as an additional $6.7 for construction of NREL's Science and Technology facility—and for research regarding abrupt climate change.

I wanted to support these provisions, particularly because many of them would not have been included in a long-term continuing resolution that was the most likely substitute if the omnibus bill did not pass.

On the other hand, I was sure that any appropriations bill with such a large number of specifically-earmarked funds must include allocations for low priority projects or questionable purposes—something of particular concern when the federal government is operating in the red.

Further, the conference report retained an objectionable provision that would allow virtually any health care entity to refuse to provide, cover, pay for, or even refer patients for abortion services, even when such actions are otherwise legally mandated by the federal or a state government. The same provision also would allow health care providers who receive public money to refuse to provide women with unintended pregnancies information concerning all their legal options. I thought this provision should not have been included. In another problematic provision, the bill cuts funding for NREL's photovoltaics program, which could mean a loss of as many as 40 jobs at NREL. This would be a devastating loss for the development of PV technology, for NREL overall, and for Colorado.

And I was very concerned that there was a distinct possibility that by voting for the bill I would be supporting other new legislation whose specific details—and possibly objectionable features—I would only be apparent if there were more adequate time to review the bill.

The fact that the bill included the tax-return provision addressed by the resolution before us today shows this concern was well-founded. And I would have been even more apprehensive if I had known that the statement of managers not only failed to fully explain many provisions, but in some instances was completely silent about important parts of the bill.

For example, the statement of managers omitted any mention of the fact that the bill included legislation for a full decade's extension of the recreation-fee demonstration program—legislation that I had opposed when it was considered by the Resources Committee and that in my opinion should not have been a part of any appropriations bill.

Finally, after as careful a review as possible under the circumstances and after weighing the decision carefully, I decided to vote for the omnibus bill despite the defects that I recognized and likelihood that there were others I had not found.

I will stand by that vote. The decision was mine and I recognize that I am accountable to my constituents for it. But I object to the circumstances under which that vote was cast—and my objections have only become stronger in the time between that vote and the one that we will cast on the resolution to remedy one—but hardly all—of the omnibus bill's flaws.

Mr. DEFAZIO. Mr. Speaker, I want to comment on the extraordinary situation in which we find ourselves today. We're debating a resolution to belatedly strike a provision from the fiscal year 2005 omnibus appropriations act because there was a provision in the bill inserted with the knowledge of only a handful of individuals in this body that would have seriously undermined the privacy rights of all American taxpayers.

We find ourselves in this situation because of the mismanagement of the Congress and the federal budget process by the majority in the House. The Congress never passed a budget this year. That led to the total implosion of the annual appropriations process. Only two bills were approved by Congress and signed into law by the start of the 2005 fiscal year on October 1, 2004. Two additional bills were approved in mid-October.

The remaining nine bills totaling hundreds of billions of dollars and running more than 3,000 pages in length were cobbled together behind closed doors by just a few staff members with oversight by just a couple of Republican leaders in Congress. The text of this monstrosity was brought to the House floor only a few hours prior to the vote on Saturday, November 20th. That is clearly not enough time for any of us to read the bill, understand it, and ensure tax dollars are being spent wisely.

Despite this ridiculous process, I voted in favor of the bill because the alternative would have hurt the people I represent in Oregon. The alternative to the omnibus was to fund virtually the entire Federal Government on autopilot for the next year via a continuing resolution. This would have negated the increased funding in the omnibus for veterans at a time when thousands of troops are returning home from Iraq and Afghanistan, threatening to overwhelm the VA health care system.

It also would have meant Oregon would lose millions of dollars I secured in the omnibus for critical infrastructure projects, including projects at the North Bend Airport; the Port of Brookings; transportation improvements like the Coburg/I–5 Interchange; and water infrastructure projects for Sweet Home, Coburg, and Coquille.

So, while I supported the omnibus because it is beneficial for Oregon, I would urge the House Republican leadership to never again bring a bill to the House floor under these circumstances. Never again should the federal budget process be allowed to implode as it did this year. Never again should the House leadership bring a bill to the floor that is drafted behind closed doors by only a few Members and staff. Never again should the House leadership bring a bill to the floor with no time for Members to actually read what they will be voting on.

Finally, while I am pleased we have the opportunity to belatedly remove the provision from the omnibus that undermines taxpayer privacy, I am disappointed that two other provisions I asked the House leadership to schedule separate votes on will be allowed to remain in the bill without any further consideration. These controversial provisions—one of which will expand the number of immigrants allowed into the United States under H–1B visas, the other which imposes a recreation tax on citizens using public lands—should be considered on their own merits rather than rolling them into a must-pass measure.

With respect to the immigration provision, under current law, businesses are limited to hiring no more than 65,000 workers annually through the H–1B visa program. A provision in the omnibus will allow multinational corporations to make an end run around this cap to hire up to 20,000 additional foreign workers for employment in the United States.

An expansion of H–1Bs is not necessary. There is no evidence of a shortage of qualified American workers. Even Bureau of Labor Statistics data compiled by the Bush administration show rising unemployment among American engineers and computer scientists. In fact, for the first time in more than 30 years, the unemployment rate for tech workers is higher than the overall jobless rate. This pool of American workers should be tapped first before even considering an expansion of the H–1B program.

Further, there is growing evidence that the importation of foreign workers is driving down the wages of American workers.

Given all of these obvious negatives, there are a significant number of members on both sides of the aisle who are concerned about expanding the H–1B program and feel strongly that this is an issue of protecting American jobs and American workers' standard of living.

I am also disappointed that the House leadership included in this omnibus a 10-year authorization for new and more expansive recreation fee taxes for use of public land. The original Recreation Fee Demonstration program was established by a rider to the 1996 Interior appropriations bill. Since its establishment, fee demonstration has been amended or extended numerous times, but has never gone through the proper authorizing process. Now, Congress is prepared to adopt a 10-year authorization through back channels, even though it has never been taken up by the full House, and is opposed by the committees of jurisdiction in the Senate. There is also strong opposition in the House from Members of both parties who serve on the committees of jurisdiction.

Fees for dispersed recreation on public lands amounts to nothing more than a stealth double tax for hikers, hunters, picnickers, or anyone wishing to spend a day at the beach or in the forest with their family. An omnibus appropriations bill is not the place to impose increased taxes on Americans.

Besides, the land management agencies have utterly failed to demonstrate that they deserve an expanded fee program. Within the Forest Service, for example, only 50 cents of every dollar collected actually goes toward maintaining or improving our public lands, the purpose for which Congress originally designated the fees. The rest is eaten up by administrative and collection costs. Losing 50 percent of funds to overhead signals that this is not an effective government program. In addition, the Forest Service doesn't know if these taxes are helping to relieve the maintenance backlog, or even to what extent it has a maintenance program.

This body should be ashamed of the process under which this legislation was drafted and brought to the floor. The American people deserve better from this Congress.

Ms. WOOLSEY. Mr. Speaker, today we are removing language that allows Appropriations Committee members and their staff to look at citizen's tax returns. This language was in a 3,500 page spending bill, which Members only had hours to review before voting. Privacy was at stake here and it is right to correct this wrong.

But another provision in this bill also threatens privacy. The privacy of women and their conversations with their doctors. The Federal Refusal Clause language inserted in this bill robs women of their right to access comprehensive health care. No matter how you look at it, this provision goes one step further by making it impossible for women to exercise their reproductive choices and once again subjects them to the wrath of the anti-choice movement. This was a misguided measure that has dangerous implications for women's reproductive health and for our health care system as a whole. If we were truly correcting the bad policy inserted in this bill we would be removing this language as well.

Mr. Speaker, our constituents want us to get it right the first time around. Let's not make a mistake now that we have a second chance. I urge my colleagues to support the removal of this anti-choice, anti-privacy language.

Mr. GREEN of Wisconsin. Mr. Speaker, I support this provision to strike the insertion in the omnibus appropriations bill, which allows Appropriations Committee Congressional staff to review individual tax returns.

However, I strongly protest the insertion into the omnibus-spending bill of a provisions that essentially eliminates the Federal Prison Industries Program. This provision was inserted into the 3,000-plus page spending bill without the knowledge of most Members and without an opportunity for the House to remove or modify it. This provision was stricken from the House to remove or modify it. This provision was stricken from the House Transportation, Treasury and Independent Agencies appropriations bill because it was found to violate House rules of legislating on an appropriations bill. This provision should not have been inserted into the omnibus bill when neither the House nor Senate passed this measure. The opponents of FPI are trying to achieve through the back door what they could not achieve in the normal legislative process. It is wrong and certainly anti-democratic.

Mr. ISTOOK. Mr. Speaker, I support this resolution. The mistake it corrects was actually caught before the appropriations bill left the House, and a commitment to correct it was made before the House ever voted on that bill.

It wasn't necessary for House Members to return to Washington for this vote; the mistake could have and would have been corrected almost 2 weeks ago under a unanimous consent request. That would have been simpler and better, and would have involved less political posturing than we've heard.

I'm satisfied it was an honest error, although a significant one. Those who claim this is part of some sinister plot to snoop into tax returns are just wrong; they're pushing one of those "black helicopter" conspiracy theories.

Of course, we never should have had this problem. We can and should take these three steps to avoid any recurrence.

(1) Get the other body to help us to move the spending bills on-schedule, so we can avoid the big omnibus bills that generate problems.

(2) Avoid the late session rush to get out-of-town, which also pushes decision-making into the wee hours when people are weary, and more prone to make mistakes.

(3) We should always be able to trace clearly the authorship of every provision in every bill. Every committee should enforce a requirement that no congressional staffer should take it on themselves to insert any language—even supposedly minor language—that has not been cleared by the appropriate members of the House. Certainly that violates the standing orders that I have always given to staff; I've always directed that each and every provision must be brought to my personal attention.

Things like this should not be blamed on one person. Multiple congressional staff, in both parties and both houses of Congress, had the opportunity to catch this and to fix it. But when haste and weariness set in, the error wasn't caught until after the bill had been filed with the House clerk.

Yes, this was a sad and embarrassing event. But the problem was caught and it's being fixed before that provision could ever become law. What would be sadder and more embarrassing is if we failed to learn lessons, to make sure that something like this never happens again.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today with great delight to announce the FY2005 omnibus appropriations package that is scheduled to be approved by Congress today includes the text of legislation I authored, H.R. 2792, that reauthorizes refugee eligibility for children of Vietnamese re-education camp survivors.

The Communist government of Vietnam, by its actions in imprisoning Catholic priests, Buddhist monks, and ordinary citizens whose only crime is to speak out for freedom and democracy, is saying loudly and clearly and consistently to the United States: We want your investment dollars, and we are willing to learn from your economic system; but your values of religious and political freedom are not welcome.

We need to do more to respond to this message of oppression with our own message of freedom. Human rights need to be central to our foreign policy toward Vietnam. One small step we can take is to save as many as possible of the people who are still being persecuted by the Communist authorities because of their wartime associations with the United States or simply because they share our values.

Until April 1, 1995, former Vietnamese prisoners of war who were accepted for resettlement by the United States as refugees could bring their sons and daughters, even those above the age of 21, so long as they had never married and were members of the refugee parent's household. On April 1, 1995, the Immigration and Naturalization Service (INS) changed its interpretation of the law, to exclude children who were over 21, even if they were unmarried and living with their parents. This change in policy forced a brutal choice on ex-political prisoners: either decline the opportunity to find freedom in the United States, or abandon their children in a country that has persecuted them.

For South Vietnamese combat veterans and others who had suffered with their children long terms in re-education camps because of their wartime associations with the United States, this imposed a particularly harsh burden. These children had already been without their fathers while they were in re-education camps, in some cases for 10 or 15 years. Then the refugees were given a choice between living forever under a Communist dictatorship or leaving their children behind when they immigrated to the United States. These children are marked as members of a "counterrevolutionary family" and denied educational and employment opportunities by the government of Vietnam. They would certainly go on suffering in Vietnam because of their family's participation in the war.

Recognizing these realities, Congress on three occasions has adopted the "McCain amendment," which changed the INS interpretation of the law, so that refugees who are survivors of re-education camps can once again be accompanied by the unmarried sons and daughters.

The latest extension of the McCain amendment expired on September 20, 2001. Hence, I introduced and Congress passed H.R. 1840 in the 107th Congress to reauthorize the McCain amendment through September 30, 2003. The original language did not apply to children who were mistakenly rejected before April 1, 1995, for reasons other than age. Even if new evidence surfaced that showed someone rejected before 1995 was actually the child of a refugee, families had no recourse to challenge the decision. The original language also excluded refugee sons and daughters who were denied access to an INS interview by corrupt and/or vindictive Communist officials who often serve as gatekeepers for the U.S. refugee program. My bill fixed these problems. In addition, the legislation permitted unmarried children over the age of 21 to immigrate to the United States even if the surviving parent is currently living in the United States.

Mr. Speaker, today I stand here before you as this important provision has once again expired. Fortunately, with the help of Senator JOHN McCAIN (R-AZ), the text of H.R. 2792, which extends this provision until September 30, 2005, was added to the FY2005 omnibus appropriations package that we are set to approve today.

H.R. 2792 is a fair and equitable bill that provides family reunification and allows us to keep our promise to the people who fought alongside U.S. troops during the Vietnam war. Their courage and valor must never be forgotten.

I want to thank Senator McCAIN for his leadership and his staff for their assistance in passing the H.R. 2792 language. Furthermore, I would like to thank the co-sponsors of my bill Representatives ZOE LOFGREN, CHRIS SMITH, JIM MORAN, and LORETTA SANCHEZ who have given this issue their steadfast support.

Mr. BACA. Mr. Speaker, I respectfully request to be excused from the floor, on Monday, December 6, 2004, on legislative and personal business. I will be present on Tuesday, and the balance of the week, and I will be able to participate in the key votes that are expected during that time.

The reason for my absence on Monday is that I have been invited—as a proud parent, and Congressman from the Inland Empire—to attend the swearing in of my son, Joe Jr., as a member of the California State Assembly. This moment is very significant, because this is the same seat I held when I represented the Inland Empire in the state Assemblv. I am sure you will join in my immense pride and joy I have as a father, on this historic occasion—one that reflects the continued ascendancy of Hispanics into leadership ranks, as well as the political coming of age of the next generation.

I understand that, at present, leadership has no plans to being up on Monday the 9/11 Implementation Act, and Democrats are not whipping attendance for the suspension items on Monday, but I remain in ongoing communication with, and at the disposal of, the Democratic leadership team, should the situation change.

I also have been informed that he repeal of the Taxpayer Persecution Act will be undertaken through the suspension process this evening. Like you, I was disturbed that the Republicans gave their staff the power to scrutinize Americans' tax returns, without safeguard, and I was even more outraged that this provision ended up in a bill that no one had read, hastily brought to a vote under martial law rules. If I were present, I would vote to strip this provision out of the appropriations bill, by voting "yes" on H. Con. Res. 528.

Mr. Speaker, I rise in support of H. Con. Res. 528 and to express my deep concern about this Congress undermining our democracy. The taxpayer persecution language in the appropriations omnibus was an abuse of Congressional power. This language would allow members of Congress and their staff to read the tax records of any American and disclose the information.

Unfortunately, this provision is just one more example of an abuse of power by the majority party of this Congress. The process that the Republican majority has resorted to is the reason that such outrageous provisions were approved. The Republican majority has used martial law to speed through legislation without giving members the change to read it over.

Democracy suffers when members of Congress are given only a few short hours to read thousands of pages of law and it is the American citizen who must bear the burden of our actions. Democracy suffers when the minority is denied a seat at the table and the chance to be a part of the process. It is not the Members of Congress who lose out. The American citizens they are here to represent are the ones who lose out.

The taxpayer persecution language is a frightening example of a Republican majority that is willing to oppress the minority, undermine democracy, and cast the shadows of Big Brother. Rule by the majority of the majority is not a democracy.

Mr. Speaker, I speak out in frustration of a Republican party run government that seems to have little regard for the elected representatives of half of this country, and even less regard for the American citizens they represent. When our founding fathers created the United States Congress this was not what they had in mind.

We need to bridge together the widening divisions in our country. We need to begin by bringing comity and bipartisanship back to this chamber, and in so—to the Nation. We must not allow our legislative process to fail us again.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Florida (Mr. YOUNG) that the House suspend the rules and concur in the Senate amendment to H. Con. Res. 528.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LIMITING TRANSFER OF CERTAIN COMMODITY CREDIT CORPORATION FUNDS

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2856) to limit the transfer of certain Commodity Credit Corporation funds between conservation programs for technical assistance for the programs.

The Clerk read as follows:

S. 2856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

"(b) TECHNICAL ASSISTANCE.—Effective for fiscal year 2005 and each subsequent fiscal year, Commodity Credit Corporation funds made available for each of the programs specified in paragraphs (1) through (7) of subsection (a)—

"(1) shall be available for the provision of technical assistance for the programs for which funds are made available; and

"(2) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the program for which the funds were made available."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 2856. Conservation was a significant part of the 2002 farm bill. Congress increased the conservation budget by nearly $2 billion per year, a 75 percent increase. However, there is a current shortfall in the Conservation Technical Service Assistance budget at the Natural Resources Conservation Service. This shortfall represents the costs necessary to administer the Conservation Reserve and Wetlands Reserve programs.

So far, those costs have been taken directly out of the pockets of farmers and ranchers, and, if you permit me, the environment, when fewer conservation benefits are provided by the Environmental Quality Incentives Program and the other so-called donor programs. In other words, the NRCS takes money from EQIP and farmland protection so that CRP and the Conservation Reserve Enhancement Program and WRP can be administered.

The USDA has also been using the Wildlife Habitat Incentives Program, or WHIP, the Farmland Protection Program, FPP, and the Grasslands Reserve Program as donor programs for CRP and WRP.

S. 2856 will help alleviate some of the implementation problems that have occurred during the last 2 years when approximately $100 million per year was being taken from the four donor programs. When the farm bill was written, it was Congress' intent that each conservation program would pay for its own technical assistance. I have been working with the Committee on the Budget and the Committee on Appropriations committees to ensure S. 2856's passage will prevent funds from being diverted from the donor programs. I have numerous groups supporting the bill, and I will include for the RECORD these letters.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 3, 2004.

DEAR CONGRESSMAN: We write today to ask for your support of S. 2856 on Monday, December 6, 2004. This bill, which has been adopted in the Senate, addresses a misunderstanding that has existed between the U.S. Department of Agriculture and the Congress as to the source of funding for the technical assistance costs for certain Farm Bill conservation programs.

S. 2856 ensures that the original intent of Congress will be used in the implementation of these programs where each of them will be expected to pay for their own technical assistance from their own share of the total funding made available to them. As passed by the Farm Bill, these programs have a significant backlog of requests from farmers and ranchers for conservation assistance.

We wholeheartedly support S. 2856 because without it several of these conservation programs will be significantly hampered from achieving their intended purpose—helping farmers and ranchers improve and conserve soil, air and water quality and restore and improve wildlife habitat. We ask for your strong support of this measure when it comes before the House on December 6, 2004.

Sincerely,

National Soybean Association.
National Pork Producers Council.
National Cattlemen's Beef Association.
National Association of Conservation Districts.
National Association of Wheat Growers.
National Corn Growers Association.
National Cotton Council.
National Farmers Union.
National Milk Producers Federation.
National Turkey Federation.
Southeast Dairy Farmers Association.
Western United Dairymen.

DECEMBER 6, 2004.

DEAR REPRESENTATIVE: We strongly urge that you enact S. 2856 to ensure that USDA stops the practice of diverting funds from the dollar-limited, working lands conservation programs to pay for technical assistance costs associated with land requirement programs.

Since enactment of the 2002 Farm Bill, USDA has diverted more than $200 million from EQIP, the Farmland and Ranchland Protection Program (FRPP), the Grasslands Reserve Program, and the Wildlife Habitat Incentives Program (WHIP) to pay for technical assistance for the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP). Unless this problem is fixed, farmers and ranchers seeking to improve water and air quality and enhance wildlife habitat stand to lose approximately $100 million in FY05 and nearly $300 million in FY06 and FY07.

S. 2856 protects funding for all USDA conservation programs. S. 2856 ensures that funding for CRP and WRP technical assistance flows directly from the Commodity Credit Corporation, not from working lands conservation programs. S. 2856 passed the Senate by Unanimous Consent on October 11.

2004, and the House-passed FY05 Congressional Budget Resolution specifically provides for the passage of the same legislation by the House. It is critical that S. 2856 is passed by the 108th Congress or scarce conservation funds will once again be lost in FY05 and subsequent years.

S. 2856 restores the original intent of the 2002 Farm Bill. The Farm Bill clearly intended USDA to use mandatory funds from the Commodity Credit Corporation (CCC) to pay for CRP and WRP technical assistance. The plain language of the statute and legislative history support this interpretation of the Farm Bill, and the General Accounting Office concurred in an October 8, 2002, opinion. Unfortunately, a handful of government lawyers misinterpreted the 2002 Farm Bill, forcing USDA to divert funds from EQIP and other working lands programs or shut down CRP and WRP.

We strongly urge you to support passage of S. 2856 to ensure that funding for technical assistance for all Farm Bill conservation programs, including CRP and WRP, comes directly from the CCC, as intended by the 2002 Farm Bill.

Sincerely,

American Farmland Trust.
Chesapeake Bay Foundation.
Defenders of Wildlife.
Environmental Defense.
National Wildlife Federation.
National Campaign for Sustainable Agriculture.
Natural Resources Defense Council.
Sustainable Agriculture Coalition.
Union of Concerned Scientists.

As you can see from the letters, S. 2856 receives extremely broad and deep support. Groups from varied interests such as the National Cattleman's Beef Association and Environmental Defense are all strident supporters of S. 2856. These organizations, along with nearly 25 others, representing producers and environmental interests, encourage passage of S. 2856.

I would like to thank the gentleman from Iowa (Chairman NUSSLE) and the gentleman from Texas (Chairman BONILLA) and their staff for their assistance. I would like to thank the ranking member, the gentleman from Texas (Mr. STENHOLM), for his support of this effort. But I cannot stress enough how much I want to thank our subcommittee chairman, the gentleman from Oklahoma (Chairman LUCAS), who has worked on this issue for years to try to get a correction, and I think that this goes a long way in helping what needs to be done get done here.

I also cannot stress enough how important these programs are or how important it is that producers have access to programs to keep the soil and air clean and to improve and restore wildlife habitat.

I urge my colleagues to support S. 2856 to ensure voluntary conservation programs are allowed to work efficiently and effectively.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2856 and support its passage. I want to thank the gentleman from Virginia (Chairman GOODLATTE) and the gentleman from Oklahoma (Chairman LUCAS) for working with the leadership to schedule consideration of this bill today. This is an issue that has needed attention for some time, and I am pleased we are finally addressing it.

The conservation title of the 2002 farm bill made a major investment of new funding in a variety of existing and new conservation programs. I was proud to have played a role in that effort to help our farmers and ranchers conserve and enhance the natural resources under their control.

Many of us, as well as producers out in the field, were frustrated by the actions taken by USDA to try and address how to provide technical assistance for the Conservation Reserve and Wetland Reserve programs. Borrowing from some programs to pay for the technical assistance to carry out WRP and CRP was not a good solution. It was a solution forced upon them by OMB after dueling interpretations by this administration based on language included in the 2002 farm bill. We never intended such draconian measures, which required them to rob Peter to pay Paul. This bill corrects and guides the administration on the implementation of these vital conservation programs after several attempts made by Congress to fix this problem.

There is currently a $3.4 billion backlog of applications in the various conservation programs that have not been funded, despite the infusion of new money from the 2002 farm bill. Passage of this legislation will be a small but important step in helping to address that backlog. It will also provide for some certainty for those landowners who are signing up for the CRP and WRP programs and allow us to fulfill our commitments made in the 2002 farm bill to conservation.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Oklahoma (Mr. LUCAS) the chairman of the Subcommittee on Conservation, Credit, Rural Development and Research of the Committee on Agriculture, who has been a real leader in fighting for fairness in these conservation programs.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise in strong support of S. 2865. I, along with my ranking member on the Subcommittee on Conservation, Credit, Rural Development and Research, have worked tirelessly as an advocate of voluntary agricultural programs since becoming chairman of the subcommittee.

The 2002 farm bill provided that each conservation program was supposed to pay for its own technical assistance costs out of the funds provided for it. During the implementation of the farm bill, the USDA lawyers, in my opinion, misinterpreted how Congress intended to pay for technical assistance. Under their interpretation, the CRP and WRP programs would not have had enough money to do sign-ups.

The 2003 omnibus appropriation bill added a short-term, stopgap measure that would allow funds from EQIP, WHIP, Farmland Protection and GRP programs to be donated to fund CRP and WRP sign-ups. Approximately $100 million per year has been diverted from these programs to fund CRP and WRP.

This was not a long-term, sustainable solution, so we began working with the budget committees to find a solution. The CRP program will have nearly 20 million of its 39.2 million acres eligible for new contracts in the next 5 years. For the next 4 years, EQIP, WHIP, Farmland Protection and GRP could lose nearly $406 million to CRP and WRP implementation sign-ups.

□ 1500

Mr. Speaker, S. 2856 was provided for in the House budget and is a fair solution for the entire conservation community. This bill will ensure that producers can voluntarily keep America's air and water clean and provide better habitat for its wildlife.

I would certainly be remiss if I did not thank the leadership staff for working with us and the chairman and the ranking member for their full efforts.

Mr. Speaker, I would like to add to the RECORD letters from 44 different groups supporting this measure, from farm producer groups to environmental groups to sportsman groups.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 6, 2004.

DEAR CONGRESSMAN: We write today to ask for your support of S. 2856, which may be on the House Calendar today, Monday, December 6, 2004. This bill, which has been adopted in the Senate, addresses a misunderstanding that has existed between the U.S. Department of Agriculture and the Congress as to the source of funding for the technical assistance costs for certain Farm Bill conservation programs.

S. 2856 ensures that the original intent of Congress will be used in the implementation of these programs where each of them will be expected to pay for their own technical assistance from their own share of the total funding made available to them. As passed by the Farm Bill, these programs have a significant backlog of request from farmers and ranchers for conservation assistance.

We wholeheartedly support S. 2856 because without it several of these conservation programs will be significantly hampered from achieving their intended purpose helping farmers and ranchers improve and conserve soil, air and water quality and restore and improve wildlife habitat. We ask for your strong support of this measure when it comes before the House on December 6, 2004.

Sincerely,

American Farm Bureau Federation.
American Soybean Association.
National Pork Producers Council.
National Cattlemen's Beef Association.

National Association of Conservation Districts.
National Association of Wheat Growers.
National Chicken Council.
National Corn Growers Association.
National Cotton Council.
National Farmers Union.
National Milk Producers Federation.
National Turkey Federation.
Southeast Dairy Farmers Association.
United Chicken Council.
United Egg Producers.
USA Rice Federation.
U.S. Rice Producers Association.
Western United Dairymen.

DECEMBER 6, 2004.

Hon. DENNIS HASTERT,
Speaker, Office of the Speaker, Capitol Building, Washington, DC.
Hon. TOM DELAY,
Majority Leader, Capitol Building, Washington, DC.

DEAR SPEAKER HASTERT AND MAJORITY LEADER DELAY: As the House reconvenes this week with the appropriations for FY 2005, the conservation and sportsmen's organizations listed above, which represent a diverse spectrum of interests with a combined membership of millions, stand together urging you and your Congressional colleagues to support S. 2856. Your support of this bill would mean the technical assistance funding needs of all the conservation programs would be met, including the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP), without reducing the acres authorized for those very popular programs and without diverting funds from other Farm Bill conservation programs.

The enactment of the 2002 Farm Bill resulted in conflicting interpretations of the Conservation Title's funding for technical assistance, and resulted in leaving all the conservation programs in danger. A decision was made to use funds of four conservation programs as donors for delivery of WRP and CRP in FY 2003 and FY 2004. This was the combined result of the limitation on the use of Commodity Credit Corporation (CCC) funds under the "Section 11 Cap" and the decision by Congress in the FY 2003 omnibus appropriations bill to prohibit the Natural Resources Conservation Services (NRCS) from using discretionary Conservation Operations account funds to pay for Farm Bill program technical assistance.

Unfortunately, this decision resulted in a net loss of funding to all conservation programs. We believe any proposal to fund CRP and WRP technical assistance through a reduction in the number of program acres fails to recognize the tremendous public benefits to soil, water quality and wildlife habitat provided by the acres enrolled in these two programs as well as the tremendous producer demand for these programs. The 2002 Farm Bill clearly intended USDA to use mandatory funds from the CCC to pay for technical assistance for all programs. The plain language of the statute and legislative history support this interpretation of the Farm Bill funding provision, as well as the legal opinion issued by the General Accounting Office in October 2002.

If Congress fails to solve this problem, farmers and the environment stand to lose. Despite the increase in conservation funding provided by the 2002 Farm Bill, most farmers and ranchers offering to restore wetlands or grasslands, retire marginal farmland or to simply change their farming practice to improve water and air quality are still rejected when they seek financial and technical assistance through voluntary USDA conservation programs.

There is strong, bi-partisan, nationwide support for CRP and WRP, evidenced by last year's defeat of a Senate amendment that would have effectively shut down technical assistance funding the CRP. There was widespread opposition to the amendment because it did not provide a holistic solution to the technical assistance problem, and lacked a definitive source of funds. In a strong show of support, a majority of the Senate agreed that the amendment equated to abandoning one of the most successful conservation programs in the United States.

We respectfully request you to support efforts during your deliberations to include the FY 2005 Agriculture Appropriations bill a permanent fix for this problem that ensures that technical assistance for all conservation programs is provided directly from the CCC. Additionally, we encourage you to work to protect acres authorized for CRP and WRP in the 2002 Farm Bill. If you or your staff has questions about this issue, please call Barton James (Ducks Unlimited) at 202-347-1530.

Thank you for considering our view of the importance of Farm Bill conservation programs and the need to secure the necessary technical assistance funding without severe impacts to the resource benefits achieved on the ground.

Archery Trade Association.
Bowhunting Preservation Alliance.
Congressional Sportsmen's Foundation.
Ducks Unlimited.
International Association of Fish and Wildlife Agencies.
International Hunter Education Association.
Izaak Walton League of America.
Orion—The Hunter's Institute.
Pheasants Forever.
Rocky Mountain Elk Foundation.
Safari Club International.
Texas Wildlife Association.
Theodore Roosevelt Conservation Partnership.
Whitetails Unlimited, Inc.
Wildlife Forever.
Wildlife Management Institute.
The Wildlife Society.

DECEMBER 6, 2004.

DEAR REPRESENTATIVE: We strongly urge that you enact S. 2856 to ensure that USDA stops the practice of diverting funds from the dollar-limited, working lands conservation programs to pay for technical assistance costs associated with land retirement programs.

Since enactment of the 2002 Farm Bill, USDA has diverted more than $200 million from EQIP, the Farmland and Ranchland Protection Program (FRPP), the Grasslands Reserve Program, and the Wildlife Habitat Incentives Program (WHIP) to pay for technical assistance for the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP). Unless this problem is fixed, farmers and ranchers seeking to improve water and air quality and enhance wildlife habitat stand to lose approximately $100 million in FY05 and nearly $300 million in FY06 and FY07.

S. 2856 protects funding for all USDA conservation programs. S. 2856 ensures that funding for CRP and WRP technical assistance flows directly from the Commodity Credit Corporation, not from working lands conservation programs. S. 2856 passed the Senate by Unanimous Consent on October 11, 2004, and the House-passed FY05 Congressional Budget Resolution specifically provides for the passage of the same legislation by the House. It is critical that S. 2856 is passed by the 108th Congress or scarce conservation funds will once again be lost in FY05 and subsequent years.

S. 2856 restores the original intent of the 2002 Farm Bill. The Farm Bill clearly intended USDA to sue mandatory funds from the Commodity Credit Corporation (CCC) to pay for CRP and WRP technical assistance. The plain language of the statute and legislative history support this interpretation of the Farm Bill, and the General Accounting Office concurred in an October 8, 2002, opinion. Unfortunately, a handful of government lawyers misinterpreted the 2002 Farm Bill, forcing USDA to divert funds from EQIP and other working lands programs or shut down CRP and WRP.

We strongly urge you to support passage of S. 2856 to ensure that funding for technical assistance for all Farm Bill conservation programs, including CRP and WRP, comes directly from the CCC, as intended by the 2002 Farm Bill.

Sincerely,
American Farmland Trust.
Cheaspeake Bay Foundation.
Defenders of Wildlife.
Environmental Defense.
National Wildlife Federation.
National Campaign for Sustainable Agriculture.
Natural Resources Defense Council.
Sustainable Agriculture Coalition.
Union of Concerned Scientists.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HOLDEN), the ranking member of the Subcommittee on Conservation.

Mr. HOLDEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I congratulate and thank the gentleman from Virginia (Chairman GOODLATTE) and our subcommittee chairman, the gentleman from Oklahoma (Mr. LUCAS), for his hard work on this legislation. I would like to take a moment to congratulate and thank the ranking member of the committee, the gentleman from Texas (Mr. STENHOLM), on an outstanding congressional career. As we all know, the gentleman from Texas (Mr. STENHOLM) will be leaving us and not serving in the next Congress. But I just want to say to the gentleman that not only is the Committee on Agriculture going to miss his leadership; the entire agriculture community across the country is going to miss his guidance and his input. On a personal note I am truly going to miss his leadership, and I thank him for all of the help that he has given to me personally over the years.

Mr. Speaker, I rise today in strong support of S. 2856, which will fix a problem with technical assistance funding for agriculture conservation programs. Our intent was to allow for farm bill programs to pay for themselves. However, due to different interpretations of the law and congressional rewriting, we are now in a situation in which major programs are paying for others.

There is a huge problem with donor programs such as the Farm and Ranchland Protection Program, Wildlife

Habitat Incentives Program, Grassland Reserve Program, and the Environmental Quality Incentive Program, providing technical assistance funding for the Conservation Reserve Program and Wetlands Reserve Program.

These donations continue to inhibit the implementation of these effective programs in the way that Congress intended. We must make sure that implementation reflects intent. It was never our plan to have key conservation programs act as donors for others. We need to correct this problem, and that is exactly what S. 2856 will do.

In fiscal year 2003, there were significant contributions being made by EQIP, Farmland Protection, WHIP, and the GRP to the Conservation Reserve Program and Wetlands Reserve Program. EQIP donated $57.6 million, Farmland Protection donated $18 million, WHIP gave $5.6 million, and Grasslands Reserve gave $9.5 million.

In my home State of Pennsylvania, these conservation programs are extremely important.

In fiscal year 2003, Pennsylvania received $8.4 million to fund 293 contracts throughout the EQIP program. There were actually 1,238 unfunded contracts totaling $35.4 million. In 2004, Pennsylvania received $11.9 million, a significant increase, but not enough to fund all of the contracts that are on hold.

The problem is the same for Farmland Protection, which is critical to Pennsylvania. In 2003, Pennsylvania received $4.9 million to protect 6,266 acres. In 2004, the State received less, approximately $4 million for the program.

Allowing vital programs such as EQIP and Farm and Ranchland Protection to be donors for other conservation programs only makes the funding backlog worse.

Therefore, I urge my colleagues to support S. 2856 and implement technical assistance funding for agriculture conservation programs the way in which Congress intended.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. HOLDEN) for his contribution, as well, to this effort, and also more especially thank him for the kind words he has extended to our colleague, the gentleman from Texas (Mr. STENHOLM), who has served this Congress with distinction for 26 years, the last 8 of which as the ranking member of the Committee on Agriculture. He is known across the country as somebody who has helped American agriculture.

He worked with my predecessor, our colleague Congressman Combest, his neighbor, former neighbor in Texas, to write the last farm bill which has been a noteworthy success in the first almost 4 years now of its implementation. He is somebody that I will miss as my partner in working with American agriculture, and I thank him and commend him for more than a quarter century of service to the people of this country.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague, the gentleman from Pennsylvania (Mr. HOLDEN), and I thank my chairman for the kind words. I do believe this is the last time that I will occupy this mike. I thought it was so a few weeks ago, but it was not; we had one more shot. But I do very much appreciate the kind words that have been said, and we will miss this place. Mr. Speaker, we will miss you. You do an excellent job of conducting House business. Every time you handle the gavel, you do it in a way that is very fair and very professionally done.

Mr. Chairman, it has been a pleasure serving with you, the gentleman from Virginia (Mr. GOODLATTE). I would be less than honest to not say that I would much rather have had the titles reversed, but that was not to be. And were it not to be, then I appreciate the fact that the gentleman from Virginia (Mr. GOODLATTE) has maintained the same bipartisan, nonpartisan activities on his part that has made the House Committee on Agriculture one of the few committees of this body that still works in the way in which I think our forefathers intended that it work: full consultation.

Listening to some of the previous comments about staff and what have you, I can honestly say that we have never had that problem on the House Committee on Agriculture, to the best of my knowledge. Our staffs, both committee and subcommittee, have always worked together in a way in which we put forward the quality work that I believe this committee has put forward to this House in the 26 years that I have had the privilege of serving here.

I want to thank my staff, those who are with me on the floor, and those who are not, who have worked and served with me, some of them my entire 26 years. We cannot do without staff. Many times they get the blame for things that go wrong, and we get the credit for things that go right. But day in and day out, this body cannot operate without the professional staff, and I want to thank my staff and thank the majority staff. Because I truly, truly mean it when I say what I already said a moment ago about the manner in which the House Committee on Agriculture has worked.

Mr. KIND. Mr. Speaker, I rise today in strong support of S. 2856. This important legislation clarifies Congress's intent in the last Farm bill—that administrative costs needed to implement voluntary conservation programs should flow from the Commodity Credit Corporation and not from the working lands programs themselves. It is crucial that we pass this bill today otherwise scarce conservation funds will once again be lost.

Mr. Speaker, USDA has diverted more than $200 million from four working lands conservation programs. Specifically, USDA diverted precious funds from the Environmental Quality Incentives Program (EQIP), the Farmland and Ranchland Protection Program (FRPP), the Grasslands Reserve Program, and the Wildlife Habitat Incentives Program (WHIP) to pay for administrative costs.

The 2002 Farm Bill clearly intended USDA to use mandatory funds from the Commodity Credit Corporation to pay for the administrative costs of two land retirement programs. The plain language of the statute and legislative history, including a critical colloquy, support this interpretation of the Farm Bill, and GAO concurred in a recent memo. But, government lawyers misinterpreted the 2002 Farm Bill and forced USDA to divert working lands funds.

Despite the funds provided by the 2002 Farm Bill, most farmers and ranchers offering to restore wetlands and grasslands or offering to change the way they farm to improve air and water quality are still rejected when they seek USDA conservation assistance. For example, farmers and ranchers face $3 billion backlog when they seek financial assistance through the Environmental Quality Incentives Program to improve water quality or wildlife habitat. These long lines only grow longer when funds are diverted.

By providing new funds for working lands programs like EQIP and WHIP in the 2002 Farm Bill, Congress provided needed resources to help farmers manage working lands to produce food and fiber and simultaneously enhance water quality and wildlife habitat. For example, EQIP helps share the cost of a broad range of land management practices that help the environment, including more efficient use of fertilizers and pesticides, and innovative technologies to store and reuse animal waste.

Lastly, because 70 percent of the American landscape is private land, farming dramatically affects the health of America's rivers, lakes and bays and the fate of America's rare species. Most rare species depend upon private lands for the survival, and many will become extinct without help from private landowners. When farmers and ranchers take steps to help improve air and water quality or assist rare species, they can face new costs, new risks, or loss of income. Conservation programs help share these costs, underwrite these risks, or offset losses of income.

Mr. Speaker, this is an important bill to America's hardworking farmers and ranchers and I urge my colleague's support.

Mr. STENHOLM. I have no further requests for time and, Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I urge my colleagues to support S. 2856, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 2856.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

FEDERAL EMPLOYEE DENTAL AND VISION BENEFITS ENHANCEMENT ACT OF 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2657) to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

The Clerk read as follows:

S. 2657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Dental and Vision Benefits Enhancement Act of 2004".

SEC. 2. ENHANCED DENTAL BENEFITS FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 89 the following:

"CHAPTER 89A—ENHANCED DENTAL BENEFITS

"Sec.
"8951. Definitions.
"8952. Availability of dental benefits.
"8953. Contracting authority.
"8954. Benefits.
"8955. Information to individuals eligible to enroll.
"8956. Election of coverage.
"8957. Coverage of restored survivor or disability annuitants.
"8958. Premiums.
"8959. Preemption.
"8960. Studies, reports, and audits.
"8961. Jurisdiction of courts.
"8962. Administrative functions.

"§ 8951. Definitions

"In this chapter:

"(1) The term 'employee' means an employee defined under section 8901(1).

"(2) The terms 'annuitant', 'member of family', and 'dependent' have the meanings as such terms are defined under paragraphs (3), (5), and (9), respectively, of section 8901.

"(3) The term 'eligible individual' refers to an individual described in paragraph (1) or (2), without regard to whether the individual is enrolled in a health benefits plan under chapter 89.

"(4) The term 'Office' means the Office of Personnel Management.

"(5) The term 'qualified company' means a company (or consortium of companies or an employee organization defined under section 8901(8)) that offers indemnity, preferred provider organization, health maintenance organization, or discount dental programs and if required is licensed to issue applicable coverage in any number of States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

"(6) The term 'employee organization' means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under chapter 89.

"(7) The term 'State' includes the District of Columbia.

"§ 8952. Availability of dental benefits

"(a) The Office shall establish and administer a program through which an eligible individual may obtain dental coverage to supplement coverage available through chapter 89.

"(b) The Office shall determine, in the exercise of its reasonable discretion, the financial requirements for qualified companies to participate in the program.

"(c) Nothing in this chapter shall be construed to prohibit the availability of dental benefits provided by health benefits plans under chapter 89.

"§ 8953. Contracting authority

"(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8954 without regard to section 5 of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

"(2) The Office shall ensure that each resulting contract is awarded on the basis of contractor qualifications, price, and reasonable competition.

"(b) Each contract under this section shall contain—

"(1) the requirements under section 8902(d), (f), and (i) made applicable to contracts under this section by regulations prescribed by the Office;

"(2) the terms of the enrollment period; and

"(3) such other terms and conditions as may be mutually agreed to by the Office and the qualified company involved, consistent with the requirements of this chapter and regulations prescribed by the Office.

"(c) Nothing in this chapter shall, in the case of an individual electing dental supplemental benefit coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of waiting periods more stringent than those that would have applied if that opportunity had not yet expired.

"(d)(1) Each contract under this chapter shall require the qualified company to agree—

"(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

"(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

"(i) to establish internal procedures designed to expeditiously resolve such disputes; and

"(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the qualified company.

"(2) A determination by a qualified company as to whether or not a particular individual is eligible to obtain coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable contract.

"(3) For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a qualified company and the Office—

"(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

"(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

"(e) Nothing in this section shall be considered to grant authority for the Office or third-party reviewer to change the terms of any contract under this chapter.

"(f) Contracts under this chapter shall be for a uniform term of 7 years and may not be renewed automatically.

"§ 8954. Benefits

"(a) The Office may prescribe reasonable minimum standards for enhanced dental benefits plans offered under this chapter and for qualified companies offering the plans.

"(b) Each contract may include more than 1 level of benefits that shall be made available to all eligible individuals.

"(c) The benefits to be provided under enhanced dental benefits plans under this chapter may be of the following types:

"(1) Diagnostic.

"(2) Preventive.

"(3) Emergency care.

"(4) Restorative.

"(5) Oral and maxillofacial surgery.

"(6) Endodontics.

"(7) Periodontics.

"(8) Prosthodontics.

"(9) Orthodontics.

"(d) A contract approved under this chapter shall require the qualified company to cover the geographic service delivery area specified by the Office. The Office shall require qualified companies to include dentally underserved areas in their service delivery areas.

"(e) If an individual has dental coverage under a health benefits plan under chapter 89 and also has coverage under a plan under this chapter, the health benefits plan under chapter 89 shall be the first payor of any benefit payments.

"§ 8955. Information to individuals eligible to enroll

"(a) The qualified companies at the direction and with the approval of the Office, shall make available to each individual eligible to enroll in a dental benefits plan information on services and benefits (including maximums, limitations, and exclusions), that the Office considers necessary to enable the individual to make an informed decision about electing coverage.

“(b) The Office shall make available to each individual eligible to enroll in a dental benefits plan, information on services and benefits provided by qualified companies participating under chapter 89.

“§ 8956. Election of coverage

“(a) An eligible individual may enroll in a dental benefits plan for self-only, self plus one, or for self and family. If an eligible individual has a spouse who is also eligible to enroll, either spouse, but not both, may enroll for self plus one or self and family. An individual may not be enrolled both as an employee, annuitant, or other individual eligible to enroll and as a member of the family.

“(b) The Office shall prescribe regulations under which—

“(1) an eligible individual may enroll in a dental benefits plan; and

“(2) an enrolled individual may change the self-only, self plus one, or self and family coverage of that individual.

“(c)(1) Regulations under subsection (b) shall permit an eligible individual to cancel or transfer the enrollment of that individual to another dental benefits plan—

“(A) before the start of any contract term in which there is a change in rates charged or benefits provided, in which a new plan is offered, or in which an existing plan is terminated; or

“(B) during other times and under other circumstances specified by the Office.

“(2) A transfer under paragraph (1) shall be subject to waiting periods provided under a new plan.

“§ 8957. Coverage of restored survivor or disability annuitants

“A surviving spouse, disability annuitant, or surviving child whose annuity is terminated and is later restored, may continue enrollment in a dental benefits plan subject to the terms and conditions prescribed in regulations issued by the Office.

“§ 8958. Premiums

“(a) Each eligible individual obtaining supplemental dental coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

“(b) The Office shall prescribe regulations specifying the terms and conditions under which individuals are required to pay the premiums for enrollment.

“(c) The amount necessary to pay the premiums for enrollment may—

“(1) in the case of an employee, be withheld from the pay of such an employee; or

“(2) in the case of an annuitant, be withheld from the annuity of such an annuitant.

“(d) All amounts withheld under this section shall be paid directly to the qualified company.

“(e) Each participating qualified company shall maintain accounting records that contain such information and reports as the Office may require.

“(f)(1) The Employee Health Benefits Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office in administering this chapter before the first day of the first contract period, including reasonable implementation costs.

“(2)(A) There is established in the Employees Health Benefits Fund a Dental Benefits Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the first contract year.

“(B) A contract under this chapter shall include appropriate provisions under which the qualified company involved shall, during each year, make such periodic contributions to the Dental Benefits Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year are defrayed.

“§ 8959. Preemption

“The terms of any contract that relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to dental benefits, insurance, plans, or contracts.

“§ 8960. Studies, reports, and audits

“(a) Each contract shall contain provisions requiring the qualified company to—

“(1) furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and

“(2) permit the Office and representatives of the Government Accountability Office to examine such records of the qualified company as may be necessary to carry out the purposes of this chapter.

“(b) Each Federal agency shall keep such records, make such certifications, and furnish the Office, the qualified company, or both, with such information and reports as the Office may require.

“(c) The Office shall conduct periodic reviews of plans under this chapter, including a comparison of the dental benefits available under chapter 89, to ensure the competitiveness of plans under this chapter. The Office shall cooperate with the Government Accountability Office to provide periodic evaluations of the program.

“§ 8961. Jurisdiction of courts

“The district courts of the United States have original jurisdiction, concurrent with the United States Court of Federal Claims, of a civil action or claim against the United States under this chapter after such administrative remedies as required under section 8953(d) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

“§ 8962. Administrative functions

“(a) The Office shall prescribe regulations to carry out this chapter. The regulations may exclude an employee on the basis of the nature and type of employment or conditions pertaining to it.

“(b) The Office shall, as appropriate, provide for coordinated enrollment, promotion, and education efforts as appropriate in consultation with each qualified company. The information under this subsection shall include information relating to the dental benefits available under chapter 89, including the advantages and disadvantages of obtaining additional coverage under this chapter.”.

SEC. 3. ENHANCED VISION BENEFITS FOR FEDERAL EMPLOYEES.

Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 89A (as added by section 2 of this Act) the following:

“CHAPTER 89B—ENHANCED VISION BENEFITS

“Sec.
“8981. Definitions.
“8982. Availability of vision benefits.
“8983. Contracting authority.
“8984. Benefits.
“8985. Information to individuals eligible to enroll.
“8986. Election of coverage.
“8987. Coverage of restored survivor or disability annuitants.
“8988. Premiums.
“8989. Preemption.
“8990. Studies, reports, and audits.
“8991. Jurisdiction of courts.
“8992. Administrative functions.

“§ 8981. Definitions

“In this chapter:

“(1) The term ‘employee’ means an employee defined under section 8901(1).

“(2) The terms ‘annuitant’, ‘member of family’, and ‘dependent’ have the meanings as such terms are defined under paragraphs (3), (5), and (9), respectively, of section 8901.

“(3) The term ‘eligible individual’ refers to an individual described in paragraph (1) or (2), without regard to whether the individual is enrolled in a health benefits plan under chapter 89.

“(4) The term ‘Office’ means the Office of Personnel Management.

“(5) The term ‘qualified company’ means a company (or consortium of companies or an employee organization defined under section 8901(8)) that offers indemnity, preferred provider organization, health maintenance organization, or discount vision programs and if required is licensed to issue applicable coverage in any number of States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

“(6) The term ‘employee organization’ means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under chapter 89.

“(7) The term ‘State’ includes the District of Columbia.

“§ 8982. Availability of vision benefits

“(a) The Office shall establish and administer a program through which an eligible individual may obtain vision coverage to supplement coverage available through chapter 89.

“(b) The Office shall determine, in the exercise of its reasonable discretion, the financial requirements for qualified companies to participate in the program.

“(c) Nothing in this chapter shall be construed to prohibit the availability of vision benefits provided by health benefits plans under chapter 89.

“§ 8983. Contracting authority

“(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8984 without regard to section 5 of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

“(2) The Office shall ensure that each resulting contract is awarded on the basis of contractor qualifications, price, and reasonable competition.

“(b) Each contract under this section shall contain—

“(1) the requirements under section 8902 (d), (f), and (i) made applicable to contracts under this section by regulations prescribed by the Office;

“(2) the terms of the enrollment period; and

“(3) such other terms and conditions as may be mutually agreed to by the Office and the qualified company involved, consistent with the requirements of this chapter and regulations prescribed by the Office.

"(c) Nothing in this chapter shall, in the case of an individual electing vision supplemental benefit coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of waiting periods more stringent than those that would have applied if that opportunity had not yet expired.

"(d)(1) Each contract under this chapter shall require the qualified company to agree—

"(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

"(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

"(i) to establish internal procedures designed to expeditiously resolve such disputes; and

"(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the qualified company.

"(2) A determination by a qualified company as to whether or not a particular individual is eligible to obtain coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable contract.

"(3) For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a qualified company and the Office

"(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

"(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

"(e) Nothing in this section shall be considered to grant authority for the Office or third-party reviewer to change the terms of any contract under this chapter.

"(f) Contracts under this chapter shall be for a uniform term of 7 years and may not be renewed automatically.

"§ 8984. Benefits

"(a) The Office may prescribe reasonable minimum standards for enhanced vision benefits plans offered under this chapter and for qualified companies offering the plans.

"(b) Each contract may include more than 1 level of benefits that shall be made available to all eligible individuals.

"(c) The benefits to be provided under enhanced vision benefits plans under this chapter may be of the following types:

"(1) Diagnostic (to include refractive services).

"(2) Preventive.

"(3) Eyewear.

"(d) A contract approved under this chapter shall require the qualified company to cover the geographic service delivery area specified by the Office. The Office shall require qualified companies to include visually underserved areas in their service delivery areas.

"(e) If an individual has vision coverage under a health benefits plan under chapter 89 and also has coverage under a plan under this chapter, the health benefits plan under chapter 89 shall be the first payor of any benefit payments.

"§ 8985. Information to individuals eligible to enroll

"(a) The qualified companies at the direction and with the approval of the Office, shall make available to each individual eligible to enroll in a vision benefits plan information on services and benefits (including maximums, limitations, and exclusions), that the Office considers necessary to enable the individual to make an informed decision about electing coverage.

"(b) The Office shall make available to each individual eligible to enroll in a vision benefits plan, information on services and benefits provided by qualified companies participating under chapter 89.

"§ 8986. Election of coverage

"(a) An eligible individual may enroll in a vision benefits plan for self-only, self plus one, or for self and family. If an eligible individual has a spouse who is also eligible to enroll, either spouse, but not both, may enroll for self plus one or self and family. An individual may not be enrolled both as an employee, annuitant, or other individual eligible to enroll and as a member of the family.

"(b) The Office shall prescribe regulations under which

"(1) an eligible individual may enroll in a vision benefits plan; and

"(2) an enrolled individual may change the self-only, self plus one, or self and family coverage of that individual.

"(c)(1) Regulations under subsection (b) shall permit an eligible individual to cancel or transfer the enrollment of that individual to another vision benefits plan—

"(A) before the start of any contract term in which there is a change in rates charged or benefits provided, in which a new plan is offered, or in which an existing plan is terminated; or

"(B) during other times and under other circumstances specified by the Office.

"(2) A transfer under paragraph (1) shall be subject to waiting periods provided under a new plan.

"§ 8987. Coverage of restored survivor or disability annuitants

"A surviving spouse, disability annuitant, or surviving child whose annuity is terminated and is later restored, may continue enrollment in a vision benefits plan subject to the terms and conditions prescribed in regulations issued by the Office.

"§ 8988. Premiums

"(a) Each eligible individual obtaining supplemental vision coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

"(b) The Office shall prescribe regulations specifying the terms and conditions under which individuals are required to pay the premiums for enrollment.

"(c) The amount necessary to pay the premiums for enrollment may—

"(1) in the case of an employee, be withheld from the pay of such an employee; or

"(2) in the case of an annuitant, be withheld from the annuity of such an annuitant.

"(d) All amounts withheld under this section shall be paid directly to the qualified company.

"(e) Each participating qualified company shall maintain accounting records that contain such information and reports as the Office may require.

"(f)(1) The Employee Health Benefits Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office in administering this chapter before the first day of the first contract period, including reasonable implementation costs.

"(2)(A) There is established in the Employees Health Benefits Fund a Vision Benefits Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the first contract year.

"(B) A contract under this chapter shall include appropriate provisions under which the qualified company involved shall, during each year, make such periodic contributions to the Vision Benefits Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year are defrayed.

"§ 8989. Preemption

"The terms of any contract that relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to vision benefits, insurance, plans, or contracts.

"§ 8990. Studies, reports, and audits

"(a) Each contract shall contain provisions requiring the qualified company to—

"(1) furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and

"(2) permit the Office and representatives of the Government Accountability Office to examine such records of the qualified company as may be necessary to carry out the purposes of this chapter.

"(b) Each Federal agency shall keep such records, make such certifications, and furnish the Office, the qualified company, or both, with such information and reports as the Office may require.

"(c) The Office shall conduct periodic reviews of plans under this chapter, including a comparison of the vision benefits available under chapter 89, to ensure the competitiveness of plans under this chapter. The Office shall cooperate with the Government Accountability Office to provide periodic evaluations of the program.

"§ 8991. Jurisdiction of courts

"The district courts of the United States have original jurisdiction, concurrent with the United States Court of Federal Claims, of a civil action or claim against the United States under this chapter after such administrative remedies as required under section 8983(d) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

"§ 8992. Administrative functions

"(a) The Office shall prescribe regulations to carry out this chapter. The regulations may exclude an employee on the basis of the nature and type of employment or conditions pertaining to it.

"(b) The Office shall, as appropriate, provide for coordinated enrollment, promotion, and education efforts as appropriate in consultation with each qualified company. The information under this subsection shall include information relating to the vision benefits available under chapter 89, including the advantages and disadvantages of obtaining additional coverage under this chapter.".

SEC. 4. TECHNICAL AND CONFORMING AMENDMENT.

The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 89 the following:

"89A. Enhanced Dental Benefits 8951
"89B. Enhanced Vision Benefits .... 8981".

SEC. 5. APPLICATION TO POSTAL SERVICE EMPLOYEES.

Section 1005(f) of title 39, United States Code, is amended in the second sentence by striking "chapters 87 and 89" and inserting "chapters 87, 89, 89A, and 89B".

SEC. 6. REQUIREMENT TO STUDY HEALTH BENEFITS COVERAGE FOR DEPENDENT CHILDREN WHO ARE FULL-TIME STUDENTS.

Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report describing and evaluating options whereby benefits under chapter 89 of title 5, United States Code, could be made available to an unmarried dependent child under 25 years of age who is enrolled as a full-time student at an institution of higher education as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect with respect to the calendar year 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 2657, the Federal Employee Dental and Vision Benefits Enhancement Act.

The Federal Employees Health Benefit Plan, FEHBP, is one of the Federal Government's most important tools as we seek to recruit and retain the best Federal workforce that this country has to offer. It covers over 8.6 million individuals, including 2.2 million Federal and postal employees, 1.9 million Federal annuitants, and 4.5 million dependents; and offers the widest selection of health plans in the country, enabling enrollees to compare the costs, benefits, and features of different plans. However, this program will not remain a model for excellence in employer-provided health care coverage unless we continue to explore avenues to enhance the care and the choices provided.

Through the FEHBP, the Federal Government fulfills its responsibilities as an employer to contribute to health and well-being by providing comprehensive high-quality, affordable health care for its employees, while also providing an example and a model for improving the performance of the U.S. health care system as a whole. While a fine example for comprehensive care, the FEHBP currently offers minimal dental and vision benefits. Over 15 years ago, the Office of Personnel Management stopped allowing plans to add new dental and vision packages or to enhance packages they already had in place. As a result, the FEHBP has not kept pace in these areas, as an overwhelming majority of private sector plans provide dental and vision benefits.

In addition, there has been a groundswell among Federal employees and annuitants through numerous surveys and focus groups on this issue. More than any benefit, they want better coverage for dental and vision care. This will change with the passage of this important legislation.

The bill before us now will establish a voluntary, supplemental program under which Federal employees and annuitants may purchase dental and vision insurance as part of the FEHBP. This important legislation follows the design of the current long-term care insurance program whose premiums are wholly employee-funded, but allows the Federal Government to leverage its purchasing power to lower the cost of care in these areas.

Mr. Speaker, I want to recognize the efforts of my distinguished counterpart in the other body, the Senator from Maine, Ms. COLLINS. Senator COLLINS was instrumental in the drafting of this legislation. I commend her for her dedication on issues important to our Nation's civil service. I look forward to continuing to work with her on these important issues in the 109th Congress. I also thank my ranking member, the gentleman from California (Mr. WAXMAN), and the ranking member of the subcommittee, my friend, the gentleman from Illinois (Mr. DAVIS).

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentleman from Virginia (Chairman TOM DAVIS) in consideration of S. 2657, the Federal Employee Dental and Vision Benefits Enhancement Act of 2004.

Visual health and oral health are integral to our general health. Eye and oral diseases are progressive and become more complex over time. Our ability to eat, see, read, learn, and communicate all depends on good visual and oral health.

Periodic eye and dental examinations are an important part of routine preventive health care. Many visual and oral conditions present no obvious symptoms. Therefore, individuals are often unaware that problems exist.

There are safe and effective measures to prevent the most common eye and dental diseases, and that is why early diagnosis and treatment are important for maintaining good visual and oral health, and why a vision and dental benefit should be made available to Federal employees and annuitants.

We know that in 1987, the Office of Personnel Management stopped plans in the Federal health benefits program from adding new visual and dental packages. OPM did so for various reasons. However, that decision was made over 15 years ago, and it is time to take a fresh look at how we can meet the visual and oral health needs of Federal employees.

In the long run, preventive care through periodic examinations and doctor visits will help keep down long-term visual and dental costs due to early detection.

I am happy to support S. 2657 because it permits OPM to contract with qualified companies to offer dental and vision benefits to Federal employees and retirees under the Federal Employee Health Benefits Program.

Unfortunately, however, this bill does not include a provision that would require OPM to study the feasibility of providing hearing benefits to Federal benefits and retirees. Currently, over 28 million Americans suffer hearing loss, half of whom are under the age of 50. Hearing loss is not just a problem affecting adults. Thirty-three children are born every day with some form of hearing loss. With early detection and treatment, these children can be taught in regular classes, saving the school system as much as $500,000 during a 12-year education.

I included similar language in H.R. 3751, which passed the House in June. Like vision and dental benefits, most insurance plans do not provide hearing benefits, such as coverage for hearing aids.

To address this omission, the gentleman from California (Mr. WAXMAN) and I, along with the gentleman from Virginia (Chairman TOM DAVIS) and the Senate sponsors of this bill, sent a letter to the Director of the office of OPM requesting that the agency assess current hearing benefits available to FEHBP participants and explore the feasibility of expanding hearing benefits to enrollees and their dependents.

Director James has already replied that such a study will be conducted and completed by September 30, 2005. I am pleased that we have received this commitment from OPM and look forward to reviewing the finished report.

I would urge my colleagues to support passage of Senate bill 2657.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, we had inserted similar language to this bill in the legislative branch appropriations bill that hopefully we will approve tonight as well. It addresses the fact that dental and vision needs are some of the most expensive out-of-pocket expenses. We will now have it available for Federal employees in the executive branch, as well as the legislative branch; this is a very important accomplishment of the Committee on Government Reform.

Mr. Speaker, I rise in strong support of H.R. 5295, the Federal Employees Dental and Vision Benefits Enhancement Act of 2004 and am proud to be a co-sponsor of this bill. As ranking member of the Legislative Branch Appropriations Subcommittee, I was pleased to initiate efforts to establish a similar benefit for Members and congressional staff with House passage of the Fiscal 2005 Legislative Branch Appropriations Act (H.R. 4755). Combined, these two initiatives represent one of the most significant changes to health benefits under the Federal Employee Health Benefits Plan in recent years.

The Federal Employees Dental and Vision Benefits Enhancement Act would establish a voluntary program under which Federal employees, retirees and annuitants may purchase supplemental dental and vision coverage. The legislation grants the Office of Personnel Management (OPM) the authority to select the appropriate combination of nationwide and regional companies and a variety of benefit packages to meet the diverse needs of our Federal employee, retiree, and annuitant population.

Greater access to dental and vision care is an area where major improvement is needed and should be an essential component to any comprehensive health care strategy. Many Federal employees whom I hear from tell me that their greatest health care expenditures go towards dental and vision care. Federal employees need and deserve increased access to dental and vision benefits.

FEHBP has long been regarded as a model health care program. I am confident that with the addition of a supplementary dental and vision coverage program, the Federal government will set an example for other employers to expand their health care offerings to include dental and vision coverage for their employees. Additionally, I believe this new benefit will serve as a recruitment tool for the Federal government in attracting and keeping the best and the brightest in the government.

Mr. Speaker, I thank Chairman DAVIS on the Government Reform Committee for moving this important legislation, and I strongly support its adoption.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. MURPHY. Mr. Speaker, too often, basic health insurance coverage offered to federal employees does not adequately cover the cost of dental and vision care, yet regular visits to the eye doctor and the dentist are just as important for maintaining overall health as annual visits to the M.D. That is why Chairman DAVIS, Rep. JO ANN DAVIS, Senator SUSAN COLLINS, myself and others have made the addition of supplemental dental and vision benefits to the Federal Employee Health Benefits Program a priority.

According to testimony we heard last year in the Government Reform Committee, while 56 percent of Americans have dental coverage, of 150 FEHBP plans studied, only one provided dental coverage for children and only 14 provided orthodontic coverage. Unfortunately, there are not a lot of options for federal employees when it comes to vision insurance either. The FEHBP is often cited as a leader and a model for health care plans across the Nation. It is unacceptable that federal employees and their families are denied quality coverage for dental and vision services.

The Federal Employees Dental and Vision Benefits Enhancement Act of 2004 seeks to address this situation by leveraging the purchasing power of the federal government to obtain supplemental dental and vision benefits for federal employees. This much-needed legislation is patterned after the successful long-term care benefits program we already offer federal employees and will provide tangible relief to millions of federal employees and their families.

The new benefits would be offered separately from existing health care plans and would be available strictly on a voluntary basis. Since federal employees opting to take advantage of these benefits would pay 100 percent of the premiums, we can offer these policies at very little cost to the federal government. This legislation is a win-win for all parties involved.

Recently, I chaired a subcommittee hearing on steps the federal government can take to lead the way in reducing health care costs by taking advantage of our missive purchasing power, investing in new health care technologies and promoting good health through preventative care. This legislation is a step in that direction. The federal government must lead by example when it comes to health care and I ask my colleagues to support that effort by voting in favor of this bill.

□ 1515

Mr. TOM DAVIS of Virginia: Mr. Speaker, I urge support for the bill, S. 2657.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the Senate bill, S. 2657.

The question was taken: and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AMENDING THE DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4012) to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public school and private school tuition assistance programs established under the Act.

The Clerk read as follows:

Senate Amendments:

Page 2, line 7, strike "10 succeeding" and insert "7 succeeding".

Page 2, line 11, strike "10 succeeding" and insert "7 succeeding".

Amend the title so as to read: "An Act to amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4012.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4012, legislation to authorize the District of Columbia College Access Act for 2 additional years.

The College Access Program has been a key component of the District's revitalization efforts in recent years. It is critical that Congress continue to support its partnership with the District of Columbia in providing access to higher education resources and opportunities.

Congress established the D.C. College Access Program in 1999 for two primary reasons. First, the program addressed the fact that the District of Columbia does not have a State university system like most States do for its high school graduates. The program essentially leveled the playing field for high school graduates in the Nation's Capital by enabling them to attend colleges and universities around the country at instate tuition rates. This is State universities around the country.

The program's second purpose was to deter tax-paying families in the District from moving to surrounding States in order to take advantage of instate higher education options available to residents in other States that were not available to District residents at the time that would deprive the District of very much needed stability in tax revenue should they leave the jurisdiction.

I cannot tell you how many mothers and fathers have approached me to say thank you. We were going to have to leave the District of Columbia so our kid could go to college, but thanks to this program we can stay; or young people from the district that come up to me and say thank you for this act. I am now able to afford to go to a good college.

At a Committee on Government Reform hearing on this program last March, it is clear that the program has been more than an anecdotal success over the past 5 years. D.C. Mayor Anthony Williams testified that since creation of the program, the number of high school graduates in the District continuing on to college has increased

28 percent. The national average over the same period was an increase of approximately 5 percent.

The impact of the College Access Program is undeniable. According to a survey of high school graduates in the District, the vast majority of students who have received assistance through the program have indicated that the existence of the grants made a difference in their decision to attend college and was a key factor in deciding which college to attend.

H.R. 4012 represents a shot at a better education and, in turn, a better life for hundreds of D.C. students.

The House passed a 5-year authorization for the program in July, but after discussions with the other body, we have agreed to limit the reauthorization to 2 years while we in Congress continue to work with the city to refine the scope and the mission of the program.

Mr. Speaker, I urge my colleagues to support H.R. 4012 and to continue to support a level playing field for high school graduates in the District.

I also want to acknowledge my friend and colleague, the gentlewoman from the District of Columbia (Ms. NORTON) for her help in starting this bill and working through this legislation today as we reauthorize it, and my colleague, the gentleman from Alexandria, Virginia (Mr. MORAN), who has also been very helpful and instrumental in getting this legislation originally established and reauthorizing it today.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the kind words and acknowledgement of the chairman. I particularly appreciate the strong leadership he has given this bill from its inception and the continuing strong leadership he has afforded this absolutely vital bill to the residents of the District of Columbia.

Led by my good friend, the chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. TOM DAVIS), the District of Columbia College Access Act of 1999 has always passed with bipartisan sponsors in the House and Senate and consistently strong support from Members of both bodies. We are particularly indebted to the chairman, who, because of the importance of higher education to those who live and work in this white-collar region, has always made this bill a priority of the committee.

This year he performed an additional critical act of leadership. When a problem arose in the Senate after the bill was approved in committee, he forged an acceptable compromise. The champions of the bill in the Senate have been a chairman, Senator GEORGE VOINOVICH and his ranking member, Senator DICK DURBIN of the subcommittee with jurisdiction over the District of Columbia, as well as the Chair of the Senate Committee on Governmental Affairs, Senator SUSAN COLLINS and the ranking member, Senator JOE LIEBERMAN.

Mr. Speaker, I want to express special gratitude to President Bush, who came to office several years after the law was in effect, saw the evidence of its exceptional success, and has continued to fund it in his budget at authorized levels.

The act, which partially funds college tuition through tuition access grants, or TAG, gives D.C. residents opportunities for college attendance that other Americans already enjoy through their State university systems. Because the District has no State university system, TAG substitutes for such a system by allowing D.C. residents to attend the public colleges in the States at instate tuition rates, subsidized up to $10,000. In the alternative, our students may receive $2,500 to attend private colleges at historically black colleges or universities in the city or region or other private colleges, provisions that also imitate what some States allow.

Already some 6,000 D.C. students have attended more than 150 colleges nationwide because of funds provided by the act. There are two particularly gratifying results from the first years of the Act. First, college attendance in the District has increased by 28 percent compared with only 11 percent nationally. Second, the act has been important to keeping tax-paying residents in the city and stemming the large and disastrous taxpayers' losses of the past three decades, particularly of parents who often left for the suburbs when their children were in reach of college age, rather than deny their children the benefits of a lower-cost, high-quality State university system. The high cost of tuition is a significant reason many residents left the District and others refuse to settle here.

The evidence of the success of the program and the return on the dollar to residents, to the city itself and to the Federal Government is not in dispute. Close monitoring by the GAO, by the committee and by our office have shown that TAG has been well run. TAG is universally popular among D.C. residents and businesses because of the act's simultaneous and immediate benefits to higher education in the District and, therefore, to the economic stability and viability of the city itself.

The program is an unqualified success and continues to exceed all expectations. The program has proved itself in becoming a valuable catalyst to where it is most needed. TAG deserves reauthorization, and I strongly urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the chairman of the Committee on Government Reform for yielding me time, but particularly for his leadership on this bill and the preceding bill.

This bill provides opportunities to young people who have already not only graduated from high school, but showed exceptional academic achievement. Many of them had to overcome social and economic barriers that we would never want or expect our own children to be able to cope with, let alone overcome. It's not fair that in the District of Columbia they do not have the opportunities that many of our children in the suburbs have. To make at least this very important access to higher education available to them at a very reasonable cost is a terribly appropriate thing to do.

Mr. Speaker, I appreciate the leadership of the gentlewoman from the District of Columbia (Ms. NORTON) on behalf of her constituents and the leadership of the gentleman from Virginia (Mr. TOM DAVIS) on behalf of the Congress to make sure that this legislation gets through.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

In closing, I want to say that the two gentlemen from which we just heard on the bill, the gentleman from Virginia (Mr. MORAN) who just spoke, and the gentleman from Virginia (Mr. TOM DAVIS) who has led the bill, are both from this region.

This may be the most white-collar region in the United States. When District of Columbia residents did not have access to its State university system, it hurt the entire economy of the region because it meant the critical core of the region could not provide the same State university systems that are very beautifully provided in Maryland and Virginia. So one part of the region could not contribute to the economic viability of the region.

Mr. Speaker, I appreciate particularly their work in understanding how vital the District's contribution was and is, and that it cannot be made except through higher education of the kind that is expected through this region.

Finally, a word about the Chair. This bill was finally passed in the Senate only in the lame duck session. It has been passed here because the chairman had smoothly led its passage in the House. It did not have a bit of controversy here. There were some changes made after some consultation with the House with the Senate, and all was well; and at the last minute a very small problem arose in the Senate. But when one person raises a problem in the Senate, that can mean the end of an entire bill. So I do want to say right here on this floor that the work of the chairman when we brought this to his attention that all efforts in the Senate to solve this one problem with one Member had failed for reasons no one could put their finger on, that his own creative sense of compromise is what rescued the bill in the Senate.

I want to express my deep appreciation for his work in the midst of the lame duck session, to think of what might be done, and then to speak with the Member in the Senate who raised an issue, and then to come forward with a compromise that has proved acceptable to all. We are very grateful for that, because without that work on the part of Chairman DAVIS, we would not be here.

□ 1530

This bill would not be authorized, and we would not be able to get the full amount which has already been passed by the appropriation committees on both sides into the President's budget when it comes here in January.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleagues for their kind words and their efforts in working together on this legislation, and I would urge all Members to support the Senate amendments to H.R. 4012.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4012.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AMENDING INTERNAL REVENUE CODE TO MODIFY TAXATION OF ARROW COMPONENTS

Mr. RYAN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5394) to amend the Internal Revenue Code of 1986 to modify the taxation of arrow components.

The Clerk read as follows:

H.R. 5394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCISE TAX ON ARROWS.

(a) REPEAL.—Subsection (b) of section 332 of the American Jobs Creation Act of 2004, and the amendments made by such subsection, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection and amendments had never been enacted.

(b) TAX ON ARROW SHAFTS.—Paragraph (2) of section 4161(b) of the Internal Revenue Code of 1986 (relating to arrows) is amended to read as follows:

"(2) ARROWS.—

"(A) IN GENERAL.—There is hereby imposed on the first sale by the manufacturer, producer, or importer of any shaft (whether sold separately or incorporated as part of a finished or unfinished product) of a type used in the manufacture of any arrow which after its assembly—

"(i) measures 18 inches overall or more in length, or

"(ii) measures less than 18 inches overall in length but is suitable for use with a bow described in paragraph (1)(A),

a tax equal to 39 cents per shaft.

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—In the case of any calendar year beginning after 2005, the 39-cent amount specified in subparagraph (A) shall be increased by an amount equal to the product of—

"(I) such amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting '2004' for '1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any increase determined under clause (i) is not a multiple of 1 cent, such increase shall be rounded to the nearest multiple of 1 cent.".

(c) ARROW POINTS.—Clause (ii) of section 4161(b)(1)(B) (relating to archery equipment) of such Code is amended by striking "quiver or broadhead" and inserting "quiver, broadhead, or point".

(d) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall apply to articles sold by the manufacturer, producer, or importer after March 31, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H.R. 5394, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I briefly just want to describe what this bill does.

I, along with the gentleman from Utah (Mr. MATHESON), introduced H.R. 5394, which will correct an unintended new tax on arrows. The American Jobs Creation Act closed the loophole that allowed imported arrows to avoid the excise tax paid on domestically produced arrows. Unfortunately, the IRS identified an unintended consequence that will require 8,000 retailers to collect and remit a small part of this excise tax.

The provision of this bill designed to protect the double taxation of arrows inadvertently moves the incidence of a very small part of the tax on arrows from manufacturers to retailers. This language will require every retailer to determine the difference between the tax paid on the components that they buy and the tax due on arrows that they assemble and sell. Therefore, 8,000 retailers will be required to file and remit the excise tax quarterly for an amount of about $100,000.

Clearly, Congress did not intend to impose a new tax on thousands of small businesses and retailers. This legislation fixes that. It amends the archery excise provision to impose a flat fee on the first sale of all arrow shafts. This legislation protects thousands of retailers by keeping the incidence of the tax on manufacturers, not on retailers; treats domestic and foreign manufacturers equally; and protects the Federal Aid in Wildlife Fund.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend my colleague the gentleman from Wisconsin (Mr. RYAN). He has worked very diligently on this issue. I know he personally is an avid sportsman and takes, therefore, more than passing interest in these matters. He also does very well representing the constituents involved in the domestic manufacture of arrows.

This has been a hard one to get right. We first passed it in 1997, trying to address this issue. The language in the FST bill that passed just a few weeks ago we thought took care of it. We had the joint tax and Treasury Department involved in getting that language correct, and only now we are finding that it is going to be a new tax to be collected by about 10,000 sports retailers.

Mr. Speaker, we want to fix this, and we want to fix this one right, quick. So I am going to ask for support on this motion today.

I would like to, in the course of my remarks, however, address an issue raised by the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, and his statement will be made a part of the RECORD.

He had offered for the chairman a deal to bundle in a unanimous consent package the bow and arrow fix, plus a provision to address the circumstances of the Virgin Islands and other territories under the corporate tax reform bill, the FST bill mentioned earlier, as well as something to address the devastation in Haiti, and so I would just read a couple of paragraphs from his statement because I think it is appropriately before the body.

The "Ways and Means Committee Chairman THOMAS knows that the bows and arrows correction could have been handled by unanimous consent." There had been a request that a correcting provision from the FST/ETI bill also be included to assist the Virgin Islands and some attention provided to the devastation affecting the people of Haiti.

"The recently enacted FST/ETI legislation contains a provision that will adversely affect the economic development programs of the Virgin Islands and other possessions.

"The provision denies the Virgin Islands the ability to provide economic incentives to companies doing business in the Virgin Islands if they have some U.S. source income."

It is also clear that House leadership is unwilling to provide assistance to poverty-stricken Haiti. "Obviously, our neighbor in this hemisphere is not viewed as so urgent that it cannot wait. I am talking about a country that is so poor they bake clay and pretend it is bread.

"It is unclear to me why" the Haiti trade preferences bill could not have been brought up by year end.

I agree that, to summarize the ranking member's feelings, it is fine to address this bow and arrows provision, absolutely fine. We have some issues we also wanted addressed, circumstances about possession under FST/ETI and something to be done to address the pathetic circumstance of Haiti, and that would have been our preference also at year end.

Having now stated what our preferences would have been, let me again summarize the minority position on this bill. It needs to be corrected. We want it corrected. We do not think it should have taken three times to get right, but here we are. We are willing to get it right this time.

I again salute the gentleman from Wisconsin's (Mr. RYAN), my colleague, efforts who have been untiring and in the end will today prevail in getting this right.

Mr. Speaker, I yield back my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

I first want to just thank my colleague from North Dakota, a wonderful State I have enjoyed hunting in, and his archers, I think, will be pleased with his support today.

We are finally getting this thing fixed. We thought the tax experts figured it out the last time. That was not necessarily the case. We have got this fix in place. So, again, we are not going to be pushing jobs overseas. We are not going to be draining precious resources from the Pittman-Robertson Fund. We are fixing that loophole.

Mrs. CHRISTENSEN. Mr. Speaker, today the House is considering H.R. 5394, a bill sponsored by my colleague PAUL RYAN of Wisconsin to amend a section of the recently passed American Jobs Creation Act of 2004 as it relates to the Federal excise tax on the sale by a manufacturer, producer or importer of any bows or arrows of a certain weight.

While I do not expressly support or oppose H.R. 5394, I rise to express my disappointment that the people of my district, the U.S. Virgin Islands, are not afforded a similar opportunity to address certain changes to the provisions of the Jobs Act as they relate to the residence and source rules applicable in U.S. possessions.

It is the longstanding policy of the United States, as reaffirmed in the Tax Reform Act of 1986, to promote the economic development of the U.S. Virgin Islands through tax policies that grant the Virgin Islands exclusive taxing jurisdiction over its residents and the right to tax the income of non-residents that is either sourced in the Virgin Islands or attributable to Virgin Islands businesses.

The American Jobs Creation Act of 2004, which was signed into law on October 22, 2004, significantly changed the Federal tax rules that form the foundation of Virgin Islands economic incentive program, the Economic Development Commission (EDC). Unless the changes made to this program by the Jobs Act is amended or appropriately modified by regulation, they have the potential to cause substantial damage to the Virgin Islands EDC program and cause significant losses to the Government of the Virgin Islands beyond those attributable to the EDC program.

While the statement of the managers accompanying the conference report for the Jobs Act indicates that Congress was concerned about U.S. citizens inappropriately claiming benefits as residents of a possession while continuing to live and work in the United States, the provisions of the new IRS Code section 937 would have much broader impact, affecting individuals who never resided in the United States and also place restrictions on the different economic development programs that go far beyond identified abuses.

It is for these reasons Mr. Speaker, that the government of the Virgin Islands sought to have these changes narrowed and clarified through legislation similar to H.R. 5394, but we were unsuccessful in our efforts to date. Accordingly, I beseech my colleagues, the chairman of the Ways and Means Committee and you, Mr. Speaker, to work with me when we return next Congress to address these concerns and avert a potential economic catastrophe for the Government and people of the Virgin Islands.

Mr. RANGEL. Mr. Speaker, H.R. 5394 is the Republican's third attempt to provide correct statutory language for the purpose of providing domestic and foreign manufacturers and retailers of bows and arrows with a level playing field.

The original provision was enacted into law in 1997. A correction to that language was included in this year's Foreign Sales Corporation/Extraterritorial Income Replacement, FSC/ETI, which resulted in another needed correction—as provided in H.R. 5394. Apparently, the most recent drafting error would cause about 10,000 new retailers to begin collecting excise taxes on a quarterly basis due to an unintended new point of tax collection created for arrow components costing less than a dollar. I hope that this time the Republicans got it right.

PRIORITIES

What really concerns me today is not bows and arrows. Rather, I question the priorities of the Republicans in the House.

The Republicans enjoy talking about their values—but their actions simply do not meet their words. According to Republican values, tax breaks for makers of bows and arrows are an urgent matter that must be addressed today.

Of course, Ways and Means Committee Chairman THOMAS knows that the bows and arrows correction could have been handled by unanimous consent last month. At that time, I asked that a correcting provision from the FSC/ETI bill also be included to assist the Virgin Islands—as it is for the arrow component manufacturers—and that some attention be provided to the devastation facing the people of Haiti.

VIRGIN ISLANDS

It is obvious that the House Republican Leadership and Chairman THOMAS are unwilling to provide a little helping hand to the Virgin Islands and the other U.S. possessions. The recently enacted FSC/ETI legislation contains a provision that will adversely affect the economic development programs of the Virgin Islands and other possessions.

The provision denies the Virgin Islands the ability to provide economic incentives to companies doing business in the Virgin Islands if they have some U.S. source income. There are many circumstances where companies engaged in business activities in the Virgin Islands can have U.S. source income, even though they engage in no activities in the United States.

Everyone recognizes that the FSC/ETI legislation overreached. The provision was adopted without any hearings in either House, and without a serious examination of what it does. So the simple solution is to fix the problem. The Republicans' response is to wait for Treasury to address the situation. There is no guarantee when, or if, Treasury will do so.

The provision in the bill already took effect, and is currently creating a problem for the Virgin Islands economic development program. This is a time-sensitive issue, that could be easily resolved with a delay in the effective date to permit the Treasury to act.

This House has found time today to correct an error for arrow component retailers. I had hoped that at the same time we could have corrected the provision harming the Virgin Islands. It is obviously a question of the Republicans' priorities.

HAITI

It also is obvious that the House and committee Republican leadership are unwilling to provide a little assistance to a poverty stricken Haiti. Obviously, our neighbor in this hemisphere is not viewed as so urgent that it cannot wait. I am talking about a country that is so poor that they bake clay and pretend it is bread.

It is still unclear to me why—other than pure meanness, stinginess and a lack of real values—that a Haiti trade preferences bill could not be brought up before the end of the year. Chairman THOMAS and I reached agreement on a compromise bill—a bill that did not present any threat to the U.S. industry but that would have meant the world to the people of Haiti.

House Democrats were prepared to support our bill—and I know we had ample Republican support for it, thanks to the efforts of my friend

CLAY SHAW, and my long-time friend and colleague, PHIL CRANE. I also know that Senators BOB GRAHAM and MIKE DEWINE would have been able to get passage in the Senate—had we sent them something. They had already passed a much better, more generous bill.

I want everyone to understand that our failure to act on Haiti today has real consequences for a country already devastated by natural disasters, years of domestic political turmoil, and foreign interference.

At the end of this year global textiles and apparel quotas terminate. Everyone expects China to dominate, taking market share and jobs not just from workers in the U.S., but also from workers in poor, vulnerable developing countries. And there is no country so threatened or so dependent on access to our market as Haiti.

Apparel is the only thing these people make—it is 90 percent of what the Haitians send to us. And because we are not acting, those exports are threatened. And you know what will replace those exports of sweaters and pants? Exports of people.

I will fight again for Haiti next year, and I pray it will not be too late.

CONCLUSION

I want to compliment my colleague, Representative PAUL RYAN, for his diligence in correcting the drafting error for the 1997 bows and arrow tax relief provision and, again today, for correcting the correction in the FSC/ETI bill. One would have thought that drafting a simple bill, like bows and arrows, could be handled right the first time. But, I understand that things happen.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. RYAN) that the House suspend the rules and pass the bill, H.R. 5394.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PASS THE 9/11 COMMISSION RECOMMENDATIONS IMPLEMENTATIONS ACT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Mrs. MALONEY. Mr. Speaker, I rise in strong support of the bipartisan 9/11 Commission bill. This past week I joined relatives of victims of 9/11 at Ground Zero. It was one of the places that we held vigils across this country to remind Members of Congress of the human cost of the terrorist attack. Vigils were held in Washington, D.C., New York, Buffalo, Boston, Los Angeles.

We are hopeful that a vote will be taken tomorrow. It will move forward this bill that will make Americans safer.

We ask people to sign a petition and present that petition to the Speaker of the House of Representatives. I will place in the RECORD the text of that petition at this point.

DECEMBER 6, 2004.

DEAR SPEAKER HASTERT: These signatures represent the will of the people. The democratic process must be respected. Congress must be allowed to vote.

The "9/11 Commission Recommendations Implementations Act" is supported by the 9/11 Commission, the President, the Senate, and the majority of the members of your House.

Listen to the voice of the people.

Signed,

Carie Lemack, Mindy Kleinberg, Lorie Van Auken, Patty Casazza, Carol Ashley, Mary Fetchet, Linda Lewis, Kathy Wiesniewski, Beverly Eckert, Bill Harvey, Charles Wolf.

Speaking: Abraham Scott (lost wife Janice Marie); Beverly Eckert, Stamford (lost husband Sean Rooney); Mary Fetchet, New Canaan (lost son Brad); Carie Lemack, Boston (lost mother Judy Larocque).

Not speaking: Carol Ashley, Long Island (lost daughter Janice); Kathy Wiesniewski (lost husband); Charlie Wolf (lost wife Kathy); Lorie Van Auken (lost husband Kenneth); Mindy Kleinberg (lost husband Alan).

The holidays are a particularly difficult time for people who have lost loved ones, Thanksgiving and the holiday season. I am very, very hopeful that the hard work of these families in support of changes that will make America safer will be allowed for a vote in the House of Representatives.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6 p.m. today

Accordingly (at 3 o'clock and 39 minutes p.m.), the House stood in recess until approximately 6 p.m. today.

☐ 1801

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 6 o'clock and 1 minute p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the motion to suspend the rules previously postponed.

DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 4818

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the concurrent resolution, H. Con. Res. 528.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. YOUNG) that the House suspend the rules and concur in the Senate amendment to the concurrent resolution, H. Con. Res. 528, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 51, as follows:

[Roll No. 543]

YEAS—381

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty

Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—51

Abercrombie
Baca
Ballenger
Bell
Boehlert
Boswell
Cannon
Carson (OK)
Case
Collins
Cummings
Davis (AL)
Davis (FL)
Delahunt
DeLauro
Dicks
Dooley (CA)
Fattah
Gordon
Granger
Gutierrez
Hastings (FL)
Hastings (WA)
Houghton
Hyde
Jefferson
Jones (NC)
Jones (OH)
Kind
Kleczka
Larsen (WA)
Lipinski
McInnis
McKeon
Murtha
Neal (MA)
Nethercutt
Norwood
Nussle
Pallone
Rahall
Reyes
Rush
Schrock
Sweeney
Towns
Vitter
Weiner
Wilson (NM)
Wolf
Young (AK)

☐ 1859

Mr. TERRY and Mr. RANGEL changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent today from this chamber. I would like the record to show that, had I been present, I would have voted "yea" on rollcall vote 543.

Mr. WOLF. Mr. Speaker, I am on an official leave of absence for today because of knee surgery. Had I been present and voting, I would have voted yea on rollcall 543, to suspend the rules and pass H. Con. Res. 528, directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 4818.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–795) on the resolution (H. Res. 868) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

WELDON ANTI-WOMAN PROVISION IN H.R. 4818

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. SLAUGHTER. Mr. Speaker, I rise to express my outrage about a dangerous antiwoman provision that is in this omnibus bill. I know that is not going to be changed, but I do want all women in America to know what is coming for them.

Let us say a woman is the unfortunate victim of a partial spontaneous abortion. Under the law that has been passed now in the United States, that woman may not go to the hospital and have that completed unless the hospital wants to do so. Presently, the law requires that a woman be taken care of; but even if a woman's life is at stake, even if she is going to die, the hospital does not have to do it.

Now, what happens if the hospital does it in defiance of what this law says? They then put into jeopardy every cent of money they bring in from the Labor-HHS bill, which would include all their State Children's Health Insurance money, all their Head Start money, all their child care development block grant money, all social services money, and perhaps all senior nutrition programs. This is really draconian when it comes to saving a woman's life.

States will not be allowed anymore to require an HMO that is participating in Medicaid to either cover abortions for a rape victim or tell them that they are eligible to get services and where to get it. What a step backwards for the United States.

Mr. Speaker, I am submitting for the RECORD an article from today's Washington Times announcing what is yet to come.

[From the Washington Times, Dec. 6, 2004]

PRO-LIFERS SET SIGHTS ON NEW CONGRESS

(By Amy Fagan)

The pro-life movement, which helped pass several initiatives in the 108th Congress, thinks Republican gains in the Senate will aid the chances for bills to enforce state parental notification laws and to alert pregnant women about fetal pain.

"There is enough of a shift that we think bills such as these two . . . have a real chance," said Douglas Johnson, legislative director of the National Right to Life Committee.

The Senate has been the biggest blockade to pro-life bills. Republican pickups in this year's election mean the chamber will have about three additional pro-life votes come January, Mr. Johnson said.

He said he hopes the defeat of Senate Minority Leader Tom Daschle, South Dakota Democrat, might make some pro-choice senators "who marched in lock step with the abortion lobby . . . less inclined to get out on thin ice" in blocking abortion restrictions.

Both sides of the abortion debate are anticipating a Supreme Court vacancy, particularly after deteriorating health has forced Chief Justice William H. Rehnquist to miss several sessions.

Mr. Johnson said a battle over any Supreme Court nominee would take top priority for his group.

Vicki Saporta, president of the National Abortion Federation, also said a Supreme Court vacancy would be a "huge priority" for her side. She promised a "tremendous fight" over any nominee who would "turn back the clock" on abortion or other rights.

Until that fight erupts, however, the pro-life lobby will focus on other legislation.

One priority, introduced as a bill for the first time in May, would require doctors to tell women seeking abortions after 20 weeks about the capacity of the fetus to feel pain and offer the option of pain-reducing drugs.

The fetal-pain issue garnered interest during a federal court case in New York, in which the government was defending the federal ban on late-term partial-birth abortions. The judge in that case said the defense presented "credible evidence" that a fetus feels pain.

Mr. Johnson said there is growing support for the fetal pain bill in the House, and he hopes it can pass both chambers this term.

A bill returning to the scene next session would make it a federal crime to circumvent a state's parental-notification law by transporting a pregnant teen across the state line for an abortion without parental involvement.

The measure passed the House three times but stalled in the Senate.

Miss Saporta said the fetal-pain bill is "part of their campaign to separate the fetus from the woman."

Although the teen-transport bill likely will be introduced in both chambers, she said, passage would "put the most vulnerable teens at risk" by forcing those in dangerous family situations to involve their parents in abortion decisions and by making other family members criminals if they intervene.

Connie Mackey, vice president for government affairs for the Family Research Council, said her group also will push a ban on cloning human embryos for any purpose.

The legislation stalled last session, but House and Senate sponsors plan to bring back their bills next session. "We will be working hard" to pass them, Mrs. Mackey said.

She said her group will fight for more federal funding for adult stem-cell research, as a more promising alternative to embryonic stem-cell research. Pro-life lawmakers also are considering proposals to regulate abortion clinics and ban or limit RU–486, a home drug treatment that induces an abortion.

Miss Saporta said she also suspects conservative lawmakers will try to ban or limit RU–486 but predicted they will fail.

"It will be somewhat easier for anti-choice forces to pass further restrictions on abortion, but they won't be successful in all of their initiatives," she said.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INDEPENDENT THINKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Speaker, on September 11, 2001, our Nation suffered the most horrible attack ever on American soil at the hands of those with a deep-seated, enduring hatred for freedom.

Since that day, every one of us has been anxious to do whatever we can to protect our Nation's security. We have made great strides in this direction over the past 3 years, and much of the bill currently being considered seeks to capitalize on the success of the policies of the Bush administration.

When 9/11 Commission Vice Chair Lee Hamilton and Commission member Slade Gorton testified before the Committee on the Judiciary, I promised that I would carefully analyze any proposal that would come before this Congress to ensure that independence and ingenuity are preserved and that any intelligence-gathering entity or entities are not susceptible to groupthink.

The creation of the National Intelligence Director in this bill is precisely the formula for groupthink.

☐ 1900

I absolutely believe the sharing of information is essential, but a National Intelligence Director with budget control and hiring and firing authority will create the climate for top-down groupthink. This groupthink will eliminate the competition of ideas and hinder innovation and creativity. Next time, it will not matter how faulty the information sharing, but a matter of the information not being generated or discovered to begin with. Instead of seeking to create out-of-the-box, nonlinear thinking, creative, effective intelligence organizations, this legislation is carving square pegs to fit into round holes. It is impossible not to reach the conclusion that groupthink is the inevitable result of the 9/11 Commission NID proposal.

We need to establish open channels of information-sharing between agencies, but not cripple them with top-down control. The testimony both before and by the 9/11 Commission established that there was not a single model of an intelligence culture that got it right. We must find the models we can use to create the types of agencies that can think outside the box.

Just as importantly, our national security begins at our borders. H.R. 10 included many immigration reforms that would have greatly improved the security of the United States. The conference committee either completely removed most of those provisions or mutilated them beyond recognition.

They removed a requirement that all people entering the U.S. must provide secure verification of their identities and citizenship; a requirement that people present secure identification to establish their identity to Federal employees. They took out provisions which would have expedited the removal of illegal aliens and prevented terrorists from obtaining asylum.

They stripped a provision that would have cut down on excessive judicial review of the deportations of criminal aliens. They cut a provision which would have mandated that dangerous aliens who cannot be deported be detained. They chopped a section that would have imposed criminal penalties for false claims of citizenship.

Finally, the issue that has received the most attention lately, they cut a provision that would have barred illegal aliens from obtaining driver's licenses.

After all of this, they told the people who lost their loved ones on September 11 that those who are truly seeking to improve their safety are the ones holding this bill up in conference.

This is not a time for partisan politics or turf wars. If the goal here is truly to improve the security of our Nation as best we can, we cannot stifle intelligence activities nor ignore the mammoth threat pouring through our borders and living among us.

I urge my colleagues to join me in refusing to settle for a bill that does not do all it can to improve the safety of those who sent us here to represent them.

DEMOCRATS' MORAL VALUES

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last month Ohio Democrats took our moral values to the polls.

For many of us, our faith guided us, and our final vote for President was far too close to declare, my State, a State full of evangelical fundamentalists.

For many of us, moral values are grounded in our religious faith.

My Lutheran upbringing instructs me and my fellow Christians in the teachings of Jesus, to read and to follow as best we can the words of the Beatitudes, to try to live our lives and practice our politics as Jesus would have wanted us to.

For others of us, those moral values take the form of a faith in our country's greatness to solve our most pressing problems of racial inequality, inaccessible health care, poverty of millions of American children and the war in Iraq.

For several years, I have worn a lapel pin depicting a canary in a cage. A century ago, miners took a canary into the mines to warn them of toxic gases. Miners were forced, in those days, to provide for their own protection. No mine safety laws. No trade unions able to help. No real support from their government.

A baby born a hundred years ago in those days had a life expectancy of about 47 years. Today, because of public health initiatives, worker safety laws, Medicare, Social Security, and other new laws, protections for children and minorities and the disabled, we live decades longer.

Every bit of progress in the struggle for economic and social justice, often rooted in our Judeo-Christian beliefs, prevailed over the opposition of society's most privileged and most powerful.

Today, those struggles continue. Our fight, in this chamber, for seniors who are forced to choose between medicine and food and our fight against the large pharmaceutical companies' greed is our understanding of the Holy Word.

Our opposition to tax cuts for America's most privileged adults and Head Start cuts afflicting our least privileged children follow from the teachings of Christ.

George Bush approved more than 150 executions, one every 2 weeks of his governorship in Texas. Our opposition to the death penalty is grounded in the Scriptures.

Our belief that government programs like Medicare and Social Security and Medicaid, not privatized imitations of them, our belief in those programs should serve all Americans bespeaks a faith in the greatness of our country and its ability and willingness to lift up all its children.

As we have seen over the last 4 years, Republicans campaign to their religious friends on their moral values, mostly opposition to abortion and gay rights, and then govern for and with their corporate allies and contributors.

On the floor of the House of Representatives, in the light of day, we hear much talk about moral values, but in the committee rooms and the cloakrooms, in the halls and in the hideaways, choices are made by Republican leaders that run counter to the teachings of Christ and Mohammed and the Jewish prophets and fly in the face of the values upon which our Nation was founded.

This Congress hurts families by underfunding Leave No Child Behind and college student loans, while giving tax cuts to the wealthiest among us.

This Congress hurts the elderly by defeating legislation to bring down the price of prescription drugs and then passing a Medicare bill that further enriches their drug and insurance company contributors.

This Congress hurts God's earth when it caves to the energy companies and the oil companies.

This Congress hurts our communities when it gives tax breaks to encourage the largest corporations to outsource their jobs.

And this Congress hurts our grandchildren when it loads huge burdens of debt on future generations.

Tens of thousands of Ohioans worked feverishly for months to help change our Nation's course because of their moral values, because of their faith in God, because of their belief in our Nation's history of taking care of the least among us.

In no way do I question the faith of my political opponents, but I am weary of the far right's claim that they are the only ones guided by the hand of God.

My understanding of the teachings of Christ, my religious upbringing, call me to walk a different path and to express and act upon my faith in the cause of social and economic justice.

SMART SECURITY AND ROOT CAUSES OF IRAQI INSURGENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, not all Members of Congress supported the war in Iraq, but we all have to live with its consequences. The global havoc wreaked by this war will affect the world in ways that we can only imagine today.

Let us not forget that more than 1,200 American soldiers have been killed in Iraq. Over 9,000 have been wounded, and an estimated 16,000 Iraqi civilians have been killed as a result of this war. In fact, 16,000 is probably a very low estimate.

The growing Iraqi insurgency, like the global War on Terror, cannot be won by being stronger than the insurgents. We cannot win this war with guns and bombs, because for every insurgent we kill, three more sign up. We have to be smarter than the insurgents. We are going to win this battle of conflicting ideologies only if we use our good senses and our good hearts.

We know that the anger at the heart of the Iraqi insurgency stems from, at least in part, a deep resentment over the American presence in their country. After years of Saddam Hussein's totalitarian regime, the Iraqi people see the United States as just another occupying force.

We have to make a choice in Iraq. Do we want to address the root causes of the insurgency or do we want to continue down our current path, shooting and bombing everything in sight and perpetually fighting a losing battle for the hearts and minds of the Iraqi people?

We must reopen the debate about the situation in Iraq to determine why our current policies are not working. We must figure out why the insurgency continues to grow despite our military efforts. Only through a robust, public dialogue can we begin to get to the bottom of these questions.

To address the root cause of terrorism around the world, such as the current insurgency in Iraq, I have introduced H. Con. Res. 392, a SMART Security Resolution for the 21st Century. SMART stands for sensible, multilateral, American response to terrorism.

SMART security calls for the United States to address the root causes of terrorism by engaging our United Nations partners, by engaging also the world humanitarian community and all of our United States allies in the international and civilian-led reconstruction and political transition processes that we are involved in.

Can my colleagues imagine what Iraq might look like if, instead of rushing to invade the country, we had waited just a few months and continued to engage the rest of the world community in the weapons inspection process? We would have learned that Iraq did not possess weapons of mass destruction. We would have prevented the deaths of thousands of American troops and innocent Iraqi civilians.

Imagine if, after the invasion, we had allowed other Nations and the U.N. to partner with the United States in engaging the Iraqis in the reconstruction program. We would not be faced with billions of dollars of debt because the finances of cleanup would have been offset by dozens of other donor Nations.

SMART security calls for increased developmental aid for programs that are integrated with peace building and conflict prevention measures. Unfortunately, we are struggling to provide funds for Iraqi's development because we are too busy paying for military operations, and the insurgents are busy working against our every effort in that regard.

Already, the White House has asked Congress to pilfer $3 billion from Iraq's reconstruction funds in order to pay for military operations. That request represents a complete failure to adequately plan and prepare for this war.

Mr. Speaker, the United States must stop engaging in this reckless national security strategy, a strategy whose current path only encourages future terrorist activities.

It is time we pursued a SMART security strategy for America, a strategy that will secure Iraq, a strategy that will keep America safe and secure for the future, because, if we do not, all we will be left with are the consequences of our current failed policies.

WHY IS IT SO URGENT THAT WE PASS AN INTELLIGENCE REFORM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are few times when a bipartisan bill—of such substance and urgency, comes to the House that will truly benefit the safety and security of the American people as we have in this instance. The intelligence bill that is sitting in our Chambers, H.R. 10/S. 2845, must be passed before we close for 2004.

I urge my colleagues to join me in urging our colleagues to pass this bill and avoid imminent dereliction of duty.

This week may be our last chance this year to consider and pass this overwhelmingly popular bipartisan measure. This sweeping bill includes the creation of a national intelligence director to oversee the Central Intelligence Agency, a plan with which even our President agrees.

Given the recent vulnerabilities that we have experienced in bioterrorism defense with the shortage of flu vaccinations and the recent discovery that 380 tons of explosive material in Iraq remains unaccounted for, it is more than critical for this body to pass the intelligence reform legislation now—while we have an opportunity. The families of the fallen victims are looking to us for leadership and responsible action.

This bill would pass easily in the House of Representatives if our Speaker would overrule its opponents and schedule a vote. Furthermore, the companion Senate measure has sufficient support for passage.

I believe very strongly that immigration does not equate with terrorism. Nevertheless, we continue to look to the enforcement of our immigration laws as a way to protect our country from terrorist attacks, and this did not begin with the terrorist attack on September 11, 2001. Serious efforts in this regard were going on long before that happened. For instance, partly in response to the 1993 World Trade Center bombing, Congress strengthened the anti-terrorism provisions in the Immigration and Nationality Act, the INA, and passed provisions that were expected to ramp up enforcement activities, notably in the Illegal Immigration Reform and Immigrant Responsibility Act, IIRIRA, of 1996, Public Law 104–208, and the Antiterrorism and Effective Death Penalty Act, Public Law 104–132.

The INA gives the government broad authority to arrest and detain aliens in the United

States who are suspected terrorists or who are suspected of supporting terrorist organizations, as well as aliens who have violated other provisions of immigration law. This was augmented by a mandatory detention provision that we added with the U.S. PATRIOT Act.

More than 1,200 people reportedly were detained after September 11. Some experts support a broadening of the authority to arrest and detain aliens in the United States who are suspected terrorists or who are suspected of supporting terrorist organizations.

I believe that current law will be adequate with minimal changes. I am concerned that further expansion may erode individual rights and that, as a result, innocent foreign nationals may be detained and deported.

Unfortunately, the House bill to implement the Commission's recommendations included a number of extraneous provisions that dealt with immigration reform issues rather than with the need to secure our country against further terrorist attacks.

For instance, it included court stripping provisions to reduce access to Federal court review from adverse decisions in immigration removal proceedings. It had a provision to take away the power of a Federal court judge to stay an alien appellant's removal pending the outcome of his appeal proceedings. It provided for greatly expanding the use of expedited removal proceedings, which would have enabled the Government to remove thousands of undocumented aliens without hearings or due process of any kind. It even had a provision permitting the government to deport aliens to countries where they would be tortured—in direct violation of the Convention Against Torture.

This troubled the 9/11 Commissioners to the point where they wrote letters to the Congress encouraging us to put these contentious issues aside so that we could move forward with the serious business of implementing their recommendations.

I am pleased that bipartisanship and a sense of responsibility prevailed in the end as far as the joint conference is concerned. The extraneous provisions I just mentioned have been removed from the bill. The final product is worthy of the outstanding effort that the Commission put into analyzing the horrific events of September 11, 2001. While I recognize that it does not fully implement the recommendations of the Commission in every respect, it is a major effort to move forward with the essential elements of the Commission's recommendations. We must consider and pass this legislation now.

OUR APPROPRIATIONS PROCESS IS BROKEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, today, the House Republican leadership is clearing up a mess they made three weeks ago.

On November 20, 2004, House Republicans sent to the floor another unwieldy omnibus spending bill, 2 months late and billions of dollars short for America's education, health care and homeland security needs. It was not until the last moment that we discovered that Republicans had slipped in a hidden provision that would have let Congress read the tax returns of any individual American taxpayer and reveal the contents to the public, with no penalties for committing such a flagrant violation of privacy.

Republicans quickly and vocally distanced themselves from this provision, and I have no doubt that my Republican colleagues were as ashamed as I was that this provision almost became law. But where the Republican leadership continues to fail is by claiming this is an isolated mistake. The ugly truth is that it is a symptom of a legislative process that is broken.

In a democracy, the legislative process relies on free and open exchange of ideas. After the final rollcall, there are winners and there are losers, but the system works because all sides know that the issues were debated openly, and the results were reached fairly.

The process Congress has used to fund our government for the past 3 years falls short of this ideal. In fact, it does not even come close. A few Republican leaders work day and night, behind closed doors, to prepare a document thousands of pages long. Then, the report is filed in the middle of the night, and Members are asked to vote on it the following morning. The people's elected representatives are forced to cast votes on a bill that funds half of the Federal Government, yet few people have actually read it.

☐ 1915

The result is inevitable: bad law. Sometimes it is dramatically bad, like the sneak-and-peek tax provision in this year's bill. But more often it is boringly bad: billions wasted on the wrong priorities, monies that could go to education, health care, or Homeland Security instead going to someone's pet boondoggle. But just because it is boring does not make it any better.

Mr. Speaker, we owe the American taxpayer better accountability of the money they send to us. As the President is fond of saying, it is not our money. It belongs to the taxpayers. And the taxpayers are right to demand better government policy.

I urge the Speaker to uphold the House's own rules on conference reports. Give us a chance to read bills before we have to vote on them, and give the American people a chance to have a free and open debate on how their taxpayer dollars are spent.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

Mr. BACA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. DAVIS of Alabama (at the request of Ms. PELOSI) for today and the balance of the week on account of illness.

Mr. KIND (at the request of Ms. PELOSI) for today on account of weather and travel delays.

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. BOEHLERT (at the request of Mr. DELAY) for today on account of personal reasons.

Mr. WOLF (at the request of Mr. DELAY) for today on account of knee surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mr. KING of Iowa) to revise and extend their remarks and include extraneous material:)

Mr. WHITFIELD, for 5 minutes, today and December 7.

Mr. BURTON of Indiana, for 5 minutes, today and December 7, 8, 9, and 10.

Mr. KING of Iowa, for 5 minutes, today.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the House of the following titles:

September 24, 2004:

H.R. 361. An Act to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

H.R. 3908. An Act to provide for the conveyance of the real property located at 1081 West Main Street,in Ravenna, Ohio.

H.R. 5008. An Act to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

September 30, 2004:

H.R. 5149. An Act to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005, and for other purposes.

H.R. 5183. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

H.J. Res. 107. Joint Resolution making continuing appropriations for the fiscal year 2005, and for other purposes.

October 4, 2004:

H.R. 1308. An Act to amend the Internal Revenue Code of 1986 to provide tax relief for working families, and for other purposes.

October 5, 2004:

H.R. 265. An Act to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes.

H.R. 1521. An Act to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes.

H.R. 1616. An Act to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

H.R. 1648. An Act to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District.

H.R. 1658. An Act to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

H.R. 1732. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes.

H.R. 2696. An Act to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West.

H.R. 3209. An Act to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project.

H.R. 3249. An Act to extend the term of the Forest Counties Payments Committee.

H.R. 3389. An Act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations.

H.R. 3768. An Act to expand the Timucuan Ecological and Historic Preserve, Florida.

October 6, 2004:

H.R. 4654. An Act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes.

October 13, 2004:

H.R. 4837. An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

October 16, 2004:

H.R. 982. An Act to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa.

H.R. 2408. An Act to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges and for other purposes.

H.R. 2771. An Act to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

H.R. 4115. An Act to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

H.R. 4259. An Act to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes.

H.R. 5105. An Act to authorize the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona.

October 18, 2004:

H.R. 4011. An Act to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes.

H.R. 4567. An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

H.R. 4850. An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

October 20, 2004:

H.R. 854. An Act to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

October 21, 2004:

H.R. 5122. An Act to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms.

October 22, 2004:

H.R. 4520. An Act to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad.

October 25, 2004:

H.R. 1533. An Act to amend the securities laws to permit church pension plans to be invested in collective trusts.

H.R. 2608. An Act to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes.

H.R. 2714. An Act to reauthorize the State Justice Institute.

H.R. 2828. An Act to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

H.R. 3858. An Act to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

H.R. 4175. An Act to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 4278. An Act to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

H.R. 4555. An Act to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards.

H.R. 5185. An Act to temporarily extend the programs under the Higher Education Act of 1965.

October 28, 2004:

H.R. 4200. An Act to authorize appropriations for the fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

October 30, 2004:

H.R. 712. An Act for the relief of Richi James Lesley.

H.R. 867. An Act for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan.

H.R. 2010. An Act to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.

H.R. 2023. An Act to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes.

H.R. 2400. An Act to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

H.R. 2984. An Act to amend the Agricultural Adjustment Act to remove the requirement that processors be members of an agency administering a marketing order applicable to pears.

H.R. 3056. An Act to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P.

H.R. 3217. An Act to provide to the conveyance of several small parcels of National Forest System land in the Apalachicola National Forest, Florida, to resolve boundary discrepancies involving the Mt. Trial Primitive Baptist Church of Wakulla County, Florida, and for other purposes.

H.R. 3391. An Act to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project.

H.R. 3478. An Act to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration and to reauthorize the National Historical Publications and Records Commission.

H.R. 3479. An Act to provide for the control and eradication of the brown tree snake on the island of Guam and the prevention of the introduction of the brown tree snake to other areas of the United States, and for other purposes.

H.R. 3706. An Act to adjust the boundary of the John Muir National Historic Site, and for other purposes.

H.R. 3797. An Act to authorize improvements in the operations of the government of the District of Columbia, and for other purposes.

H.R. 3819. An Act to redesignate Fort Clatsop National Memorial as the Lewis and

Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes.

H.R. 4046. An Act to designate the facility of the United States Postal Service located at 555 West 180th Street in New York, New York, as the 'Sergeant Riayan A. Tejeda Post Office'.

H.R. 4066. An Act to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes.

H.R. 4306. An Act to amend section 274A of the Immigration and Nationality Act to improve the process for verifying an individual's eligibility for employment.

H.R. 4381. An Act to designate the facility of the United States Postal Service located at 2811 Springdale Avenue in Springdale, Arkansas, as the "Harvey and Bernice Jones Post Office Building".

H.R. 4471. An Act to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996.

H.R. 4481. An Act to amend Public Law 86-434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes.

H.R. 4556. An Act to designate the facility of the United States Postal Service located at 1115 South Clinton Avenue in Dunn, North Carolina, as the "General William Carey Lee Post Office Building".

H.R. 4579. An Act to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes.

H.R. 4618. An Act to designate the facility of the United States Postal Service located at 10 West Prospect Street in Nanuet, New York, as the "Anthony I. Lombardi Memorial Post Office Building".

H.R. 4632. An Act to designate the facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, as the "Archie Spigner Post Office Building".

H.R. 4731. An Act to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program.

H.R. 4827. An Act to amend the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 to rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area.

H.R. 4917. An Act to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2005, 2006, and 2007, and for other purposes.

H.R. 5027. An Act to designate the facility of the United States Postal Service located at 411 Midway Avenue in Mascotte, Florida, as the "Specialist Eric Ramirez Post Office".

H.R. 5039. An Act to designate the facility of the United States Postal Service located at United States Route 1 in Ridgeway, North Carolina, as the "Eva Holtzman Post Office".

H.R. 5051. An Act to designate the facility of the United States Postal Service located at 1001 Williams Street in Ignacio, Colorado, as the "Leonard C. Burch Post Office Building".

H.R. 5107. An Act to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

H.R. 5131. An Act to provide assistance to Special Olympics to support expansion of Special Olympics and development of education programs and a Healthy Athletes Program, and for other purposes.

H.R. 5133. An Act to designate the facility of the United States Postal Service located at 11110 Sunset Hills Road in Reston, Virginia, as the "Murtha Pennino Post Office Building".

H.R. 5147. An Act to designate the facility of the United States Postal Service located at 23055 Sherman Way in West Hills, California, as the "Evan Asa Ashcraft Post Office Building".

H.R. 5186. An Act to reduce certain special allowance payments and provide additional teacher loan forgiveness on Federal student loans.

H.R. 5294. An Act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.J. Res 57. Joint Resolution expressing the sense of the Congress in recognition of the contributions of the seven Columbia astronauts by supporting the establishment of a Columbia Memorial Space Science Learning Center.

November 21, 2004:

H.J. Res. 114. Joint Resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

September 24, 2004:

S. 1576. An Act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

October 5, 2004:

S.J. Res. 41. Joint Resolution commemorating the opening of the National Museum of the American Indian.

October 13, 2004:

S. 1778. An Act to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes.

October 16, 2004:

S. 2292. An Act to require a report on acts of anti-Semitism around the world.

October 18, 2004:

S. 551. An Act to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other Purposes.

S. 1421. An Act to authorize the subdivision and dedication of restricted land owned by Alaska Natives.

S. 1537. An Act to direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the State of Arkansas for use as a cemetery.

S. 1663. An Act to replace certain Coastal Barrier Resources System maps.

S. 1687. An Act to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of historic sites of the Manhattan Protect for potential inclusion in the National Park System.

S. 1814. An Act to transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior.

S. 2052. An Act to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

S. 2180. An Act to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

S. 2319. An Act to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

S. 2363. An Act to revise and extend the Boys and Girls Clubs of American.

S. 2508. An Act to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse.

October 20, 2004:

S. 2895. An Act to authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights in honor of breast cancer awareness month.

October 21, 2004:

S. 33. An Act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites.

S. 1791. An Act to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes.

S. 2178. An Act to make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

S. 2415. An Act to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the "Robert J. Opinsky Post Office Building".

S. 2511. An Act to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes.

S. 2634. An Act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, and for other purposes.

S. 2742. An Act to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court.

October 22, 2004:

S. 2195. An Act to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

October 25, 2004:

S. 524. An Act to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the Fort in 1862, and for other purposes.

S. 1368. An Act to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 2864. An Act to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted.

S. 2883. An Act to amend the International Child Abduction Remedies Act to limit the tort liability of private entities or organizations that carry out responsibilities of United States Central Authority under that Act.

S. 2896. An Act to modify and extend certain privatization requirements of the Communications Satellite Act of 1962.

October 27, 2004:

S. 1131. An Act to reauthorize and improve the programs authorized by the Public Works and Economic Development Act of 1965.

S. 1721. An Act to amend the Indian land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes.

October 30, 2004:

S. 129. An Act to provide for reform relating to Federal employment, and for other purposes.

S. 144. An Act to require the Secretary of Agriculture to establish a program to provide assistance to eligible weed management entities to control or eradicate noxious weeds on public and private land.

S. 643. An Act to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes.

S. 1194. An Act to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

November 19, 2004:

S. 2986. An Act to amend title 31 of the United States Code to increase the public debt limit.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. WOLF, on Monday, November 29, 2004.

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

Mr. Trandahl, Clerk of the House, also reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4012. An act to amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 20, 2004 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 114. Making further continuing appropriations for the fiscal year 2005, and for other purposes.

H.R. 1113. To authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

H.R. 1417. To amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges.

H.R. 1446. To support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

H.R. 1964. To assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

H.R. 3936. A bill to amend title 38, United States Code, to increase the authorization of appropriations for grants to benefit homeless veterans, to improve programs for management and administration of veterans' facilities and health care programs, and for other purposes.

H.R. 4516. To require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

H.R. 4593. To establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

Jeff Trandahl, Clerk of the House also reports that on November 23, 2004 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 110. Recognizing the 60th anniversary of the Battle of the Bulge during World War II.

H.J. Res. 111. Appointing the day for convening of the first session of the One Hundred Ninth Congress.

H.R. 1047. To amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.R. 1630. To revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

H.R. 2912. To reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government.

ADJOURNMENT

Ms. WATSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 7, 2004, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11228. A communication from the President of the United States, transmitting an alternative plan for locality pay increase payable to civilian Federal employees covered by the General Schedule (GS) and certain other pay systems in January 2005, pursuant to 5 U.S.C. 5305(a)(3); (H. Doc. No. 108-237); to the Committee on Government Reform and ordered to be printed.

11229. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004 to September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11230. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11231. A letter from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's FY 2004 Performance and Accountability Report; to the Committee on Government Reform.

11232. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's Year 2004 Inventory of Commercial Activities, as required by the Federal Activities Reform Act of 1997, Pub. L. 105-270; to the Committee on Government Reform.

11233. A letter from the Acting Chairman, Merit Systems Protection Board, transmitting a report entitled "Managing Federal Recruitment: Issues, Insights, and Illustrations," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

11234. A letter from the Director of Administration, National Labor Relations Board, transmitting the Board's Performance and Accountability Report for FY 2004; to the Committee on Government Reform.

11235. A letter from the Acting Director, National Science Foundation, transmitting the Foundation's Performance and Accountability Report for FY 2004, fulfilling the requirements of OMB Bulletin 01-09; to the Committee on Government Reform.

11236. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11237. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Kelly Aerospace Power Systems B-Series Combustion Heaters Models B1500, B2030, B2500, B3040, B3500, B4050, and B4500 (formerly owned by JanAero Devices, Janitrol, C&D, FL Aerospace, and Midland-Ross Corporations) [Docket No. FAA-2004-19118; Directorate Identifier 2004-CE-25-AD; Amendment 39-13826; AD 2004-21-05] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11238. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2C10(Regional Jet Series 700 & 701), and CL-600-2D24 (Regional Jet Series 900) Series Airplanes [Docket No. FAA-2004-18993; Directorate Identifer 2004NM-125-AD; Amendment 39-13781; AD 2004-18-03] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11239. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models 190, 195 (L-126A,B,C), 195A, and 195B Airplanes [Docket No. FAA-2004-18033; Directorate Identifier 2004-CE-16-AD; Amendment 39-13828; AD 2004-21-08] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11240. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company (GE) CF6-80C2 Turbofan Engines [Docket No. 2003-NE-43-AD; Amendment 39-13835; AD 2004-22-07] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon (Beech) Model MU-300-10, 400, 400A, and 400T Series Airplanes; and Raytheon (Mitsubishi) Model Beech MU-300 Airplanes [Docket No. FAA-2004-18660; Directorate Identifier 2003-NM-161-AD; Amendment 39-13830; AD 2004-22-02] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11242. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2004-19461; Directorate Identifier 2004-NM-169-AD; Amendment 39-13833; AD 2004-22-05] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11243. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Various Transport Category Airplanes on Which Cargo Restaint Strap Assemblies Have Been Installed per Supplemental Type Certificate (STC) ST01004NY [Docket No. 2002-NM-91-AD; Amendment 39-13829; AD 2004-22-01] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11244. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-158-AD; Amendment 39-13836; AD 2004-22-08] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11245. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. Model 600N Helicopters [Docket No. 2003-SW-51-AD; Amendment 39-13840; AD 2004-22-12] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11246. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747400, -400D, and -400F Series Airplanes Equipped With General Electric (GE) or Pratt & Whitney (P&W) Series Engines [Docket No. 2002-NM-173-AD; Amendment 39-13832; AD 2004-22-04] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11247. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. FAA-2004-18582; Directorate Identifier 2003-NM-35-AD; Amendment 39-13831; AD 2004-22-03] (RIN: 2120-AA64) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 868. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–795). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia:

H.R. 5424. A bill to repeal a provision relating to privacy officers in the Consolidated Appropriations Act, 2005; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia:

H.R. 5425. A bill to amend a provision relating to privacy officers in the Consolidated Appropriations Act, 2005; to the Committee on Government Reform.

By Mr. YOUNG of Alaska:

H.R. 5426. A bill to make technical corrections relating to the Coast Guard and Maritime Transportation Act of 2004; to the Committee on Transportation and Infrastructure.

By Mr. CHANDLER:

H.R. 5427. A bill to clarify that State tax incentives for business investment in equipment and facilities are a reasonable regulation of commerce and are not an undue burden upon interstate commerce; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H.R. 5428. A bill to amend the Federal Charter of the Boy Scouts of America in title 36, United States Code, to ratify the authority of the Secretary of Defense and military installations and units of the Armed Forces to officially sponsor units of the Boy Scouts of America serving dependents of members of the Armed Forces and to make facilities of the Department of Defense available for Boy Scout meetings and activities, such as national and world Boy Scout Jamborees; to the Committee on the Judiciary.

By Mr. SOUDER (for himself, Mr. KINGSTON, Mr. SESSIONS, Mr. SMITH of New Jersey, and Mr. BONILLA):

H.R. 5429. A bill to require the National Institute on Drug Abuse to develop a meta-analysis of the available scientific data regarding the safety and health risks of smoking marijuana and the clinically-proven effectiveness of smoking marijuana for medicinal purposes, and to require the Food and Drug Administration to promptly disseminate the meta-analysis; to the Committee on Energy and Commerce.

By Mr. WICKER (for himself, Mr. DUNCAN, Mr. GIBBONS, Mr. SIMPSON, Mr. BARTLETT of Maryland, Mr. OTTER, Mr. PICKERING, Mr. HAYES, Mr. GILLMOR, Mr. ROHRABACHER, Mr. MARIO DIAZ-BALART of Florida, Mr. TANCREDO, Mr. MURPHY, Mr. SESSIONS, Mr. GARRETT of New Jersey, Mr. RYUN of Kansas, Mr. TAYLOR of Mississippi, Mr. FRANKS of Arizona, Mr. SAM JOHNSON of Texas, Mr. FEENEY, Mr. GOODE, Mr. BURNS, Mr. NEUGEBAUER, Mr. MCCOTTER, Mr. ROGERS of Michigan, Mr. JENKINS, Mr. CULBERSON, Mr. BOOZMAN, Mr. PAUL, Mr. WAMP, Mr. DOOLITTLE, Mr. CAMP, Mrs. MYRICK, Mr. SHERWOOD, Mrs. JO ANN DAVIS of Virginia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MANZULLO, Mr. FORBES, Mr. HAYWORTH, Mr. BARRETT of South Carolina, Mr. PITTS, Mr. GINGREY, Mr. SCOTT of Georgia, Mr. CHABOT, Mr. WELDON of Florida, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. PENCE, Mr. DEMINT, Mr. CANTOR, Mr. BISHOP of Utah, Mr. ADERHOLT, and Mr. GOODLATTE):

H. Res. 869. A resolution expressing the sense of the House of Representatives that due to the allegations of fraud, mismanagement, and abuse within the United Nations oil-for-food program, Kofi Annan should resign from the position of Secretary General of the United Nations to help restore confidence that the investigations into those allegations are being fully and independently accomplished; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 742: Mrs. DAVIS of California.

H.R. 880: Mr. GEORGE MILLER of California.

H.R. 962: Mr. STRICKLAND.

H.R. 1117: Mr. OSBORNE.

H.R. 1508: Mr. MCDERMOTT.

H.R. 1563: Mr. SMITH of New Jersey, Mr. WEINER, Mr. LANTOS, Mr. DOGGETT, Mr. DOYLE, Ms. SOLIS, and Mr. STARK.

H.R. 3063: Mr. ABERCROMBIE and Mr. ANDREWS.

H.R. 3194: Mr. MOORE.

H.R. 3285: Mr. FRELINGHUYSEN.

H.R. 3539: Mr. PAYNE and Mr. BACA.

H.R. 3881: Mr. BACA.

H.R. 4271: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 4491: Mr. KINGSTON and Mr. KING of Iowa.

H.R. 4970: Mr. ANDREWS.

H.R. 5000: Mr. SESSIONS and Mrs. DAVIS of California.

H.R. 5132: Mr. CUMMINGS.

H.R. 5236: Mr. MCCOTTER.

H.R. 5244: Mr. BISHOP of Georgia.

H.R. 5261: Mr. PETRI.

H.R. 5296: Mr. NEAL of Massachusetts.

H.R. 5410: Mr. CLAY and Mr. GEORGE MILLER of California.

H. Con. Res. 213: Mr. WEINER and Mr. BUTTERFIELD.

H. Con. Res. 521: Mr. KING of New York.

H. Con. Res. 530: Mr. MENENDEZ.

H. Res. 528: Ms. MCCARTHY of Missouri.

H. Res. 746: Mr. ANDREWS.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. GRAVES. Mr. Speaker, on Saturday, November 20, 2004, I was unavoidably detained and thus missed rollcall votes Nos. 541 and 542. Had I been present, I would have voted "yea" on rollcall No. 541, H.R. 5382, the Commercial Space Launch Amendments Act; and "yea" on rollcall No. 542, H.R. 4818, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005.

IN HONOR OF JOHN D. WEBSTER ON THE OCCASION OF HIS RETIREMENT

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. KINGSTON. Mr. Speaker, I rise today to recognize John D. Webster, who is retiring from his post as Chief Financial Officer of the Library of Congress on January 3, 2005.

As chairman of the Subcommittee on Legislative Appropriations, I know that I speak not only for myself, but also for all the members of the subcommittee and clerks in thanking John Webster for his service to the Library and to the United States Congress.

John leaves a legacy of dedication, the highest principles of financial management and reporting, a highly professional and devoted staff, and an enviable record of eight consecutive unqualified audit opinions on the Library's financial statements. We on the subcommittee are equally grateful for John's groundbreaking work as co-founder and co-chairman of the Legislative Branch Financial Managers Council. We have benefited from John's testimony and appearance before this subcommittee on behalf of the Council.

John has served as the Library's chief liaison and representative to this subcommittee since 1996. He has worked hard—and often at inconvenient times including nights and weekends—to ensure that the subcommittee and its clerks had the information and understanding needed to complete appropriations work on the Library's complex budget. Both before and during my tenure, the Library has achieved major budget milestones—support for collections arrearage reduction, collections security, an integrated library management system, storage modules at Ft. Meade, the National Audio-Visual Conservation Center, the National Digital Library, the Digital Talking Book Program for the Blind and Physically Handicapped, the alternate computer facility and National Digital Information Infrastructure and Preservation Program. John was keenly aware that each of these projects was a high priority for the Librarian of Congress, Dr. Billington, and John ensured that the subcommittee understood these priorities as well as the complex financial underpinnings needed to appropriate funding requisite to their realization.

John Webster has served the Library for 15 years. He was named CFO in 2003, having been honored in 2000 as the recipient of the National President's Award by the Association of Government Accountants. As Chief of the Financial Management Office at the Library, and later CFO, John achieved not only Dr. Billington's goals but his professional commitment to modern, integrated financial systems that serve all customers—internal and external—with trust, confidence, and integrity. He leaves a powerful legacy in the Legislative Branch, one that we collectively applaud and hopefully can emulate. We wish John the best as he retires after a difficult year—losing his beloved wife Gloria and his only brother. His dedication to his work never failed even in light of terrible personal tragedies. His hard work, dedication, and expertise will be sorely missed.

IN HONOR OF DR. HENRY (HARRY) MONIBA

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. SMITH of Michigan. Mr. Speaker, it is with sadness that I rise today in honor of Dr. Henry (Harry) Moniba, former Vice President of Liberia. Dr. Moniba died suddenly on November 23, 2004, as a result of an automobile accident.

He was born in Liberia on October 22, 1937. Dr. Moniba earned a Bachelor of Science degree in Secondary Education in 1964, a Masters degree in Secondary Education from SUNY, participated in a post-Masters program in International Relations and European Studies at NYU, and as a Fulbright Scholar, earned a Ph.D. in International Relations and African Studies at Michigan State University.

He began his professional career as an educator. A strong believer in the power of a good education, Dr. Moniba once stated: "If you think education is expensive, then, try ignorance". He served in various capacities in the education field, from classroom teacher to Director of Research at the Ministry of Education in Monrovia, Liberia.

Dr. Moniba had a long and distinguished career in public service. He served as First Secretary and Consul for the Embassy of Liberia in Washington, D.C., and Ottawa, Canada from 1976–1980; from 1981–1984, he served as Assistant Minister of Foreign Affairs for European Affairs, Liberia; he was the Ambassador Extraordinary and Plenipotentiary of the Republic of Liberia, to the Court of St. James in London, England, the Vatican, and the Sovereign Military Order Malta, in Rome from 1981–1984. In 1984, he was appointed Vice President of the Interim National Assembly Government of Liberia, and in 1985, elected to the office of Vice President of Liberia. In 1994, he was awarded the Human Rights Award from the Liberian Human Rights Chapter.

Dr. Moniba loved his country, and worked tirelessly to establish peace and prosperity for Liberia. He understood well the true role of a politician in a democratic society, and said: "The objective of the good politician cannot, therefore, be the acquisition of power for its own sake or at and cost. What he wants is a healthy political environment in which he and his fellow citinens can lead a fulfilling life." At the time of his death, Dr. Moniba was one of the leading candidates for the 2005 Liberian presidential eption.

I join his family and his many admirers throughout the world in mourning his passing. May his tireless commitment to his homeland and the advancement of peace and democracy in Liberia stand as a timeless memorial to him. May God bless him and his family, and may he rest in peace.

RECOGNIZING BRAD KNIPP FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brad Knipp of Blue Springs, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Brad has been very active with his troop, participating in many scout activities. Over the many years Brad has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Brad Knipp for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN RECOGNITION OF PAUL W. CARUSO

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor Stanislaus County Supervisor Paul W. Caruso, as he will be retiring on January 1, 2005 as Supervisor of District 5 of the Stanislaus County Board of Supervisors.

Paul W. Caruso was born on June 20, 1947 in San Jose, California. When Paul was two months old, he and his family moved to Stanislaus County, California where he has resided for the past 57 years. Paul attended local schools including Modesto Junior College and California State University, Stanislaus. He served in the California National Guard from 1967 through 1973 earning the rank of Staff Sergeant.

Supervisor Caruso and his wife, Sharon, continue to reside in Stanislaus County, where they raised their daughter Amanda who is a recent graduate of California State University, Stanislaus. Paul's involvement in the community throughout the years has been extensive, serving as a member, charter member, or Past President of the Ceres Chamber of Commerce, the Salvation Army Modesto Corps and Red Shield Board of Directors, and the Ceres Rotary Club. He has served as Chairman or Past President of the Stanislaus County Council of Governments, the San Joaquin Valley Regional Association of California Counties, and Mountain Valley Regional EMS, among many others. Paul is also the President and CEO of Caruso Shopping Center, Inc. which was built in 1951.

Prior to his election to the Board of Supervisors, Paul was elected to the Democratic Central Committee in 1976. In 1984 he served as Fire Commissioner to the Industrial Fire Protection District until 1987 when he was elected to the Ceres City Council. It was in November of 1990 that Paul W. Caruso was first elected as Supervisor for District 5, of the Stanislaus County Board of Supervisors. He has since served as Chairman of the Board in 1995, 2000 and 2004.

Supervisor Paul W. Caruso has had a remarkable career in public service that has been recognized on many occasions. He received the 2001 VFW Modesto Post 3199 Man of the Year Award, the Ceres Chamber Honorary Life Member Award in 1989, Rotarian of the Year Award in 1986 and 2000, Ceres Citizen of the Year 1985, and the Rotary International Paul Harris Fellow Award in 1985, among many others.

Throughout the years, Paul has certainly distinguished himself as a leader and dedicated member of the community. Mr. Speaker, it is my honor and privilege to congratulate Supervisor Paul W. Caruso upon his retirement and thank him for his outstanding service to Stanislaus County.

TRIBUTE TO RON EAGLIN

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to a dedicated advocate of academic excellence, Mr. Ron Eaglin. After serving more than 12 years as president of Morehead State University, President Eaglin is retiring and embarking on a new stage of life. I want to express my deepest gratitude for his many contributions.

President Eaglin has led a distinguished career in academia, playing a critical role in improving the lives of countless students from across my congressional district in Southern and Eastern Kentucky. Under his leadership, Morehead State University has taken great strides forward and garnered national recognition as one of the top public regional universities in the South.

During President Eaglin's tenure, the University opened two regional campuses, worked toward the creation of Kentucky's first online degree program, created the Space Science Center, and developed only the fourth space science bachelor's degree in America. MSU also achieved its highest enrollments in the school's 117-year history, peaking at 9,509 in the fall of 2003. Through his tireless efforts, the school's institutional endowment rose from $500,000 to $25 million. He's also overseen $75 million in capital construction projects, which have greatly enhanced MSU's campus. These are just a few of President Eaglin's many accomplishments.

Mr. Speaker, I want to thank President Ron Eaglin for the time and effort he has invested in the lives of students in Kentucky, and for his friendship throughout the years. Although his days with Morehead State University are drawing to a close, I know his contributions will live on for many years to come. I want to wish him and his family all the best for this new chapter in life.

IN MEMORY OF SUSAN P. GORMAN

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. CASTLE. Mr. Speaker, I rise today to honor and pay tribute to the life of Mrs. Susan P. Gorman, who passed away on Wednesday, November 17, 2004, at the Veterans Hospital in Elsmere, Delaware.

Sue Gorman was born in Bally James Duff, County Cavan, Ireland. After her family moved to Delaware, she attended Wilmington High School, and was a 1944 graduate of the Wilmington General Hospital School of Nursing. She also attended St. John's University and the University of Pennsylvania.

Sue was a dedicated and hard-working registered nurse for the Wilmington Hospital for nearly four decades. Sue Gorman also heard the call of her adopted country and joined the nascent Army Nursing Corps in 1944, serving in the Asian and Pacific Theaters at the 108th General Hospital in Tinian during World War II. The battle against the Japanese Empire in the Pacific saw some of the most brutal fighting of the entire war and, but for the skill and dedication of nurses like Sue Gorman, the mortality rate for American servicemen would have been much higher.

We now recount the names of the Pacific battles—Guam, Iwo Jima, Okinawa, Leyte Gulf—as if the American victory was simple and assured. At the time, of course, victory was not assured and the men and women who served know that it was anything but simple. Sue Gorman was one of those women and, like the other brave nurses in the Army Nurse Corps, her contributions to the war effort and our enduring freedom will never be forgotten.

Sue Gorman was a member of the Wilmington High School Alumni Association, the Cathedral of St. Peter, the Wilmington Republicans Women's Club and a charter member of the Irish Culture Club. She enjoyed Irish music and dance and spending time with her grandchildren and great grandchildren.

We are a better nation, a better people because of brave and strong women like Sue Gorman. She deserves our utmost respect, and appreciation.

RECOGNIZING ERIC SHUPE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Eric Shupe of Independence, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 82, and in earning the most prestigious award of Eagle Scout.

Eric has been very active with his troop, participating in many scout activities. Over the many years Eric has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Eric Shupe for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF BERNICE BROSIOUS ON THE OCCASION OF HER RETIREMENT

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. KINGSTON. Mr. Speaker, I rise today to honor Bernice Brosious, who is retiring this month from her post as Associate Administrator for Finance for the Chief Administrative Office of the U.S. House. She had a long career of public service and deserves our thanks and admiration.

In 1979 Bernice began her career in government at the General Services Administration. Service at the Defense Investigative Service, the Department of Agriculture, and the Federal Aviation Administration followed as she honed her financial skills before bringing her expertise to the House in 1998 as Director of Accounting for the Chief Administrative Officer. In 2001 she became the Associate Administrator for Finance. Over the years, Bernice's outstanding customer service, organizational knowledge, resourcefulness and her leadership on numerous initiatives have benefited countless Members and staff.

Among her many other achievements, Bernice was instrumental in obtaining the House's first clean audit opinion for calendar year 1998 and for maintaining this clean opinion every year since. Over the past seven years Bernice has also been instrumental in moving the House from an ancient paper ledger accounting system to the imminent introduction of a 21st century state-of-the-art financial management system.

On behalf of the entire House community, we extend congratulations to Bernice for her many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Bernice many wonderful years in fulfilling her retirement dreams.

Mr. Speaker, Bernice will be very hard to replace. She has tirelessly served this institution and the American people, and we will miss her dearly.

HONORING THE LUMEN CHRISTI TITANS

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. SMITH of Michigan. Mr. Speaker, football is a great American tradition. In Michigan, this tradition is personified by the Lumen Christi Titans, who on November 27, 2004, won their 7th State Championship Title at the Pontiac Silverdome in Pontiac, Michigan.

I rise today to honor the 2004 Lumen Christi Titans: Tyler Aldridge, Josh Badall, Alex Belfey, Eddie Bellers, Michael Berkemeier, Andrew Biskupski, Mike Blair, Blake Brannick, Patrick Brogan, Corey Burris, Mike Calderone, B.J. Carter, Conor Coffman, Daniel Coolbaugh, Blake Davis, Trevor Elinski, Eric Ewing, Andy Flippo, Ken Gallant, Golden Gibson, Ben Gier, John Gurriero, Evan Hagan, Andy Horning, Luke Jarzynka, Corey Johnson, Kyle Johnstone, Doug Karasek, Guy Kennedy, Brent Kuntz, Stephen Kutyna, Ryan LaMarre, Mark Lathers, Marty Lozier, Nick Lefere, Dan Lusty, Nick Maes, Joe Marcantel, Trevor Markovich; Sean Miller, Tyler Moran, Josh McCormick, Ben Neville, Tony Panici, Michael Patchak, Brad Polnasek, Ken Powers, Marc Powers, Ryan Powers, Joe Putra, John Riley, Phil Riley, Kent Richardson, Sean Richardson, Michael Risner, Jon Ryan, Jeremy Sauter, Brent Schaefer, Corey Skinner, Abram Soper, Alex Soper, Kyle Strong, Kelly Thompson, Sean Thompson, Brandon Vinson, Derek Walker, Mark Warfield, Chris Weeks, Matt Weeks, Terrell Willis, Terrence Willis, Jeff Wojtusik; Managers Coley Crowley and Christopher Gaddy, Trainer Todd Sparks and Assistant Trainer Sarah Duffey.

These fine young men were coached by Head Coach Herb Brogan, and Assistant Coaches Mike Armeli, Sean Brogan, Ken Dillon, Ted Cole, Dick Corser, Dan Crowley, Jason Idziak, Pete Lefere, Joff Marcantel, Matt Reesor, Frank Slaby, Tim Sullivan, Jerry Sykes, Mike Tash, and Joe Williams.

Led by Team Captains Doug Karasek, Luke Jarzynka, and B.J. Carter, these 72 young men worked diligently throughout the season to achieve this laudable goal. Despite a difficult start to the season, the Titans continued to work as a team and won 9 consecutive games to win the title. The Titans have been Division V State champs four of the last five years, and have won three of those titles with no points scored against them. The Titans are the only team in Michigan that has won more than six State titles without losing a single State championship title game.

This honor is also a testament to the parents, students, and community who have supported and influenced this team and this program throughout the years. I am proud to join with their many admirers, friends and fans in extending my highest praise and congratulations to the 2004 Lumen Christi Titans for their outstanding football season.

IN RECOGNITION OF PAT PAUL

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor Stanislaus County Supervisor Pat Paul, as she will be retiring on January 1, 2005, as Supervisor of District 1 of the Stanislaus County Board of Supervisors.

Pat Paul was born and raised in Washington, DC. In 1965 she obtained her bachelor of science degree from East Carolina University in Greenville, North Carolina, and began teaching at John F. Kennedy High School in Rockville, Maryland. She continued her education at Adelphi University, Long Island, New York, earning her masters degree in 1972. Just 4 years later she obtained her administration credential from California State University, Stanislaus. In 1975 Pat arrived in Stanislaus County, California and in the years following she taught at Oakdale High School, Modesto City Schools, Modesto Junior College and Beyer High School.

Supervisor Pat Paul began her career in public service as a member of the Oakdale City Council in 1980 and served as vice-mayor for the city in 1982. Then in 1989, Pat Paul became the first woman ever to be elected to the Stanislaus County Board of Supervisors. She served as chair of the board in 1992, 1996 and 2001.

Supervisor Paul's exceptional leadership and commitment to the community has been recognized on many occasions throughout her career, as she has received numerous awards for her outstanding service. Over the years Pat has been honored with the Department of Defense Teacher of the Year Award, the Outstanding Woman of Stanislaus County Award, the Soroptimist International Women Helping Women Award and many others. In addition, Pat has also served on various commissions and boards including the Stanislaus County's Children and Families First Commission, the California State Workforce Investment Board, and the San Joaquin Valley Water Coalition and Executive Board.

It is my honor and privilege to join the community in recognizing Supervisor Pat Paul for her extensive dedicated service to the citizens of Stanislaus County. Throughout her career, she has distinguished herself as a leader, educator, and member of the community. I am delighted to congratulate Supervisor Pat Paul upon her retirement and thank her for her outstanding service to Stanislaus County.

HONORING JEFF AND RACHEL LANCE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause today to recognize two outstanding constituents of Missouri's Sixth Congressional District: Jeff and Rachel Lance. Jeff and Rachel will celebrate their 25th wedding anniversary on December 1, 2004.

Jeff and Rachel first met in the spring of 1979, when Rachel was working in a grocery store bakery that Jeff frequented. They soon fell in love, and were married December 1, 1979. On May 11, 1983 the Lance family grew as Jeff and Rachel welcomed their son Joshua into the family. Their daughter Kristen followed to complete the family on July 28, 1989. Today, Joshua is a senior at the University of Missouri-Kansas City and will graduate with a business degree next year and Kristen is a sophomore at Liberty High School. The Lance family has regularly attended Pleasant Valley Baptist Church since the early 1990s, and I know Joshua and Kristen feel fortunate to be raised in a Christian home by such fine parents.

Mr. Speaker, I ask you to join me in commending Jeff and Rachel Lance on their 25th wedding anniversary. Jeff and Rachel truly exemplify the qualities of commitment and dedication, and I am honored to call them my constituents and represent them in the United States House of Representatives.

IN RECOGNITION OF THE VALOR OF CLAY R. KING

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. BURGESS. Mr. Speaker, it is my honor to stand before you today and recognize Clay R. King for his dedicated service as a Transportation Security Screener at Dallas/Fort Worth International Airport located in my district. As a frequent traveler, I am thankful for the bravery and sacrifice provided by individuals like Mr. King.

This year, Clay King was named the Transportation Security Administration's DFW "Screener of the Year" for his extraordinary performance while serving as both a Transportation Security Screener and as a Lead Transportation Security Screener.

Clay King's valor, professionalism and dedication to the TSA mission was recognized by his subordinates, his peers, TSA/DFW staff and myself. Mr. King's commitment to security is not just part of his job but a part of his life as evidenced by a recent event where his knowledge and skills in emergencies was needed.

While driving to work on March 7, 2004, he noticed an automobile that was engulfed in flames. Without hesitation, he pulled over to render aid. As he approached the burning car, he saw a man, unconscious and trapped, on the driver's side of the car. Lacking regard for his own safety, Clay King opened the door and wrestled the driver out of the burning wreck. By doing so, he singed his right hand in the rescue for the flames had already reached the interior of the car and the passenger's pant legs were on fire. Due to Clay King's heroic actions, this person is alive today. From the accident scene, Clay King had the wherewithal to call into his supervisor and notify him that he would be late. After arriving at work, he asked if he could return home to shower and change uniforms as he felt he didn't look professional. Although he was granted the rest of the day off, he declined stating he wanted to complete his shift. Those that have had the opportunity to speak with Clay King about the incident convey that he is extremely humble about his courageous actions. In fact, he has stated that anyone would have done the same thing under the same circumstances.

I believe that Clay King's professionalism should be emulated and his heroism honored here today on the floor of the United States House of Representatives. I rest easier knowing that Mr. King is watching out for all of us, everywhere.

IN HONOR OF POLLY E. HODGES ON THE OCCASION OF HER RETIREMENT

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. KINGSTON. Mr. Speaker, I rise today to honor Polly E. Hodges, who is retiring on January 7, 2005 from her post as Chief Financial Officer of the Congressional Budget Office. I would like to take this opportunity to thank her for her service to CBO and to the Congress.

Polly was born and raised in Arkansas. She began her postsecondary studies at Hendrix College but obtained her bachelor's degree in accounting and business, cum laude, from San Antonio's Trinity University. Soon afterward, she earned the Certified Public Accountant designation and honed her professional skills at Tenneco, where she rose to the position of senior auditor. After a brief flirtation with the idea of medical school, she became chief accountant to Jacuzzi Brothers, Inc., and then joined CBO's staff on December 21, 1981.

Polly began her career at CBO as Finance and Budget Officer and was later named its Chief Financial Officer. For 23 years, she has overseen the office's budgetary and financial affairs and provided sound financial counsel to each of its six Directors. Polly has played a major role in developing and executing CBO's annual budgets, working closely with its management and with staff of the House and Senate Appropriations Committees. Even during a period of tight budgets—not normally a situation relished by budget officers—Polly was proud to assist Appropriations Committee staff in crafting report language that proved useful in leading the legislative branch through potentially painful funding reductions.

Polly's service to the Congress has extended beyond the confines of CBO—she was a founding member of the legislative branch's Financial Management Council and continues to provide that organization with thoughtful counsel.

Throughout her years as a public servant, Polly's command of financial methods and management and her professional and personal integrity have enriched both CBO and the Congress. Thank you, Polly, for your dedication and service, and we wish you well in your retirement.

HONORING MR. JACK MERKEL

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor the 2004 Chelsea Area Citizen of the Year, Mr. Jack Merkel. A lifelong resident of Chelsea, Jack Merkel has dedicated his life to the betterment of his community. Mr. Merkel is a respected business owner, community leader, husband, father, and grandfather.

He has served on countless boards and commissions throughout his life, including the Chelsea Village Council, Mayor of Chelsea, Chelsea Community Hospital, Silver Maples of Chelsea, Chelsea Area Chamber of Commerce, Chelsea City Charter Commission, and is an active member of St. Mary's Catholic Church. A distinguished businessman, Jack and his brother, Bob, owned and operated Merkel's Furniture, a Chelsea landmark, for 46 years.

Mr. Merkel was the leader of the Chelsea Cityhood initiative. Over 12 years, he provided tireless leadership, focus, and support to the project, which culminated in a City Charter first approved by the State of Michigan and approved by the residents of Chelsea in March of 2004.

On behalf of the Congress of the United States of America, I am proud to honor Mr. Jack Merkel for his commitment to family and community, and his dedication to improving his hometown. We commend him for his selfless service to others, and honor his contributions to his community.

RECOGNIZING NICHOLAS JOHN ROPCHOCK FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nicholas John Ropchock of Blue Springs, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 603, and in earning the most prestigious award of Eagle Scout.

Nicholas has been very active with his troop, participating in many scout activities. Over the many years Nicholas has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Nicholas John Ropchock for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

NEW RULES APPROVED BY THE PCAOB

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. SWEENEY. Mr. Speaker, under the Sarbanes-Oxley Act (Section 106(a)) any foreign accounting firm that audits an issuer of securities in the United States capital markets shall be subject to the same regulatory framework applicable to domestic accounting firms. The Act requires that foreign audit firms must adhere to the same rigorous standards applicable to domestic firms.

Sarbanes-Oxley also established the Public Company Accounting Oversight Board (PCAOB) and directs them to conduct a continuing program of inspections of registered public accounting firms and to investigate alleged violations of the Act, related securities laws, and auditing and related professional practice standards.

The PCAOB recently approved rules under which non-U.S. regulators would be permitted to fulfill the inspection and enforcement mission of the PCAOB if the non-U.S. regulator is judged by the PCAOB to be sufficiently independent and rigorous. What concerns me is that the PCAOB might allow the Canadian Public Accountability Board to fulfill this mission. This would be a serious mistake.

The PCAOB in looking at its own structure and mission identified five factors as bearing upon the independence and rigor of the non-U.S. regulatory systems: (1) The adequacy and integrity of the non-U.S. system; (2) the system's source of funding; (3) the system's independence from the accounting profession; (4) the system's transparency; and (5) historical performance.

The first looks at the system's authority to inspect, investigate, sanction and enforce professional standards of the accounting profession.

The second assesses the accounting profession's authority over the governance and operation of the non-U.S. regulatory system. How many accountants have decision making authority? Are they appointed by government? Does the government or the accounting profession hold removal power?

The third implicates the accounting profession's control over the system's source of funds.

The fourth on transparency requires open rule making procedures and periodic reporting to the public.

With respect to historical performance—if the system is new the PCAOB will not consider this factor.

Consequently, any decision by the PCAOB to rely on a specific non-U.S. regulator should require that they pass these minimum tests. The Canadian Public Accountability Board fails these tests.

The Canadian Public Accountability Board has no direct statutory authority. It has no oversight mechanism, no transparency, and no public interest accountability. It is subject to the whims of its membership and its governing structure is comprised primarily of accountants. Most importantly, the source of funding for the Canadian Public Accountability Board is in fact the accounting industry itself.

As the PCAOB moves toward granting reciprocity to foreign organizations to help enforce Sarbanes-Oxley the Congress will be watching to make certain that the interests of the American investors and the integrity of the U.S. financial sector are protected.

IN MEMORY OF NEW YORK CITY FIREFIGHTER AND ARMY NATIONAL GUARD SERGEANT CHRISTIAN ENGELDRUM

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. CROWLEY. Mr. Speaker, I rise in sadness to pay homage and tribute to the life and memory of New York City Firefighter and Army National Guard Sergeant Christian Engeldrum of Edgewater Park, the Bronx, New York, who died serving his country in Iraq on November 29, 2004.

Mr. Engeldrum was a proud member of the New York City Fire Department, most currently serving at Ladder Company 61 in Co-op City in the Bronx.

Sargeant Engeldrum's service to our Nation began in 1986 when he joined the U.S. Arrny and later served with distinction in Operation Desert Storm. During his tenure in the Army, Sergeant Engeldrum earned numerous accolades for his service including the Southwest Asia Service Medal with Bronze Service, Army Service Ribbon, National Defense Service Medal, Army Lapel Button, Sharpshooter Badge, Parachutist Badge, Army Good Conduct Medal, Army Achievement Medal and the NCO Professional Development Ribbon.

Upon completion of his military service, Sergeant Engeldrum joined the New York City Police Department, and, after successfully completing the Fire Academy in 1999, joined the Fire Department. He was assigned to Engine Company 89 in the Bronx. Moving through numerous fire stations Engeldrum was ultimately placed with Ladder Company 61 in the Bronx. His career in the Fire Department was as distinguished as his career in the Army, including his company's successful rescue of two civilians at a fire.

Among his many accomplishments, Firefighter Engeldrum was also one of the first people to raise an American flag over Ground Zero after September 11, 2001. The events he witnessed that horrible day spurred him to reenlist into the Army to fight for our Nation overseas and ensure our protection here at home. He was deployed to Iraq in November, 2004.

While he left a wife and two growing sons behind, he volunteered so they could live in a safer country, a better world. Tragically, on November 30, he paid the ultimate price for his love of family and country when a roadside bomb exploded near his convoy outside of Baghdad. Firefighter Engeldrum was the first New York City firefighter to die in service to his Nation in Iraq.

Christian Engeldrum is survived by his wife, Sharon who he met as a teenager selling Christmas trees at Engeldrum's Gas Station in the Bronx, as well as two sons, Shaun and Royce. Additionally, to make this sad occasion far more heartbreaking, his wife is now expecting another child. While this child will never get to know his father, may he always know that his father did not die in vain, but died to ensure the world this child is born into is one of safety, justice for all and free of terror. Christian was a patriot, and he loved this country, and died protecting it. Our City and our Nation owe him a true debt of gratitude.

IN HONOR OF THE 63RD ANNIVERSARY OF PEARL HARBOR DAY, DECEMBER 7, 2004

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. KINGSTON. Mr. Speaker, December 7, 2004, marks the anniversary of the attack on Pearl Harbor, Hawaii, a day, which like September 11, 2001, Americans will remember forever.

As the sun came up over the Pacific paradise of Oahu, Hawaii, on that Sunday morning in 1941, U.S. Navy Mess Attendant 1st Class Doris "Dorie" Miller should have been preparing the morning meal but never made it to the mess. Instead, he manned a machine gun on the deck of the U.S.S. *West Virginia*, and successfully shot down several enemy planes. Miller was awarded the Navy Cross for gallantry and continued to serve on active duty. On the morning of Nov. 24, 1943, Miller died when an explosion sank the U.S.S. *Liscome Bay* (CVE-56). Today, many Boys Clubs are named for U.S. Navy Mess Attendant 1st Class Doris Miller.

Since the Revolutionary War, the United States had rarely been attacked. Both Norfolk and Washington were threatened during the War of 1812. During the Spanish American War, port cities along the East Coast stood at high alert against possible attacks by Spanish forces sailing from Cuba. And 60 years after Pearl Harbor, our Nation was deliberately attacked by terrorist evil doers who wanted to do nothing more than kill innocent people—arguably in the hopes that it would scare freedom loving people into isolation.

During Pearl Harbor, many Americans, including some military commanders, had come to consider U.S. lands immune from enemy invasion. That feeling of immunity ended on the morning of December 7, 1941, when the Japanese Navy attacked the island of Oahu, Hawaii in two massive waves of carrier-based warplanes.

Sixty years later, many Americans felt immune once again, especially after the end of the Cold War. But, as terrorist-driven jet liners pounded into the Twin Towers and the Pentagon, with a fourth plane falling out of the sky in rural Pennsylvania, we were reminded that history does indeed repeat itself—we are never immune from those who want to perpetuate evil.

The 2-hour Japanese attack sank 21 Navy ships, destroyed 185 military planes and killed 2,290 military personnel at bases throughout Hawaii, along with 48 civilians. Japan lost 29 planes and five midget submarines. The hull of the sunken U.S.S. *Arizona* became a tomb for 1,103 U.S. sailors.

From the death and destruction in the aftermath of the attack on Pearl Harbor rose a resolve to duty on the part of the American people that would culminate on September 2, 1945, with the surrender of Japan. And today, the American people share the same resolve—an undying commitment to defeat the evil of terrorism. History will repeat itself. We will prevail.

HONORING JOHN AND JULIA KOMAI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor John and Julia Komai of Jackson, Michigan.

Born in Liberia, both John and Julia have dedicated their lives to improving the plight of Liberians and restoring peace and democracy to Liberia.

John first came to the United States in the 1950's to attend Spring Arbor High School and later Spring Arbor College. He completed degrees at Greenville College in Greenville, Illinois; Chicago State University in Chicago, Ill; McCormick Theological Seminary in Chicago, Illinois; and Loyola University Graduate School of Education. An ordained Presbyterian Minister, Dr. Komai was Pastor-at-Large and Supervisor of Missions for the Community Presbyterian Church in Libera, as well as Founder and President of Jobai International Development Corporation to support mission development. In 1984, Dr. Komai was appointed to the Ministry of Education, and served as the Director of the World Bank and African Development Bank education projects for the Republic of Liberia.

Born in Zlehtown, Liberia, June 7, 1947, Julia grew up there and in Monrovia. A strident and outspoken believer in the dignity of all people, she was jailed as a political prisoner in 1979 for speaking out against human rights abuses committed by then-President William Tolbert. She was freed in 1980 when Samuel Doe came to power. Julia served as the Assistant Director of the African Unity Conference Center from 1982 to 1990. She and John fled Liberia during the coup-de-etat of 1989, walking 300 miles to reach Sierra Leone, surviving on grass and sleeping wherever they could.

Julia passed away suddenly on November 23, 2004 in an automobile accident. She will be forever remembered for her generous spirit and enthusiasm for life. In the face of hardships most Americans cannot begin to imagine, she persevered. Hers is a story of hope and boundless optimism, of dedication to ideals greater than herself. She loved her native land and hoped to return there someday.

I am proud to join the many friends and admirers of John and Julia Komai in recognizing their dedication to the restoration of peace and democracy to their homeland of Liberia. I extend my condolences to Julia's family and friends. May she rest in peace, and may her memory live on in those whose lives she touched.

RECOGNIZING ANN SCHLUETER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ann Schlueter, a dedicated member of my congressional staff who will be leaving my office on November 30, 2004. Her work ethic, professionalism, and dedication to Missouri's Sixth Congressional District will be sadly missed. I consider myself fortunate though, because Ann will soon start a new career as Atchison County Economic Developer, which means that my home county will continue to benefit from her expertise and commitment to service.

Ann has been affiliated with my office for over three years now, and has held just about every position available. She began her service as an intern in my Liberty, Missouri district office in 2001, and since then has held the positions of caseworker, scheduler, and field representative among others. In January of 2003, she began working in my Saint Joseph, Missouri district office and I know her colleagues there will miss her just as much as I will. While she excelled at every task, in my mind the highlight of Ann's tenure on my staff was her organization of the Tarkio Fly-In on June 5, 2004.

Ann has also excelled outside of the office. She is a graduate of Tarkio High School and the University of Missouri—Columbia. Ann and her husband Matt currently reside in my hometown of Tarkio with their son Aaron, who was born in 2003.

Mr. Speaker, I proudly ask you to join me in commending Ann Schlueter for her many important contributions to myself, my staff, and Missouri's Sixth Congressional District. Ann exemplifies the qualities of dedication and service and I am extremely proud of her accomplishments. While she is leaving my congressional staff, I am proud that I will still be able to represent her in the United States Congress.

CONGRESS SHOULD NOT ABUSE TAXPAYER PRIVACY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise today in complete support of the unanimous consent agreement to strike the FY '05 omnibus spending bill provision that would allow congressional staff and appropriators access to individual tax returns. But I must point out that Congress has made a similar mistake by dropping from the same bill a House amendment advocated by Representative CAPITO and me, that would have prevented 2.6 million tax returns a year to be turned over to private contractors for the purposes of tax collection. While Congress is attempting to correct what is clearly a bad idea to allow congressional staff and Members of Congress to peruse individual tax returns, taxpayers are also vulnerable to potential abuses of tax return disclosure through private debt collection agents.

Prior to the 2004 election, Congress enacted H.R. 4520, the corporate tax bill that will give the IRS private tax collection authority. The enacted language allows the IRS to use private collection agencies to collect tax debt. This means that up to 2.6 million tax returns—which are currently only scrutinized by federal government employees—will now be open to at least 10 private collection agencies within the first 6 months, and an untold number of private debt collection staff.

While IRS employees are explicitly forbidden from being evaluated on the basis of revenue collected, the private collection scheme would actually link contractor pay to the amount of revenue collection. This policy encourages contractors to use aggressive collection techniques to boost their remuneration. Furthermore, the IRS is currently liable for damages to a taxpayer resulting from the misuse of confidential information by an IRS employee, but taxpayers will not be able to recover damages from the federal government where contractors are guilty of malfeasance.

What's more worrisome is the IRS' inability to oversee the work of these private debt collectors. A 1996 pilot program for private collection was so unsuccessful that a similar pilot program planned for 1997 was cancelled outright. The contractors used in the pilot programs regularly broke the Fair Debt Collection Practices Act, did not protect the security of personal taxpayer information, and even then failed to bring in a net increase in revenue.

The IRS has said that it has learned from the 1996 project and is better equipped to address the problems raised. However, even recent evidence is to the contrary. An eye-opening report by the Treasury Inspector General for Tax Administration (TIGTA Audit #200320010) shows how IRS contractors put taxpayers' data at risk. The TIGTA audit found that the "lack of oversight of contractors resulted in serious security vulnerabilities." The report, found that, "contractors blatantly circumvented IRS policies and procedures even when security personnel identified inappropriate practices."

The objective of the review was "to determine whether the Internal Revenue Service (IRS) has adequately protected Federal Government equipment and data from misuse by contractors." The review found: "The involvement of non-IRS employees in critical IRS functions increases the risk of misuse or unauthorized disclosure of taxpayer data, and could lead to loss of equipment or sensitive taxpayer data through theft or sabotage."

Under the current conditions of rampant identity theft and deteriorating privacy here in the U.S., the federal government ought to be strengthening and protecting taxpayer privacy where it can. A first step is to eliminate the egregious provision placed in the Omnibus Bill. But a second, and more critical step, is to abolish the IRS' plan to place 2.6 million tax returns in front of private collection agencies and their staffs. This proposal sets a dangerous precedent down a path of contractor abuse and taxpayer distrust.

I urge my colleagues to join me in the 109th Congress in working with the IRS to find a more effective means of collecting delinquent tax debt collection and avoid this risky scheme altogether.

IN HONOR OF JOHN W. VAN HISE, JR.

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Commander John W. Van Hise Jr., upon his retirement after over 35 years of service in the Naval Security Group Reserve. Commander Van Hise has commendably served his country in a variety of assignments at key duty stations around the world. I would like to extend my heartfelt congratulations on his retirement, and express my appreciation for his service to our country.

In 1969, Commander Van Hise enlisted in the United States Navy, and after completing Basic Training was assigned to the Russian Language School at Syracuse University. Shortly after, CDR Van Hise served active duty in Japan as an aircrew and plane captain, flying over 100 missions in the Sea of Japan, the Gulf of Tonkin, and off the USS *Coral Sea*. Upon returning to the United States he continued his career in the Naval Reserve in California. After relocation to Florida, he served as both Training Officer and Operations Officer at the Naval Reserve Security Group in Tampa. In 1986 CDR Van Hise transferred to Charleston and created the first Direct Support Program for Security Group reservists and as a result, was selected as Commanding Officer. Returning to California in 1991, he served two more tours as the Commanding Officer of Naval Reserve Security

Group Santa Ana and Naval Reserve Security Group Ft. Lewis, Washington. In 1996, he enrolled in the Naval War College at the Naval Postgraduate School where he graduated with honors in 1999.

In his exemplary career in the Navy, Commander Van Hise has received many promotions, and has been awarded with many honors and medals. His first Navy Commendation Medal was awarded to him after serving as the Operations Officer of the Naval Reserve Security Group San Francisco from 1994 to 1995. In 1995, the Commander was awarded the Joint Commendation Medal by US European Command for his planning and execution of 40 Military-to-Military contact events between Albanian and US forces. He received a second Navy Commendation Medal in 2000 after serving as Action Officer for Joint Secure Communications under the Director of Naval Intelligence.

Mr. Speaker, I would like to personally congratulate Commander Van Hise on his upcoming retirement, and thank him for his dedicated service in the Navy. I wish him the best of luck in his future endeavors.

RECOGNIZING NATHAN OLSON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nathan Olson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America Troop 214 and in earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop, participating in many scout activities and earning 30 merit badges. Nathan is an Ordeal member in the Order of the Arrow Camping Honorary and is a Warrior in the Tribe of Mic-O-Say.

For his Eagle Scout project, Nathan supervised the pouring of a concrete slab foundation for the bleachers at St. James Catholic Church baseball field. In addition, he supervised the pouring of two additional slabs for players and coaches to stand behind the backstop.

Mr. Speaker, I proudly ask you to join me in commending Nathan Olson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

FREEDOM FOR LÉSTER GONZÁLEZ PENTÓN

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Léster González Pentón, a political prisoner in totalitarian Cuba.

Mr. González Pentón is a member of the Reason, Truth and Freedom Human Rights Movement and a delegate of the Cuban Confederation of Democratic Workers. He is a peaceful pro-democracy activist who has worked intensely to liberate Cuba from the control of the demented terrorist in power in Havana. Mr. González Pentón believes in human rights, worker rights, and freedom for the people of Cuba. As these tenants are the antithesis of the tyrant's policies of lies, fear, intimidation, and repression, he has been constantly harassed by the terrorist regime in Havana.

According to Amnesty International, on August 5, 2002, the tyrant's thugs prevented him from leaving his house, in order to stop him from participating in events organized by fellow pro-democracy activists. Previously, on July 9, 2001, Amnesty International reports that Mr. González Pentón was questioned and threatened with imprisonment by police if he did not work: despite the fact that he was fired him from his job as a baker because the totalitarian regime was threatened by his peaceful activities with the Cuban Confederation of Democratic workers.

On March 18, 2003, as part of the dictatorship's deplorable crackdown on peaceful pro-democracy activists, Mr. González Pentón was arrested. In a sham trial, he was sentenced to 20 years in the grotesque totalitarian gulag. According to the U.S. Department of State, members of the tyrant's totalitarian apparatchik threatened to suspend family visits for Mr. González Pentón because he, and eight other political prisoners, read aloud to each other from the Bible.

Mr. Speaker, it is an affront to the inalienable rights of man that Mr. González Pentón is languishing in the inhuman squalor of a totalitarian gulag simply because he believes that liberty is the scared right of all people. It is unconscionable that he and others have been further punished because they read the Bible. My colleagues, we must demand the immediate release of Lester González Pentón and every political prisoner suffering under the nightmare that is the Castro regime.

RECOGNIZING THE 60TH ANNIVERSARY OF THE BATTLE OF THE BULGE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to the veterans of the Battle of the Bulge on the occasion of its 60th Anniversary this month. On November 16, 2004, the U.S. House of Representatives passed H.J. Res. 110, a resolution recognizing the 60th anniversary of the Battle of the Bulge during World War II, and I was proud to vote in favor of H.J. Res. 110.

Mr. Speaker, the Battle of the Bulge was a significant turning point of the Allied victory over the Axis powers in Northern Europe. At the time of the battle, from December 16, 1944, to January 25, 1945, the outcome of World War II was in question. But neither the harsh winter nor enemy fire could overcome the Allied determination to win the greatest battle of that war.

Mr. Speaker, out of the 16 million veterans of World War II, roughly 4 million are with us and about 1,200 die each day. With each death, we lose a first hand account of the war and the opportunity to thank them for their service. That is why it is so important that the House, on this anniversary, acknowledge the sacrifice and service of the men of the Battle of the Bulge.

Mr. Speaker, after 60 years, the veterans of the Battle of the Bulge are traveling to Belgium and Luxembourg this month to participate in 60th Anniversary events. They and their families will join with the people of Belgium and Luxembourg in somber remembrance of the battle. Both the King of the Belgians, Albert II, and the Grand Duke of Luxembourg, Henri, will participate in official events.

Mr. Speaker, my hometown of Worcester, Massachusetts is home to the Central Massachusetts Chapter of the Veterans of the Battle of the Bulge. The Worcester chapter has 155 members. Its objective is to honor the men who fought at the battle, to preserve historical data and sites, to foster international peace and goodwill, and to promote friendship and comradeship. The Worcester chapter has honored the 10 sons of Worcester who died during the battle by placing square markers throughout the city. Many members of the chapter are going to Europe this month for the remembrance services.

Mr. Speaker, the Battle of the Bulge and World War II tore apart the continent of Europe. It pitted great civilizations against each other in an epic battle for control of Europe. But the Allied victory and the great sacrifice of the men of World War II have contributed to today's peace in Europe. Indeed, the United States, Belgium, Luxembourg, Germany and other nations involved in the Battle of the Bulge are allies today as members of NATO. Our countries have worked closely on solidarity, freedom, security, and the trans-Atlantic alliance. Today's European and American cooperation is due in large part to the veterans of the Battle of the Bulge.

Mr. Speaker, on behalf of all my colleagues in the U.S. House of Representatives, I thank these veterans for their service, their courage, their sacrifice and their continuing efforts to foster international freedom and democracy.

RECOGNIZING GEOFFRY KUDLACZ FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Geoffrey Kudlacz, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and in earning the most prestigious award of Eagle Scout.

Geoffrey has been very active with his troop, participating in many Scout activities.

Over the many years Geoffrey has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Geoffrey Kudlacz for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO THE HARDENBERGH INSURANCE AGENCY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. ANDREWS. Mr Speaker, I rise today to commend and honor the Hardenbergh Insurance Agency for 50 years of venerable and dedicated service to the families and business of our region. Since its founding in 1954 by the late Richard C. Hardenbergh, the Hardenbergh Insurance Agency has expanded its services to provide commercial business insurance, health benefits, personal insurance, bonding, and risk management services. The agency currently covers a wide range of prestigious clients including public entities, private businesses, not-for-profit groups, real estate owners, school districts, and others.

In recognition of the agency's admirable growth, Richard J. Hardenbergh, son of the late Richard C. Hardenbergh, has changed the agency's name to the Hardenbergh Insurance Group on its fiftieth anniversary. Under the direction of Richard J. Hardenbergh, this agency operates as a family and has established a considerable reputation of good will and professionalism within their industry and New Jersey. Hardenbergh Insurance Group serves as an inspiration within its industry, and indeed to all businesses of the great Nation of the United States of America.

THE RETIREMENT OF DR. MARVIN KIRSH

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. DINGELL. Mr. Speaker, I rise today to honor Dr. Marvin Kirsh, a noted cardiothoracic surgeon, who is on staff at the Ann Arbor Medical Center in Ann Arbor, Michigan, and to express my deep gratitude for his enormous contributions to the field of medicine.

Dr. Marvin Kirsh has been an integral part of the center staff for more than 36 years and has been the Chief of Cardiothoracic Surgery since 1990. Although he has chosen to retire at the end of this month from his post, he will continue to use his extensive expertise in the educational community as a member of the University of Michigan School of Medicine teaching staff.

In his capacity as a Professor of Surgery at the University of Michigan, Dr. Marvin Kirsh was honored by The American Heart Association and received its Lifetime Achievement Award.

Dr. Marvin Kirsh is also an accomplished writer and has authored and co-authored more than 200 published articles on cardiology and cardiothoracic surgery and contributed to the works of nearly two dozen other authors. One of his best-known works is "Blunt Chest Trauma", published in 1997.

Because of the dedication, devotion and skill of Dr. Marvin Kirsh, the lives of hundreds of military veterans have been touched.

Mr. Speaker, I ask that you and all my colleagues rise and join me in honoring Dr. Marvin Kirsh and his legacy of surgical excellence.

TRIBUTE TO MARTIN J. "HOOT" McINERNEY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. KNOLLENBERG. Mr. Speaker, I rise today to pay tribute to Martin J. "Hoot" McInerney, recipient of the St. Joseph Mercy Oakland Hospital Man of the Year Award and Distinguished Community Service Award.

Known for his kindness and infectious personality, Martin J. "Hoot" McInerney is also known throughout the metro-Detroit area as a successful car dealer and philanthropist, supporting numerous charities on a local, national and international level.

Hoot was born and raised in Detroit. He began his career in the automobile industry as a young boy working for an auto dealership, being paid fifty cents a week to keep the coal furnace stoked over cold weekends. In 1963, Chrysler offered Hoot his first dealership. Forty-one years later Hoot has become a successful businessman owning numerous car dealerships in the metro-Detroit area. The former U.S. Marine is still known to "hang out" at his Star Lincoln Mercury dealership in Southfield, Michigan.

Hoot helped to establish the St. Joseph Mercy Men of Mercy in 1974. He is also one of the founders of the J.P. McCarthy Foundation, in honor of the late and renowned radio personality who was diagnosed with and succumbed to myelodysplastic syndrome. He is also a generous donor to several Catholic churches and schools in the metro-Detroit area as well as churches and schools in Honduras, Nicaragua and the Sisters of Mary in Omaha, Nebraska.

In addition, Hoot supports Focus: HOPE, Operation Read, the Dave Thomas Foundation for Adoption, Purple Rose Theater, Friends of Golf, St. John's Men's Guild, Angel's Place, the National Football Fund and Stewards of Tomorrow.

Mr. Speaker, Hoot McInerney is deserving of this recognition for his humanitarian and volunteer efforts. His dedication to helping others has made a significant difference in the lives of many people.

RECOGNIZING SPENCER COPE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Spencer Cope, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and in earning the most prestigious award of Eagle Scout.

Spencer has been very active with his troop, participating in many scout activities. Over the many years Spencer has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Spencer Cope for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING JENNIFER HAMMER

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the life of Jennifer Hammer of Northern Virginia, a friend and neighbor who passed away after succumbing to a three-year battle with Ovarian Cancer in November 2004.

Mrs. Hammer's courage and resilience should serve as an inspiration to us all. Despite her health, she remained an active member in her community. She volunteered at her children's schools and participated in the 350-mile AIDS bicycle ride from North Carolina to the National Mall. Mrs. Hammer worked hard to train, but was most concerned about the criteria to raise $1,700 in order to participate. In the end, she raised over $4,000 and finished the four-day ride with energy to spare.

On Election Day, Mrs. Hammer voted on the way to what would be her final surgery. She was so weak that the voting officials had to bring a voting machine to the car for her. She thanked them and then left for the hospital.

Mrs. Hammer touched many lives and is survived by her beloved husband Tom and children Adam and Samantha. Over Thanksgiving weekend, when many friends were out of town for the holiday, almost 600 people came to a memorial service to celebrate her life.

Mrs. Hammer showed us how to enjoy life in the good times and be positive and full of abundant grace in the worst of times. She was at peace in the end because of her faith in God and because she knew that she lived fully while on earth. Jennifer made a huge impact on many and was loved by all. Our lives were better for having known her, and we will continue to draw inspiration from her strength and compassion.

Mr. Speaker, in closing, I would like to pay tribute to the life and work Mrs. Hammer, and express my deepest condolences to all who knew and loved her.

H.R. 5107, THE JUSTICE FOR ALL ACT

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. DELAY. Mr. Speaker, on behalf of myself and Representatives SMITH and CARTER of Texas, I would like to include the attached letter from the Texas Task Force on Indigent Defense regarding H.R. 5107, the Justice For All Act (P.L. 108–405), into the CONGRESSIONAL RECORD. This letter responds directly to a statement found on page 24228 of the November 19, 2004 CONGRESSIONAL RECORD.

The mission of the Texas Task Force on Indigent Defense is to promote justice and fairness to all indigent persons accused of criminal conduct, including juvenile respondents, as provided by the laws and constitutions of the United States and Texas. The Task Force was created by state law, the Fair Defense Act of 2001, and took effect on January 1, 2002. Since its implementation, the Task Force has awarded over $30 million to 250 counties in Texas in furtherance of its mission to improve legal representation for indigent persons accused of crimes.

TEXAS TASK FORCE
ON INDIGENT DEFENSE,
Austin, Texas, December 1, 2004.

Re H.R. 5107, the "Justice For All Act"—Congressional Record page S11613.

Hon. TOM DELAY,
U.S. House Majority Leader,
The Capitol, Washington, DC.
Hon. LAMAR SMITH,
Rayburn House Office Building,
Washington, DC.
Hon. JOHN CARTER,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVES DELAY, SMITH, & CARTER: In response to an inquiry last week regarding the statements made by Mr. Leahy in his statement on November 19, 2004. I am offering the following for clarification of what I believe is the current state of indigent defense in Texas.

I commend the goals of this bill and the willingness of Congress to provide States much needed money in the criminal justice arena. Since the reforms to Texas indigent defense laws known as the Texas Fair Defense Act were originally enacted in 2001, the Task Force on Indigent Defense, the Texas judiciary, arid local government have worked diligently to meet and exceed the mandates of this reform. This reform was hailed by Robert Spangenberg, a leading national expert on indigent defense as, "the most significant piece of indigent defense legislation passed by any state in the last twenty years."

Nevertheless, the key to meaningful reform lies in implementation. In that regard, Mr. Bill Beardall, Director of the Equal Justice Center, and leading advocate of indigent reform in Texas recently said that, "[S]ignificant indigent defense improvements were implemented both at the state level and in most of Texas's 254 counties in response to the new law."

Worth noting is that Mr. Spangenberg served as the primary author of the Fair Defense Report, which influenced the passage of the Fair Defense Act. In response to the progress made by Texas, he states: "In three short years, the Task Force has used the limited funding provided to mandate that each county has an indigent defense plan on file. Moreover, these plans are posted electronically and viewable by anyone. This in itself is significant in that what was formerly a closed process is now open to public scrutiny. Also significant is the fact that these are countywide plans, thus providing greater uniformity than before when practices varied from judge to judge. From what I've seen, the Task Force has successfully built bridges with county government and leading advocate and public interest groups for meaningful collaboration and significant reform."

The following are some of the highlights of what Texas's courts, counties, and Task Force have accomplished.

More Indigent Defendants Receiving Court Appointed Counsel In 2002, 278,479 persons received court appointed counsel. In 2004, 371,167 persons received court appointed counsel. This represents a 33% increase while all criminal case filings are up only 8%. Courts and local government are taking their responsibilities seriously.

Public Access—Every indigent defense plan (adult and juvenile) and every county's indigent defense expenditures are posted electronically and available to anyone with access to the Internet. In addition, all model forms, procedures, and rules promulgated by the Task Force are available online at *www.courts.state.tx.us/tfid*.

In response to Task Force recommendations, judges across the state have submitted amendments to bring indigent defense plans into compliance with the law. Also, every indigent defense plan has been reviewed by the Task Force and is in accordance with the law.

Accountability—Because of centralized oversight of plan submission, the judiciary is accountable to the Task Force. County officials are accountable to the Task Force through expenditure reporting and because of receipt of state grants. Prior to this act each county and court in Texas was left to its own means on how to provide these services.

Training and Outreach—Each year since 2001, the Task Force and staff have provided presentations across the state to 1,200 or more judges, county commissioners, defense attorneys, county employees, and other criminal justice stakeholders on their responsibilities and on the responsibilities of the State regarding effective indigent defense representation. One program of particular interest was designed specifically for State district trial judges who hear capital offenses. This program was sponsored by the Center for American and International Law in Plano, Texas on August 19–20, 2004.

Spending Up Almost 50% Since 2001—The State and counties have significantly increased expenditures for indigent defense services statewide to improve the quality of counsel appointed to represent the poor.

In 2001, counties expended approximately $92 million on indigent defense services without any state assistance. In 2002, county and state spending together reached approximately $107 million—$15 million more than was spent in 2001. In 2003, county and state spending together amounted to approximately $130—$38 million more than was spent in 2001. And, the most recent reports for FY04 reveal county and state spending together totaled approximately $137 million—$45 million more than 2001. All in all since the Fair Defense Act passed the State and counties are expending almost 50% more than they did prior to the Fair Defense Act. Neither the State nor the counties are abdicating their responsibilities—to the contrary, the State and counties are providing their best efforts to secure additional revenue sources as well as implementing process changes to ensure tax payers receive the most value possible for their tax dollars.

Nine Administrative Judicial Regions Working Collaboratively with Task Force—The Nine Administrative Judicial Regions are responsible for the development of qualifications and standards for counsel in death penalty cases. Notwithstanding the Texas Defender Service report referenced by Mr. Leahy in his testimony, the nine administrative presiding judges take very seriously their responsibilities under Texas law. Through officially published standards and qualifications and a thorough screening process, they ensure that only the most capable and competent attorneys are appointed in death penalty cases.

The report that Mr. Leahy relies on was criticized by many criminal justice stakeholders in Texas. I was disappointed with the secretive and surprise tactics utilized by the authors in its preparation. No Task Force members or staff were consulted prior to the report's publication. More significantly, the nine administrative judges were not consulted regarding its preparation or its findings prior to its release. For a Dallas Morning News article regarding this report, I noted the report's lack of methodology and stated that the report's conclusions "may be a matter more of form over substance." John Dahill, general counsel for the Texas Conference of Urban Counties and a former Dallas County prosecutor, was more blunt. "It just riles me to no end that the Texas Defender Service and the Equal Justice Center didn't bother to inquire of people with knowledge in each of these counties," he said. Counties generally follow the regional plan for appointment of counsel in capital cases, he said, and Dallas County follows the plan of the first administrative judicial region. That region covers 34 counties in northeast Texas.

Judge John Ovard of Dallas, who presides over the 1st administrative region, said he had not had a chance to read the report but said the county's failing grade surprised him. "We're in compliance with the task force . . . which is the primary state agency we report to," he said. "I certainly am interested in looking at it and see why they came to those conclusions."

Task Force staff meets quarterly with the 9 Administrative Presiding judges. The Task Force provides administrative assistance to the 9 Administrative Judicial Regions in posting the lists of standards and attorneys qualified for appointments in electronic format readily available to anyone in Texas. This collaborative effort is not mandated by State law but is being done at the request of the 9 Administrative Presiding judges to ensure that this process is open to the public and administered consistently across the State.

Summary—For the first time in Texas history the State is providing oversight, fiscal assistance, and technical support to local government and courts to improve the delivery of indigent defense services. All 254 counties in Texas are in compliance with the state reporting requirements. Each indigent defense plan in Texas has been reviewed by the Task Force to ensure it provides for prompt appointment of qualified counsel and reasonable compensation for appointed counsel. Since the passage of the Fair Defense Act, staff has provided presentations across the state to more than 4000 judges, county commissioners, defense attorneys, county employees, and other criminal justice stakeholders on their responsibilities and the responsibilities of State regarding effective indigent defense representation. The key criminal justice stakeholders in Texas are being trained and the Texas system has improved dramatically since the passage of this law. Furthermore, in what may be its greatest achievement, the Task Force has created an efficient and collaborative infrastructure for continuing implementation of the Fair Defense Act and for future improvements to indigent defense procedures statewide.

Thank you for considering my views. If you need any further information, feel free to contact me or any member of the Task Force. We are at your disposal to build on the successes all Texans have experienced since the passage of the Fair Defense Act.

Sincerely,

JAMES D. BETHKE,
Director, Task Force on Indigent Defense.

RECOGNIZING LUKAS JOHNSON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Lukas Johnson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and in earning the most prestigious award of Eagle Scout.

Lukas has been very active with his troop, participating in many Scout activities. Over the many years Lukas has been involved with Scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Lukas Johnson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING CHRISTIAN BROTHERS ACADEMY'S CLASS AA FOOTBALL STATE TITLE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to an extraordinary group of athletes, the Christian Brothers Academy's football team. CBAS captured its first State title in Class AA, the state's largest classification for any Section 3 team in the history of the tournament.

The 41 to 35 victory was a nail biting, come-from-behind win lead by Coach Joe Casamento, senior Greg Paulus, senior Lavar Lobdell, senior Bruce Williams, senior Brian Bojko and senior Erik Estabrook. While these individuals paved the way to victory in the final game of the season, the entire CBA football roster is responsible for the 2004 flawless success. They and their families who offer daily support deserve special recognition.

Lavar Lobdell, Erik Estabrook, Bruce Williams, Matt Kinnan, Greg Paulus, Max Greenky, Peter Giordano, Joe Nicoletti, Mike Paulus, Jim Chapman, Matt Halliday, Greg Khanzadian, Jovon Miller, Steve Peltz, Joe Losurdo, Adam Drescher, Mike Kenien, Alfonso Merola, Ricardo Donalson, McKenzie Mathews, Jim Brennan, Austin Merola, Brian Bojko, Greg Hadley, Dario Arezzo, Mike Suits, Pat McNamara, Tim Bobbett, Evan Mazur, Jon Knaust, Dan Delluomo, Andy Bongiovanni, Rich Cummings, Mike Dracker, Matt Oliver, Eric Fletcher, Tom DiStasio, Steve Kuhns, Matt Rainbow, Brian Dushatinski, Peter Paris, Mark Callahan, Leon Saddler, Stephen Pride, Kevin Didio, Kris Estabrook, Matt Wilson and Bill Urciuoli were all instrumental components of this CBA powerhouse.

Throughout the 2004 season, the team overcame fatigue, injury, sweltering August heat, and a rigorous schedule, to complete an unblemished record of 13 wins and 0 losses, truly exemplifying the definition of a champion.

I commend Christian Brothers Academy's 2004 football team for their hard work and perseverance and congratulate them on a perfect season. You have set the standard for future Purple and Gold teams.

Congratulations to the Champs.

HONORING TEENA M. BOREK

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I would like to rise in order to honor Teena M. Borek—the 2004 Woman of the Year in Agriculture. She is a pioneer in the agriculture industry and an incredible example to young women throughout America.

When her husband tragically died in 1980, Teena decided to run their farm and became the only female vegetable farmer in Miami-Dade County. Impressively, she was able to successfully run the farm while raising two young toddlers, who are now both involved in agriculture.

In the late 1980s, Teena Borek played a large role in bringing needed computer technology to farms and worked with the Community Bank of Florida to ensure that appropriate financing mechanisms were in place to increase access to this important technology. Not surprisingly, Borek Farms was the first Homestead vegetable farm to use a computer.

Using her knowledge from when she first handled the books at Borek Farms, Teena also helped implement an accounting program for farms that is still in use today.

Her achievements in advancing agricultural crops is also unparalleled. Teena became the first Miami-Dade County farmer to use the linear irrigation system and Borek Farms had the first commercially grown Florida 7862 tomato.

One of her greatest achievements, however, is the impact she has had on young women. As a female pioneer in Florida agriculture, she has paved a path for young women in an industry that has largely been dominated by men. Currently, she is serving as the second female President of the Dade County Farm Bureau and has mentored many young women, including the current executive director of the Farm Bureau.

I have had the honor of visiting with Teena and learning about the many achievements she has made for Florida's agriculture industry. After getting to know her and better understand the work of Steven Borek Farms, it seems clear that Teena's contribution to Florida agriculture will be understood well beyond our lifetime.

She may be most recognized for her work in Miami-Dade County, but her achievements have impacted the entire state of Florida. While advancing the entire industry through technological expansion, she paved the path for generations of women hoping to enter the industry.

I ask my colleagues to join me in honoring and congratulating Teena M. Borek on being named the 2004 Woman of the Year in Agriculture by the Florida Farm Bureau.

CONGRESSIONAL TRIBUTE TO RALPH CERNY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to a man who has made remarkable contributions to the health of the people of northern Michigan. Ralph Cerny is retiring from his position as CEO of the Munson Medical Center in Traverse City on December 31st, closing a long career dedicated to providing his community with quality health care. Mr. Cerny's 38 years as a hospital administrator and community leader serve as a shining example of his profession.

In 1964, Ralph Cerny graduated from Cornell University with a Bachelor's Degree in Economics. The year before, he actually had his first experience at Munson Medical Center, working as a summer intern. From Cornell University, Ralph went on to study Hospital Administration at the University of Michigan, where he not only earned a Master's degree, but also met his wife, Maureen.

After graduating from U of M in 1966, Ralph began his career as an Associate Administrator at the University of Nebraska Medical Center in Omaha. He remained there for seven years, but in 1973, he returned to Michigan as the CEO of the Memorial Medical Center of West Michigan in Ludington.

In 1985, the long-time CEO of Munson Medical Center, Jack Bay, asked Ralph to move north and join Munson as Chief Operating Officer. He accepted, and began a 19 year tenure that saw Munson grow into a nationally-recognized hospital and health care provider at the center of a regional network of community-based hospitals.

In his eight years as COO, and eleven years as CEO, Munson Medical Center has created a cardiovascular program that has been recognized on four occasions for superior clinical and operational performance; opened a new South Tower for patient care, opened a new ambulatory surgery center; and initiated an air ambulance service. This excellence has not gone unnoticed either. Munson received the National Quality Health Care Award in 2000 and was named one of the Nation's Top 100 hospitals six times.

In short, Mr. Speaker, Ralph's leadership has had a lasting impact on the quality of care at Munson Medical Center, and on the quality of life in the Grand Traverse Region. I worked closely with Ralph Cerny and the Munson Medical family, and I have seen firsthand his dedication to his work and to his community.

While Ralph will be missed at Munson, he has more than earned this retirement. As much as he has given to his career, Ralph has always had time for his family, and I know he looks forward to spending more time with his wife Maureen, their three sons Tim, Tyler, and Ryan, and their five grandchildren. I also suspect he will spend more time indulging in two of his favorite pastimes: golf and downhill skiing.

Mr. Speaker, Ralph Cerny's commitment to his family, his community, health care, and Munson Medical Center serves as an example to all of us. I ask the House to join me in honoring him, thanking him for his service, and wishing him well in his retirement.

HOUSE ADMINISTRATION COMMITTEE HAS BROAD JURISDICTION OVER "CONGRESSIONAL CONTINUITY"

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. LARSON of Connecticut. Mr. Speaker, on May 4, 2004, I introduced House Resolution 623. This was a one-line resolution which stated: ". . . That the House of Representatives should address issues relating to the potential incapacity of its Members." I did this to make an important jurisdictional point.

The resolution, which was referred solely to the Committee on House Administration, served to highlight the committee's jurisdiction over how to deal with the status of incapacitated Members, and, by implication, more broadly with certain other matters relating to the continuity of Congress. The committee already has principal jurisdiction over the conduct of congressional and Presidential elections, the qualifications and credentials of House Members, and administrative control over the internal operations of the House, including Chamber security.

I would hope that in the 109th Congress, our committee, where I serve as the ranking minority member, will more forcefully exercise the authority it has to address a range of issues which threaten the ability of Congress to function in the event of a national catastrophe. We need to develop specific, and constitutional, proposals to address the potential absence of incapacitated Members. If the only effective way is through a constitutional amendment, as I suspect it is, then that argument should be clearly made.

Much attention in the 108th Congress has gone to other committees, such as Rules and Judiciary, which have specialized roles in considering certain types of continuity measures. If a proposal is introduced as a House rule, it will be referred to the Rules Committee; if it is a constitutional amendment, it will go to Judiciary. The Rules Committee held a useful hearing this year on incapacity, but its ability to deal with elements of the issue beyond changes to the rules of the House is limited.

This Congress has been a huge disappointment because of its failure to effectively address many issues involving the stability of our structure of Government, deficiencies brought to the forefront by the September 11 attacks, as well as a disturbing tendency to paper over controversies with legislation which fails to substantively address the problem.

For example, the House earlier this year rejected a constitutional amendment offered by Representative BAIRD of Washington which would have reconstituted the House quickly through temporary appointments, pending special elections, if a large number of Members were killed. I had introduced an alternate version of the proposal, H.J. Res. 89. Members opposed to the concept—which is admittedly extremely controversial—refused to allow real hearings and debate, preferring instead to misrepresent the various proposals which were introduced and to mock the sponsors. Even though prospects for passage of such an amendment at the time were extremely slim, a substantial debate would have served to educate the Congress and the American people on the importance of these issues, and perhaps provided impetus in a search for alternatives.

Instead, the House passed, but the Senate subsequently killed, H.R. 2844, the "Continuity of Representation Act", which created an unrealistically fast, unfair, undemocratic and unworkable scheme to fill vacant House seats through a mandatory national 45–day special election period. This bill was referred principally to the House Administration Committee, where I was able to point out its many flaws.

Neither House passed simple legislation which would have corrected an oversight in the legislation creating the Department of Homeland Security in 2002, which failed to place the supposedly critical new Cabinet officer somewhere—anywhere—in the statutory line of succession to the Presidency.

Though hearings were held, neither House addressed significant issues of Presidential succession, such as the role of the Speaker and President pro tempore and lame duck Cabinet members in the succession lineup, and the ability of some officials to "bump" others serving as acting President under the current Federal statute.

The House is apparently planning to paper over its failure to effectively address congressional continuity by passing a blatantly unconstitutional new House rule when the 109th Congress convenes. It would pretend that a rump group of Members, acting with a "provisional quorum," could exercise the full powers of the House even though a majority of the membership might still be alive but unable to reach the place the House was meeting in a timely manner.

The proposal pretends to address the problem of incapacitated Members by effectively ignoring it, and by allowing the Speaker to deprive them and other absent Members of their constitutional authority by adopting an unprecedented and radical procedure to declare a quorum present when it clearly isn't. The proposed rule would ignore the explicit constitutional prohibition against less than a majority of the Members of the House taking any action except to adjourn, or to compel the attendance of absent Members. It would also demolish the century-old precedent, based on the Constitution, that a quorum of the House consists of a majority of the membership chosen, sworn and living.

It is likely that this unconstitutional proposal will be shoehorned into House Resolution 5, the traditional opening-day resolution through which the House adopts its rules, to be considered on January 4, 2005. Parliamentary practices in effect at that time would allow only one hour of debate on the resolution, no matter how numerous or how controversial the rules changes contained within it might be. At a minimum, the House should debate the provisional quorum issue separately, following hearings by the Rules Committee through which Members could better inform themselves, I would hope, of the truly dangerous ramifications of this idea.

Mr. Speaker, I plan to urge further action on congressional continuity issues in the new year, to work with my colleagues on the Committee on House Administration to assert our own jurisdiction more effectively and to push the other relevant committees to do the same. We need both more effective action, and better internal cooperation, to accomplish these goals.

TRIBUTE TO RETIRING REPRESENTATIVE CAL DOOLEY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. MOORE. Mr. Speaker, I am very pleased to have the opportunity tonight to join with my fellow members of the New Democrat Coalition in paying tribute to Representative CAL DOOLEY of California, who is retiring from Congress at the end of this year.

As the Almanac of American Politics 2004 edition described CAL: "The congressman from the 20th District is CAL DOOLEY, a Democrat first elected in 1990. He is a farmer, growing cotton, alfalfa and walnuts, as his great-grandfather did before him. In 1987 he became a staffer for Tulare state Senator Rose Ann Vuich. In 1990, he ran for Congress in a more Republican-leaning district. Luck was with him: The incumbent had accepted contributions from S&L operator Charles Keating and interceded on his behalf with regulators. DOOLEY won with a solid 55%. . . . DOOLEY's endurance has been partly a testimonial to his moderate voting record, which is the most conservative of California Democrats. On the Agriculture and Resources committees, he tended to district interests. He was one of three committee Democrats to vote for RICHARD POMBOS' guest worker bill, and he supported lifting the ban on food sales to Cuba.

He has co-chaired the Congressional Beef Caucus, the Western Water Caucus and the Biotechnology Caucus. He strongly backed PNTR with China and he worked closely with neighboring Congressman and Ways and Means Committee chairman BILL THOMAS to get Democratic votes for trade promotion authority in 2001 and 2002. . . . He sided with most Democrats in opposing the increased work requirements in the Republicans' welfare bill. DOOLEY is active on local issues, including flood control projects, increased dam capacity, and additional funds for farm workers. . . ."

Most importantly, CAL DOOLEY was one of the founders and original co-chairs of the House New Democrat Coalition, which Politics in America's 2004 edition described as "a growing group of moderate, pro-business lawmakers who say they seek bipartisan solutions. . . . It is a measure of DOOLEY's reputation as a leader of centrist Democrats—he co-founded the New Democrat Coalition in 1997 along with Virginia's JAMES P. MORAN and former Indiana Rep. TIM ROEMER—that his name was floated, during the disputed 2000 presidential election, as a potential appointee to either a Bush or a Gore administration."

Mr. Speaker, CAL DOOLEY has been a friend and mentor of mine during the past 6 years I have served in Congress. As a fellow member of Congress who has sought bipartisan solutions to the many difficult issues we have faced in this body, he has offered me wise counsel on many occasions and his leadership of the New Democrat Coalition in the House Democratic Caucus provided important leadership to all members of our Caucus. The people of CAL DOOLEY's California congressional district have been very well served by his 14 years of representing them in Congress and I know they join with me and his colleagues in this body in wishing him all the best as he pursues a new career in the private sector. He will be missed in the halls of Congress. But CAL DOOLEY will not be forgotten.

HONORING CONGRESSMAN AMO HOUGHTON AND CONGRESSMAN JACK QUINN

SPEECH OF

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. WALSH. Mr. Speaker, I address the House tonight to extend my best wishes and a fond farewell to my good friends and colleagues in the New York Congressional Delegation, Congressmen JACK QUINN and AMO HOUGHTON.

Beyond the insight, experience and professionalism these gentlemen brought to this body, they represented the very essence of what it means to represent New York State in Congress. They were loyal to their constituencies, and their voters were in turn loyal to them. Their policy expertise transcended ideological lines, and they understood that, in our corner of the world, good people are good people, regardless of party affiliation. People voted for them year-in and year out on account of who they were as people, and how hard they worked for Buffalo, Rochester, Corning and the Southern Tier. JACK and AMO have nearly 30 years' worth of experience in Washington between them, and, though none of us like the fact that they are leaving us, we are all grateful to have been the beneficiaries of their good humor, wisdom, graciousness and friendship.

The U.S. Congress, New York State and our country are better off for having been represented by these two gentlemen. I've had the privilege of serving with JACK and AMO for a long time and feel fortunate to consider them good friends. It is my hope the other members of this body from New York and beyond recognize and applaud their service, friendship, and loyalty to those who have worked beside them along the way.

I know I will miss JACK QUINN and AMO HOUGHTON when the gavel falls to begin the 109th Congress; but I join my colleagues in wishing them the absolute best for whatever comes next. I take comfort, though in knowing that departure from this House will not signal the termination of their public service. Nor will it be the end of their involvement in the lives of the people they represented so well, for so many years.

So as we depart for the year and bring an end to the 108th Congress, I once again say good-bye and thank you to JACK and AMO while wishing them the very best for the future.

CONGRATULATIONS TO THE WATSON FEED STORE

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. EDWARDS. Mr. Speaker, I would like to extend my most sincere congratulations to the historic Watson Feed Store in Mart, Texas on their recent Texas Historical Marker Dedication. After nearly a century of service to the Central Texas community, the Watson Feed Store has become a vital part of the social fabric of the Mart community and an inspiring example of the very best of Texas.

That the Watson Feed Store still stands today just as it was almost 100 years ago is truly remarkable and a reflection of the commitment and dedication of Murray Watson and family to preserve the history of this building for future generations. Watson's Feed Store is not only a historic reminder of the past, but an enduring symbol of the belief in community that Watson's Feed Store has come to represent.

Today, the Watson Feed Store is still a daily meeting place for many citizens of Mart, enjoying conversation and comfort in the building known as "home" to many, a living testament to the impact that Murray Watson and family continue to have on the Mart community.

I personally want to thank Murray Watson for his many years of friendship and the countless contributions he has made to the community of Mart and Central Texas. Murray Watson is a true Texas leader and there is no doubt that the state of Texas and the Nation would benefit greatly from more leaders like Murray in our communities.

REPORTS OF VOTING FRAUD AND IRREGULARITIES

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Ms. LEE. Mr. Speaker, like many of my constituents, I am very concerned about the widespread reports of voting irregularities surrounding the recent election.

Reports about voter intimidation, discrimination, fraud, partisan election officials, misplaced ballots, discarded provisional ballots, malfunctioning electronic voting machines, delays in mailing absentee ballots, and countless other suspicious or illegal activities, all raise potential doubts about the legitimacy of our system of elections.

And there is mounting credible evidence that indeed some potentially illegal and fraudulent activity did occur before, during, and after the election.

That is why I have joined onto the efforts of my colleagues, Representatives JOHN CONYERS, JERROLD NADLER, and ROBERT WEXLER, in asking the GAO to investigate the 2004 election. And I am pleased to say that the GAO has agreed with the necessity and urgency of our request and is moving forward with a formal investigation.

As history has repeatedly shown, the right to vote and the right to have our votes counted are fundamental to our democratic system of government.

The moment that we become complacent and cease to insist on the fundamental value and equality of every individual vote is the moment that we begin to undermine the democratic ideal that this nation was founded upon.

That is why I believe it is so important to investigate any reports of voting irregularities.

And that is also why in July, I was one of the leaders in Congress to call for international monitors to observe our system of elections.

Although the administration refused to invite the United Nations to send an observation team, the 55 member Organization for Security and Cooperation in Europe (OSCE) was invited.

While the OSCE was severely hamstrung in its ability to fully observe the election, according to their preliminary report, they did observe many of the same problems that were reported by the media.

I hope that with the GAO report, and the forthcoming report from the OSCE, we can take a hard look at our current election system and make a concerted bi-partisan effort to fix the problems that still clearly remain with us from the 2000 election.

As elected representatives of the people, we hold a sacred responsibility to every voter across this nation to ensure that their vote is counted and recorded properly.

We cannot, and we should not accept any flaws in our election process.

HONORING THE BIRTH OF HARPER NATALIE BRUCKENTHAL

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. ISRAEL. Mr. Speaker, I rise today to honor the birth of Harper Natalie Bruckenthal. On Friday, November 19, 2004, this beautiful young girl was born to Patricia Bruckenthal, the widowed wife of Petty Officer 3rd Class Nathan Bruckenthal, an American hero lost to us in the conflict in Iraq. The birth of Harper Natalie Bruckenthal ensures that everything that was good about Nathan Bruckenthal will live on for another generation and many more to come. In that infant baby's eyes can be seen the images of her heroic father. It is tragic that she will grow up not knowing her father, but I hope that she will be able to find some comfort in his legacy and allow his spirit to guide her.

Today, I honor once more the sacrifice of Nathan Bruckenthal; I honor his wonderful wife Patricia, mother of his infant child; and, most importantly, I welcome his new daughter, Harper Natalie Bruckenthal, the child of an American hero, to our world. It is a better world because people like Nathan Bruckenthal answered the call to duty, made great sacrifices and met the greatest challenge posed to every generation: leaving behind a better world for their children.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. BLUMENAUER. Mr. Speaker, had I been present for the following votes on Saturday, November 20, 2004, I would have voted as follows:

Rollcall vote 538: I would have voted "nay" on waiving the House rule to allow for the same day consideration of legislation. Congress should follow the House rules and have adequate time to review legislation before casting its votes.

Rollcall vote 539: I would have voted "yea" on the resolution recognizing the Boy Scouts of America for the public service the organization performs for neighborhoods and communities across the United States.

Rollcall vote 540: I would have voted "nay" on the resolution waiving points of order against the conference report to accompany the fiscal 2005 omnibus appropriations bill.

Rollcall vote 541: I would have voted "yea" on passage of the Commercial Space Launch Amendments Act. While this legislation only allows the Federal Aviation Administration to regulate technologies that "have resulted in a serious or fatal injury," this will be an interesting test for safety regulations of a very narrow group of consumers who are aware of the risks they face.

Rollcall vote 542: I would have voted "yea" on passage of the fiscal 2005 omnibus appropriations bill. The uproar caused by the last-minute insertion of a provision opening up tax returns to the Appropriations Committee is not a surprise based on the manner in which the bill came to the floor under a "Martial Law" rule. Congress deserves the opportunity to have the time to thoroughly review bills before being asked to vote on them. While I disapprove of the manner in which the omnibus bill was brought to the floor, funding for the 15 governmental agencies receiving funding from this bill are indispensable to my district and the country.

TRIBUTE TO LANCE CORPORAL DIMITRIOS GAVRIEL

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. MEEHAN. Mr. Speaker, I rise today to pay tribute to a fallen hero, LCpl Dimitrios Gavriel, of Haverhill, Massachusetts.

Lance Corporal Gavriel was killed in action during the conflict in Fallujah, Iraq, on November 19, 2004, only days after voluntarily returning to the battlefield from a shrapnel wound. "Dimmy," as he was known to those close to him, is survived by his mother, Penelope; his father, Chris; and his sister, Christina.

Dimmy's family describes him as a deep thinker with big dreams. A quote from his diary says it all: "I have heard that Great Men often kept journals—I'd like to be great."

After losing two friends in the September 11th terrorist attacks, Dimmy knew he wanted to make a difference in the world by joining the Marine Corps. When the service turned him down because of lingering injuries from his days as a high school wrestling champion, he wrote a letter to his local recruiting office pleading for them to reconsider. He would go on to turn down a lucrative career on Wall Street for the chance to serve our country as a Marine.

Mr. Speaker, there is perhaps no better way to pay our respects to Dimmy Gavriel than to insert a poem of his into the CONGRESSIONAL RECORD entitled "The Leader," in which he explores the themes of leadership and greatness. May Congress forever remember the greatness of this young man through his words as well as his heroic actions.

THE LEADER

(By Dimmy Gavriel)

How will words of beauty
Sprout root on deafened ears?
When many choose to follow
And so few dare to lead

Forsaken dreams lie prisoners
In vapid minds left blank
Of countless, breathing numbers
Lined up along the track

And then there are the dreamers
Who see beyond the shroud
Distinct are they among us
They shuffle through the crowd

Hope lives among so few
Yet strong it is I know
For I am still a dreamer
Along the track I go

RECOGNIZING THE NEW HARTFORD HIGH SCHOOL BOYS VARSITY SOCCER TEAM

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize the New Hartford High School Boys Varsity Soccer team. On Sunday, November 21, 2004, the team concluded an amazing season by winning the New York State Public High School Athletic Association Class A Title.

The New Hartford Spartans Varsity Soccer team boasted a 21–2–2 record at the end of the season thanks to the leadership of Coach Christopher Abdoo and Team Captains Andrew Donovan, Stephen Peck, and Matthew Pecheone. Due to the outstanding efforts of the Spartans, they remained undefeated at home and set team records for fewest goals scored against in a season and most wins in a season.

I would also like to recognize Team Captain Matthew Pecheone, and Goalkeeper Max Silberlicht for their outstanding individual achievements. Matthew Pecheone set both the school record for number of goals scored in a season and total number of points in a season. Max Silberlicht set the record for the most shutouts in school history by a goalkeeper.

The title match against the Jericho Jayhawks went into four overtime periods, ending in a draw and both teams holding the title "State Champions". After a game-tying goal in the second-half, the New Hartford Spartans tied the game due to the same tenacious defense that set the school record for fewest goals allowed. I commend the players and coaching staff of the New Hartford Spartan Boys Varsity Soccer team for the hard work, training, and dedication. Congratulations, we are very proud of you.

The 2004 New Hartford High School Boys Varsity Soccer team members include: Mike Alcott, Eric Anderson, Aaren Ashmore, Nick Bergmann, Hans Bjerke, Mihir Buch, Anish Butala, Andrew Donovan, Matthew Eadline, Brandon Goodman, Erik Jerrard, Milind Kachare. Michael Matt, Mike Payne, Christopher Pecheone, Matthew Pecheone, Steven Peck, John Picano, Max Silberlicht and Andrew Tubis. Head Coach: Christopher Abdoo.

TRIBUTE TO CONGRESSMAN KLECZKA

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. KIND. Mr. Speaker, I rise today to honor a fellow Member and friend, Congressman JERRY KLECZKA, and to congratulate him on his twenty years of outstanding service to those in Wisconsin's 4th Congressional District.

Since the age of twenty-four, Mr. KLECZKA has been active in the public service sector and has served in the House of Representatives since 1984. Mr. KLECZKA has made a timeless effort to serve his constituents and has demonstrated his commitment to serve those in his local community by becoming a member of the Hispanic Chamber of Commerce, the Brady Street Area Association, and America's Black Holocaust Museum.

Mr. KLECZKA has illustrated his desire to meet the needs of his constituents by addressing a variety of issues while serving in the House of Representatives. The people of southeast Wisconsin were once faced with the severe problem of elderly abuse in public housing complexes. Recognizing the severity of this situation, Mr. KLECZKA fought back with strong legislation resulting in Milwaukee becoming the first city in the nation to provide elderly-only public housing.

Mr. KLECZKA has demonstrated not only his desire to improve the health and well-being of elderly in unsafe living conditions, but he has also fought for measures to decrease health care costs and increase personal privacy for deserving Americans.

Mr. KLECZKA has also displayed his leadership capabilities by representing not just those in his district, but all citizens from Wisconsin by serving on the House Ways and Means Committee. This committee has allowed him to take an active role in the legislative process and effectively serve the people of Wisconsin.

Mr. KLECZKA has served in the House of Representatives in a respectful manner, and his creative insight for implementing new policy and unselfish dedication to serving others will be greatly missed but not forgotten.

To the Wisconsin delegation, the retirement of JERRY KLECZKA may feel like the Packers losing the leadership and dedication of their head coach Mike Sherman. It will be very difficult to follow in the footsteps of Mr. KLECZKA; however, I am confident that my fellow Wisconsin members will follow the example Jerry Kleczka began twenty years ago.

I want to thank JERRY for his leadership and his friendship. I wish him the best of luck on his new endeavors.

THE AMERICAN PHYSICAL SOCIETY'S REPORT ON THE MOON-MARS PROGRAM

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. SHAYS. Mr. Speaker, in November 2004, the American Physical Society (APS) released a report on the Moon-Mars program. The report reached many important conclusions and I encourage my colleagues to review APS's findings.

Currently, NASA's agenda is set by the National Academy of Sciences (NAS) Decadal Surveys. The panel is comprised of outstanding scientists who represent the full range of research within astronomy.

According to the report, the scope of the Moon-Mars initiative has not been well defined, its long-term cost has not been adequately addressed, and no budgetary mechanisms have been established to avoid causing damage to NASA's scientific program.

To accommodate the Moon-Mars initiative, NASA has already begun to reprogram its existing budget, resulting in indefinite postponement or delay of scientific programs that were assigned high priority by the NAS decadal studies.

The consensus achieved by the committee is that the recent success of the Mars Rovers demonstrate that we can use robotic means to address many scientific questions. The panel also found that human exploration has a role in NASA, but it must be within a balanced program in which funding is distributed to other initiatives as well.

APS makes 3 recommendations, which I encourage Members of Congress to take into consideration as we continue the debate on the President's Moon-Mars proposal.

First, NASA should continue to be guided by the recommendations of the NAS decadal studies in formulating its science programs.

Second, before the United States commits to the Moon-Mars proposal, a review of the initiative's science impact should be carried out by the NAS.

Finally, before the United States commits to the Moon-Mars proposal, the GAO should estimate the likely budgetary impact.

Given our country's fiscal challenges, I do not think we can afford manned flights to other planets at this time. I am willing to support more unmanned space flights, provided their mission goals are well-defined.

It seems to me NASA's activities should be driven by science, not destinations. This report provides important information on NASA's future and I strongly encourage my colleagues to read it and take the findings into consideration as we continue the debate on Moon-Mars.

HONORING WENDY ABRAMS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. EMANUEL. Mr. Speaker, I rise today to congratulate Wendy Abrams of Highland Park, Illinois, on the occasion of her 40th birthday.

I have long admired Wendy for her dedication to our community, particularly with respect to safeguarding the environment. She is committed to making the world a better place and ensuring that future generations of Americans will inherit a thriving and healthy planet.

Wendy has worked on both the national and local level to protect the environment—on issues ranging from conservation to climate change and the impact of environmental policies on the developing world. She is highly knowledgeable about current environmental issues and a passionate advocate for positive change.

Wendy is a member of the National Council of Environmental Defense, an organization that finds ways to preserve our environment while also strengthening the economy, such as market incentives that reward governments and businesses for lowering pollution levels.

In addition, Wendy is a member of the National Advisory Council of the Sierra Club Foundation, which is dedicated to preserving wildlife and promoting responsible use of the Earth's ecosystems and resources.

Wendy's interests and influence reach beyond environmental concerns to include other matters important in our community. For example, she has been an active participant in the Holocaust Education Foundation and is an owner of Medline Industries, Inc., a private medical equipment distributor. Wendy has always expressed a strong interest in effective health care reform as well as a broad array of other important public policy initiatives.

Mr. Speaker, Wendy Abrams is helping to make the world a safe and healthy place for our children. I am proud to call Wendy a good friend, and I thank her for her contributions to public service. I wish Wendy, her husband Jimmy, and their four children continued good fortune on the occasion of her 40th birthday.

COMMENDING WHITKO HIGH SCHOOL ART STUDENTS

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. SOUDER. Mr. Speaker, I rise today to commend the artistic achievements of students at Whitko High School in South Whitley, Indiana. Whitko High School was one of 11 schools in the United States that recently participated in the 35th World School Children's Art Exhibition in the Republic of China, Taipei. The purpose of the exhibition is to promote mutual understanding and friendship among the younger generation of the world.

It is a tremendous honor for Whitko High School students to be recognized for their artistic abilities on an international level, especially considering 47 countries were represented at the exhibition.

I'd now like to recognize by name each of the eight Whitko students who participated in the competition: Renae Banks, Julianne Haines, Wendy Chalk, Amanda Crosser, Callista Duggins, Kylee Brown, Jill Wendel, and Shannon Sleighter. Two of these students—Julianne Haines and Shannon Sleighter—were recognized by the World School Children's Art Exhibition for their outstanding artistic skill and talent and were awarded selected medals for their work. I send them my sincere congratulations.

I also commend Whitko High School's art teacher Walter C. Malicki for his dedication and enthusiasm. Under his guidance, Whitko High School students have received 32 national and 97 international awards. These honors are due, in large part, to Mr. Malicki's leadership and the encouragement he gives each of his students.

Once again, I extend my congratulations to the Whitko High School art students for their achievements in the 35th World School Children's Art Exhibition.

TRIBUTE TO THE EAST BAY REGIONAL PARK DISTRICT CELEBRATING 70 YEARS OF REGIONAL PARKS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. STARK. Mr. Speaker, my East Bay California colleagues Mr. GEORGE MILLER, Mrs. ELLEN TAUSCHER, and Ms. BARBARA LEE, join with me to recognize the 70th anniversary of the East Bay Regional Park District (EBRPD), headquartered in Oakland, California. The Park District spans Alameda and Contra Costa Counties and encompasses 1,745 square miles on the eastern side of San Francisco.

In 1934, a unique "regional park" concept, unheard of at the time, was presented to the voters on a November ballot measure. A vote for the proposed new Park District meant an increased five-cent tax on every $100 worth of property. Even in the economic hardships of the Great Depression, where a nickel still went a long way, citizens approved the initiative by a 2½ to 1 margin and the Park District was created.

The East Bay Regional Park District opened its first three parks in 1936, which included present-day Tilden Regional Park, Sibley Volcanic Preserve and Lake Temescal. Redwood Park was added to the list of parks a few years later.

In the intervening years, the Park District grew from seven cities—Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont and San Leandro—to encompass all of Alameda and Contra Costa counties.

Today, the East Bay Regional Park District is the largest local park agency in the United States. It encompasses over 95,000 acres of parkland in Alameda and Contra Costa Counties for outdoor recreation, wildlife habitat, and nature education.

The Park District's vision is to "preserve a priceless heritage of natural and cultural resources, open space, parks and trails for the future and will set aside park areas for enjoyment and healthful recreation for generations to come. EBRDP states "an environmental ethic guides us in all that we do."

The Park District's core mission is to "acquire, develop, manage, and maintain a high quality, diverse system of interconnected parklands which balances public usage and education programs with protection and preservation of our natural and cultural resources."

The vision and mission of the East Bay Regional Parks continues to be achieved with commitment and efficiency. For 70 years, the East Bay Regional Parks has been dedicated to preserving open space and offering enjoyable and healthy recreation opportunities for local residents.

We join in honoring the individuals whose vision created an unprecedented Regional Park System and the individuals who continue to ensure the East Bay Regional Park District's success.

IN MEMORY OF DOLLY NASH, A DISTINGUISHED AMERICAN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. WILSON of South Carolina. Mr. Speaker, I rise to remember a distinguished South Carolinian, Janet Dolly Nash. Dolly Nash and her husband always flew the American flag at their home in Beaufort, South Carolina. She was a proud American. Not long ago, Dolly "passed" (a term often used in my state). She died in Cape May, New Jersey, a community with which Beaufort shared her. A retired school teacher, Dolly gave of her wide knowledge to many others—others who will remember her and her lessons of life.

Dolly Nash believed it was her mission to promote the legacy of her great grandfather, Robert Smalls, a legend in the Beaufort area. Despite his status as a slave of only 23 years of age, Robert Smalls learned to be a pilot in Charleston Harbor. During the Civil War, he "commandeered" the Confederate vessel *Planter* and delivered it to Union forces. He rose to the rank of major general in the South Carolina militia. After the war he founded the Republican Party in the Beaufort area and was elected to the United States House of Representatives. In April of this year, the Army Supply Ship, *Major General Robert Smalls*, was christened in Mississippi, the first Army vessel to bear the name of a black American.

"Dolly was everywhere, just like sunshine," says Delores Nevils of St. Helena, South Carolina, a close friend of Dolly's and herself a fine American. In a recent article in the Beaufort Gazette, Mrs. Nevils extolled Dolly and described her extensive service to her community. As Mrs. Nevils described it, at her 75th birthday party, Dolly gave gifts rather than received them. Dolly Nash gave many gifts to many people in her lifetime. She herself was a gift to the people of Beaufort, of South Carolina and of America. I would like to share with you the memory of Dolly Nash.

* * *

TRIBUTE TO SHIRLEY CONNOLLY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Ms. ESHOO. Mr. Speaker, I rise to honor Shirley Connolly, who was recently honored with the prestigious St. Madeleine Sophie Medal by the Schools of the Sacred Heart in Atherton, California.

Shirley was born in Helena, Montana and became a San Franciscan at the age of seven. She graduated from the San Francisco College for Women, better known as Lone Mountain College, with a Bachelor's Degree in History and World Literature, and later received a Master's from Lone Mountain in American History. Shirley also completed graduate courses in Education at Boston University and Harvard University.

Shirley's heart was always with Lone Mountain and she continued her dedication to her alma mater, always being a shining example of her willingness to take on a tough job whenever needed. After Lone Mountain closed, official alumnae activities understandably waned and it became difficult to keep graduates and faculty in touch with one another. This became Shirley Connolly's challenge. She has worked hard to preserve this community, leading the Alumnae Association for many years and enabling students and their RSCJ teachers to continue or rekindle their Lone Mountain relationships.

Shirley began her own teaching career over 40 years ago at St. Joseph's School in Atherton. After 4 years at Lone Mountain and 3 years in the Religious Formation Program, Shirley was ready, willing and able to begin her career educating girls and young women. Her first teaching assignment was a classroom of 35 eighth-grade girls and boys. Shirley's warmth and wisdom were more than a match for the eighth graders, and this was the beginning of her long and tremendously successful relationship with St. Joseph's.

Shirley spent 2 years in what was then Menlo Park, and then moved to San Francisco where she served as a teacher, Dean of Students and Director of Studies at the Schools of the Sacred Heart there. After a brief stint in Newton, Massachusetts, Shirley joined the California Province of the Sacred Heart. This role gave her the opportunity to develop one of her greatest gifts, the ability to train teachers. Even today, she is highly regarded and remembered throughout the Sacred Heart community for this skill. One of her pupils described her as someone who had the common sense to sort through all the academic training and understand and pass on what young teachers really needed to know. After this stint with the Province, Shirley returned to Menlo Park in 1973, serving as Principal of the high school under Sister Nancy Morris until 1975.

In 1976, Shirley set off on a new path, joining the Catholic Telemedia Network in Menlo Park. She stayed with CTN until 2002, rising through several positions to become General Manager for her last 10 years there.

Shirlley has a gift for combining crystal clarity and great wisdom with diplomacy, humility and kindness. She is the most generous, selfless person one could ever know. She is always available to assist whomever needs help, whenever they need it, without question, complaint, or regard to her own needs.

Shirley has been the best friend to the resident of Oakwood over the years, always dropping whatever she is doing to help with whatever needs to be done. She served as Chair of its Board of Directors for several years, and has recently accepted an invitation to return to this Board.

Mr. Speaker, I ask my colleagues to join me in honoring this great and good woman, Shirley Connolly, as she is honored with the St Madeleine Sophie Medal.

RECOGNIZING THE WEEDSPORT HIGH SCHOOL FOOTBALL TEAM

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize the Weedsport High School football team for their outstanding achievements and victory in the New York State Class D Championships.

The No. I ranked Weedsport Warriors finished their season undefeated, with an impressive 13–0 record. Setting another milestone, this is also the first state championship in school history to be awarded to any team sport.

Their 22–21 victory over the Tuckahoe Tigers was an amazing feat. After the Tuckahoe Tigers claimed the lead during the 4th quarter, the Warriors were able to narrow that lead on a heroic 83-yard kickoff return by senior Brad Bach. Trailing 21–20, the Warriors opted to attempt a crucial two-point conversion that would give them the lead, thanks to the speed and agility of junior quarterback Mike Coolbaugh. The Weedsport Warriors spent the remainder of the game maintaining an impregnable defense and refusing to buckle under the pressure of the determined Tuckahoe offense.

I commend the coaching staff and the players of the Weedsport Warriors for all of their training and dedication to the game. Congratulations; I am proud of all of you and your achievements.

The 2004 Weedsport High School football team members include: Roster: Brad Bach, Brandon Bach, Jeff Bibbens, Mike Bond, Robert Bradtke, Mike Case, Chris Chorny, Mike Coolbaugh, Mike Davis, Matt Drury, Matt Duby, Kerry Green, Brandon Magill, Mike Maltese, Ken McLoud, John Meitz, Troy Nelson, Tyler Nevidomsky, Jeff Whiting, Dave Roden, Ed Rooker, Jim Scarbrough, Adam Sweet, Jeff Whiting, Jeff Williams, and Ryan Wright. Coach: Calvin Mosher. Assistant Coaches: Tim Spingler, Jason Trousdale.

TRIBUTE TO CONGRESSMAN DOOLEY OF CALIFORNIA

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. KIND. Mr. Speaker, I am proud to have had the opportunity to serve with such an outstanding Member of Congress over the past eight years. I would like to congratulate him on his retirement from the United States House of Representatives at the close of the 108th Congress. Serving with him in Congress has been an honor, and I hope to maintain our friendship in the upcoming years.

Since coming to Congress in 1997, I have had the pleasure to work with CAL on numerous issues in addition to building and growing the influence of the New Democrat Coalition (NDC). If there is one word that best represents CAL, it is integrity. Upon my arrival in Washington, DC, I immediately turned to him as both a mentor and a friend. As founder and co-chair of the NDC, he was always a respected voice on critical issues.

The NDC, through CAL's leadership, transformed how the Democratic party worked in the late 1990s. Intent on modernizing both the Democratic party and the country, New Democrats support policies that expand economic growth and see that all Americans have the opportunity to benefit from that growth; ensure a fiscally responsible and efficient government; secure the homefront; and advance a robust foreign policy that includes trade, constructive U.S. leadership throughout the world, and a modern and strong military. As a testament of CAL's leadership, the Clinton Administration frequently sought allies in the NDC. The Clinton Administration turned to the NDC for the critical support of the coalition's major legislation initiatives such as welfare reform and trade with China.

CAL is a fourth-generation farmer and partner in his family farm, growing cotton, alfalfa and walnuts at his farm in California's San Joaquin Valley. Through his tenure in the House, CAL has concentrated heavily on Agriculture issues. During the last farm bill, I served on the Agriculture Committee and was able to see firsthand how knowledgeable he is when it comes to farm policy. I look forward to working with him again on the next farm bill in his new role as the President and CEO of National Food Processors Association (NFPA). The NFPA is extraordinarily lucky to get one of the top leaders in food policy today.

CAL, in addition to his other accomplishments, is a great student of the big issues facing our country today. As long as I have known him, he has always had a willingness to dive into new subject matters and learn them as quickly as possible.

I want to thank CAL for his leadership and his friendship. I wish him the best of luck on his new endeavors.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. SHAYS. Mr. Speaker, I support the Fiscal Year 2005 Omnibus Appropriations Act, but I would like to state my opposition to the Weldon refusal clause provision.

The Weldon provision would exempt health care companies from any federal, state or local government law that ensures women have access to reproductive health services, including information about abortion.

If passed, this provision would have many negative effects.

It would override federal Title X guidelines that ensure women receive full medical information. A fundamental principle of Title X, the national family planning program, ensures pregnant women who request information about all their medical options, including abortion, be given that information, including a referral upon patient request.

I am also concerned this bill does not include an increase in funding for Title X. Each year approximately 4.5 million low-income women and men receive basic health care through 4,600 clinics nationwide that receive Title X funds. This program reduces unintended pregnancies and makes abortion less necessary. Had funding for Title X kept pace with inflation since 1980, with no additional increases, it would be funded today at double its current budget.

While Title X is receiving flat funding from last year, H.R. 4818 gives abstinence-only programs an increase of $35 million. Unlike Title X, abstinence-only programs do not provide clinical health services.

Additionally, research shows comprehensive sex-education programs, which teach both abstinence and contraception, are the most effective. There is no federal program that earmarks dollars for comprehensive sex education.

I support a woman's right to choose whether to terminate a pregnancy subject to Roe v. Wade.

Abortion is a very personal decision. While a woman's doctor, clergy, friends, family, and public officials may have an opinion, the ultimate decision rests solely with her. It is vital for every woman to have access to as much information as she needs in order to make this decision.

While I support the bill, I oppose these provisions and amendments.

HONORING DENNIS H. HOLTSCHNEIDER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. EMANUEL. Mr. Speaker, I rise I recognize the inauguration of The Reverend Dennis H. Holtschneider, C.M., as the eleventh president of DePaul University, on Saturday, November 20 at the Harris Theater for Music and Dance School. Father Holtschneider became DePaul University's eleventh president on July 1, 2004, following the distinguished eleven-year tenure of the past president, Father John P. Minogue.

Father Holtschneider's background is as impressive as his future at DePaul is promising. He received his doctoral in administration, planning and social policy from Harvard University in 1997 after writing a dissertation on the early history of financial aid in the United States. He was also a case researcher and writer for Harvard's schools of Education, Medicine and Public Health.

Since 2000, he has served as executive vice president and chief operating officer at Niagara University in Niagara Falls, New York, where he directed the university's strategic planning efforts and daily operations of the campus. Prior to his role at Niagara, Father Holtschneider served as an assistant professor of higher education in the Graduate School of Education and as the associate dean of the College of Liberal Arts and Sciences at St. John's University.

Father Holtschneider joins DePaul at an exciting time in the school's 106-year history.

Steady enrollment growth has earned DePaul distinction as the largest Catholic university in the United States and the seventh-largest private university in the country, fulfilling DePaul's academic mission to expand access to quality educational programs to a diverse student body. As DePaul concludes its strategic planning, known as Vision 2006, Father Holtschneider will share his expertise to help shape the university's future initiatives.

Father Holtschneider has led two national studies of American Catholic colleges and universities, examining trends in governance and leadership, and he consults on these matters with university boards of trustees and sponsoring religious congregations. He is the author and co-author of one book and numerous articles on U.S. higher education and Catholic higher education, as well as a frequent speaker on these topics.

On behalf of the Fifth Congressional District of Illinois, I wish Father Holtschneider continued success at DePaul University and look forward to working with him as the university continues to grow and excel in a broad variety of disciplines. I am very proud to represent DePaul in the House of Representatives and once again congratulate Father Holtschneider on his inauguration as president of the university.

CONGRATULATING JAMES W. PYLES ON HIS ELECTION AS CHAIRMAN OF SCORE

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. SOUDER. Mr. Speaker, I rise today to extend my congratulations to Mr. James W. Pyles of Elkhart, Indiana, for his recent election as board chairman of the Service Corps of Retired Executives (SCORE). Mr. Pyles is the first African-American to lead this national nonprofit organization in its 40-year history, and I know he will lead SCORE well in its efforts to train and counsel small business owners and entrepreneurs.

Mr. Pyles is an energetic and passionate man who believes strongly in the mission of SCORE. His 34-year experience in the sales and marketing departments at Bayer Corporation, in addition to his experience as a manager of a real estate management firm, will serve him well in his new capacity as board chairman.

SCORE, which is funded by Congress, celebrates its 40th anniversary this year. During its existence, SCORE has assisted more than 6.7 million Americans with online and face-to-face small business counseling. There are 800 offices nationwide with more than 12,500 volunteer counselors who provide individual counseling and business workshops for aspiring entrepreneurs and small business owners.

Small businesses are critical to this nation's economy, having generated 60 to 80 percent of the net new jobs annually over the past decade. Small businesses also employ 50 percent of the country's private workforce and represent more than 97 percent of all exporters of goods.

I commend SCORE for its efforts to strengthen and assist small businesses across the country, and I urge more people to use SCORE services or get involved as a volunteer counselor.

Mr. Speaker, I would like to include a copy of the press announcement regarding Mr. Pyles' election to the chairmanship of SCORE in today's CONGRESSIONAL RECORD. And, I urge my colleagues to join me in congratulating Mr. Pyles on his recent election. We wish him the best in his 2-year service as SCORE board chairman.

JAMES W. PYLES ELECTED BOARD CHAIR OF SCORE

FIRST AFRICAN-AMERICAN TO LEAD SCORE IN ITS 40-YEAR HISTORY

WASHINGTON, DC—SCORE announces the election of James W. Pyles of Elkhart, Ind., as the board chair for this national nonprofit organization dedicated to small business counseling and training. He is the first African-American to lead the Service Corps of Retired Executives in its 40-year history.

SCORE, which is funded by Congress, provides free business counseling as well as workshops and seminars to more than 350,000 aspiring and existing small business owners. SCORE has a national network of 10,500 volunteers, each with business management and small business experience. Pyles will lead SCORE's efforts to increase the number of entrepreneurs it serves, improve quality and recruit new volunteers to SCORE.

Pyles spent 34 years in sales and marketing positions with the Bayer Corporation, his last position as manager of consumer promotion. Prior to retirement, he became an entrepreneur by opening his own real estate management firm. He previously served for three years on the Board of Directors for the Promotion Marketing Association of America.

Pyles joined SCORE in 1996. He has been an active leader in his local SCORE chapter and served on national quality and marketing committees and the SCORE Association Board of Directors for the past three years, as Chair of the SCORE Board Nominating Committee and most recently as board vice chair.

Jim Pyles says, "SCORE will forge ahead on a course to pursue maximum client satisfaction and increase the number of entrepreneurs we serve. I believe in the American dream of owning a small business and SCORE helps small business owners successfully pursue their dreams."

According to SCORE CEO Ken Yancey, "Jim has a depth of business knowledge and experience. His service on the SCORE Board of Directors is a tremendous asset. He will expand SCORE's service to entrepreneurs and he will help SCORE recruit new volunteers to join SCORE's mission of aiding entrepreneurs through small business training and mentoring in the United States."

Pyles' accomplished business career is rivaled by his commitment to community service. His current involvements include leadership service for the following organizations: The Samaritan Center, Goshen College Community Advisory Group, and the Elkhart SCORE Chapter. Pyles is a life member of the National Association for the Advancement of Colored People and the Kappa Alpha Psi Fraternity. Pyles, a graduate of Crispus Attucks High School, earned his undergraduate degree at the Butler University College of Pharmacy and his MBA at Indiana Wesleyan University.

Since 1964, the SCORE Association has assisted more than 6.5 million aspiring entrepreneurs and small business owners through counseling and business workshops. More than 10,500 volunteer business counselors serve their communities through entrepreneur education dedicated to the formation, growth and success of small businesses. For more information about starting or operating a small business, call 1-800-634-0245 for the SCORE chapter nearest you. Or visit SCORE on the Web at www.score.org.

THE ANATOMY OF MYTH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. STARK. Mr. Speaker, much has been written and said about the role "moral values" played in the outcome of the 2004 presidential election. I'd like to recommend the attached article from Sunday's Washington Post Outlook section to my colleagues. The author, Dick Meyer, Editorial Director for CBSNews.com, writes about how this focus on "moral values" is, "a neat theory—but wrong."

As many of us seek to evaluate this past election, I urge my colleagues to read this article. I agree with the author that this moral values perspective has been greatly overblown and does a disservice to a more thorough evaluation of the election.

[From washingtonpost.com, Dec. 5, 2004]

THE ANATOMY OF MYTH—HOW DID ONE EXIT POLL ANSWER BECOME THE STORY OF HOW BUSH WON? GOOD QUESTION.

(By Dick Meyer)

Social and intellectual conventions are supposed to settle slowly, but conventional wisdom can congeal instantly and without much wisdom. That's what has happened over the past several weeks with a prevailing interpretation of this year's presidential election—the great moral values theory.

The Big Political Idea of the '04 election goes something like this: "Moral values" turned out to be the most important issue to voters, not the economy or the Iraq war or terrorism. President Bush won because a legion of "values voters" whose growing numbers escaped the attention of an inattentive media preferred him. The Democrats are doomed until they can woo the voters who belong to this new political force.

It's a neat theory—but wrong. How it came to be regarded as the real story of Bush's victory is a fascinating and sobering example of journalism's quest for freshness and surprise.

Here's the simple fact: The evidence that moral values determined the election rests on a single dodgy exit poll question. And it's not at all clear that more voters are preoccupied with moral values now than were fretting about "family values" on Election Day 1996, when exit pollsters included that phrase in a question about "priorities for the new administration." But in the often arid and repetitive arena of American political ideas, fun new contestants can be hard to disqualify. The myth of the moral values election is proving hard to snuff out.

The mantra was in full hum on election night. Television commentators were understandably struck by the results of the question asked of almost 7,000 voters as they left their polling places: "Which one issue mattered most in deciding how you voted for president?" The most cited issue on the list of seven options offered to those surveyed was "moral values" at 22 percent; 80 percent of these voters went for President Bush, 18 percent for Democratic nominee John Kerry. "Economy/jobs" came next on the list at 20 percent, followed by terrorism (19 percent), Iraq (15 percent) and then health care, taxes and education in single digits.

Brian Healy was the CBS News producer covering the exit polls, something he has done in many elections. He recalled that everyone was surprised that moral values topped the list as the numbers came in, but it wasn't until about 4 a.m. that someone quite innocently asked, "What exactly are 'moral values'?"

Too late. The story line was already set. And the surprise nature of the moral values result boosted its allure for the commentariat. When the newspapers could finally write definitive headlines, the notion that moral values was a synonym for various conservative positions became a given—as did its decisive effect on the outcome of the contest. "Faith, Values Fueled Win," reported the Chicago Tribune. "'Values voters' key to Bush re-election," declared the Fort Worth Star Telegram. "Moral Values Decide Election," the Tri-Valley Herald in northern California told its online readers.

From the modest experiment of one exit poll question, a Unified Theory of Election 2004 was hatched. Pundits began to spread the word. "Ethics and moral values were ascendant last night—on voters' minds, in Americans' hearts," William J. Bennett wrote in a column posted in the National Review Online at 11:09 a.m. on the morning after the election—even before Kerry's concession and Bush's victory speech.

Several days later, American Prospect Executive Editor Michael Tomasky expressed the apocalyptic Democratic interpretation in his column: "The reelection of a president such as George W. Bush for the reasons the exit polls tell us he evidently won is a culminating event in the political retreat of modernity, a condition of existence whose fundamental tenet was the triumph of scientific skepticism over what used to be called 'blind' faith." Wow.

And on CNN's "Crossfire," co-host Tucker Carlson opened the Nov. 5 show with this categorical assessment: "Three days after the presidential election, it is clear that it was not the war on terror, but the issue of what we're calling moral values that drove President Bush and other Republicans to victory this week."

Some reporters were even apologetic for missing the big story. "Somewhere along the line, all of us missed this moral values thing," said CNN's Candy Crowley in a speech to a Florida audience.

Political reporters may have many things to atone for, but missing "the moral values thing" is not one of them. Plenty of commentators have tried to spike this dogma (including me in one of my columns), but it has proved a stubborn adversary. Let's take another swing at it.

Yes, the issues boiled down into the code phrase "moral values" were a factor in this election. There are voters passionately concerned with gay marriage and abortion, and an overwhelming number of them supported President Bush. It's also clear that gay marriage ballot initiatives energized these voters, as did Republican efforts to get out that vote.

But the size and impact of that cohort has been exaggerated. And the impact of other issues (war, terrorism) and leadership qualities was minimized. That's mostly because of oddities in the exit poll, but also because this Big Political Idea conforms to what some Republican strategists are peddling (and their interpretation has the added credibility that winners get in writing history). It also fits neatly the red/blue, "two Americas" school of thought, which projects the country as deeply divided and at war over cultural issues.

If the national exit poll had been worded differently, moral values would not have been the top issue and this argument wouldn't be happening.

If, for example, one of the choices on the exit poll list combined "terrorism" and "Iraq," it probably would have been the top concern and nobody would be talking about moral values.

If economy/jobs and taxes were one item instead of two, it might have been the winner. Who knows what the exit poll would have found if "truth in government" were an option. Or "character."

And, most, importantly, the definition of moral values is in the eye of the evaluator. Most voters probably did think moral values meant being against gay marriage, stem cell research and late-term abortion; but others undoubtedly thought it meant helping poor people or not invading Iraq. For some, moral values may have referred to character attributes of the candidates. It is a bit of a Rorschach test. Moral values are not a discrete, clear political issue to be set next to taxes or terrorism; it's public-opinion apples and oranges.

Gary Langer, the polling director for ABC News who helped design the exit poll but objected to including the moral values option on the issues list, pointed out some of these flaws in a Nov. 6 op-ed for the New York Times. He argued that "this hot-button catch phrase had no place alongside defined political issues on the list of most important concerns in the 2004 vote. Its presence there created a deep distortion—one that threatens to misinform the political discourse for years to come."

Now, to the hard question: Are there more values voters than there used to be?

In 2000, the consortium that ran the national exit poll did not list "moral values" as an option on their issues menu. At that time, it would have been seen as a question about Bill and Monica, and so pretty useless. So it's hard to know whether the slice of the electorate concerned with such matters has grown during President Bush's term.

We do know that in the 1996 question about the next administration's priorities, "family values" was tops for 17 percent (behind the winner, "health of the economy," at 21 percent), and that group largely went for Bob Dole. So you could argue that the 17 percent whose top worry was family values and went heavily Republican turned into 22 percent worried about moral values in 2004. That's a slight shift, but hardly a cultural tsunami—and remember, no one asked these voters for their definition of family values then, or moral values now.

Nonetheless, analysts have been surfing on tidal-wave conclusions. It has become a breast-beating crisis for Democrats that the values voters who were 22 percent of the electorate went for the Republican by a crushing margin, 80 percent to 18 percent. By that logic, it must follow that it's a crisis for Republicans that the 20 percent who care most about the economy and jobs went 80–18 for the Democrat.

Or perhaps it's a crisis for the Republicans that the 45 percent slice of the electorate that describes itself as moderate went for Kerry 54-45? Or that first-time voters went 53–46 for Kerry? So many crises, so few facts to support them.

Voting behavior does divvy up Americans into certain patterns. Rural residents and heavy churchgoers vote Republican. City people and church-avoiders vote Democratic. But these cleavages have persisted in several elections. Moral values didn't just seep into the drinking water.

Yet the myth persists. Sometimes it's perpetuated by partisans claiming that Democrats are hostile to values voters. "There simply aren't enough voters in Berkeley, Santa Monica, Santa Fe, Manhattan and Cambridge to offset the many concerned evangelicals, Catholics and Jews in the rest of the nation for whom moral values are a determining issue," wrote Richard A. Viguerie and David Franke in a Nov. 15 Los Angeles Times op-ed.

Sometimes it's perpetuated by those looking at the red and blue divide. Even after many debunking pieces came out, a story in the Rochester Democrat and Chronicle about strained relations in the Christian community noted that "it has gotten stickier than ever in the aftermath of a presidential election in which moral values played a key role in keeping George W. Bush in the White House."

A Nov. 22 op-ed in Newsday by political scientist Laura R. Olson also took off from the fatal assumption. "The much-touted exit poll finding that moral values were the most important Election Day concern of 22 percent of voters highlights the fact that a sizable number of Americans expect political leaders to offer a prophetic vision," she wrote. I'm not picking on her; that's just one example of many I could have cited.

Other scholars have tried to put the exit poll question in perspective. Lawrence R. Jacobs, a political science professor and director of the 2004 Election Project at the University of Minnesota, wrote: "The initial conclusion of media commentators that 'moral values' determined the outcome of the 2004 presidential election was off the mark, neglecting the impacts of partisanship and the economy."

Despite the best efforts of myth-busters, the moral values doctrine has morphed from a simple poll finding to a grand explanatory theory to gospel truth. This contaminated strain of punditry needs to be eradicated before it spreads further.

REMEMBERING REED IRVINE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. WILSON of South Carolina. Mr. Speaker, as America has experienced a presidential election marred by shocking media bias, it is a sad reminder how important Reed Irvine's visionary role has been to promote fairness. Never before has the need been greater with CBS News presenting forged military records as fact, with The New York Times contriving an October surprise hoax to slander America's troops, with multiple news organizations gleefully producing fraudulent exit polls to influence voters, and with the Public Broadcasting System hysterically forecasting on election night a coup by Bush supporters. Despite these attacks, the voters knew better and President Bush prevailed.

Fortunately, the propoganda purveyors have been unmasked by Reed Irvine with the assistance of courageous magazines, talk radio, bloggers, and Fox News.

It is particularly fitting that the below obituary was prepared by the noted and courageous, crusading journalist John Gizzi in Human Events for the week of November 22, 2004.

DEATH OF A WATCHDOG: REED IRVINE (1922-2004)

(By John Gizzi)

To many liberals in the media targeted by his pointed criticisms, Reed Irvine, the founder of Accuracy in Media, was a tormenter. But to his legions of friends and admirers he was the "Sergeant Joe Friday of the American media."

Following his death on November 16 from complications following a stroke, the 82-year-old Irvine was remembered as the conservative movement's pioneering media watchdog.

Born in Salt Lake City, Irvine graduated in 1942, at the age of 19, from the University of Utah. He then joined the U.S. Navy, which taught him Japanese, and became an interpreter for the U.S. Marine Corps in the Pacific theater of war and in occupied Japan. Following his discharge, he did graduate work at the University of Washington and won a Fulbright scholarship to Oxford, where he earned a master's degree in 1951.

From 1951 until he retired in 1977, Irvine worked at the Federal Reserve Board. The topic of media bias dominated a group Irvine regularly lunched with and soon he founded Accuracy in Media to try to keep the national press honest.

Through op-ed pieces, lectures, in-depth studies, a regular newsletter and frequent appearances on radio and TV, Irvine provided evidence that the major media indeed had a liberal bias. The grassroots following he developed provided AIM with the resources to launch national campaigns against the "gods of the antennae." In 1983, for example, an AIM crusade convinced the Public Broadcasting System (PBS) to give equal time to AIM to rebut an hour-long special, Vietnam: A Television History.

In 1985, Irvine started Accuracy in Academia to combat leftist teachings at U.S. colleges.

For those outside the movement, Irvine may be best remembered for his spirited appearances at town hall meetings hosted by Ted Koppel on ABC's "Nightline." Perhaps the most poignant tribute to Irvine came from Koppel. "Reed Irvine was, at times, a harsh critic of the television news industry and me in particular," Koppel told Human Events, "but throughout the many years that I knew him, he was never anything but courtly and personally gracious. Just as I would insist that all other enterprises in our society benefit from the presence of a critical and fearless press, so, too, the press benefits from being held to high and occasionally harsh standards. Reed Irvine fulfilled that function to the greater good of all."

Irvine leaves his wife of 56 years, Kay Araki Irvine, son Don (who succeeded him as president of Accuracy in Media), and three grandchildren.

TRIBUTE TO JOAN EAGLESON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Ms. ESHOO. Mr. Speaker, I rise to honor Joan Eagleson, who was recently honored with the highest award of Sacred Heart Schools, the St. Madeleine Sophie Medal by the Schools of the Sacred Heart in Atherton, California.

An extraordinary educator at St. Joseph's School, Joan has said her greatest teachers are the children she works with every day. The children are her delight and lifeline. Joan believes children are grounding and one has only to listen to their truth and see their beauty. Joan's ability to really hear children draws them to her and she is always there for them.

Joan received her MA in Counseling from the College of Notre Dame. Recognizing the need for children to be heard, she spearheaded the Middle School Advisory Program and the Rainbows Program. Joan is marvelous at helping children recognize the light and love in themselves. One student said, "Have you ever noticed how good you feel about yourself after talking with Mrs. Eagleson?" What better testimony to Joan's ability to bring out the best in a person.

When Sister Ann McGowan, RSCJ hired Joan 16 years ago, she was given the opportunity to teach and run the library. Joan recalls with gratitude Sister Helen Daly's mentoring. Sister Daly saw in Joan the capacity to become a bridge where children could find consolation and support in the new and mysterious world of books and learning. Anyone who has ever walked through St. Joseph's library can feel it is a welcoming place of comfort, warmth, trust and generosity. Joan doesn't fit the stereotype of the librarian who only says, "Shh, be quiet." Joan creates an atmosphere of enthusiasm for learning, a place where children have time to discover, to be curious, to be imaginative, to know the value of not knowing and then, of asking the question and knowing how and where to find the answer. Most importantly, Joan guides children to recognize that what is essential they have within.

When asked what she hoped for the children to learn at St. Joseph's School, Joan said, "the value of simplicity and balance in life; the value of time to be; the value of being present to the moment; the value of embracing life wholeheartedly; the value of working in community; the value of human touch; the value of experiencing joy in the process of learning."

Mr. Speaker, I ask my colleagues to join me in honoring this great and inspiring educator, Joan Eagleson, as she is honored with the St. Madeleine Sophie Medal.

RECOGNIZING THE McGRAW HIGH SCHOOL LADY EAGLES ON THEIR SOCCER CHAMPIONSHIP

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize the McGraw High School Lady Eagles for their outstanding performance and their victory in the New York State Class D Soccer Championship.

The Lady Eagles won the title match with a 1–0 victory over Chateaugay on November 20th. Under the leadership of coaches John and Kathy Rutan, they concluded an amazing undefeated season with winning the state championship. Their impressive 24–0 record was the first perfect season for the Lady Eagles, as well as the first state title in school history.

I would like to recognize goalkeeper Christy Mott, forwards Taryn Bilodeau, Jen Rutan, and midfielder Laura Buerkle for their outstanding individual achievements. Christy Mott was awarded the State Tournament Class D Goalkeeper award, as well as an Honorable Mention in the Central Counties League All-Stars. Taryn Bilodeau, in addition to being named a Central Counties League All-Star, scored her 100th career goal this season, was named to the 2nd team in the Central New York All-Star voting, and the Section III Class D All-Star Team. Along with Bilodeau, Jen Rutan and Laura Buerkle shared Central Counties League All Star positions, as well as Section III Class D All-Star honors.

Their remarkable season is a testament to their dedication and commitment to the sport and to the character of these young ladies.

The 2004 McGraw High School Girls Soccer team members include: Roster: Sarah Bilodeau, Taryn Bilodeau, Laura Buerkle, Monica Byron, Caroline Byrne, Megan Camillo, Jamie Harriger, Rachel Harriger, Natasha Ignatowski, Ashley McAdam, Allison Murray, Christy Mott, Diane Ralyea, Amanda Reynolds, Heather Rogers, Jen Rutan, Amanda Stevens, Sandra Suomikallio, and Kaci Williams. Coach: John Rutan, Assistant Coach: Kathy Rutan.

A TRIBUTE TO CONGRESSMAN C.W. BILL YOUNG AT THE CLOSE OF HIS REMARKABLE TENURE AS CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Ms. HARRIS. Mr. Speaker, I rise today to pay tribute to my distinguished friend and Florida colleague, Congressman C.W. BILL YOUNG, as he concludes his remarkable tenure as Chairman of the House Committee on Appropriations.

During his 17 terms in Congress, Chairman YOUNG has set the benchmark for integrity, compassion, and diligence in serving his constituents, our State, and our Nation. With his steady hand at its tiller, the Appropriations Committee has remained a sanctuary of comity and productivity as it navigated the heavy winds of terrorism, recession, the stock market crash, and corporate scandals, as well as the budgetary pressures that these crises produced.

Of course, we Floridians were extremely fortunate that this island of calm resolve was serving as Appropriations Chairman when our State suffered the devastating, unprecedented blows of four hurricanes earlier this year. Within days after we returned from the August District Work Period, Chairman YOUNG built a consensus around a $2 billion relief package that the victims of this disaster desperately needed—just as FEMA's available funds were exhausted.

During our consideration of the subsequent $12.6 billion supplemental relief bill, the pressure to include other disasters naturally arose. Exhibiting the same empathy and fairness that served as the hallmark of his chairmanship, Chairman YOUNG managed to address these concerns while achieving swift passage of this legislation.

Our Nation has been just as fortunate that Chairman YOUNG headed the Appropriations Committee as we confronted the daunting challenges of a changed world in the aftermath of September 11. A veteran of the Army National Guard, Chairman YOUNG has garnered national recognition for his expertise on defense and security issues. He had previously chaired the House Appropriations Subcommittee on National Security, and he has served the longest term on the House Permanent Select Committee on Intelligence of any member in history.

While ensuring that our military has the best resources available to fight the War on Terror, Chairman YOUNG has always placed his highest priority upon the men and women who risk their lives to preserve our freedom. He regularly meets with enlisted personnel and officers to assess their needs. As a result of his unflagging efforts on their behalf, Congress has invested in improved base housing, better medical care, increased pay, and more modern equipment.

Chairman YOUNG has also successfully fought for the health security of every American. A leading advocate for increased biomedical research, he has worked to double Federal medical research over 5 years. He has striven to increase the immunization rate for preschoolers, improve public health programs, and provide the resources necessary to find cures for scourges like Parkinson's and Alzheimer's diseases.

In 1986, Chairman YOUNG played a leading role in founding a national registry for bone marrow donors, which now bears his name in his honor. Today, the registry contains more than 4 million volunteer donors for patients with leukemia and other life-threatening diseases and serves as a model for similar diseases around the world.

Mr. Speaker, we look forward to many more years of effective, caring service from this dedicated public servant, who exemplifies the appellation, "the gentleman from Florida."

HONORING THE UNIVERSITY OF COLORADO'S MEN'S AND WOMEN'S NATIONAL CHAMPION CROSS COUNTRY TEAMS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor the Men's and Women's Cross Country Teams of the University of Colorado for claiming the NCAA National Championship titles on November 22, 2004.

While the University of Colorado has won the title for both teams before, the men's squad in 2001 and the women's team in 2000, never before have teams of the university claimed both titles in the same year. In fact, this remarkable feat has happened only four times in NCAA cross country history. Both teams achieved their goal of winning the national championship by all five of the female runners finishing in the top thirty, and all five of the male runners in the top fifty.

These athletes are the epitome of dedication and hard work. I join the University of Colorado in taking pride in this noteworthy accomplishment.

Mr. Speaker, I commend these student athletes and ask all our colleagues to join me in congratulating the University of Colorado Men's and Women's Cross Country Team on their National Championships.

HONORING 35 YEARS OF COMMUNITY SERVICE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Martin Luther King Observance Committee of Morristown, New Jersey in my Congressional District, which this year is celebrating its 35th Anniversary.

The Committee, a local public service group, has solicited the involvement of the total Morris County community, and especially its young people, in its annual services commemorating the birth of Martin Luther King, Jr. since 1970. This celebration of faith, endurance, and commitment is a tribute to the rich legacy of the life and works of Dr. King.

The Observance for 2005 marks the Twentieth year that Dr. King's birthday will be commemorated as a national holiday. As an expression of local unity and in recognition of this important event, the Martin Luther King Observance Committee is inviting the Morris Clergy Council to cooperate with the Committee in jointly sponsoring the commemorative services on Monday, January 17, 2005.

The Martin Luther King Observance Committee will use for a theme "The Dream of Peace Is Dedicated Wholly to Truth." Each of us still makes a difference. Each of us needs to trust, to hope, to care, and to have the courage to make our democracy work for all if us. Yes, today we face great uncertainty and trepidation. Nevertheless, we will pull together as a community and nation during time of crisis. We are Americans indeed.

From those individuals who spearheaded the initial celebration, the late Rachel Viola Jones and Dr. Felicia B. Jamison, the planning efforts has broadened to include members of the Morris Area Clergy Council, with representatives from all major faith traditions. In addition to the two founders, other volunteers who assisted in the early years included Emma L. Martin, George Dorsey, William "Jack" Harris, Reginald and Emanueline Smith, Flora Webb, Norman Jean Matthews, Woody Huff, Elizabeth Lubar, Cecelia Dowdy, Rabbi Z. David Levy, and Rev. Charles Marks.

The core planning committee is continuing to carry on a tradition of excellence for this great program and has grown to include dedicated volunteers. Some of those individuals include Charles Jamison, Jr., James Mack, Janet Bonar, Patricia Johnson, Esq., Barbara Klingsporn, Mae Williams, Ronnie Rogers, Elie Sims, Nadine Alston, Rabbi Donald Rossoff, James Vance, Horace Melton, Marian Sykes Johnson, Gerald Martin, Dorothy C. Parker, Agnes Boyd, Rev. Paul Ratzlaff, and Rev. Jerry M. Carter, Jr., Pastor of the Calvary Baptist Church.

Mr. Speaker, I am quite certain that the Martin Luther King Observance Committee will continue in the years ahead to promote the cause of equality and educate our community in helping to promote opportunities for our young people to pursue productive, fulfilling lives. I ask you and my colleagues to join me in congratulating the Martin Luther King Observance Committee of Morristown as they celebrate 35 dedicated years of serving our community, and especially Chairwoman Dr. Felicia Jamison.

THE BATTLE OF THE BULGE

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. FOSSELLA. Mr. Speaker, sixty years ago this week, one of the greatest battles of World War II took place. While D-Day had put the Nazis on the ropes, the war wasn't over yet; as General George S. Patton reportedly said at the time, the Germans could no longer win the war, but the Allies could still lose it.

Lengthening supply lines had endangered the Allied drive to Berlin and reduced the effectiveness of American and British forces. Logistical miscalculations were a serious problem as well.

Then the weather turned bitterly cold; heavy snow and sleet took its toll on soldiers who had gone days without sleep. It became even more difficult to hold strained supply lines together. Fuel and ammunition shipments were not getting where they needed to go. Only the tenacity, courage and ingenuity of the men in uniform kept the good guys moving.

D-Day was a victory, but it wasn't the final victory, as we would soon discover.

The Battle of the Bulge was crucial. Just five months after D-Day, the Allies had yet to seal the fate of the Nazi regime. The Wehrmacht would come back with an offensive that seemed as if it might be unstoppable.

The very "bulge" of the battle's name refers not to some physical place, but to the alarming way our military maps showed the major battle line had "bulged" back towards the Allies.

Ultimately it proved to be the Nazis' last gasp, but we couldn't know that at the time. Had the German offensive not been crushed, their improved morale could have caused other reverses and sent the war into a stalemate, prolonging it and leading to thousands more being killed.

The fighting men of America and the other Allied nations had to summon a fierce will to beat back this charge, and did so heroically. It was one of those occasions that showed how right America was to trust in these men to keep our families safe. Our debt to them is enormous.

These men deserve the highest respect. The Battle of the Bulge was one of the most important moments of the second World War, and winning it was critical to winning the war.

Below are 82 veterans and family members of that battle from my home district, Staten Island and Brooklyn, in New York. It is important that we honor their sacrifice while they still walk among us:

William Abell, B. Roger Acker, Albert Agnotti, Elmer Van Arrindell, Salvatore Baratta, Peter P. Benedetto, Anthony Bianco, Dennis Bracket, Maryann Briney, Carmine Burzumato, Gertrude Calvacca, James Campbell, John Capano, Paul Capofari, Barbara Carreras, Raymond Cebula, Rubin Cohen, Edward Connors, Dominic Corcillo, Anthony Cuollo, Edward Curran, Vito Dellagarzie, Anthony DeMaio, Vincent DeSetto, Eugene Devlin, Anthony DiRosa, Henry Dudziec, Frank D'Alleso, Henry J. D'Andrea, Joseph Emmanuele, Angela Fazio, Roy Ferlazzo, Stephen Fiala, Peter Fiorella, Michael Fortier, William Franz, Aldo Furetti, Eugene Gagliardi, George Geissler, Clarence Genau, Finn Gjertsen, Jonas Goldenberg, Stanley Grapes, Robert E. Holmes, John Hynes, Frank Juliano, Rudolph Korman, Robert Landvogt, Alfred Lotz, William Macaluso, Joseph Magliocco, Val Manetta, Anthony Moody, William Morris, John Nee, Charles Nolan, Lenord Parente, Edwin Petrazzolo, Thomas Poidomani, Joseph Reilly, William Reilly, Seymour Richman, Rev. Br. Marion Santor, George Sheppard, Dr. A. B. Siewers, David Silver, Charles Snyder, Eugene Sobiesiak, Eugene Sorensen, John Spiritus, Joseph Sportiello, Joseph Sterbenz, Ralph Taliento, Herbert Thompson, Dennis Tobin, Horace Turner, Anthony Vaccaro, Ira Wells, Susan Witman, Peter T. Zacked, Dominick Zero, M. Riccio.

HONORING BRIGADIER GENERAL HAROLD KING

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. DEFAZIO. Mr. Speaker, I rise today to remember Brigadier General Harold King of the U.S. Air Force, Retired. His death on October 7, 2004, ended a remarkable and distinguished career of service to the Nation.

Benjamin Harold King was born in Oklahoma in 1919. He began his successful military career in February 1942 when he enlisted in the Army Air Force as a flying cadet. He was commissioned a second lieutenant in November and was flying with a fighter squadron in the Philippines a few months later. He served proudly and well during World War II, flying 122 combat missions in the Asiatic-Pacific and European-Middle Eastern theaters. He went on to log 226 combat missions in Korea and over 100 combat missions in Vietnam.

Brigadier General King's decorations include the Purple Heart, the Silver Star, the Legion of Merit, a Distinguished Flying Cross, three oak leaf clusters, the Air Medal with 24 oak leaf clusters, and the French Croix de Guerre.

Brigadier General King will be remembered, as well, for his legacy of leadership as a commander and operations officer. He succeeded at every assignment and is revered as the father of the modern USAF Air Commandos and Special Operations.

Brigadier General King flew combat in three wars and served in the military for over 30 years before retiring in 1971. He resided in Florence, Oregon, in my congressional district, at the time of his death.

A flight of four F–15s flew directly over his memorial service, a few hundred feet above the local airport where his family, friends, and community members watched the perfect "Missing Man" formation. It was a fitting tribute to Brigadier General Benjamin H. King, Flying Ace.

CONGRATULATING THE WAYNESBORO LIONS CLUB ON ITS 75TH ANNIVERSARY AND INVALUABLE SERVICE TO THE COMMUNITY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate the Waynesboro Lions Club on its 75th anniversary and to recognize the club's invaluable service to the community.

In America, unlike most countries throughout the world, the culture of charitable giving thrives. This is a nation in which freedom is our first priority, and with freedom comes empowerment and independence. As a result, individuals take care of each other to ensure a progressive society, creating a community committed to generosity and equality. It is out of this culture that numerous organizations have sprouted and grown upon the foundation of service to others.

At its inception, the Waynesboro Lions Club adopted a commitment to service, which reflects the cornerstone upon which this Nation was built. Since 1929, the club has maintained this commitment by contributing to numerous community projects. Members of the club have worked tirelessly to improve the quality of life of those in need, especially the visually handicapped. By providing eye exams and glasses, as well as assisting in the training of seeing eye dogs, the club has made a positive impact on the area's visually impaired.

Without the Waynesboro Lions Club, countless area projects would still be unfinished and many of those in need would still be without aid. The community of Waynesboro has been able to strengthen its cohesion as well as its culture because of the direct involvement of the Lions Club.

The legacy of service that instills a unique pride in the hearts of every American citizen has penetrated the walls of the Waynesboro Lions Club and influenced the lives of scores of people. For its commitment to the citizens of Pennsylvania throughout the last 75 years, I am extremely grateful to the Waynesboro Lions Club.

HONORING CONGRESSMEN AMO HOUGHTON AND JACK QUINN

SPEECH OF

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. KELLY. Mr. Speaker, I rise today to extol the dedicated public service and achievements of two fellow New Yorkers who are retiring from Congress. AMO HOUGHTON and JACK QUINN have both exemplified commitment and effectiveness during the time they served their constituents in Washington. Their outstanding presence in this chamber will be missed.

When it comes to obtaining federal assistance toward New York's widespread transportation needs, JACK QUINN has fought and won millions of dollars for our state. It has been an honor to work together with him on the House Transportation and Infrastructure Committee. During his 12 years in Congress, JACK QUINN also has distinguished himself by enhancing New York's agriculture industry, protecting our veterans, and advocating the American worker on labor issues.

AMO HOUGHTON saved one of his best achievements for last when he successfully fought this year to keep open the Canandaigua VA hospital that serves New York veterans. He has made a profound impact on both the domestic and international issues considered in this chamber during his 18 years in Congress, and he has worked tirelessly to boost the economy of New York's Southern Tier.

Mr. Speaker, surely I echo the sentiments of many in our state when I say thank you to JACK QUINN and AMO HOUGHTON for taking such a positive and effective approach to representing New York in Washington. They always put the interests of their constituents first, and both can now retire from Congress extremely proud of their storied careers in the U.S. House of Representatives.

TRIBUTE TO CONGRESSMAN CAL DOOLEY

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to the service of my colleague, Congressman CAL DOOLEY.

CAL has been a good friend to me personally throughout my time here in the people's house. And on the professional level, I have always been impressed by CAL's intelligence, foresight and just plain hard work.

CAL's service in this body has probably been most influential through the moderate group of Members in the New Democrats Caucus. As co-chair of that pivotal group, CAL worked effectively to build bridges between the two parties to get real results. He championed balanced budgets, job-creating exports and policies to encourage the technology sector. In the process, CAL helped the Democratic party to reach out beyond our core base of supporters to bring people together to get the job done.

I also have enjoyed working with CAL DOOLEY on our joint service on the Committee on Agriculture. CAL has had the honor of representing one of the largest agricultural regions in the nation, a region that grows on the order of 200 different types of commodities. Representing so many varied agricultural interests with conflicting needs would present a challenge to any member, but CAL made it look easy. In addition to fighting for commodities that often receive little to no support from the federal government, CAL has been a tireless crusader for greater funding for agricultural research. As I represent the great agricultural university at NC State, I have deeply enjoyed working with CAL to bring greater resources for AG research. CAL understands that if we don't invest in the future of agriculture, we will quickly lose our competitive advantage in food production to other nations.

So, Mr. Speaker, I congratulate my friend and colleague CAL DOOLEY on the occasion of his retirement from Congress, and I look forward to many more great things from him in the years to come.

HONORING MONICAL'S PIZZA CORPORATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. WELLER. Mr. Speaker, I rise today to honor Monical's Pizza Corporation (Monical's) for receiving the 2004 Optimas Award for Vision and for receiving the 2004 Winning Workforce Award for Full Service: Family.

The 14th Annual Optimas Awards honor excellence in workforce management and winners are chosen by Workforce Management Magazine. Workforce Management is a magazine that provides current trends and information to business owners. Since 1991, the Optimas Awards have been a source of ideas, direction and inspiration for workforce management professionals. Optimal Award Winners have pushed their organizations to record profits, greater market share, higher stock value, and better corporate results.

In 1997, Monical's began to recognize and instituted a process called the "service-profit chain model," which links employee satisfaction with profitability and growth. This model has proven to be a success for Monical's. Monical's has reduced the turnover rate for employees from 138% in 7001 to 88% today and there have been no turnover among managers within the past 18 months. Guest-satisfaction scores are an enviable 60%.

The Winning Workforce Award for Full Service is presented by the National Restaurant Association Educational Foundation and Coca-Cola North America. This award honors those restaurant and foodservice operators that truly understand that enhancing employee satisfaction ultimately leads to achieving guest satisfaction. Monical's progressive approach to training and development includes a new blended learning (eLearning) program based on Harvard Manage Mentor as a fundamental way to continue to grow and challenge its employees. eLearning has helped Monical's obtain one of the highest employee retention rates in the industry.

Mr. Speaker, I urge this body to identify and recognize other companies in their own districts whose actions have so greatly benefited and strengthened America's families and communities.

TRIBUTE TO DR. STEPHEN A BENTON

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to a man who spent his life devoted to scientific discovery, and whose accomplishments resonate throughout the fields of holography, medicine, and art. Dr. Stephen A. Benton, inventor and imaging pioneer, passed away on Sunday, November 9, after a lifetime of teaching, creating, and enriching the lives of others with his indomitable spirit of wonder.

Following his undergraduate work at the Massachusetts Institute of Technology (MIT), Benton earned his Master's degree in Science and Ph.D. from Harvard University. He had a passion that extended beyond academia; Benton's interest in holography—the use of laser light to produce three-dimensional images—stemmed from his fascination with the visual presentation of the world. While a student at Harvard, Benton initially worked with holographs for Polaroid Corp., immersing himself in the vision research laboratory that spawned numerous technological advancements for the field of photography.

Believing that he could stretch the boundaries of the artistic and scientific application of holography, Benton explored the most innovative optical uses of his generation. His work with holography extended beyond the exploratory and into the practical. Benton helped create three-dimensional composites of CT and MRI scans for medical diagnosis, provided retailers with viable options for credit card scanners, and advanced the capabilities of three-dimensional blueprints for architects and graphic designers. Perhaps his most significant achievement, Benton invented the rainbow hologram, a process that makes a hologram visible using common white light. The "Benton hologram" has been critical to the commercial success of image-based holography.

In 1980 Benton returned to MIT as a visiting scientist in the Laser Research Center, and became the founding head of the MIT Media Lab soon thereafter. He chaired the long-running "Practical Holography" meetings for the International Society of Optical engineering (SPIE) and found funding for both artists and scientists to attend and exhibit their work. He was instrumental in rescuing the Museum of Holography in 1992, bringing it to the MIT museum. His delight in the scientific and aesthetic applications of holography led to his 15 patents in optical physics, photography, and holography.

As we remember Dr. Stephen A. Benton as a pacesetter in the field of holography, I am particularly grateful for his vision that science and art could not only coexist, but benefit each other. May his memory be preserved for future generations of intellects, academics, and scientific freethinkers.

TRIBUTE TO KRISTINA KIIK

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is with great joy that I recognize Kristina Kiik. Kristina was elected and is believed to be the youngest elector in the history of the United States at the Texas State Republican Party Convention last June.

Next week will be a busy one for the 21-year old Republican in Austin. On December 13th, she will cast her vote for President George W. Bush in the State Capitol at the Meeting of the Electoral College.

A smart and savvy student at Southern Methodist University, Kristina is an inspiration to young people across America.

While attending the Hockaday School in Dallas, the Richardson native beat out countless students across the nation for a coveted position as a Page in the U.S. House of Representatives. Now at SMU, she interned in my District office and continues to make a difference in her community.

What an honor to recognize her for her tremendous achievement and I have a feeling this could be the first of many trips for Kristina to Austin.

I urge my colleagues to join me in honoring this truly remarkable American.

Kristina, God bless you and God bless America.

INTRODUCTION OF KOFI ANNAN RESOLUTION

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. WICKER. Mr. Speaker, today I am introducing a resolution calling for Kofi Annan to step down as Secretary-General of the United Nations.

Under his stewardship, the U.N.'s Oil for Food Program has become one of the largest scandals in world history. Saddam Hussein was able to dodge U.N. sanctions, embezzle billions of dollars intended for humanitarian aid, and strengthen his brutal rule of the Iraqi people—all under the cover of this U.N. program.

As a Member Nation that funds nearly a quarter of the U.N.'s annual budget, it is the United States' right and responsibility to press for a full accounting of this international embarrassment. Our government must help make certain the U.N. maintains the confidence and respect of the international community.

With evidence mounting of bribery throughout U.N. leadership, it is imperative that Kofi Annan resign as Secretary-General so all current charges can be fully and independently investigated. These allegations of corruption and mismanagement have irreparably undermined Mr. Annan's credibility and his capacity to head the U.N. He should step down.

HONORING NASHVILLE'S INTERDENOMINATIONAL MINISTERS' FELLOWSHIP ON ITS 50TH ANNIVERSARY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. COOPER. Mr. Speaker, I am honored today to pay tribute to one of Nashville's foremost community organizations, the Interdenominational Ministers' Fellowship, on the event of its 50th anniversary on December 8.

Since its creation, the IMF has been a preeminent voice for social justice and change. It has worked tirelessly for the betterment of all of Nashville's citizens but especially as a champion for the voiceless and disadvantaged. The leaders of the IMF have long played a vital role in the life of Nashville, and its members include many of the most prominent and active of Nashville's citizens.

As many of my colleagues know, Nashville has a long and proud history of community activism. Nashville played a central role in the historic struggles of the civil rights movement, and it was out of this transformational period in our nation's history that the IMF was born. The organization first grew from the wake of the landmark Supreme Court decision, Brown v. Board of Education. This original group included leaders from a host of religious faiths and denominations, including the Seventh Day Adventist, the Church of Christ, the Church of God, the Episcopal Church, Islam, Baha'i and the Salvation Army.

Over the past five decades, the IMF has established itself as a leading advocate for social justice. It has tackled every issue from racism to employment to education. One of its most significant achievements has been to establish the Trust Fund for Students of Historical Black Colleges and Universities, which has provided annual scholarships to numerous students over the years.

The passion that IMF members have brought to their mission is truly inspiring, and few groups can better demonstrate the transformational power of grass-roots commitment and activism. It is with great honor and pride that I recognize the Interdenominational Ministers' Fellowship for the work that its members have done and will continue to do for the city of Nashville. On behalf of the people of the Fifth Congressional District, I thank the IMF for its achievements and congratulate this organization on its 50th anniversary.

TRIBUTE TO MRS. DOROTHY FINLEY

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. GRIJALVA. Mr. Speaker, on behalf of my entire constituency in District 7 and all of Southern Arizona I would like to congratulate Mrs. Dorothy Finley on her receipt of the 2003 Zachary and Elizabeth Fisher Distinguished Civilian Humanitarian Award. Though this award is a crowning achievement presented to a person who demonstrates exceptional patriotism and humanitarian concern for members of the U.S. armed forces or their families, this honor exemplifies only the tip of the iceberg when looking at Mrs. Finley's contribution to our community and State.

Even before becoming President/CEO of Finley Distributing, a wholesale distributor for Miller Brewing Company, Mrs. Finley was working to build and develop our community one individual at a time by serving as both a teacher and principal in the Tucson Unified School District for over 30 years. The stories of Mrs. Finley's kind and generous acts range from privately making donations for worthy projects to driving students to after school activities when parents were not available. Mrs. Finley embodied, during her time in education, the ideal friend, teacher, principal, and mentor.

Today as a leader in our Tucson business community and as a focal point in Arizona industry and politics, Mrs. Finley is still making her mark by serving on countless non-profit boards advocating for a variety of causes ranging from children to seniors. She represents business and other groups on local and statewide commissions and still finds time to work tirelessly for Davis-Monthan Air Force base and other mainstays of our Tucson economy. She accomplishes all of this while running a major business in Tucson and staying close with her large and wonderful family.

As the Congressman from District 7, which represents much of Southern Arizona I am proud to congratulate Mrs. Dorothy Finley on her 2003 Zachary and Elizabeth Fisher Distinguished Civilian Award and I look forward to working with her on building community for years to come.

SENATE—*Tuesday, December 7, 2004*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, from whom all blessings flow, we receive today as a gift from Your bounty. Help us to use these precious hours and minutes for Your glory. Teach us to number our days that we may have hearts of wisdom.

Lord, guide our Senators with strength, courage, hope, and love. Empower them to build bridges that will keep America strong. Pull down walls of contention and replace them with gates that lead to a productive harvest. Let this season of peace on Earth bring joy to our world and healing and hope to our hearts.

Continue to bless our military men and women. Protect them from the dangers of the sea, land, and air, and from the violence of the enemy. Console all for whom December 7 is an annual reminder of pain and loss. We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we return for what I personally hope—and we all hope—is a very short and productive session. We are currently waiting on House action on the intelligence reform conference report, and that should occur today. We will consider that measure whenever it arrives from the House. After consultations with the Democratic leadership, we announced yesterday that there will be no rollcall votes today. We recognize people's schedules are complex and people are coming back but that people are literally all over the country right now and waiting on House action. Therefore, we felt it would be next to impossible to have a rollcall vote today and so we let people know yesterday.

Further, we are in discussions and it is still possible for us to consider the intelligence reform conference report without the need for a rollcall vote. That is under discussion, and we are talking to all our Members. I did want to mention that publicly early on so we can continue that discussion over the course of today.

With regard to the schedule, because there is some uncertainty, by necessity, given the fact we must wait on House action before bringing it to a vote, I encourage all Members who wish to speak on this legislation to come to the floor today and speak. Earlier is preferable, in the event that when a vote is scheduled, we would like to move to that vote in a relatively expeditious way.

If we are able to complete or able to clear the conference report, then it is my hope we could pass the measure in short order, and it would be my preference to deal with it on a voice vote, without a rollcall vote, if that is possible and if our colleagues agree to that.

If a vote becomes necessary, then we would, in all likelihood, schedule that vote for sometime tomorrow, and in discussions with the Democratic leadership, we would pick an appropriate time to do that. Again, we will do our best to accommodate all our Members' schedules, and we are working on that right now.

In the interim, there are a few remaining legislative and executive matters we may be able to clear. We have been working on that over the course of yesterday and today, and we will continue to do that. We will process many of those cleared items before we finish our business. We will not be taking up new business. We will be stressing the importance of finishing business for this Congress, and, in all likelihood, we will be doing that by the end of the day tomorrow. We could even finish by the end of the day today. It depends on the House activity.

I yield the floor, Mr. President.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the acting Democratic leader.

COMPLETING SENATE ACTION

Mr. REID. Mr. President, while the distinguished Republican leader is on the floor, I wish to make a couple of statements. It is good we finished, finally, the bill on which the Presiding Officer worked so hard, the Omnibus spending bill. It will now be sent to the President. It is a few weeks overdue, but at least it is done right.

The provision dealing with the Internal Revenue Service is out of that bill. We learned how it was put in the bill. I am confident and hopeful that will not happen in the future.

I extend my appreciation to the Democratic leader of the House of Representatives, Representative PELOSI, for making sure there was a vote on this measure. It sends a good message to the people of America.

I also extend my congratulations to Senators LIEBERMAN and COLLINS for their brilliant work on this 9/11 bill. We had a true conference on that bill. No one can dispute there was anything done in the darkness of night. The people appointed to that conference committee worked long and hard to come up with what we will vote on either tonight or tomorrow.

There have been times when, on this side, we have complained how the conferences have worked. On that bill, it worked the way it is supposed to work. Senators LIEBERMAN and COLLINS have worked well together. This legislation, while imperfect, is still in keeping with the recommendations of the 9/11 Commission, and the American people are going to be safer as soon as this legislation is signed by the President.

I say to my distinguished colleague, the Republican leader, on our side the only two requests for speeches I have on the 9/11 bill are Senator LEAHY, who wants to speak for a relatively short period of time, and Senator BYRD, who will want to speak for a fairly long period of time.

In addition, I have had requests from Senator DORGAN and Senator GRAHAM of Florida that they want to be able to speak sometime during the day as in morning business.

Those are the only indications we have today on this side of the aisle. As I indicated, Senator BYRD may want to speak for an extended period of time. I do not know if that means an hour, 2 hours, or 3 hours, whatever it is. We will check with him and find out when he will be able to speak.

It is my understanding we could get the bill from the House sometime as early as this afternoon. If that is the case, then I hope there is a decision made by those who, in the past, have said they want a vote on this measure whether they are going to require a vote. If they do, as I indicated to the Democrats, some people have to fly a long way to get back here for a vote tomorrow. We will keep the Republican leader advised during the day as to what we have on our side.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The PRESIDENT pro tempore. The Republican leader.

Mr. FRIST. Mr. President, as you have just heard from both leaders, requests have been made for people to come to the floor today. Although I know people's schedules are so complicated, we will do our best to keep people posted over the course of the day and come to the floor and make periodic announcements as to progress being made.

INTELLIGENCE REFORM LEGISLATION

Mr. FRIST. Mr. President, I wish to make a statement with regard to what I regard as a truly historic point for our Nation's security as we complete action on the National Security Intelligence Reform Act of 2004.

Those people who have not been directly involved in the negotiations have followed it from afar and are aware that an agreement—some people would say a tentative agreement but an agreement—has been reached on this National Security Intelligence Reform Act.

As just mentioned, it is our understanding that the conference report in all likelihood will be introduced and passed in the House today. The Senate will then address the bill and send it to the President for his signature.

I extend my deep thanks and appreciation to Senators SUSAN COLLINS and JOSEPH LIEBERMAN. Their steady leadership, their continued commitment, and their constant focus on passage of this bill kept the whole process moving forward from day one, and I will review that history shortly. I thank them on behalf of leadership, and America thanks them.

The 9/11 intelligence bill constitutes the most comprehensive and sweeping reform of the intelligence community since the National Security Act of 1947. This bill sets into motion a variety of reforms that over time will greatly improve our Nation's ability to fight the war on terror. I thank Governor Thomas Kean and Representative Lee Hamilton for their dedicated leadership of the 9/11 Commission. They have done a truly outstanding job. Their hard work and thorough analysis forms the basis of the 9/11 bill.

The 9/11 Commission's main recommendations that are addressed in this bill include the following: establishment of a new director of national intelligence who will oversee the intelligence community with enhanced budgetary and personnel authorities; creation of a national counterterrorism center that will coordinate and unify our counterterrorism efforts; ensure effective information sharing and conduct strategic operation planning; initiation of a wide range of other measures to improve information sharing, cooperation and coordination and team work between agencies in the intelligence community, such as the CIA and the FBI; establishment of a civil liberties board and authority to designate an IG; and a provision that will ensure that the chain of command is preserved and that statutory responsibilities on the heads of departments are not abrogated.

The legislation will also improve the functioning of the FBI, enhance our Nation's transportation security, including aviation and maritime security; improve border and immigration enforcement; and strengthen terrorism prevention by tackling issues ranging from lone wolf terrorists and money laundering to terrorist hoaxes and people providing material support to the terrorists.

The conference report also covers the role of diplomacy, foreign aid, and the military in the war on terrorism and addresses a variety of matters dealing with national preparedness such as infrastructure protection and communications capabilities.

I would be remiss if I did not mention this bill also includes a provision I introduced on the Senate floor, the establishment of a national counterproliferation center. While the national counterterrorism center focuses on the customers and the users of these dangerous technologies and materials, the counterproliferation center will focus on shutting down the supply network and the brokers such as Pakistani nuclear scientist AQ Khan.

We know our enemy is ruthless and is seeking ways to maximize harm against the American people. In order to stop them, we and our allies must detect, deter, halt, and roll back the trafficking of weapons of mass destruction and their delivery systems and related materials. We cannot allow the terrorists to get their hands on these materials. We know that if they do, they will endeavor to use them. Counterproliferation is critical to fighting and winning the war on terror.

My provision gives the President time and flexibility to establish the center based on the findings of a commission he has looking into the issue of weapons of mass destruction proliferation and to make sure it is well integrated with this proliferation security initiative, the PSI.

Just as we must take the offensive in the global war on terrorism, we must similarly take the offensive in stopping the proliferation of weapons of mass destruction. Our current nonproliferation efforts are a good defense but they are not sufficient. We need a strong offense. A new national center aggressively pursuing and coordinating counterproliferation is crucial. It is in the bill and will be a part of this legislation.

I am gratified by the bipartisan efforts that have brought this reform, along with the rest of the 9/11 bill, to fruition. We will see that bipartisan support play out in the vote later on this floor and on the floor of the House most likely later today. I thank my colleagues on both sides of the aisle and in both Houses of Congress for their unflagging dedication and commitment to America's best interests.

In July, as the Congress was preparing to recess for the summer, the 9/11 Commission released its final report outlining the events leading up to the 9/11 attacks. This report identified a number of serious failings that required immediate action. It included an extensive section on recommendations to improve our Nation's security. That same day I discussed with the Democratic leader the urgent need for the Senate to act and to act responsibly and begin that action immediately.

Senator DASCHLE and I immediately set the process in motion for the Senate to respond legislatively, and in a bipartisan manner, to the 9/11 Commission's report, and we did just that. Given its central role in monitoring the organization and operations of the Federal Government, we asked the Governmental Affairs Committee to take the lead on this issue.

Beyond the jurisdictional rationale behind this decision, the Democratic leader and I both had great confidence in the ability of its chair, Senator SUSAN COLLINS, and the ranking member, Senator JOE LIEBERMAN, to forge that strong bipartisan partnership to closely consult with the other key committees and to deliver a bill to the Senate floor in a deliberate, timely, and bipartisan manner.

To the Nation's great benefit, they succeeded. Over the August recess, the Congress held two dozen committee hearings. We went nonstop. There was no rest. There has been no break in consideration of this legislation since the 9/11 Commission report, even during every recess. Over this August recess, four committees heard testimony from a multiple of witnesses. We had hearings in the Governmental Affairs Committee, the Intelligence Committee, the Commerce Committee, and the Armed Services Committee. Each committee carefully examined the recommendations of the 9/11 report. Some prepared their own bills. Others had their own legislative priorities. Senators COLLINS and LIEBERMAN then pulled all of this information and all of these recommendations and proposals together and brought a bill to the Senate floor in early October. Major sections of the bill were improved by adding titles taken from a separate bill drafted by Senators MCCAIN and LIEBERMAN.

The McCain-Lieberman comprehensive bill included titles ranging from transportation and aviation security to foreign policy and diplomacy based on the recommendations proposed by the

9/11 Commission. Senator McCAIN deserves great credit for being a driving force behind the establishment of this Commission and for making sure the Commission's recommendations were considered by the Senate.

The Collins-Lieberman bill was further improved by amendments offered by Senator JOHN WARNER to ensure the intelligence community's support for and link to the warfighter were sustained. by Senator PAT ROBERT to ensure the maximum efficiency and effectiveness of the new organization. and by other Members. such as Senator JON KYL, Senator LEVIN, and numerous others from both parties, to ensure that the Senate got this right.

After 2 weeks of negotiation, debate. and amendments, the Senate voted 96 to 2 on October 6 to overhaul the Nation's intelligence community. Just after that, the Senate passed another important measure that, as the 9/11 Commission urged, made critical reforms in the Senate. this institution's oversight of the intelligence community and homeland security. This effort was successfully led by Senator McCONNELL and Senator REID. and we give our appreciation and thanks to them.

Today, after nearly 2 months of tough and rigorous negotiation with the House, long hours and long weekends poring over the legislative text, we stand on the verge of one of the most significant legislative accomplishments of this Congress. Senators COLLINS and LIEBERMAN and their staffs have, again. served the Senate well. They made tough concessions, but they did so by keeping our national security front and center at every moment. They labored tirelessly to get this bill done. I appreciate their sacrifice of many hours and weekends in service to our country.

Likewise, Speaker DENNY HASTERT has been constantly engaged in ever pushing Members and staff to reach a solution and to further improve the legislation. He has worked constantly on this bill since early October. Because of his leadership. Speaker HASTERT has earned wide respect for bringing this improved bill to the House floor. and because of his hard work it will easily enjoy majority support.

I must also underscore that none of this would be possible were it not for the superb and unflagging leadership of President Bush. His leadership was bold. His leadership called for meeting the greatest challenge of our time: fighting the war on terror. He has stressed to me personally, again and again. the importance of passing this piece of legislation. I commend the President on his steady commitment to make America safer. On the day of the attacks, President Bush recognized immediately that we were at war. Since then. he has made tough decisions. He has made good decisions. Every day, the President is following through to use the full range of our resources to combat the enemy.

In the 3 years since the 9/11 attacks. we have learned much about our Nation's vulnerabilities, our strengths, and the steps we must take to protect ourselves. During this time, the President and his Cabinet have instituted a number of reforms. changes. and initiatives that. as the 9/11 Commission reported. have made our Nation safer. The President made further refinements and reforms based on the findings of the 9/11 Commission. Many of these, such as making the Terrorist Threat Integration Center more capable and enhancing the powers of the DCI. were undertaken by Executive order in August of this year.

Finally, I wish to thank the real heroes behind this bill, the 9/11 families who pushed and persevered to get this bill done. They turned their personal tragedy into public action so we all could be safer. As public servant and fellow citizen. I salute these outstanding Americans.

Strengthening America at home and abroad. moving America forward in pursuit of freedom and prosperity, and protecting the American people and our homeland—these have been the driving motivations of the 108th Congress. I am very proud to have been a part of this effort. I am proud to have had that opportunity to lead the Senate during this momentous time.

There is more to do. There is much more to do. This is an ongoing process. and we will not rest until our enemy is vanquished. But in these final days. my fellow Americans can take note of and comfort in this historic achievement.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order. the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order. there will now be a period for the transaction of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes.

ORDER OF PROCEDURE

Mr. BURNS. Mr. President, we have a little business to do before the Senate which has been cleared by both sides of the aisle. I ask unanimous consent we do that little piece of business. and then I will make my statement.

This is December 7. It is the anniversary of the attack on Pearl Harbor, the fateful day in 1941.

I ask unanimous consent we might do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE 60TH ANNIVERSARY OF THE BATTLE OF PELELIU

Mr. BURNS. I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 102, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 102) recognizing the 60th anniversary of the battle of Peleliu and the end of the Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there.

There being no objection. the Senate proceeded to consider the resolution.

Mr. BURNS. This Senator recognizes a good friend of mine from Billings, MT who was involved in Peleliu with the U.S. Marine Corps.

I ask unanimous consent that the joint resolution be read the third time and passed. the preamble be agreed to. the motion to reconsider be laid upon the table, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 102) was read the third time and passed.

The preamble was agreed to.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE DETENTION OF TIBETAN POLITICAL PRISONERS

Mr. BURNS. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 483. submitted earlier today by Senator BROWNBACK.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 483) expressing the sense of the Senate regarding the detention of Tibetan political prisoners by the Government of the People's Republic of China.

There being no objection. the Senate proceeded to consider the resolution.

Mr. BURNS. I ask unanimous consent that the resolution be agreed to. the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 483) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 483

Whereas, according to the Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in Tibet;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted standards of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of the People's Republic of China has detained hundreds of Tibetan nuns, monks, and lay persons as political prisoners for speaking out against China's occupation of Tibet and for their efforts to preserve Tibet's distinct national identity;

Whereas Phuntsog Nyidron was arrested on October 14, 1989, together with 5 other nuns, for participating in a peaceful protest against China's occupation of Tibet;

Whereas, on February 26, 2004, following a sustained international campaign on her behalf, the Government of the People's Republic of China released Phuntsog Nyidron from detention after she served more than 14 years of her 16-year sentence;

Whereas Tenzin Delek, a prominent Tibetan religious leader, and 3 other monks were arrested on April 7, 2002, during a nighttime raid on Jamyang Choekhorling monastery in Nyagchu County, Tibetan Autonomous Prefecture;

Whereas, following a closed trial and more than 8 months of incommunicado detention, Tenzin Delek and another Tibetan, Lobsang Dhondup, were convicted of inciting separatism and for their alleged involvement in a series of bombings on December 2, 2002;

Whereas Lobsang Dhondup was sentenced to death and Tenzin Delek was sentenced to death with a 2-year suspension;

Whereas the Government of the People's Republic of China told senior officials of the United States and other governments that the cases of Lobsang Dhondup and Tenzin Delek would be subjected to a "lengthy review" by the Supreme People's Court prior to the death sentences being carried out;

Whereas the Supreme People's Court never carried out this review, and Lobsang Dhondup was executed on January 26, 2003;

Whereas the Government of the People's Republic of China has failed to produce any evidence that either Lobsang Dhondup or Tenzin Delek were involved in the crimes for which they were convicted, despite repeated requests from officials of the United States and other governments;

Whereas the Government of the People's Republic of China continues to imprison Tibetans for engaging in peaceful efforts to protest China's repression of Tibetans and preserve the Tibetan identity;

Whereas Tibetan political prisoners are routinely subjected to beatings, electric shock, solitary confinement, and other forms of torture and inhumane treatment while in Chinese custody;

Whereas the Government of the People's Republic of China continues to exert control over religious and cultural institutions in Tibet, abusing human rights through the torture, arbitrary arrest, and detention without fair or public trial of Tibetans who peacefully express their political or religious views or attempt to preserve the unique Tibetan identity; and

Whereas the Government of the People's Republic of China has paroled individual political prisoners for good behavior or for medical reasons in the face of strong international pressure, but has failed to make the systemic changes necessary to provide minimum standards of due process or protections for basic civil and political rights: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of the People's Republic of China is in violation of international human rights standards by detaining and mistreating Tibetans who engage in peaceful activities to protest China's repression of Tibetans or promote the preservation of a distinct Tibetan identity;

(2) sustained international pressure on the Government of the People's Republic of China is essential to improve the human rights situation in Tibet and secure the release of Tibetan political prisoners;

(3) the Government of the United States should—

(A) raise the cases of Tenzin Delek and other political prisoners at every opportunity with officials from the People's Republic of China; and

(B) work with other governments concerned about human rights in China, including the Tibet Autonomous Region and other Tibetan areas, to encourage the release of political prisoners and promote systemic improvement of human rights in China; and

(4) the Government of the People's Republic of China should, as a gesture of goodwill and in order to promote human rights, immediately release all political prisoners, including Tenzin Delek.

TO AUTHORIZE GRANTS TO ESTABLISH ACADEMIES FOR TEACHERS AND STUDENTS OF AMERICAN HISTORY AND CIVICS

Mr. BURNS. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5360, which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H.R. 5360) to authorize grants to establish academies for teachers and students for American history and civics, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5360) was read the third time and passed.

COMPREHENSIVE PEACE IN SUDAN ACT OF 2004

Mr. BURNS. I ask unanimous consent that the Chair now lay before the Senate the House message to accompany S. 2781.

There being no objection, the Presiding Officer (Mr. Cornyn) laid before the Senate the following message from the House of Representatives:

S. 2781

Resolved, That the bill from the Senate (S. 2781) entitled "An Act to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Peace in Sudan Act of 2004".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) GOVERNMENT OF SUDAN.—The term "Government of Sudan" means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004).

(3) JEM.—The term "JEM" means the Justice and Equality Movement.

(4) SLA.—The term "SLA" means the Sudan Liberation Army.

(5) SPLM.—The term "SPLM" means the Sudan People's Liberation Movement.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note) and the Machakos Protocol of 2002, could be in jeopardy if the parties do not implement and honor the agreements they have signed.

(2) Since seizing power through a military coup in 1989, the Government of Sudan repeatedly has attacked and dislocated civilian populations in southern Sudan in a coordinated policy of ethnic cleansing and genocide that has cost the lives of more than 2,000,000 people and displaced more than 4,000,000 people.

(3) In response to two decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan, signed on June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a comprehensive and all inclusive peace agreement, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any meaningful discussion with regard to its ongoing campaign of ethnic cleansing and genocide in the Darfur region of western Sudan.

(5) The Government of Sudan reluctantly agreed to attend talks to bring peace to the Darfur region only after considerable international pressure and outrage was expressed through high level visits by Secretary of State

Colin Powell and others, and through United Nations Security Council Resolution 1556 (July 30, 2004).

(6) The Government of the United States, in both the executive branch and Congress, has concluded that genocide has been committed and may still be occurring in the Darfur region, and that the Government of Sudan and militias supported by the Government of Sudan, known as the Janjaweed, bear responsibility for the genocide.

(7) Evidence collected by international observers in the Darfur region between February 2003 and November 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, similar to that which was employed in southern Sudan, that has destroyed African Sudanese villages, killing and driving away their people, while Arab Sudanese villages have been left unscathed.

(8) As a result of this genocidal policy in the Darfur region, an estimated 70,000 people have died, more than 1,600,000 people have been internally displaced, and more than 200,000 people have been forced to flee to neighboring Chad.

(9) Reports further indicate the systematic rape of thousands of women and girls, the abduction of women and children, and the destruction of hundreds of ethnically African villages, including the poisoning of their wells and the plunder of their crops and cattle upon which the people of such villages sustain themselves.

(10) Despite the threat of international action expressed through United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004), the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over the Darfur region.

(11) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government-sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted access by humanitarian and human rights workers to the Darfur area through intimidation by military and security forces, and through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those individuals displaced from their villages and homes without any means of sustenance or shelter.

(12) The Government of Sudan's continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region is estimated by the World Health Organization to be causing up to 10,000 deaths per month and, should current conditions persist, is projected to escalate to thousands of deaths each day by December 2004.

(13) The Government of Chad served an important role in facilitating the humanitarian cease-fire (the N'Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the two opposition rebel groups in the Darfur region (the JEM and the SLA), although both sides have violated the cease-fire agreement repeatedly.

(14) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees by providing assistance to them even though such assistance has adversely affected their own means of livelihood.

(15) On September 9, 2004, Secretary of State Colin Powell stated before the Committee on Foreign Relations of the Senate: "When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring.".

(16) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in the Darfur region, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

(17) The Government of Sudan's complicity in the atrocities and genocide in the Darfur region raises fundamental questions about the Government of Sudan's commitment to peace and stability in Sudan.

SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

(a) SUDAN PEACE ACT.—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) ACTIONS TO ADDRESS THE CONFLICT.—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if those principles enumerated in the 1948 Universal Declaration of Human Rights, that are affirmed in the Machakos Protocol of 2002 and the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004, are applied to all of Sudan, including the Darfur region;

(2) the parties to the N'Djamena Agreement (the Government of Sudan, the JEM, and the SLA) must meet their obligations under that Agreement to allow safe and immediate delivery of all humanitarian assistance throughout the Darfur region and must expedite the conclusion of a political agreement to end the genocide and conflict in the Darfur region;

(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, implement a plan to provide assistance to the areas of Sudan to which access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the crisis in the Darfur region;

(5) the United States and the international community should—

(A) provide all necessary assistance to deploy and sustain an African Union Force to the Darfur region; and

(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

(6) the President, acting through the Secretary of State and the Permanent Representative of the United States to the United Nations, should—

(A) condemn any failure on the part of the Government of Sudan to fulfill its obligations under United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004), and press the United Nations Security Council to respond to such failure by immediately imposing the penalties suggested in paragraph (14) of United Nations Security Council Resolution 1564;

(B) press the United Nations Security Council to pursue accountability for those individuals who are found responsible for orchestrating and carrying out the atrocities in the Darfur region, consistent with relevant United Nations Security Council Resolutions; and

(C) encourage member states of the United Nations to—

(i) cease to import Sudanese oil; and

(ii) take the following actions against Sudanese Government and military officials and other individuals, who are planning, carrying out, or otherwise involved in the policy of genocide in the Darfur region, as well as their families, and businesses controlled by the Government of Sudan and the National Congress Party:

(I) freeze the assets held by such individuals or businesses in each such member state; and

(II) restrict the entry or transit of such officials through each such member state;

(7) the President should impose targeted sanctions, including a ban on travel and the freezing of assets, on those officials of the Government of Sudan, including military officials, and other individuals who have planned or carried out, or otherwise been involved in the policy of genocide in the Darfur region, and should also freeze the assets of businesses controlled by the Government of Sudan or the National Congress Party;

(8) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including the Darfur region;

(9) those individuals found to be involved in the planning or carrying out of genocide, war crimes, or crimes against humanity should not hold leadership positions in the Government of Sudan or the coalition government established pursuant to the agreements reached in the Nairobi Declaration on the Final Phase of Peace in the Sudan; and

(10) the Government of Sudan has a primary responsibility to guarantee the safety and welfare of its citizens, which includes allowing them access to humanitarian assistance and providing them protection from violence.

SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

"SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

"(a) ASSISTANCE.—

"(1) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized to provide assistance for Sudan as authorized in paragraph (5) of this section—

"(A) subject to the requirements of this section, to support the implementation of a comprehensive peace agreement that applies to all regions of Sudan, including the Darfur region; and

"(B) to address the humanitarian and human rights crisis in the Darfur region and eastern Chad, including to support the African Union mission in the Darfur region, provided that no assistance may be made available to the Government of Sudan.

"(2) CERTIFICATION FOR THE GOVERNMENT OF SUDAN.—Assistance authorized under paragraph (1)(A) may be provided to the Government of Sudan only if the President certifies to the appropriate congressional committees that the Government of Sudan has taken demonstrable steps to—

"(A) ensure that the armed forces of Sudan and any associated militias are not committing atrocities or obstructing human rights monitors or the provision of humanitarian assistance;

"(B) demobilize and disarm militias supported or created by the Government of Sudan;

"(C) allow full and unfettered humanitarian assistance to all regions of Sudan, including the Darfur region;

"(D) allow an international commission of inquiry to conduct an investigation of atrocities in the Darfur region, in a manner consistent with United Nations Security Council Resolution 1564 (September 18, 2004), to investigate reports of violations of international humanitarian law and human rights law in the Darfur region by

all parties, to determine also whether or not acts of genocide have occurred and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable;

"(E) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan;

"(F) permit the safe and voluntary return of displaced persons and refugees to their homes and rebuild the communities destroyed in the violence; and

"(G) implement the final agreements reached in the Naivasha peace process and install a new coalition government based on the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004.

"(3) CERTIFICATION WITH REGARD TO SPLM'S COMPLIANCE WITH A PEACE AGREEMENT.—If the President determines and certifies in writing to the appropriate congressional committees that the SPLM has not engaged in good faith negotiations, or has failed to honor the agreements signed, the President shall suspend assistance authorized in this section for the SPLM, except for health care, education, and humanitarian assistance.

"(4) SUSPENSION OF ASSISTANCE.—If, on a date after the President transmits the certification described in paragraph (2), the President determines that the Government of Sudan has ceased taking the actions described in such paragraph, the President shall immediately suspend the provision of any assistance to such Government under this section until the date on which the President transmits to the appropriate congressional committees a further certification that the Government of Sudan has resumed taking such actions.

"(5) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—In addition to any other funds otherwise available for such purposes, there are authorized to be appropriated to the President—

"(i) $100,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 and 2007, unless otherwise authorized, to carry out paragraph (1)(A); and

"(ii) $200,000,000 for fiscal year 2005 to carry out paragraph (1)(B), provided that no amounts appropriated under this authorization may be made available for the Government of Sudan.

"(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

"(b) GOVERNMENT OF SUDAN DEFINED.—In this section, the term 'Government of Sudan' means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of the Comprehensive Peace in Sudan Act (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004).".

(2) CONFORMING AMENDMENTS.—Section 3 of such Act (50 U.S.C. 1701 note) is amended—

(A) in paragraph (2), by striking "The" and inserting "Except as provided in section 12, the"; and

(B) by adding at the end the following new paragraph:

"(4) SPLM.—The term 'SPLM' means the Sudan People's Liberation Movement.".

(b) REPORTING AMENDMENT.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by striking section 8 and inserting the following:

"SEC. 8. REPORTING REQUIREMENTS.

"(a) REPORT ON COMMERCIAL ACTIVITY.—Not later than 30 days after the date of the enactment of the Comprehensive Peace in Sudan Act of 2004, and annually thereafter until the completion of the interim period outlined in the Machakos Protocol of 2002, the Secretary of State, in consultation with relevant United States Government departments and agencies, shall submit to the appropriate congressional committees a report regarding commercial activity in Sudan that includes—

"(1) a description of the sources and current status of Sudan's financing and construction of infrastructure and pipelines for oil exploitation, the effects of such financing and construction on the inhabitants of the regions in which the oil fields are located and the ability of the Government of Sudan to finance the war in Sudan with the proceeds of the oil exploitation;

"(2) a description of the extent to which that financing was secured in the United States or with the involvement of United States citizens; and

"(3) a description of the relationships between Sudan's arms industry and major foreign business enterprises and their subsidiaries, including government-controlled entities.

"(b) REPORT ON THE CONFLICT IN SUDAN, INCLUDING THE DARFUR REGION.—Not later than 30 days after the date of the enactment of the Comprehensive Peace in Sudan Act of 2004, and annually thereafter until the completion of the interim period outlined in the Machakos Protocol of 2002, the Secretary of State shall prepare and submit to the appropriate congressional committees a report regarding the conflict in Sudan, including the conflict in the Darfur region. Such report shall include—

"(1) the best estimates of the extent of aerial bombardment of civilian centers in Sudan by the Government of Sudan, including targets, frequency, and best estimates of damage; and

"(2) a description of the extent to which humanitarian relief in Sudan has been obstructed or manipulated by the Government of Sudan or other forces, and a contingency plan to distribute assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur.

"(c) DISCLOSURE TO THE PUBLIC.—The Secretary of State shall publish or otherwise make available to the public each unclassified report, or portion of a report that is unclassified, submitted under subsection (a) or (b).".

SEC. 6. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) SANCTIONS.—Beginning on the date that is 30 days after the date of enactment of this Act, the President shall, notwithstanding paragraph (1) of section 6(b) of the Sudan Peace Act (50 U.S.C. 1701 note), implement the measures set forth in subparagraphs (A) through (D) of paragraph (2) of such section.

(b) BLOCKING OF ASSETS.—Beginning on the date that is 30 days after the date of enactment of this Act, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

(c) WAIVER.—The President may waive the application of subsection (a) or (b) if the President determines and certifies to the appropriate congressional committees that such a waiver is in the national interest of the United States.

(d) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Act, 2004 (division D of Public Law 108-199; 118 Stat. 143), or any other similar provision of law, shall remain in effect against the Government of Sudan and may not be lifted pursuant to such provisions of law unless the President transmits a certification to the appropriate congressional committees in accordance with paragraph (2) of section 12(a) of the Sudan Peace Act (as added by section 5(a)(1) of this Act).

(e) DETERMINATION.—Notwithstanding subsection (a) of this section, the President shall continue to transmit the determination required under section 6(b)(1)(A) of the Sudan Peace Act (50 U.S.C. 1701 note).

SEC. 7. ADDITIONAL AUTHORITIES.

Notwithstanding any other provision of law, the President is authorized to provide assistance, other than military assistance, to areas that were outside of the control of the Government of Sudan on April 8, 2004, including to provide assistance for emergency relief, development and governance, or to implement any program in support of any viable peace agreement at the local, regional, or national level in Sudan.

SEC. 8. TECHNICAL CORRECTION.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by striking "Organization of African Unity" and inserting "African Union".

Mr. BURNS. I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE TERCENTENARY OF THE BIRTH OF BENJAMIN FRANKLIN

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3204, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3204) to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3204) was read the third time and passed.

TO HONOR AND THANK ROBERT RAY HOWE

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 484, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 484) to honor and thank Robert Ray Howe.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 484) was agreed to, as follows:

S. RES. 484

Whereas Assistant Chief Robert Ray Howe, a native of the State of Wyoming, was appointed as a United States Capitol Police Private on March 4, 1971;

Whereas Assistant Chief Howe, throughout his career, has distinguished himself through countless commendations and recognition for professionalism and extraordinary service for the United States Capitol Police;

Whereas Assistant Chief Howe, through extraordinary efforts and dedication during his outstanding career of over thirty (30) years, rose from the rank of private to the position of Assistant Chief of Police, the second in command of the United States Capitol Police;

Resolved, That the Senate hereby honors and thanks Robert Ray Howe and his family for a lifelong professional commitment of service to the United States Capitol Police and the United States Congress.

TREATING CERTAIN ARRANGEMENTS MAINTAINED BY THE YMCA RETIREMENT FUND AS CHURCH PLANS FOR THE PURPOSES OF CERTAIN PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5365, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5365) to treat certain arrangements maintained by the YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BUNNING. Mr. President, I support H.R. 5365, a bill designed to ensure that the thousands of pension plan participants and retirees for the YMCA continue to be able to count on their benefits, ensuring the pension plan may continue to operate as it has for over 80 years. The Senate passed my bill, S. 2589, by unanimous consent on July 14 of this year, and I am pleased that the House has recently passed H.R. 5365, which closely follows the direction of the Senate legislation. I worked together with fellow Senators, including Senator GRAHAM of Florida, to move this process toward today's hopeful conclusion. I want to stress that this effort has been a very bipartisan effort, in both the House and Senate, to produce a consensus solution and legislation.

I also thank Finance Committee Chairman GRASSLEY and Ranking Member BAUCUS for their assistance in bringing this bill to the floor today.

This is a bill about protecting the retirement security for thousands of YMCA employees and retirees. I have heard from Kentucky YMCA leaders and employees—leaders such as R. Stephen Tarver of YMCA of Greater Louisville, Dean Ehrenheim of the Owensboro YMCA, and Kenneth Barnes, who runs the Chestnut Street YMCA in Louisville, and countless YMCA employees about the importance of protecting retirement security. This legislation addresses a concern about the technical status of the YMCA pension plan as a church plan, a type of pension plan offered by churches or associations of churches. This legislation will ensures that the YMCA pension plan will be able to provide a secure retirement to the more than 80,000 plan participants.

I also thank the Treasury Department and IRS for their patience while the Congress worked through finding a solution to ensure the YMCA pension plan could continue to offer the benefits to its participants and retirees.

As I have stated, the YMCA pension plan is a very significant part of each YMCA employee's compensation package, most of whom are modestly paid. I have heard from many of the Kentucky YMCAs, and their employees, about the importance of this pension plan to their future. In Kentucky alone, there are 19 YMCAs with over 485,000 members, and 918 pension plan participants, retirees or past employees who have vested benefits. Today's legislation is vitally important to the each and every plan participant in Kentucky and their families, and more than 80,000 participants and retirees in the YMCA pension plan, offering them financial and retirement security for their long service on behalf of our Nation's YMCA.

In closing, I encourage all of my colleagues to support this bill, and I am pleased that we are moving forward with this legislation today and look forward to its enactment soon.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5365) was read the third time and passed.

PEARL HARBOR DAY

Mr. BURNS. Mr. President, where were you on December 7, 1941? There are some of us who can remember that day. I was around 6 or 7 years old. I remember being on that small farm where I was raised. We were doing the evening chores when my mother—we did not have electricity in those days so you had a battery-operated radio and you did not turn on the radio until the evening. But mom had turned on the radio and the newscast was that Japan had attacked the United States at Pearl Harbor. When she told dad about that—I remember dad had two feed buckets in his hands—he said: "Where in the world is Pearl Harbor?" We did not even know where it was.

At 6 o'clock in the morning, Pearl Harbor time, 183 Japanese aircraft were launched from six major fleet carriers and flew toward Oahu. At 7:02 a.m. Honolulu time, the Japanese aircraft were spotted on their approach to Oahu, and they were mistaken for a flight of B 17 Flying Fortresses on an approach to the islands. At 7:15 a.m., a second wave of 167 Japanese planes departed the fleet carriers for Pearl Harbor. At 7:55 a.m., the attack on Pearl Harbor began, with the first Japanese dive-bomber appearing over Pearl Harbor. It was followed by a first wave of nearly 200 aircraft, including torpedo planes, bombers, and fighters.

The ships in our fleet were sitting ducks, all gathered up in one place. The anchored ships in the harbor made perfect targets for those bombers, and since it was Sunday morning—a time chosen by the Japanese for maximum surprise—they were not fully manned. In fact, back in those days in the Navy, half of the crew on the ships was on liberty.

Most of the damage to the battleships was inflicted in the first 30 minutes of the assault. The *Arizona*, which still lies in state, so to speak, at that harbor, sank. The *Oklahoma* was capsized. The *California*, *Nevada*, and *West Virginia* sank in shallow water. In all, more than 180 aircraft were destroyed. U.S. military casualties totaled about 3,400.

That was a fateful day in 1941. Tied up to the *Arizona* was a ship, the USS *Vestal*. A good friend of mine, a member of our church, and his two brothers were on that ship. It was a repair ship. They were working on the *Arizona*. He said he remembers that day like it was yesterday. Glenn Sahlgren is gone now. I spent many hours on the Big Horn River fishing with him. I told him: When they find our bones one of these days, they will be down here on this river with a fly pole in our hand. He said: CONRAD, every day since December 8, 1941, has been a bonus to me. He and his two brothers were raised in Saco, MT. All three of them were in the Navy and on that ship, and it too sank. All three survived that fateful morning.

They were young Americans, hit by surprise. Now we are talking about another intelligence bill on the heels of 9/11. There were 3,581 killed, missing, and wounded. In my State alone, on the USS *Arizona*, Montana lost seven of its finest: Lloyd Daniel, Jerald Dellum, Joseph Marling, Earl Morrison, Robert

Pearson, Harold Scilley, and George Smart.

Of course, that attack launched America into World War II where it suffered even more losses. Thousands of men and women died in World War II, but it changed the face of the world and gave us the freedoms we enjoy today. None of us here earned those; we inherited them. What Tom Brokaw called "the greatest generation" is a true statement. For after that attack, this country bound up its wounds and didn't look back. We honored those who were lost, and we built a better peace.

As this holiday season approaches and we gather around friends and family, it is important that we count our blessings. Most of those blessings were inherited and not earned. We remember those who went before us. We turn to this holiday and think about those families who are missing someone either because a family member died for their country or he or she is standing tall on foreign soil around the world.

One characteristic about Americans, we have always thought about the next generation. Those who answered the call in 1941 knew full well it was worth the sacrifice so that their families, their children and grandchildren, would never be vulnerable to anything like that again. We are witnessing today's greatest generation also. They understand the risk and the mission, but they also understand their families and what this great country stands for—we tend to forget that every now and again—because they, too, think it is worth the sacrifice so their children and grandchildren will not live under the pall of terrorism, perpetrated on the world from the shadows by faceless people. Today we have brave military men and women again, just as those who have gone before them, standing on alert, securing our freedoms, guarding the innocent abroad. I salute their bravery and their sacrifice, and I ask my colleagues to do the same.

This December 7 is a reminder of where we have been, how we reacted, what we have done, and the challenges to be faced in the future by young folks who are willing to pay the price.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

TRIBUTE TO LES BROWNLEE

Mr. INHOFE. Mr. President, I wish to take a few minutes to speak about a truly remarkable American who, after serving his country with remarkable competence and quiet excellence, has moved on with little fanfare.

I am talking about Les Brownlee, a man we worked with very closely for a long period of time. So often you learn to love these people when you work with them over the years, and then they move on and you prepare to miss them, as we will.

Les Brownlee would probably not want me to talk about him. He normally avoids that type of thing. He shunned public recognition for his achievements, while compiling a stellar record of support and leadership for the men and women of the U.S. Army.

Mr. Brownlee was a highly decorated Vietnam veteran and executive officer to Army Under Secretary James Ambrose when he retired as a colonel in the U.S. Army in 1984. The experience he gained during his time in uniform made him an attractive candidate to advise my colleague from Virginia, Senator WARNER.

Mr. Brownlee served on Senator WARNER's staff for several years before joining the Senate Armed Services Committee as a professional staff member, where I worked with him for 7 years. From 1994, when I first came from the House to the Senate, until 2001, when he accepted a job as Under Secretary of the Army. Mr. Brownlee proved his expertise again and again while deflecting the accolades he deserved.

It is hard to conceive of a more tumultuous time for an acting Secretary of the Army to hold that position. From the events of 9/11, which helped convince Mr. Brownlee to take the Under Secretary position, to the campaigns of Afghanistan and Iraq, to the myriad challenges faced by the Army today, these times are like no other. In the face of these daunting events, Mr. Brownlee provided incredibly strong leadership from the top without losing touch with the personal integrity that characterizes the finest members of the Army he oversaw. Moreover, while executing the high-level concerns of his office, he also worked to ensure that the pressing needs of individual soldiers were met. He reflected on the old days, and he knew he had the instinct as to what those needs were. I am thinking particularly of the need for more and better body armor for our troops.

My only disappointment now is that Mr. Brownlee is moving on. It is clear his successors will have big shoes to fill, and the trajectory that Mr. Brownlee set for the service and coordination with the Secretary of Defense and Joint Chiefs is one that will lead to transformation and victory in our current engagements and dominance in the decades to come. Perhaps more importantly, Mr. Brownlee has established a gold standard for character to which all of our military personnel should aspire.

I thank him for his service, the time he spent, and the dedication and commitment he made to his country.

HONORING OUR ARMED FORCES

LANCE CORPORAL LAMONT NOEL WILSON

Mr. INHOFE. Mr. President, I stand today to honor a brave young American who gave his life defending our Nation. He felt a call to serve his country, to be part of something bigger than himself, and, ultimately, paid the highest price.

LCpl Lamont Wilson, of Lawton, OK, was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force, from Camp Pendleton, CA. His parents, Lanny and Florence Wilson, still live in Lawton, where he graduated from Eisenhower High School in 2003. By June, he was already serving as a marine, fulfilling a military dream Lamont kept alive since childhood. When asked why he joined the Marines, Lamont explained it was to make his father proud.

On September 6, in Fallujah, Lamont was killed in combat. He gave his life for the freedom of millions of Americans and also for the peace and prosperity of the Iraqi people crippled by a totalitarian regime. His funeral, held at St. John's Missionary Baptist Church in Lawton, was a joyous celebration of Lamont's life and service to God and country. Although the loss of this young man is a loss we all feel, our thoughts and prayers are especially with his family and friends.

Lamont's dedicated service showed the spirit that drives us to fight oppression around the world. He knew that he and his fellow marines were fighting to protect America, to keep their Nation safe. The way Lamont signed letters he wrote home—"Sleep Well, America"—embodied the noble spirit of sacrifice in the hearts of the men and women in our Armed Forces. It is for men like Lance Corporal Wilson that I am proud to be a part of this great country. He was a special marine but, more importantly, a special man.

Several of us who have spent time over in Afghanistan and Iraq have talked to these young people there, the young troops. They sometimes ask the question: Why is it that people don't appreciate us? It is because they get kind of a perverted media over there that doesn't really understand what the war is all about. I gave them my assurance that we understand the sacrifices they make, that we are at the most threatened position today this country has ever been in, and it is people like you who are keeping and preserving our freedom.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

BRIGADIER GENERAL CHARLES "BEN" ALLEN

Mr. INHOFE. Mr. President, it is not very often that one has the opportunity to talk about someone they knew personally. We have so many fallen heroes in Iraq and in this war on terror. Those who have spent any time on the Armed Services Committee know that right now we are in the most threatened position our country has ever been in.

Today, I honor the memory of a really remarkable man whom I had the honor of meeting. In fact, I had the honor of meeting this man over in Iraq. It was around the time the U.N. building was bombed and I happened to be there at the time. He was over there with General Griffin, and I am speaking of BG Charles "Ben" Allen. He was a classic Oklahoman, a hard worker and leader who was dedicated to his family, his faith, and his country.

General Allen was an assistant commander in the 4th Infantry Division and was killed along with six other soldiers in the Blackhawk helicopter crash in central Texas.

Although he was born in Alaska, Ben Allen grew up in the Lawton/Fort Sill, OK, area, an Army town where the artillery is king of battle and familiar to all.

The son of an Army colonel, he graduated from Eisenhower High School in Lawton and went on to study at Lawton's Cameron University where he graduated from the ROTC program and was commissioned into the artillery.

General Allen's career was a long and distinguished one and included assignments with the 9th Infantry Division at Fort Lewis, WA, the 70th Field Artillery Detachment in Greece, the 7th Infantry Division at Fort Ord, CA, and the 9th Field Artillery in Heilbronn, Germany, the 101st Airborne Division at Fort Campbell, KY, where he was the operations officer for division artillery during Desert Shield and Desert Storm, and the 24th and 3rd Infantry Divisions at Fort Stewart, GA.

Allen then served as the J5 Balkans Branch Chief for the Joint staff at the Pentagon, after which he commanded the 4th Infantry Division's artillery and served in several positions under the Army deputy chief of staff for programming before returning to the 4th ID.

It is often said that when a soldier chooses a branch of service, he also is choosing the hometown of his future wife. Ben changed the order of that expectation. He and Cindy were college sweethearts at Cameron. In college, Cindy was a serious student who shared Ben's competitive spirit. For fun, the couple would compete for the highest GPA.

When Ben graduated from Cameron's ROTC program, he asked Cindy to marry him. She has been a partner, a friend, and a source of strength and truth, a cherished wife and beloved mother.

Cindy is a teacher by trade. For her, life in the military was a positive challenge which she took on with the same focused energy Ben showed whenever the Allens arrived at the new assignment. Cindy educated herself about each new duty assignment. She managed each move in an organized and disciplined way.

A lot of people do not understand what this is like for a family to be moved around this way, but Cindy handled it very well. Her leadership, responsibility, duty, love, and calm made her the perfect partner in life and love for this soldier. Even in this dark hour, Cindy is strong, dignified, and helping others cope with their losses as well.

Although General Allen was a man who faced the foes of the world with steely resolve, he stood no chance when it came to his only daughter, Laura, who is a 20-year-old student at George Mason University. Ben and Laura had a special father-daughter relationship fortified by great humor, warmth, understanding, and natural affection, a bond that will endure in her heart forever. She will always be his little girl.

I remember talking to him about this because my youngest daughter Katie and I also have that. To this day, I still call her my little girl. That is the relationship Ben had with Laura.

As the saying goes, like father like son, we likewise send our heartfelt condolences to General Allen's son Brian who is attending the University of Virginia on an ROTC scholarship. So we are talking now about the third generation. Brian and Ben shared many great times together watching their favorite teams, the Boston Red Sox and the Dallas Cowboys, and of course the University of Oklahoma, the No. 1 team in the Nation.

Whatever career path Brian chooses, he will have the life and accomplishments of a great and courageous man to serve as a bright and shining example for selfless service.

I will also share several thoughts about GEN Ben Allen that I have heard from some of my constituents who knew him. Many of these folks attended the memorial service held yesterday at Fort Sill. I was unable to be there because of votes here but I believe their comments say even more about the man, Ben Allen, than the long record of honorable service I just read.

Here are their words:

> Ben Allen was known to be a soldier's soldier. He cared about his troops and he enthusiastically led his troops to achieve victory both on and off the battlefield. He was also a soldier's son. Ben was the beloved son of a career Army officer.

His father was a colonel.

> Ben had a special talent for maintaining friendships. When he arrived at new duty stations, he made a special effort to seek out and reconnect with friends and colleagues from previous assignments. Whether on the golf course or standing on the bank of one of his favorite fishing holes, Ben could make you feel as though only days had passed since he last saw you.
>
> Ben was a man of faith, with a great sense of humor. He worked hard and expected the best from himself and from his troops. He loved his family, the Army, his life, and his country.

One friend suggested that this quotation from John Ruskin would be fitting in describing the way Ben Allen lived his life:

> Tis a good and safe rule to sojourn in many places, as if you meant to spend your life there, never omitting an opportunity of doing a kindness or speaking a true word or making a friend.

In this time of trouble and tragedy, we remember and pay tribute to General Allen and also to the many other Americans who do dangerous work not only overseas in places such as Iraq and Afghanistan, but within our own borders. Soldiering is a risky job. I am a veteran of the U.S. Army. I know there is no time you are not risking your life if you take this career. We should be grateful there are people like General Allen, people committed to defending freedom and truth, who are willing to take those risks on our behalf.

We remember Cindy, Brian, and Laura Allen, as well as General Allen's mother, Christine Allen Harper. We grieve for them, for their fallen husband and father and son. In his life and his death he set a high standard for all of us to follow. As we travel onward together, we will never forget BG Charles "Ben" Allen.

I know it is unusual to say something like this, but I have had occasion, just in the last few minutes, to talk to his wife Cindy. I recall something that he said to me when we were together over in Iraq. I said to him, "Do you know Jesus?"

He was very straightforward, and he said, "Yes."

I talked to his wife about that. There was no doubt in his mind. For some who do not understand this, if you are a man of faith like Ben, we can assure you it is not: Goodbye, Ben. He is with Jesus now. It is: So long, we will see you soon.

CORPORAL BRYAN WILSON

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Otterbein, IN. Corporal Bryan Wilson, twenty-two years old, died on December 1 as a result of injuries sustained in a Humvee crash in the Al Anbar Province. With his entire life before him, Bryan risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from Seeger Memorial High School in 2001, Bryan joined the Marines. His mother-in-law, Linda, told the Lafayette Journal & Courier that Bryan "knew when he graduated that he was going to be a Marine . . . He was very brave, and we're so proud of him. He made the ultimate sacrifice for all of us."

Bryan was the fortieth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the 2nd Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, California. This brave young soldier leaves behind his wife Samantha; his parents Charles and Brenda Wilson; his brothers Lonnie and Adam; and his 20-month-old daughter Breanne. May Bryan's daughter grow up knowing that her father fought bravely, giving his own life so that young Iraqis can some day know the freedom she enjoys.

Today, I join Bryan's family, his friends and the entire Hoosier community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Bryan, a memory that will burn brightly during these continuing days of conflict and grief.

Bryan was known for his dedication to serving others and his love of family and country. When looking back on Bryan's life, his wife Samantha told the Associated Press that he had been determined to serve his country and that "he would never have changed his mind about going." Today and always, Bryan will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Bryan's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Bryan's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Bryan Wilson in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Bryan's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Bryan.

LANCE CORPORAL ADAM R. BROOKS, USMC

Mr. GREGG. Mr. President, I rise today to remember and honor LCpl Adam R. Brooks of Manchester, NH for his service and supreme sacrifice for his country.

Lance Corporal Brooks demonstrated a willingness and dedication to serve and defend his country by joining the United States Marine Corps. His enthusiasm and devotion to service were indicated early on by his decision to enlist in the Delayed Entry Program which obligated him to the Marines well before he graduated from Central High School in 2003. Just as many of America's heroes have taken up arms in the face of dire threats, Adam, too, dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life, but earned him a place on the roll call of honor within the pantheon of heroes this country has produced.

Adam reported to recruit training at Marine Corps Recruit Depot Parris Island in August 2003. Following his basic training, he volunteered for and received further training as a rifleman in the infantry. Upon completion of this training, he became a member of 1st Battalion, 2d Marines, 2d Marine Division. From this unit's home base in Camp Lejeune, NC, he would deploy to Iraq in pursuit of those who would threaten our way of life.

Tragically, on November 28, 2004, Lance Corporal Brooks gave his last full measure for our Nation during combat with the enemy in the Babil Province of Iraq. Throughout his short career, Adam earned a series of accolades which testify to the dedication and devotion he held for the Marine Corps, his fellow Marines, and his country. Adam's hard work and dedication contributed greatly to his unit's successes and cemented his place as a participant in the great endeavor known as America. Adam was recognized for his service by the Purple Heart Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, and the Sea Service Deployment Ribbon.

My condolences and prayers go out to Adam's family, and I offer them my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their Marine, Lance Corporal Adam R. Brooks. Adam exemplified the words of Daniel Webster who said, "God grants liberty only to those who love it, and are always ready to guard and defend it." Because of his efforts, the liberty of this country is made more secure.

SPECIALIST ALAN J. BURGESS

Mr. GREGG. Mr. President, the United States of America was founded on a passion for freedom, personal liberties, and equality for all its citizens. In a fierce battle for freedom and independence, the citizens of this new world cast off the shackles of tyranny and built for themselves a land of hope and promise. So fervently held were the beliefs and ideals of this country, that a son of New Hampshire, General John Stark, reminded us of the price of our liberties with his admonishment to "live free or die." The heroes and Founding Fathers of that long ago time have been joined by another noble son of New Hampshire, SPC Alan J. Burgess of Landaff. It is in his memory that I rise today to honor Alan for his service and supreme sacrifice in the continuing defense of this country and for his relentless defense of freedom.

Specialist Burgess demonstrated a willingness and dedication to serve and defend his country by joining the National Guard after this country was attacked in September 2001 and we had begun the task of destroying the enemies of our country. Just as many of America's heroes have taken up arms in the face of dire threats, Alan too dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life but earned him a place on the roll call of honor within the pantheon of heroes this country has produced.

Following basic training, Alan joined his comrades in 2nd Battalion, 197th Field Artillery Brigade, Army National Guard as a military policeman and began training for his deployment to Iraq in support of Operation Iraqi Freedom. From this unit's home base in Woodsville, NH, he would deploy in March 2004 to Iraq in pursuit of those who would threaten our way of life.

During his all too brief career, Alan accumulated a significant list of accolades and experiences which testify to the dedication and devotion he held for the Army, his fellow soldiers, and his country. Alan's expertise contributed greatly to his unit's successes and cemented his place as a participant in the great endeavor known as America. Alan was recognized for his service by the Bronze Star Medal, the Purple Heart Medal, the Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Army Reserve Overseas Service Ribbon.

I offer Alan's family my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their soldier, Specialist Alan Burgess. Alan exemplified the words of Daniel Webster who said, "God grants liberty only to those who love it, and are always ready to guard and defend it.'' Because of his efforts, the liberty of this country is made more secure.

SPECIALIST DARYL DAVIS

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to a heroic American. SPC Daryl Davis, a fellow Iowan originally from Spencer, IA. A member of the 144th Transportation Company of the Florida Army National Guard, Specialist Davis was killed November 29, 2004 when his Humvee was involved in an accident traveling between military camps in Iraq. Specialist Davis was serving as a gunner when the accident occurred. Daryl Davis graduated from Spencer High school and enlisted in the Iowa National Guard at age 17 before transferring to Florida earlier this year. Specialist Davis is survived by his mother and father, Dana Davis and Richard Rosado, as well as two brothers. I know that he will be deeply missed by his family and friends. My thoughts and prayers are with them.

I ask my colleagues in the Senate and my fellow Americans to join me in remembering Specialist Davis and the enormous sacrifice he made for his country. Many people thought very highly of Specialist Davis and he will always be remembered for his willingness to serve others. The United States owes its continued prosperity to Specialist Davis and others like him who are willing to advance our ideals at great personal cost. Daryl Davis will be remembered as a great patriot and it is fitting that we honor him today.

MARINE SERGEANT NICK NOLTE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Nick Nolte of Falls City, NE, a sergeant in the United States Marine Corps. Sergeant Nolte died November 24, 2004 at the Walter Reed Army Medical Center from wounds he received on November 9 when his Humvee drove over a bomb near Baghdad, Iraq. He was 25 years old.

Sergeant Nolte graduated from Falls City Sacred Heart High School in 1998. After graduating, he enlisted in the U.S. Marine Corps and became a member of the Presidential Helicopter Squadron HMX-1, guarding Presidents Clinton and Bush. In June 2004, Nolte joined Operation Iraqi Freedom as a rifleman, Marine and personal security expert. Sergeant Nolte will be remembered as a loyal Marine who believed in his mission and who had a strong sense of duty, honor and love of country. Thousands of brave Americans like Sergeant Nolte are currently serving in Iraq.

Sergeant Nolte is survived by his mother, Anita Nolte; his wife, Melina and 3-year-old daughter, Alanna of Cherry Point, NC and sister, Jessica Nolte of Omaha. Our thoughts and prayers are with them at this difficult time. The United States of America is proud of Nick Nolte's service and mourns his loss.

For his service, bravery and sacrifice, I ask my colleagues to join me and all Americans in honoring Sergeant Nick Nolte.

STAFF SERGEANT ROBERT S. DOUGHTY

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a Kentucky hero, SSG Robert S. Doughty. Sergeant Doughty, an 11-year-veteran of the U.S. Army and from Paducah, KY, went to Iraq last spring as a member of the 3rd Battalion, 5th Special Forces Group. On July 8, 2004, Sergeant Doughty was riding in the passenger seat of a Humvee deep in the Sunni Triangle. His team's mission was to deliver laptop computers and a new vehicle to another Special Forces team. They didn't make it.

A 155mm-mortar struck Sergeant Doughty's vehicle. Shrapnel tore through both of his legs. Two medics began treating him immediately, and Sergeant Doughty believes they saved his life by preventing him from bleeding to death. He was rushed by helicopter to a surgical hospital in Balad, Iraq, then to Germany, and finally to Walter Reed Army Medical Center here in the Nation's Capital. Doctors were able to save his life, but not his legs.

Sergeant Doughty's incredible courage has not diminished one iota since that July day. Two months to the day of that vicious attack, he stood for the first time on two prosthetic legs. Since then, he has graduated from using a walker to crutches to canes, and intends to walk without difficulty by Christmas. I have no doubt he will succeed.

I had the pleasure of meeting Sergeant Doughty and his family in my office on September 9. I told him how grateful America is for his service to our country. This amazing man has not let his injury hamper his love for his country, her military, or the cause of freedom and justice we fight for in Iraq. If he could, he would go back. He serves as a model of heroism to us all.

Today I ask my colleagues to join me in honoring SSG Robert S. Doughty for his supreme valor. My prayers, and those of millions of grateful Americans, are with him as he recovers from his injuries. With other fine men and women like him in our Armed Forces, we are sure to succeed as we continue ridding the newly liberated Iraq of the terrorists trying to drive that country back into the hands of tyranny.

LCPL JOSEPH WELKE

Mr. JOHNSON. Mr. President, I rise today to pay tribute to LCpl Joseph T. Welke, a resident of Rapid City, SD who died on November 20, 2004, while serving in Operation Iraqi Freedom.

Lance Corporal Welke was a member of the 3rd Battalion of the 1st Marine Regiment based out of Camp Pendleton, CA. He was killed while fighting insurgents in Fallujah, Iraq.

Answering America's call to the military, Lance Corporal Welke joined the Marines after graduating from Rapid City Stevens High School in 2003. As a fullback for the varsity football team, Joe earned Greater Dakota All Conference team honors. He enjoyed riding his motorcycle and spending time with his family. Friends and family remember him as having a love for life and as an inspiration to all those who knew him best.

Lance Corporal Welke served our country and, as a hero, died fighting for it. He served as model of the loyalty and dedication that comes with preservation of freedom. The thoughts and prayers of my family, as well as the rest of the country, are with his family during this time of mourning. Our thoughts continue to be with all of those families with loved ones serving overseas.

Lance Corporal Welke led a full life, committed to his family, his Nation, and his community. It was his incredible dedication to helping others that will serve as his greatest legacy. Our Nation is a far better place because of Lance Corporal Welke's contributions, and, while his family, friends, and Nation will miss him very much, the best way to honor his life is to remember his commitment to service and family.

Mr. President, I join with all South Dakotans in expressing my sympathies to the friends and family of LCpl Joseph Welke. I know that he will always be missed, but his service to our Nation will never be forgotten.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, we are in morning business, are we not?

The PRESIDING OFFICER. We are in morning business.

Mr. DORGAN. Will the Senator yield for a unanimous consent request?

Mr. LEAHY. Of course I yield for that purpose.

Mr. DORGAN. I ask unanimous consent to be recognized following the presentation by Senator LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

NOMINATION OF ALBERTO GONZALES TO BE ATTORNEY GENERAL

Mr. LEAHY. Mr. President, soon after we return in January, the Senate Judiciary Committee will begin consideration of the nomination of Alberto Gonzales for the position of Attorney General of the United States. I met with Judge Gonzales on November 17, soon after his designation as the President's nominee. I had that meeting in preparation for our hearings. I look forward to working with Senator SPECTER and the other members of the Judiciary Committee to assure a prompt and fair and thorough hearing on this important nomination in early January.

There is no secret that Judge Gonzales will be called upon to explain not only his vision of what the role of the Attorney General should be, but also how he would distinguish it from that of the White House Counsel. And he is also going to be asked about the role he has played in formulating the administration's policy on the treatment and interrogation of prisoners in U.S. custody overseas.

The scandal of Abu Ghraib, allegations of mistreatment in Guantanamo, investigations and charges from cases in Iraq and Afghanistan are serious matters. There are lingering questions. There is unresolved accountability left in their wake.

The Bush administration circled the wagons long ago. It has continually maintained that the abuses were simply the work of a few bad apples. But we know that the photos from Abu Ghraib do not depict an isolated incident. Abuses have occurred in many locations, including Afghanistan, Guantanamo Bay, and in a number of other facilities within Iraq.

I have long said that somewhere in the upper reaches of the executive branch, a process was set in motion that rolled forward until it produced this scandal. Even without a truly independent investigation, we now know the responsibility for abuse runs very high into the chain of command. Senior officials in the White House, the Justice Department, and the Pentagon set in motion a systematic effort to minimize, distort, and even ignore laws, policies, and agreements on torture and the treatment of prisoners. Defense Secretary Rumsfeld and later LTG Ricardo Sanchez authorized the use of techniques that were contrary to both U.S. military manuals and international law.

Former CIA Director Tenet requested, and Secretary Rumsfeld approved, the secret detention of a ghost detainee in Iraq so he could be hidden from the International Committee of the Red Cross.

These issues, especially when they involve the greatest democracy history has known, are a significant concern. But there are also issues in which the administration has been far less than forthcoming. In letters dated May 17 and June 15 of this year, long before the fall elections, long before the resignation of John Ashcroft, and long before he was designated by the President as nominee, I asked Judge Gonzales to describe his role in both the interpretation of the law and the development of policies that led to what I and many others considered to have been a disregard for the rule of law. Those letters of May 17 and June 15 remain unanswered as of today.

I have repeatedly emphasized to Judge Gonzales the need for responsiveness and accountability in these matters. Last Friday, I sent Judge Gonzales a letter reiterating my concerns. I emphasized the importance of full disclosure during this confirmation process.

I urge him to cooperate, to cooperate now with all members of the Judiciary Committee on both sides of the aisle on the full range of issues of oversight and accountability that come before us. That is something his predecessor did not do. That lack of oversight on the part of the Senate, the lack of accountability and lack of responsiveness on the part of the administration, should not continue.

I ask unanimous consent to have my December 3, 2004, letter to Judge Gonzales printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 3, 2004.

Hon. ALBERTO R. GONZALES,
Counsel to the President, the White House, Washington, DC.

DEAR JUDGE GONZALES: I enjoyed our preliminary meeting and look forward to your confirmation hearings. In following up on our meeting, and to give you and your staff ample opportunity to prepare for the hearings, I write to reiterate several concerns that I have raised in prior discussions and correspondence. When we met on November 17, 2004, I said that these issues will be raised, by myself and other members of the Senate Judiciary Committee, during the upcoming hearings. Based on our conversation, I am encourage by your willingness to answer questions about you role and your views in these matters.

Photographs and reports of prisoner abuse in Iraq and other locations show an interrogation and detention system operating contrary to U.S. law and the Geneva Conventions. In addition to the abhorrent images from the Abu Ghraib prison that were published last spring, actions that have occurred with Administration approval include the forcible rendition of individuals to nations where they may face torture, and the hiding of "ghost detainees" from the International Committee of the Red Cross. Reports of abuse continue to emerge. Just this week, The New York Times reported that the Red Cross has charged U.S. military authorities with using physical and psychological coercion "tantamount to torture" on prisoners at Guantamano Bay. The Washington Post is reporting that in December 2003 Army generals in Iraq were warned in a confidential report that members of an elite military and CIA task force were abusing detainees. According to The Post, the report concluded that certain arrest and detention practices could be deemed to be "technically" illegal.

In letters dated May 17 and June 15 of this year, I asked you to describe your role in both the interpretation of the law and the development of policies that led to what I and many other consider to have been a disregard for the rule of law. These letters remain unanswered.

My concerns regarding the abuse of prisoners in U.S. custody did not begin with these letters. I have been seeking answers from the Administration for well over a year, before the abuses at Abu Ghraib came to light. In a very few cases my questions were answered, but with information that later proved to be less than accurate. For example, in a news conference on June 22, 2004, you stated, "In Iraq, it has always been U.S. position that Geneva applies. From the early days of the conflict, both the White House and the Department of Defense have been very public and clear about that."

However, an October 24, 2004, article in The Washington Post revealed yet another Justice Department memo authorizing actions that potentially violate the Geneva Conventions. The draft memo, dated March 19, 2004, apparently was written to authorize the CIA to transfer detainees out of Iraq for interrogation—a practice expressly prohibited by the Geneva Conventions. According to the memo's cover letter, it was drafted at your request.

In another example, a June 25, 2003, letter from Department of Defense General Counsel William Haynes stated that the United States was adhering to its international obligations including those under the Convention Against Torture. We later learned of an August 1, 2002, Department of Justice memorandum that twisted the definition of torture in unrecognizable ways. That memo was addressed to you. We also learned months later of the rendition of a Canadian-Syrian citizen to Syria, despite his fear of being tortured there, and despite the Syrian government's well-documented history of torture. Unnamed CIA officials told the press that this man was in fact tortured in Syria.

The Committee and the Senate will want to know your role in these situations and your views with regard to the development of the legal justifications that appear to underlie so many of these actions. You will be called upon to explain in detail your role in developing policies related to the interrogation and treatment of foreign prisoners. The American public and the Senate that will be called upon to confirm your appointment deserve to know how a potential Attorney General, the chief law enforcement officer in the nation, will interpret and enforce the laws and how you will develop policy.

We want to know what the current policy on torture is, but since the Administration disavowed the August 1, 2002, memo, no public statement of policy has replaced it. Questions remain unanswered on a host of issues. Requests to the White House and the Department of Justice for relevant documents—including my requests to you in May and June of this year—have been ignored or rejected. I urge you and the Administration to provide the documents that have been requested by myself and others without further delay so that the hearings will be well informed.

Another key concern you will be called upon to discuss is how you view the duties and responsibilities of the Attorney General. As we discussed, I view the White House Counsel position and that of the Attorney General as quite distinct. You may well have viewed this President as your "client" while serving him at the White House, although the courts do not recognize an attorney-client privilege in that setting. We will want to know how differently you will act and view your responsibilities as the Attorney General of the United States.

Finally, I encourage you to commit to cooperating with all members of the Judiciary Committee on issues of oversight and accountability. In the 108th Congress, the Judiciary Committee failed to fulfill its oversight responsibilities. Accountability and improving government performance are sound and long established purposes of congressional oversight, and accountability has been lacking on these and other crucial issues. With a new Congress, and a new Attorney General, I expect a return to the diligent oversight envisioned by our Founders to ensure that the Executive Branch remains accountable to the American people.

Our meeting was a constructive beginning at the start of the confirmation process, and I look forward to your hearing early next month. In the meantime, Marcelle and I send our best wishes to you and your family and hope that you have a restful and rewarding holiday season.

Sincerely,

PATRICK LEAHY,
Ranking Democratic Member.

Mr. LEAHY. Mr. President, I yield the floor. I see the distinguished Senator from North Dakota now seeking the floor.

The PRESIDING OFFICER. Under the previous unanimous consent, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, let me ask consent to speak for 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALE OF AGRICULTURAL GOODS TO CUBA

Mr. DORGAN. Mr. President, I want to speak today about several items, the first of which is the sale of agricultural goods to Cuba.

Some years ago, Attorney General John Ashcroft, who then was a U.S. Senator, and I, offered an amendment that opened the opportunity to sell agricultural commodities into the Cuban marketplace. For over 40 years that marketplace had been closed to American farmers because of an embargo.

The bill that Congress passed was called the Trade Sanctions Reform and Export Enhancement Act of 2000. It permitted agricultural sales to Cuba on the condition that the Cubans had to use cash in order to purchase agricultural commodities from this country. We have now sold over $900 million worth of farm commodities to the Cuban marketplace for cash. In fact, about 1½ or 2 years ago, 22 train carloads of dried peas left North Dakota to be shipped into the Cuban marketplace—the first time in 42 years our farmers had an opportunity to sell into this market that the Canadians and the Europeans had been selling into all along.

That is what we did in the legislation. I felt that having an embargo on food shipments to Cuba all those years was wrong. It didn't affect Fidel Castro. We tried to injure Fidel Castro by slapping on this embargo which included food and medicine, which I thought was an insidious policy. It didn't hurt Fidel Castro. He never missed a breakfast, lunch, or dinner because we were not able to sell food into Cuba.

The same is true with travel restrictions. We prohibited Americans from traveling into Cuba except for those who are able to get a license from the Treasury Department, which is increasingly difficult to do. Restricting the American people's right to travel is not hurting Fidel Castro. It simply injures the American people. We can travel in Communist China and in Communist Vietnam but we can't travel in Cuba. I have held up a picture on the floor of the Senate of Joni Scott. She went to Cuba to distribute free Bibles. This administration's Treasury Department tracked her down and said we are going to try to slap a $10,000 fine on you for distributing free Bibles in Cuba. I have also shown the picture of Joan Slote, a retired senior Olympian in her midseventies. She went to ride a bicycle in Cuba with a Canadian group. The Treasury tracked her down even as she was dealing with her son's brain cancer and slapped a fine on her and threatened, by the way, to seize her Social Security payments.

It is outrageous what this policy has been with respect to Cuba. But we had a small victory when Senator Ashcroft and I were able to change the law so that our farmers and ranchers could sell into the Cuban marketplace. Since then we have sold $900 million of agricultural commodities for cash to Cuba.

In recent weeks something else has happened. It is apparent this administration is fighting every possible way to shut down the opportunities of farmers and ranchers to sell into the Cuban marketplace. Here is a new way. This chart shows part of the Trade Sanctions Reform and Export Enhancement Act of 2000 legislation. Here are the words that stipulate that the Cubans must pay "cash in advance" for food they purchase. And that is exactly what the Cubans have done for about $900 million in shipments so far. But someone at Treasury took a look at this, and said, You know, there is a way to interpret these words to shut down these shipments even tighter. We will interpret cash in advance to mean the cash must be received by the exporter before anything can be shipped toward Cuba.

That is much different from the way the term cash in advance has been generally understood by the export community and the way I as an author would have understood what we meant. Up to now, cash in advance meant that you must pay cash before you take receipt of the product. That ship goes to Cuba with dried peas, or wheat, or flour, or beef. Before it is offloaded and the Cubans take possession, they must pay cash to the seller. It is very simple. You pay cash before you take possession of the product.

The Treasury Department has now found a way to say, Not good enough. The way sales have been made to Cuba for the past three years is not what the Treasury thinks the legislation says. We insist that the phrase cash in advance means you pay cash before anything gets loaded on the ship.

What is this about? It is about someone down at the Treasury Department who has decided they have found another way to see if they can stop our farmers and ranchers from selling into the Cuban marketplace. I was an author of the legislation, and they need to understand that I knew what I was doing, and I believe my colleague Senator Ashcroft and others in the Congress knew what they were doing. We were trying to provide access to the Cuban marketplace.

This country has now said for almost two dozen years the way to move Communist countries such as China and Vietnam toward greater human rights is through more trade and travel engagement to move them in the right direction. We have said that with China and with Vietnam, both Communist countries. The exception is Cuba. They say if we begin to allow people to travel in Cuba, to trade with Cuba, somehow that is pernicious and moves in the wrong direction.

At some point you have to say that is an argument that is completely devoid of common sense. But Congress has already acted on this. The Congress said it is all right and we believe we should be able to trade with Cuba provided that sale is for cash. The Cubans buy agricultural commodities from us. They pay for it through a European bank with cash so that no direct transfer of funds from Cuba to a U.S. institution. And now there is someone who has found a way to restrict this, to try to interrupt rice shipments and other shipments to Cuba.

The farm community was caught unaware by this issue. I was unaware of it. Once we discovered it, I called people in the Bush administration to ask, What on earth are you doing this time? Can't you get it straight that this Congress has already said this is the law, this is the way the law reads? I have asked, by the way, the Inspector General at the Department of the Treasury to investigate what OFAC—called the Office of Foreign Assets Control—is doing here. Essentially, the Office of Foreign Assets Control at Treasury is supposed to be tracking money to terrorists. They are supposed to be shutting down the funding for Osama bin Laden. They are supposed to be tracking the network of funds around the world that finances terrorism.

But what are the people at OFAC doing? They are tracking down Joan Slote and Joni Scott who traveled to Cuba to ride bicycles and distribute free Bibles. They are spending time trying to figure out how they can reinterpret Federal law to try to put a wrench in the crankcase of farmers and ranchers who are trying to sell into the Cuban marketplace. They ought to be ashamed of themselves down at OFAC. They know better than that.

When Secretary of Treasury O'Neill testified at a hearing a couple of years ago, I asked him repeatedly about this. He finally answered, but he didn't want to. I asked him, Wouldn't you, with some common sense, much rather use your assets in OFAC to track the financing of terrorists than track Americans who are suspected of taking a vacation in Cuba? Finally, he said, Sure, sure.

The OFAC is not a very big agency. But they have over 20 people who are tracking this Cuba issue trying to nab an American person who is suspected of taking vacations in Cuba or trying to find ways to reinterpret the law to shut down agricultural trade to Cuba. They have more people doing that than they have tracking Osama bin Laden, and trying to shut down Osama bin Laden's network of funding to support his terrorist activity.

OFAC ought to be ashamed. What a false choice for the security of this country. And what a false choice for the welfare and benefit of family farmers and ranchers, just like the Europeans and Canadians and others who have access to this marketplace. My hope is they will have a meeting in the administration. My understanding is they had one late yesterday afternoon, or will have one today, and perhaps some common sense will prevail. If not, we will find a way here on the floor of the Congress to see if we can't make the right thing happen and perhaps force them to use their resources—or perhaps if they are misusing their resources, to diminish the resources they have.

In any event, we have a significant problem in agricultural trade.

Ten years ago, we had a $25 billion agricultural trade surplus. This year, it is $9 billion. It shrank from $25 billion to $9 billion, and next year it is expected to be zero. For the first time in over 50 years we will not have a surplus in agricultural trade, according to the estimates in the administration.

If that is the case, why are they trying to shut down our sales of agricultural product to Cuba? It doesn't make sense at all to me.

I hope those in the administration who have done this and who think that redefining the meaning of cash in advance is a genius scheme to try to thwart the will of Congress will think through it more clearly and understand it is a harebrained scheme that doesn't comport at all with the law. My hope is they will finally get that message.

TRADE ISSUES

Mr. DORGAN. Mr. President, let me mention a couple of other trade issues because I think they are critically important. I am going to spend a great deal of time on trade issues in this coming session of Congress. We have the largest trade deficit in the history of the country. That translates into lost jobs and lost opportunity for our country. This town is completely brain dead on trade issues.

We can start with the Washington Post and the major news outlets. They do not cover trade or care about it, and if they cover it at all, they only cover one side, and that is the side of so-called free trade. Let me tell you where the so-called mantra of free trade has led: the largest trade deficit in the history of our country with massive outsourcing of jobs replaced with jobs that pay less with fewer benefits in our country.

I have spoken at great length about the trade issues to a deafening silence; it could be because of my presentation. But this country, this Congress, this town, has to get serious about this issue because it is hollowing out the economic stability and opportunity for this country's future.

We have a huge unprecedented trade deficit with China. We buy everything China has to manufacture—shoes, shirts, shorts, trinkets, toys, just name it. It is coming in an armada of ships every single day. We buy every single day nearly $2 billion more from other countries than we are able to export.

Why do we do that? I have spoken about Huffy bicycles, and I will not go through the story today, but Ohio workers making Huffy bicycles, proud of their jobs, lost their jobs, and Huffy bicycles are now made in China. The little red wagon, American Flyer, made in America for 120 years, but the employees lost their jobs to China.

A new report, December 3rd in the Washington Post: "A Rough Ride for Schwinn Bicycles." We know Schwinn bicycles. I rode a Schwinn when I was a kid. They are now made in China. This story describes the mistake of Schwinn bicycles. They decided as a company they needed to try to continue to stay in the United States and manufacture bicycles here. What a huge mistake, they decided later, because it drove them into bankruptcy. So there are no longer any Schwinn bicycles made in America.

Let me give an example of why this is happening, whether it is Huffy or Schwinn bicycles or a thousand other items.

This is a story about unrest in a Chinese manufacturing plant from the Washington Post. In the latest unrest, about 1,000 workers staged a walk out on November 7th at the Shanlin Technology appliance factory near Guangzhou, demanding higher overtime pay and more days off, according to the government-run New China News Agency. The workers returned to the assembly line a day later after receiving assurances that overtime pay would rise by 12 cents to 36 cents an hour and that they would get two days off a month.

When the Huffy jobs went from Ohio to China, for example, the jobs changed in one respect. The U.S. workers had made $11 an hour plus benefits. The Chinese workers instead make 33 cents an hour and work 12 to 13 hours a day 7 days a week. Some insist that is what America should compete with. I insist that is a race to the bottom of economic standards and one this country should not aspire to win.

What has happened to our Yankee ingenuity when it comes to international trade? We used to be known as good traders. Instead, we now have a strange idea that if we can just open up all markets and have no admission standards or no admission price to the U.S. marketplace, and allow the production of most goods to migrate to countries in the world where you can hire 12-year-olds, pay them 33 cents an hour, work them 12 hours a day, and ship the products to Toledo and Santa Fe, that America would be better off. And that is just not so. In fact, as the jobs migrate from a country that cannot continue to pay workers $11 or $20 an hour, when corporations will simply move the jobs to China where they are paid 33 cents or 50 cents an hour, this country begins to feel the economic pain and the shrinking of economic opportunity.

It seems to me, that after decades of failed trade policy—whether it is GATT, WTO, NAFTA, CAFTA or any one of a number of trade agreements—at some point those who predicted a good outcome for these trade agreements, and were so fundamentally wrong, should be discredited.

NAFTA is an example. We were told with respect to NAFTA, This is a good thing for our country because what will happen if jobs migrate to Mexico, they will only be low-wage and low-skill jobs. But since NAFTA has been in effect, the three largest exports from Mexico have been automobiles, automobile parts, and electronics, all the product of high-skilled labor. It is exactly the opposite of what the experts predicted.

I am told that we now import more cars from Mexico than we export to the entire rest of the world. We now import more automobiles from Mexico than we export to the entire rest of the world. What that means is the migration of jobs in automobiles and automobile parts to Mexico after NAFTA. Why? Because of lower wages and fewer health, environmental, and safety regulations on manufacturing. That has meant those jobs have left our country. It results in part in this very significant trade deficit, which, in my judgment, injures this country and is a long-term serious problem.

I intend to speak at much greater length about that, and repeatedly, because we must find legislative approaches to interrupt this failed trade policy. I am not saying I am opposed to free trade. I believe trade must be fair trade. There must be fair trade requirements. This free trade is a mantra that people chant. But chanting "free trade" at a time when we are up to our neck and choking on trade debt, with jobs moving from the country in wholesale quantity, it is time to stop that and decide it ought not be something to be ashamed of for anyone to say: My interest is in the economic well-being of the United States of America. I am so tired of people refusing to say: My interest is in protecting the economy of our country.

Why are we afraid to stand up for American jobs? Why do we believe it is inappropriate for an employee to make $15 an hour in a manufacturing plant? Somehow large corporations have convinced most policymakers and editorial writers that it makes a lot of sense to hollow out our manufacturing business.

I guarantee this: No country will long remain a world economic power if it does not have a strong manufacturing base. We are headed in the wrong direction. This country needs to make a U-turn. As I have said, we are completely brain dead in trade policy. We intend to have that discussion. I will force that discussion in the next session of Congress.

WHISTLEBLOWER: FIRM DEFRAUDED IRAQ OCCUPATION AUTHORITY

Mr. DORGAN. Mr. President, the largest area of deficiency for the Congress in the last few years has been the failure to have oversight hearings on issues that demand oversight hearings. I have held some hearings as chairman of the Democratic Policy Committee, in cases where members of other committees have asked for oversight hearings and they have been denied. This has been particularly true, by the way, when it comes to Halliburton.

Let me give an example of why oversight hearings are critical. This comes from a report recently on National Public Radio. I will read this because it describes why this Congress must begin exercising its oversight responsibility. This is about waste, fraud, abuse, and the American taxpayers being cheated.

Let me read some of it:

> Custer-Battles was a young company founded by former Army Rangers Scott Custer and Michael Battles who came to Iraq on borrowed money. An August Wall Street Journal article said that he (Mr. Battles) only had $450 when he convinced an official to put Custer-Battles [his new company he formed] on a list of bidders at an airport security contract.

Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. An August Wall Street Journal article said Mr. Michael Battles, a former Army Ranger, showed up in the country of Iraq with $450. He and his partner, former Army Ranger Scott Custer, convinced an official to put Custer-Battles, a new company, on a list of bidders for an airport security contract. They promised to get the job done fast, and they won the contract, which included two upfront cash advances of $2 million each.

Then there was a fellow, a former FBI agent, whose name is Isakson who said 2 weeks into this job, by this two-person company that showed up with no money but got $2 million of advanced funding for this contract at the airport—Isakson, a former FBI agent, said something went wrong. "They approached me to participate in a scheme to defraud the government." Isakson said it involved bidding for cost plus contracts which guarantee payment for a contractor's actual cost plus an agreed to profit margin.

This is what Isakson said:

> They would take and open a company in Lebanon and buy materials through the Lebanese company, which they owned, then the Lebanese company would sell it to their American company [Custer-Battles] at a highly inflated rate and then they would charge their profit on top of the highly inflated rate. In other words, they would make a [big] profit plus another profit.

Isakson said he refused to go along, and he warned company officials that such a plan would put them in jail. Again, this is an ex-FBI agent. He said he could not go along with this. It will put you in jail.

The next day at the airport, Isakson claims, Custer-Battles security guards cornered him in a hallway at gunpoint. His brother and his 14-year-old son were there as well.

Isakson said:

> They said you're terminated and you're under arrest and don't move or I'll shoot you.

Isakson said the guard took their weapons and ID badges and eventually turned them out of the airport compound, where they made the dangerous journey from Baghdad to the Jordanian border. He has filed a lawsuit against Custer-Battles over the ordeal, and he is also a party to a $50 million Federal lawsuit filed in Virginia under the False Claims Act.

The other whistleblower in this case is a Pete Baldwin, a former country manager for Custer-Battles in Iraq who now runs another firm there. Baldwin describes a web of false billing practices designed to inflate costs and boost company profits. He cites a deal to provide forklifts on a security detail.

Now, this is what Baldwin says:

> They confiscated old Iraqi airways green and white forklifts and transported them out of the airport facility which Custer-Battles had control over and painted them blue, then sold them back to the [U.S.] government on a lease.

He says:

> This is a blatant example where something was actually acquired free and sold back to the government [after they were repainted blue].

So Baldwin took his suspicions to Government investigators and quit over the company's billing practices. Now Baldwin claims his life has been threatened because of his actions.

The Pentagon has suspended Custer-Battles from receiving further military contracts and sources, according to NPR, say a Federal criminal investigation is ongoing. However, a civil probe ended in October when the U.S. Justice Department declined to join in the whistleblower case.

Here is the key, and it is an interesting piece of information: A spokesman says the Bush administration has made a policy decision that cheating the Coalition Provision Authority in Iraq is, for the most part, not cheating the U.S. Government. Let me say that again. This is quoting Mr. Gracing:

> The reason they gave to us is that the Bush administration has made a policy decision that cheating the Coalition Provision Authority in Iraq or basically the military, and for the most part the U.S. military, is not the same as cheating the U.S. government.

The fact is, the Coalition Provisional Authority was us. It was our money, our resources, our people. So here we have a company that takes forklift trucks from an airport property, moves them someplace to a warehouse, paints them blue, sells them back to the Coalition Provisional Authority, which pays for them with U.S. taxpayer funds, and our U.S. Justice Department says: That's all right. We'll close our eyes while you cheat us because the Coalition Provisional Authority is not really the U.S. Government. Are they nuts? Don't they care whether we are being cheated?

These are the kinds of things that literally beg for oversight hearings. Yet this Congress is dead silent on these issues. I said I have held oversight hearings about Iraq with respect to Halliburton. The minute you talk about Halliburton, somebody raises the Vice President. I did not talk about the Vice President in those hearings, but I talked about Halliburton and about cheating. This is about Halliburton. It is not about anybody else.

When a company says they are feeding 42,000 soldiers and being paid for it by the U.S. Government and it ends up they are only feeding 14,000 soldiers a day, and 28,000 meals are being paid for that are not being fed, it seems to me there ought to be aggressive oversight hearings to figure out what is going on, who is cheating the Government. Yet there is dead silence.

I come from a really small town, about 300 people. We have one small little cafe right in the middle of Main Street. My guess is, if somebody got a check for 4 meals that were never served, they would sure know that, and the same goes for 14 meals, or 40 meals. It would appropriately be a big deal in my hometown. But 28,000 meals that are billed but were not delivered to U.S. troops? In my little town, they would call that cheating and fraud. Yet there is dead silence with respect to the oversight responsibility we ought to have as a Congress to find out what is happening, why, and who is responsible.

Mr. President, I will have more to say about this as well, and we intend to continue to hold oversight hearings as well in the Democratic Policy Committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, we are in morning business, as I understand it.

The PRESIDING OFFICER. Yes, with Senators permitted to speak for up to 10 minutes each.

Mr. THOMAS. I thank the Chair.

ISSUES BEFORE CONGRESS

Mr. THOMAS. Mr. President, I want to take a couple minutes as we come to the close of this congressional session and soon will be entering into a new one. It seems to me we have some great challenges before us, of course, as is always the case. However, in this instance, we have perhaps some more defined issues than normal. There are lots of issues before us, of course.

There are always challenging issues before the Congress. Sometimes they are less well defined, but this time hopefully we can come together on issues we have talked about, trying to find answers to questions that are important to this country.

It seems to me there are several issues that are pretty well defined. I hope we can find, on both sides of the aisle and both sides of the Capitol, some solutions or at least move toward some solutions that are very important to us.

In doing that, it seems to me—and I will comment on it a little later—we have to take a long look at the kinds of things we deal with here to try to make some kind of an analysis as to the issues that are appropriate for the Congress to deal with.

There are lots of interesting things going on, of course, but we find ourselves in the position of dealing with lots of things that I think quite easily could be defined as a role for some other Government level or indeed for the private sector to deal with.

We find ourselves dealing with a good many of those things that are interesting. I was thinking a while back about the activity we had with respect to—I don't remember what it was—$15 million to help kids play tennis. Well, playing tennis is a great thing, and helping kids to play tennis is a great thing, but is that a congressional activity, I wonder.

I have some concerns from time to time, but there are issues we clearly have to face up to. One of them is health care and the cost of health care throughout the country. Particularly, I am aware of the issues of health care in my State of Wyoming, as is the Presiding Officer, which include the fact that the costs of health care are beginning to limit access to one of the best health care systems in the world.

Well, we have the best health care in the world, but if people cannot utilize it and are not able to take advantage of it, then, of course, we have to do something. The cost of health insurance, which is related to the cost of health care, more and more is one of those issues we need to deal with nationwide. It is not an easy issue.

One of the obvious problems is the uninsured. Approximately 40 million are uninsured. Quite often the costs, when the uninsured receive health care, have to be shifted to those who have insurance, and that lifts the price. The same is true of hospitals and emergencies and Medicare and Medicaid, which actually pay less than the cost, quite often, so that cost again is shifted. It is particularly difficult for the families of the self-employed. In our case, many rural ranchers and farmers pay very high prices to carry insurance for their families. That is one we clearly need to work on. I don't suppose we will find the total solution all at once. We are moving forward in Medicare, but this goes beyond Medicare. This goes to health care in general. We are going to have to do some things there, I am sure.

Energy, of course, continues to be an issue that we have sort of avoided over the last couple years. I guess we have the idea that all you have to do is turn the light on or get in the car and go to the station and everything is going to be all right. The fact is, demand is exceeding production in many of these areas, and we are going to have to do something about it. I am hopeful we can at least begin with an energy policy—and we have tried a number of times—that looks ahead for 15 years or 20 years and says here is what we will have to do, here is where we want to be. And to be there, we have to do other things.

Unfortunately, in this body we haven't been able to pass a policy. I have never understood why. Some areas, such as New England, generally have been cold on it, and they don't even have production. Production has to come from somewhere else, but there is no interest in that. We need to talk about alternative sources. We need to talk about renewables, efficiency, and conservation of energy, as well as domestic production. We find ourselves with a 60-percent dependence on imported oil, much of which comes from the Middle East, which is unsettled. That is a tough thing. I hope we can get moving on that.

Social Security is a hard one. The President has talked a great deal about it. I am sure there will be some things done here. But clearly there has to be something done for the future. It is true that over the next few years things won't change very much. When Social Security was begun, I believe there were 28 people working for every beneficiary. Now it is about three people working for every beneficiary. Obviously the system that we started with is not going to be able to continue to be the kind of system that we need. It is going to be hard. We will have to get together.

On the highway bill, nothing is more important to us than having highways. We haven't really done that in terms of the 6 years looking out. It is important because the highway departments in the various States do almost all their work by contracting, and they have difficulty contracting if they don't know what their income is going to be over a period of time.

Obviously, we have to continue our fight on terrorism until that job is done, whether it is here or in Iraq, wherever. We will do that, I am sure.

However, now we are faced with a deficit, a legitimate deficit. When you have emergencies in your business or in your family, you spend more than you would normally spend. That is what has happened in the last 4 years. It hasn't been normal. We had September 11. We had a turndown in the economy. We had terrorism. We had Iraq. Now it is more important. I am pleased in the last year in our omnibus bill, the increase in discretionary spending was only about 1 percent. That is good. We will have to continue to do that.

I had a thick book outlining all the Federal programs we have, a tremendous number of Federal programs. I hope we can take an analysis of those from time to time and see if programs that were started 10 years ago are still as viable as they were at that time. I wish we had programs that ended in a few years so that there would be time to evaluate and see what is getting done.

I hope we can work on some of these things and that we can do a little sorting. I hope we don't become part of that group which thinks that Government action is the only answer to problems in the world. I hope we don't think the Congress has to get involved in every issue that is there. Many of them can be better done in the private sector and by local governments. I know you get requests from everyone to do something, but we need to control our activities and control our spending and yet do the things that are there that need to be done.

We have a great challenge and a great opportunity. Hopefully, we will be away for a year or so from the real intense politics in this body. The election is over. We might consider that for a year or so and really move ahead on those things that have merit rather than political impact.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. THOMAS assumed the chair.)

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

CONDEMNING REPRESSION OF THE IRANIAN BAHA'I COMMUNITY AND CALLING FOR EMANCIPATION OF IRANIAN BAHA'IS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Con. Res. 78 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 78) condemning the repression of the Iranian Bahá'i community and calling for the emancipation of Iranian Bahá'is.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. THOMAS. Mr. President, I ask unanimous consent that the amendment to the concurrent resolution be agreed to, the concurrent resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4082) was agreed to, as follows:

AMENDMENT NO. 4082

(Purpose: To amend the resolution to update and reflect current events)

Beginning with page 5, line 22, strike all through page 6, line 7, and insert the following:

"(A) assert the concerns of the United States Government regarding violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'i community;".

The concurrent resolution (S. Con. Res. 78), as amended, was agreed to.

The amendment (No. 4083) was agreed to, as follows:

AMENDMENT NO. 4083

(Purpose: To update the preamble to reflect current events)

Insert after the fourth whereas clause the following:

"Whereas Iranian authorities destroyed a Bahá'í holy site, the tomb of Quddus, in February 2004, and the historic house of the father of the founder of the Bahá'í faith in June 2004, marking the first time in 25 years that Bahá'í sites have been destroyed;".

Strike the tenth whereas clause that begins "Whereas as of June 2003" and insert the following:

"Whereas as of November 2004, one Bahá'í remains in an Iranian prison for converting from Islam to the Bahá'í faith in 1995;".

The preamble, as amended, was agreed to. The resolution, with its preamble, reads as follows:

S. CON. RES. 78

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, 1996, and 2000, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Bahá'í Faith;

Whereas in those resolutions and in numerous other appeals, Congress has deplored the religious persecution by the Government of Iran of the Bahá'í community and has condemned the execution by Iran of more than 200 Bahá'ís and the disruptive imprisonment of thousands of others solely on account of their religious beliefs;

Whereas Iranian Bahá'ís are not permitted to elect their leaders, assemble or organize as a community, operate religious schools, or conduct other religious community activities that are guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984;

Whereas the continued denial of Bahá'í property rights by the Iranian Government is demonstrated by the confiscation by the Iranian Government of a multitude of Bahá'í community and private properties;

Whereas Iranian authorities destroyed a Bahá'í holy site, the tomb of Quddus, in February 2004, and the historic house of the father of the founder of the Bahá'í faith in June 2004, marking the first time in 25 years that Bahá'í sites have been destroyed;

Whereas the Government of Iran continues to deny individual Bahá'ís access to higher education and government employment, in addition to denying recognition and religious rights to the Bahá'í community;

Whereas because Bahá'ís have been banned from teaching and studying at Iranian universities since the Islamic Revolution, Bahá'ís established the Bahá'í Institute of Higher Education, or Bahá'í Open University, to provide educational opportunities to Bahá'í youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October of 1998, officers of the Ministry of Information, the intelligence agency of the Iranian Government, arrested 36 faculty members of the Open University;

Whereas on July 19, 2002, Iranian Revolutionary Guards systematically disrupted student qualifying examinations for the Open University in 9 different districts by videotaping the proceedings, questioning the students, and confiscating examination papers and Bahá'í books;

Whereas the use of arbitrary arrests, suspended sentences, and short-term detentions against the Iranian Bahá'ís have become widespread;

Whereas as of November 2004, one Bahá'í remains in an Iranian prison for converting from Islam to the Bahá'í faith in 1995;

Whereas on October 10, 2003, the Norwegian Nobel Committee awarded the Nobel Peace Prize for 2003 to Shirin Ebadi for her efforts involving democracy and human rights, including advocating equal rights for the Bahá'í community in Iran;

Whereas the conclusions contained in the report of October 13, 2003, by the General Affairs and External Relations Council of the European Union, conveyed the continuing concern of the European Union about the violations of the Bahá'ís' right to freedom of religion, and urged the Iranian Government to comply with both the recommendations made in June 2003 by the United Nations Working Group on Arbitrary Detention and with the recommendations made in August 2003 by the Committee on the Elimination of Racial Discrimination concerning injustice, particularly in relation to education, property rights, and employment; and

Whereas in the 2003 General Affairs and External Relations Council report, the European Union urged the Government of Iran to expedite reform on many fronts, while recognizing the meetings held in 2003 and the planned meetings that have been welcomed by the Government of Iran, to be an important step toward progress: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that Congress—

(1) continues to hold the Government of Iran responsible for upholding all the rights of its nationals, including members of the Bahá'í community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international agreements guaranteeing the civil and political rights of Iranian citizens;

(2) condemns the repressive anti-Bahá'í policies and actions of the Government of Iran, including the denial of legal recognition to the Bahá'í community and the basic rights to organize, elect leaders, educate youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Bahá'ís continue to suffer from severely repressive and discriminatory government actions, solely on account of their religion;

(4) urges the Government of Iran to permit Bahá'í students to attend Iranian universities and Bahá'í faculty to teach at Iranian universities, to return the property confiscated from the Bahá'í Open University, and to permit the Open University to continue to function;

(5) urges the Government of Iran to implement fully the conclusions and recommendations on the emancipation of the Iranian Bahá'í community made by the United Nations Working Group on Arbitrary Detention and also to comply with the recommendations made in August 2003 by the Committee on the Elimination of Racial Discrimination;

(6) urges the Government of Iran to extend to the Bahá'í community the rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international covenants of human rights, including the freedoms of thought, conscience, and religion, and equal protection of the law;

(7) calls upon the President to continue to—

(A) assert the concerns of the United States Government regarding violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'í community;

(B) emphasize that the United States regards the human rights practices of the Government of Iran, including its treatment of the Bahá'í community and other religious minorities, as a significant factor in the development of relations between the United States and Iran;

(C) urge the Government of Iran to emancipate the Bahá'í community by granting those rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international covenants on human rights; and

(D) cooperate with international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Bahá'ís and other minorities through joint appeals to the Government of Iran; and

(8) calls upon the President to—

(A) initiate an active and consistent dialogue with other governments who are influential with Iran in order to persuade the Government of Iran to rectify its human rights practices; and

(B) urge the European Union to use its relationship with Iran to address and advance these fundamental human rights issues.

PROVIDING FOR FEDERAL EMPLOYEE ELECTIONS TO MAKE, MODIFY, AND TERMINATE CONTRIBUTIONS TO THRIFT SAVINGS FUND

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4324, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4324) to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMAS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4324) was read the third time and passed.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent to speak for up to 20 minutes to deliver a farewell address.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

A FOND FAREWELL

Mr. GRAHAM of Florida. Mr. President, my 18-year tenure in the Senate has capped an extremely satisfying personal experience with great rewards and gratification of public service. These have been some of the most significant influences on my life. The greatest influence, of course, has been my family.

I was born into a family with good values and an admiration for education and an interest in politics. In February of 1936, my mother and father made two significant decisions. First, my father, who was a mining engineer by education and a dairy farmer by occupation, a man who had become extremely distressed at the level of underworld corruption in Dade County, FL, decided to run for the Florida State Senate to represent that county on a platform of cleaning up underworld corruption.

The second decision my parents made in February of 1936 was to have a baby. I was the happy result of that second decision. My mother says that I came by my political instincts from the womb, that she spent her whole pregnancy going to political activities and that I became addicted.

Throughout my public career, I have had the love and support of my partner of 45 years, Adele. No person in public life could have a more loving, a more caring, and a more contributing partner than I.

At one point, Adele used to be nervous in public settings. Today, I wish I had her calm, her persuasiveness, her effectiveness in public settings. Together, we have had the privilege of raising four wonderful daughters, two of whom were born after our first election to public office.

All of those qualities have been enhanced during my Senate years, including the addition of 11 grandchildren. On Thanksgiving Day I shared a special tradition with 9 of those 11 grandchildren when they joined me here at this desk on the Senate floor and observed and critiqued my skills—and lack of skills—as I carved my name into the Senate desk.

The second greatest influence is my home, the State of Florida. I thought I knew a lot about Florida as a native and as a two-term Governor, but I have learned so much more during the last 18 years. Since 1974, I have been taking different jobs, jobs alongside fellow Floridians, and as of last Thursday I have done 406 of these workdays; 214 of them have been done since I became a Member of the Senate. Even though my day job is 1,000 miles away from where many Floridians live, these workdays have been an important part of maintaining a close relationship with my fellow Floridians and reminding me what our priorities should be on their behalf here in Washington. Workdays and my experiences in Congress have taught me ways in which the Federal Government affects the lives of typical Americans and, most acutely, Floridians.

I come from a State which is marked with dramatic growth in a very fragile environment, with a close affiliation with the countries to the south of the United States, a State in which one out of five of our citizens is over the age of 65, and therefore programs such as Medicare and Social Security take on a very special significance. How we conduct a law-based immigration system with humanity intimately affects many of our people, as does the obligation to use power responsibly. All of these issues I have learned about at greater depth during my service in the Senate.

What I have also gained in my three terms here is an appreciation of the institution of the Senate and the unique role it plays in balancing our Government in order to avoid excessive power falling into the hands of any one person or governmental institution.

One of our greatest responsibilities as Members of the Senate is to assure an independent judiciary. I am especially pleased that I was able to join my Florida colleagues in the Senate in establishing and maintaining a bipartisan, merit-based process by which we recommended and confirmed applicants for the Federal judiciary.

Particularly, I am gratified by the work I did with former Senator Connie Mack. As a Democrat and as a Republican, we forwarded outstanding judicial candidates to both Democratic and Republican Presidents. Because this process was based on judicial merit, Florida nominees have been uniformly and expeditiously accepted for nomination and confirmation.

I also came to see the Senate as our country's best graduate school, offering access to private seminars with the best and the brightest, supplemented by outside organizations such as the Aspen Institute's congressional program and the InterAmerican Dialog's Focus on Hemispheric Issues.

Finally, Mr. President, as with you and your father, I came to appreciate the people of the Senate. Simply put, I enjoy being around politicians and the people who love politics, including my staff and the family of the Senate, and including the journalists who cover our activities. I value my relationship with each of my colleagues, and I wish I had the time to tell a story about each of you.

Mr. President, your father was one of the first people I met when I came into the Senate. We had a number of things in common in our background and quickly formed a friendship which was one of the most significant parts, particularly, of my early years in the Senate. My grief at his loss is diluted by the knowledge not only that he has been followed by his son, but that his son is a person of such exemplary qualities as you represent.

I would also like to single out one of my colleagues, a non-Floridian, as representative of the over 200 people with whom I have served during my tenure in the Senate. Senator JAY ROCKEFELLER has been very special to me. We served as Governors at the same time. JAY, as much as anyone, encouraged me to run for the Senate.

I especially treasure the relationships I have had with my congressional political mentors such as Congressman Danny Fascell and Senator, later Congressman, Claude Pepper, and my Florida colleagues in this institution: Lawton Chiles, Connie Mack, and BILL NELSON.

BILL NELSON is a man I have known for over 40 years. In each stage of his life he has been committed to public service and to excellence in the execution of that public service. It has been a joy for the last 4 years jointly representing our 17 million constituents with BILL. I greatly admire his contributions to Florida and to the Nation. I wish to Senator NELSON a long tenure in the Senate. Florida and America will be better places because of his service.

I am also hugely grateful to those who have been willing to share this journey with me, the tens of thousands of people who have worked with me in my successful statewide campaigns, and the over 1,000 people who have joined me in public service in appointive or staff positions. I regret that I do not have time today to name all of them, but illustrative of all of them I will mention a few: Buddy Shorstein, Ken Klein, and Buddy Menn, all of whom have served as chiefs of staff in the Senate; Gary Smith, Dick Burroughs, Charles Reed, Jay Hakes, and Tom Herndon, who served in a similar position when I was Governor of Florida; Mary Chiles, Ellen Roth, Lula Rodriguez, Susan McGinn, and Lydia Mount; Al Cumming and Bob Filippone; Mark Block, John Provenzano, and Paul Anderson—these wonderful people and a thousand more who have shared this joyful experience in public service.

Winston Churchill once declared:

> Now is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning.

My friends, the Senate needs to regain its tradition of controlled partisanship; in other words, placing country before party. Another of my Florida political mentors, former Governor and Senator, Spessard Holland, once said that it was the jet airplane that caused the greatest change in the culture of the Senate.

Prior to the jet airplane, Senator Holland and his wife would come in the first week of January to Washington, would settle in the hotel where they would live while they were here, and they would spend the next 6 to 7 months doing the business of America. While they were doing that, they would spend time with the families of their colleagues. They would become more than just occasional colleagues. They would become genuine friends.

It was out of that development of relationships across regions and across parties that the Senate came to earn the title of "the world's most exclusive club." And it was the club where the essential bond was that of common respect.

The jet airplane began to change that, because instead of staying here for a 5-day workweek and then a weekend of personal relations with the families of their colleagues, it became possible for each Member of the Senate to leave on Friday to return to their home State for whatever request was made of them. The Senator knew that and the requesting organization knew that. So it became a matter of political necessity to respond.

The effect of that was not only did the work of the Senate extend from 6 to 7 months to today's 7th of December—we have been in session now for 11 months and 1 week—it also meant that those weekends of personal relationships were largely lost.

My No. 1 suggestion in this post-jet airplane age is that we try to get back to the tradition of spending more time together as families, as Americans, rather than as Republicans and Democrats. For instance, rather than holding our traditional partisan retreats in the spring of the year, huddling as reds and blues, we should go to a retreat as a whole Senate celebrating the families of this great institution.

I point to the pending intelligence reform bill, which I hope we will pass in the next day, as an example of what can be done when we recognize that an issue is so important to our Nation that we must work together to understand the problem and then develop solutions which are driven by pragmatism, not ideology.

I suggest we apply the lessons that are being learned in developing and forming and passing intelligence reform to some of the challenges that are before us now such as reform of Social Security and Medicare, and reform of our energy policy that we as a nation would be well served.

Franklin Roosevelt declared in 1940:

> I do not believe that the common denominator of our great men in public life has not been mere allegiance to one political party, but the disinterested devotion with which they have strived to serve the whole country—and the relative unimportance that they have ascribed to politics compared with the paramount importance of government.

The Congress should also spend less time looking at the rearview mirror for the accidents behind and more time looking out of the front windshield.

Since I have served there for a decade including 18 months as chairman, I would cite the Intelligence Committee as a prime example of this institutional failure to focus ahead. Prior to September 11, the committee spent an inordinate amount of time examining a series of mistakes, of acts of treachery and of bureaucratic turf fighting. What we failed adequately to do was to look forward to the threats and challenges that our intelligence agencies needed to address before those threats and challenges resolved into a tragedy. We desperately need to apply this principle of looking out the front windshield to our accumulative deficits, budgetary deficits, trade deficits, transportation and public utilities deficits, education deficits among them. These deficits are challenges which this generation, unlike our forefathers, is ignoring because they are tough and managing them now has political downsides. But it is wrong, it is immoral to let our grandchildren do the heavy lifting because we have refused to do so.

We need to learn again the principle of federalism that our forefathers laid out for us. I come out of a Jeffersonian philosophy believing that the best governmental decisions are most likely to be made by those closest to the citizens who will be affected by those decisions. I recognize the importance of a national response to truly national issues and to the protection of the civil rights of all citizens. But America's great contribution to political thought has been federalism, the sharing of responsibility between a central government and our 50 individual States.

I am concerned that this appreciation for federalism has too frequently been situational. We at the Federal level, the national level, determine what outcome we wish to secure and then support either centralization or a distribution of power based on what has a better chance of achieving the goal we seek. We would be well advised to resist this temptation

Daily we are learning from the headlines of Ukraine and Iraq and other countries such as America with a diverse population which are struggling to secure peace and prosperity. These foreign countries remind us of how difficult it is to hold to the model of federalism unless we are prepared to treat it with respect even when it may result in a different outcome than we would personally prefer.

Finally, we should support the institution of the Senate. Its procedures and prerogatives are not arbitrary but reflect a responsibility to balance a complex government which is designed to protect the freedoms of the people against the temptation of government becoming authoritarian.

I would like to give special recognition to Senator ROBERT BYRD. Frankly, when I entered this institution, Senator BYRD and I had some disagreements over how we thought the National Government should address its priorities. But over the years, I have come to gain increasing respect and admiration for his defense of the institution of the Senate precisely because it plays such a crucial role in protecting our individual freedoms.

Mine has been a wonderful life, an exciting and unpredictable journey. But it is a journey that is not ending but, rather, taking a different course. I am planning to travel especially in Latin America to teach, to write at least one more book, to continue my years of interest in relations within the Western hemisphere and in modernizing America's intelligence capability, and finally to fulfill our responsibilities to future generational leaders through the creation of an institution that instills the values of public service of such great Floridians such as LeRoy Collins, Reubin Askew, and our former colleague Lawton Chiles.

These are things that excite me, that inspire me and to which I am convinced I can make a better contribution as a private citizen at this, the end of the beginning of my life.

Four years after he left the Presidency, President Harry Truman said:

> I have seen a great many men in public life, and one of their besetting sins is to stay in office too long.

I decided that I would not be guilty of this common failing, and that I should make way for younger men.

I extend my congratulations to the man Floridians have chosen as my successor, soon to be Senator MEL MARTINEZ. I wish him the very best in his new role. MEL is a friend. He is a good man who has served Florida and America in many different positions of responsibility. I know the Senate will welcome him to his new home in the Senate.

We Floridians have high expectations for Senator MEL MARTINEZ and for those who will be serving in the 109th Congress and beyond.

Goodbye, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMING AUTHORITY OF THE SECRETARY OF AGRICULTURE

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4620, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4620) to confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4620) was read the third time and passed.

VIDEO VOYEURISM PREVENTION ACT OF 2004

Mr. ALEXANDER. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1301) to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 1301

Resolved, That the bill from the Senate (S. 1301) entitled "An Act to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Video Voyeurism Prevention Act of 2004".

SEC. 2. PROHIBITION OF VIDEO VOYEURISM.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—PRIVACY

"Sec.

"1801. Video voyeurism.

"§ 1801. Video voyeurism

"(a) Whoever, in the special maritime and territorial jurisdiction of the United States, has the intent to capture an image of a private area of an individual without their consent, and knowingly does so under circumstances in which the individual has a reasonable expectation of privacy, shall be fined under this title or imprisoned not more than one year, or both.

"(b) In this section—

"(1) the term 'capture', with respect to an image, means to videotape, photograph, film, record by any means, or broadcast;

"(2) the term 'broadcast' means to electronically transmit a visual image with the intent that it be viewed by a person or persons;

"(3) the term 'a private area of the individual' means the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual;

"(4) the term 'female breast' means any portion of the female breast below the top of the areola; and

"(5) the term 'under circumstances in which that individual has a reasonable expectation of privacy' means—

"(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the individual was being captured; or

"(B) circumstances in which a reasonable person would believe that a private area of the individual would not be visible to the public, regardless of whether that person is in a public or private place.

"(c) This section does not prohibit any lawful law enforcement, correctional, or intelligence activity.".

(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

"88. Privacy .... 1801".

Mr. LEAHY. Mr. President, I am pleased that the Senate is poised to pass S. 1301, the DeWine-Schumer-Leahy Video Voyeurism Prevention Act of 2004. This bill targets the pernicious practice of invading a person's privacy through the surreptitious use of hidden surveillance equipment. Specifically, the bill makes it a crime to capture an improper, naked, or near-naked image of a person without his or her consent, and in such a way as to violate his or her privacy. Any person found guilty of video voyeurism as outlined in the bill may be fined or imprisoned for up to 1 year or both.

In recent years, the explosion of microcamera technology has fed the growing phenomenon of video voyeurism. Hidden cameras have been discovered in bedrooms, bathrooms, public showers, changing rooms, locker rooms, and tanning salons, all aimed at filming unsuspecting victims in various states of undress. Often, the invasion of privacy is exacerbated when captured images are posted on the Internet for all the world to see.

I commend Senators DEWINE and SCHUMER for bringing this invasive practice to the attention of the Judiciary Committee and for crafting a bill that addresses it in a thoughtful and measured manner. In addition, I thank them for addressing a concern I raised during the committee's consideration of the bill. As introduced, the bill did not expressly prohibit "cyber-peeping"—a particularly offensive form of video voyeurism involving the contemporaneous transmission of improper images of a non-consenting person over the Internet through Web cameras and other means. As reported by the Judiciary Committee, the "cyber-peeping" loophole has been closed: The bill before the Senate today covers the simultaneous Web casting of images or any other transmissions that may not be recorded so that defendants who use this means of violating people's privacy cannot escape punishment.

The National Center for Victims of Crime has dubbed video voyeurism "the new frontier of stalking." The

States are already responding to this "new frontier" in many different ways. Some have passed video voyeurism laws; others have addressed the conduct within the context of their laws against stalking. The Video Voyeurism Prevention Act brings the Federal criminal laws to bear on those who commit this offense within the special maritime or territorial jurisdiction of the United States. It should be enacted without delay.

Mr. DEWINE. Mr. President, I rise today in support of passage of the Video Voyeurism Prevention Act of 2004. This act would help safeguard the privacy we all value, and help ensure that our criminal law reflects the realities of rapidly changing technology. It would do this by prohibiting both the filming of and taking compromising pictures of people in places where they expect privacy the most. This important legislation would give prosecutors and law enforcement officers the tools they need to fully prosecute these disturbing acts, acts that have, tragically, become more and more prevalent.

For example, a woman in my home State of Ohio became a victim of video voyeurism while she attended a church picnic with her young daughter. She told the Cincinnati Enquirer that, "as I crouched down to put the baby in my stroller. I saw a video camera sticking out of his bag, taping up my dress. . . . It rocked my whole sense of security." The law needs to say clearly that such an act is illegal.

As disturbing as these acts are, they are occurring with increasing frequency and are going unpunished. Almost weekly, there are reports of cameras found in public bathrooms and changing rooms. Just recently, an employee of the New Mexico Department of Transportation had installed a tiny camera in an office restroom. What makes these crimes even more troubling is the ease with which these images can be transmitted to countless people via the Internet. Now, not only has an individual been victimized by having per picture taken, she faces the possibility of millions more seeing those pictures in cyberspace.

While video voyeurism is currently illegal in over 30 States, including Ohio, there are still areas where prosecutors are unable to file charges for these crimes. As the defense attorney for one video voyeur aptly observed, "The criminal law necessarily lags behind technology and human ingenuity."

This legislation takes an important step toward ensuring a person that he or she will not be filmed or photographed where there is a reasonable expectation of privacy on Federal land, like at a national park. Additionally, the bill makes certain that perpetrators of video voyeurism are punished, by imposing a sentence of a fine or imprisonment for up to 1 year.

I thank my colleagues for supporting the legislation.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 5364, H.R. 4968, H.R. 4847, H.R. 4829, H.R. 4807, H.R. 4232, H.R. 480, and H.R. 5370

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following postal naming bills which have been received from the House en bloc: H.R. 5364, H.R. 4968, H.R. 4847, H.R. 4829, H.R. 4807, H.R. 4232, H.R. 480, and H.R. 5370.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARL B. GILLIAM/IMPERIAL AVENUE POST OFFICE BUILDING

The bill (H.R. 5364) to designate the facility of the United States Postal Service located at 5505 Stevens Way in San Diego, California, as the "Earl B. Gilliam/Imperial Avenue Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

BILL MONROE POST OFFICE

The bill (H.R. 4968) to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the "Bill Monroe Post Office," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUTENANT GENERAL JAMES V. EDMUNDSON POST OFFICE BUILDING

The bill (H.R. 4847) to designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, as the "Lieutenant General James V. Edmundson Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

IRMA RANGEL POST OFFICE BUILDING

The bill (H.R. 4829) to designate the facility of the United States Postal Service located at 103 East Kleberg in Kingsville, Texas, as the "Irma Rangel Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

ADAM G. KINSER POST OFFICE BUILDING

The bill (H.R. 4807) to designate the facility of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the "Adam G. Kinser Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

CONGRESSMAN JACK FIELDS POST OFFICE

The bill (H.R. 4232) to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the "Congressman Jack Fields Post Office," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES POSTAL SERVICE HENRY JOHNSON ANNEX

The bill (H.R. 480) to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the "United States Postal Service Henry Johnson Annex," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

DONALD G. BROTZMAN POST OFFICE BUILDING

The bill (H.R. 5370) to designate the facility of the United States Postal Service located at 4985 Moorhead Avenue in Boulder, Colorado, as the "Donald G. Brotzman Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

HIPOLITO F. GARCIA FEDERAL BUILDING AND UNITED STATES COURTHOUSE

JAMES V. HANSEN FEDERAL BUILDING

TOMOCHICHI UNITED STATES COURTHOUSE

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that the Environment and

Public Works Committee be discharged from further consideration of H.R. 3884, H.R. 3147, and H.R. 2523, and that the Senate proceed to their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 3884) to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the Hipolito F. Garcia Federal Building and United States Courthouse.

A bill (H.R. 3147) to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V. Hansen Federal Building.

A bill (H.R. 2523) to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the Tomochichi United States Courthouse.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. ALEXANDER. I ask unanimous consent that the bills be read a third time and passed and that the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 3884, H.R. 3147, and H.R. 2523) were read the third time and passed.

JOE SKEEN FEDERAL BUILDING

F. H. NEWELL BUILDING

Mr. ALEXANDER. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3734 and H.R. 3124, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent that the bills be read a third time and passed and that the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 3734 and H.R. 3124) were read the third time and passed.

TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO PROVIDE SUPPLEMENTAL FUNDING TO ASSIST THE STATE OF CALIFORNIA IN PROVIDING EDUCATIONAL SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 478, H.R. 620.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 620) to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

There being no objection, the Senate proceed to consider the bill, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. FINDINGS AND PURPOSE.

[(a) FINDINGS.—Congress finds the following:

[(1) The three elementary schools serving the children of employees of Yosemite National Park are served by the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District.

[(2) The schools are in remote mountainous areas and long distances from other educational and administrative facilities of the two local educational agencies.

[(3) Because of their remote locations and relatively small number of students, schools serving the children of employees of the Park provide fewer services in more basic facilities than the educational services and facilities provided to students that attend other schools served by the two local educational agencies.

[(4) Because of the long distances involved and adverse weather and road conditions that occur during much of the school year, it is impractical for the children of employees of the Park who live within or near the Park to attend other schools served by the two local educational agencies.

[(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

[SEC. 2. PAYMENTS FOR EDUCATIONAL SERVICES.

[(a) AUTHORITY TO PROVIDE FUNDS.—For fiscal years 2003 through 2007, the Secretary may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District for educational services to students who are dependents of persons engaged in the administration, operation, and maintenance of the Park or students who live at or near the Park upon real property of the United States.

[(b) LIMITATION ON USE OF FUNDS.—Payments made by the Secretary under this section may not be used for new construction, construction contracts, or major capital improvements, and may be used only to pay public employees for services otherwise authorized by this Act.

[(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of $400,000 in any fiscal year or the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

[(d) ADJUSTMENT OF PAYMENTS.—Subject to subsection (c), the Secretary is authorized to adjust payments made under this section if the State of California or the appropriate local education agencies do not continue to provide funding for educational services at Park schools at per student levels that are equal to or greater than those provided in the fiscal year immediately prior to the date of the enactment of this section.

[(e) SOURCE OF PAYMENTS.—

[(1) AUTHORIZED SOURCES.—Except as provided in paragraph (2), in order to make payments under this section, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

[(2) EXCEPTIONS.—Funds from the following sources may not be used to make payments under this section:

[(A) Fees authorized and collected under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.).

[(B) The recreational fee demonstration program under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a note).

[(C) The national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

[(D) Emergency appropriations for Yosemite flood recovery.

[(f) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

[(1) LOCAL EDUCATIONAL AGENCIES.—The term "local educational agencies" has the meaning given that term in section 9101(26) of the Elementary and Secondary Education Act of 1965.

[(2) EDUCATIONAL SERVICES.—The term "educational services" means services that may include maintenance and minor upgrades of facilities and transportation to and from school.

[(3) PARK.—The term "Park" means Yosemite National Park.

[(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

[SEC. 3. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.

[Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

[(1) in the first sentence—

[(A) by inserting "and Yosemite National Park" after "Zion National Park"; and

[(B) by inserting "transportation systems and" before "the establishment of"; and

[(2) by striking "park" each place it appears and inserting "parks".]

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—FUNDING FOR YOSEMITE NATIONAL PARK SCHOOLS

Sec. 101. Short title.
Sec. 102. Payments for educational services.
Sec. 103. Authorization for park facilities to be located outside the boundaries of Yosemite National Park; fees.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

Sec. 201. Short title.
Sec. 202. Golden Gate National Recreation Area, California.
Sec. 203. Manzanar National Historic Site Advisory Commission.

TITLE I—FUNDING FOR YOSEMITE NATIONAL PARK SCHOOLS

SEC. 101. SHORT TITLE.

This title may be cited as the "Yosemite National Park School Funding Act".

SEC. 102. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) AUTHORITY TO PROVIDE FUNDS.—For fiscal years 2004 through 2008, the Secretary may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District for educational services to students who are dependents of persons engaged in the administration, operation, and maintenance of the Park or students who live at or near the Park upon real property of the United States.

(b) LIMITATION ON USE OF FUNDS.—Payments made by the Secretary under this section may not be used for new construction, construction contracts, or major capital improvements, and may be used only to pay public employees for services otherwise authorized by this title.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of $400,000 in any fiscal year or the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) ADJUSTMENT OF PAYMENTS.—Subject to subsection (c), the Secretary is authorized to adjust payments made under this section if the State of California or the appropriate local education agencies do not continue to provide funding for educational services at Park schools at per student levels that are equal to or greater than those provided in the fiscal year immediately prior to the date of the enactment of this Act.

(e) SOURCE OF PAYMENTS.—

(1) AUTHORIZED SOURCES.—Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) EXCEPTIONS.—Funds from the following sources shall not be used to make payments under this section:

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including—

(i) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.);

(ii) the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 460l–6a note); or

(iii) the National Park Passport Program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(B) Emergency appropriations for flood recovery at Yosemite National Park.

(f) DEFINITIONS.—For the purposes of this title, the following definitions apply:

(1) LOCAL EDUCATIONAL AGENCIES.—The term "local educational agencies" has the meaning given that term in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)).

(2) EDUCATIONAL SERVICES.—The term "educational services" means services that may include maintenance and minor upgrades of facilities and transportation to and from school.

(3) PARK.—The term "Park" means Yosemite National Park.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 103. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK; FEES.

(a) AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the first sentence—

(A) by inserting "and Yosemite National Park" after "Zion National Park"; and

(B) by inserting "transportation systems and" before "the establishment of"; and

(2) by striking "park" each place it appears and inserting "parks".

(b) FEES.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by inserting ", cooperative agreement, or other contractual agreement" after "contract".

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act".

SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92–589 (16 U.S.C. 460bb–1(a)) is amended—

(1) by striking "The recreation area shall comprise" and inserting the following:

"(1) INITIAL LANDS.—The recreation area shall comprise"; and

(2) by striking "The following additional lands are also" and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

"(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

"(A) The parcels numbered by the Assessor of Marin County, California, 119–040–04, 119–040–05, 119–040–18, 166–202–03, 166–010–06, 166–010–07, 166–010–24, 166–010–25, 119–240–19, 166–010–10, 166–010–22, 119–240–03, 119–240–51, 119–240–52, 119–240–54, 166–010–12, 166–010–13, and 119–235–10.

"(B) Lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG–80,000–A, and dated May 1980.

"(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb–1 note; Public Law 102–299).

"(D) Lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS–80–076, and dated July 2000/PWR–PLRPC.

"(E) Lands generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area', numbered NPS–80,079E, and dated March 2004.

"(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.".

(b) ADVISORY COMMISSION.—Section 5 of Public Law 92–589 (16 U.S.C. 460bb–4) is amended—

(1) by striking subsection (b) and inserting the following new subsection:

"(b) MEMBERSHIP.—The Commission shall be composed of 18 members appointed by the Secretary for terms of five years each. In appointing such members, the Secretary shall ensure that the interests of local, historic recreational users of the recreation area are represented."; and

(2) in subsection (g), by striking "cease to exist thirty years after the enactment of this Act" and inserting "terminate on December 31, 2014".

SEC. 203. MANZANAR NATIONAL HISTORIC SITE ADVISORY COMMISSION.

Section 105(h) of Public Law 102–248 (16 U.S.C. 461 note) is amended by striking "10 years after the date of enactment of this title" and inserting "on December 31, 2013".

Mr. ALEXANDER. I ask unanimous consent that the substitute amendment at the desk be agreed to, the committee reported amendment, as amended, be agreed to, the bill as amended be read a third time and passed, the amendment to the title be agreed to, the motions to reconsider be laid on the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4084) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 620), as amended, was read the third time and passed.

The title was amended so as to read:

"An Act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes.".

TO PROVIDE FOR THE CONVEYANCE OF FEDERAL LANDS, IMPROVEMENTS, EQUIPMENT, AND RESOURCE MATERIALS AT THE OXFORD RESEARCH STATION IN GRANVILLE COUNTY, NORTH CAROLINA, TO THE STATE OF NORTH CAROLINA

Mr. ALEXANDER. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of H.R. 2119, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2119) to provide for the conveyance of Federal lands, improvements, equipment, and resource materials at the Oxford Research Station in Granville County, North Carolina, to the State of North Carolina, to provide for the conveyance of Federal lands, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2119) was read the third time and passed.

SPECIALTY CROPS COMPETITIVENESS ACT OF 2004

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3242, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3242) to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. I ask unanimous consent the bill be read a third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3242) was read the third time and passed.

EDWARD H. McDANIEL AMERICAN LEGION POST NO. 22 LAND CONVEYANCE ACT

Mr. ALEXANDER. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1521) to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 1521

Resolved, That the bill from the Senate (S. 1521) entitled "An Act to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community", do pass with the following amendments:

Strike out all after the enacting clause and insert:

TITLE I—LAND CONVEYANCE

SEC. 101. SHORT TITLE.

This Act may be cited as the "Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act".

SEC. 102. DEFINITIONS.

In this Act:

(1) POST NO. 22.—The term "Post No. 22" means the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 103. CONVEYANCE OF LAND TO EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22.

(a) CONVEYANCE ON CONDITION SUBSEQUENT.—Not later than 180 days after the date of enactment of this Act, subject to valid existing rights and the condition stated in subsection (c) and in accordance with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.), the Secretary shall convey to Post No. 22, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of Bureau of Land Management land that—

(1) is bounded by Route 160, Bride Street, and Dandelion Road in Nye County, Nevada;

(2) consists of approximately 4.5 acres of land; and

(3) is more particularly described as a portion of the S ½ of section 29, T. 20 S., R. 54 E., Mount Diablo and Base Meridian.

(c) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—Post No. 22 and any successors of Post No. 22 shall use the parcel of land described in section (b) for the construction and operation of a post building and memorial park for use by Post No. 22, other veterans groups, and the local community for events and activities.

(2) REVERSION.—Except as provided in paragraph (3), if the Secretary, after notice to Post No. 22 and an opportunity for a hearing, makes a finding that Post No. 22 has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1) and Post No. 22 fails to discontinue that use, title to the parcel shall revert to the United States, to be administered by the Secretary.

(3) WAIVER.—The Secretary may waive the requirements of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

TITLE II—EXTENSIONS

SEC. 201. AUTHORIZATION AND APPROPRIATION EXTENSIONS.

Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 16 U.S.C. 461 note) is amended—

(1) in each of sections 107, 208, 408, 507, 811, and 910, by striking "September 30, 2012" and inserting "September 30, 2027";

(2) in each of sections 108(a), 209(a), 409(a), 508(a), 812(a), and 909(c), by striking "$10,000,000" and inserting "$20,000,000"; and

(3) in title VIII, by striking "Canal National Heritage Corridor" each place it appears in the section headings and text and inserting "National Heritage Canalway".

TITLE III—NATIONAL COAL HERITAGE AREA

SEC. 301. NATIONAL COAL HERITAGE AREA.

(a) NATIONAL COAL HERITAGE AREA AUTHORITY; BOUNDARY REVISION.—Title I of division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103(b), by inserting "(1)" before "the counties" and by inserting the following before the period: ", (2) Lincoln County, West Virginia, and (3) Paint Creek and Cabin Creek in Kanawha County, West Virginia".

(2) In section 104, by striking "Governor" and all that follows through "organizations" in the matter preceding paragraph (1) and inserting "National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority".

(3) In section 105—

(A) by striking "paragraph (2) of"; and

(B) by adding at the end the following new sentence: "Resources within Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawha County, West Virginia, shall also be eligible for assistance as determined by the National Coal Heritage Area Authority.".

(4) In section 106(a)—

(A) by striking "Governor" and all that follows through "and Parks" and inserting "National Coal Heritage Area Authority"; and

(B) in paragraph (3), by striking "State of West Virginia" and all that follows through "entities" and inserting "National Coal Heritage Area Authority".

(b) AGREEMENT CONTINUING IN EFFECT.—The contractual agreement entered into by the Secretary of the Interior and the Governor of West Virginia prior to the date of the enactment of this Act pursuant to section 104 of title I of division II of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 461 note) shall be deemed as continuing in effect, except that such agreement shall be between the Secretary and the National Coal Heritage Area Authority.

TITLE IV—COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY

SEC. 401. REAUTHORIZATION OF APPROPRIATIONS FOR COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY.

(a) REAUTHORIZATION.—Section 6 of Public Law 100-515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking "$4,000,000" and all that follows and inserting "such sums as may be necessary."; and

(2) in subsection (c), by striking "10" and inserting "12".

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—The Secretary of the Interior shall, by not later than 2 years after the date of the enactment of this Act, prepare a strategic plan for the New Jersey Coastal Heritage Trail Route.

(2) CONTENTS.—The strategic plan shall describe—

(A) opportunities to increase participation by national and local private and public interests in planning, development, and administration of the New Jersey Coastal Heritage Trail Route; and

(B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

TITLE V—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR

SEC. 501. SHORT TITLE.

This title may be cited as the "Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2004".

SEC. 502. TRANSITION AND PROVISIONS FOR NEW MANAGEMENT ENTITY.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98-398; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103—

(A) in paragraph (8), by striking "and";

(B) in paragraph (9), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(10) the term 'Association' means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code).".

(2) By adding at the end of section 112 the following new paragraph:

"(7) The Secretary shall enter into a memorandum of understanding with the Association to help ensure appropriate transition of the management entity to the Association and coordination with the Association regarding that role.".

(3) By adding at the end the following new sections:

"SEC. 119. ASSOCIATION AS MANAGEMENT ENTITY.

"Upon the termination of the Commission, the management entity for the corridor shall be the Association.

"SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.

"For purposes of preparing and implementing the management plan developed under section 121, the Association may use Federal funds made available under this title—

"(1) to make loans and grants to, and enter into cooperative agreements with, States and

their political subdivisions, private organizations, or any person;

"(2) to hire, train, and compensate staff; and

"(3) to enter into contracts for goods and services.

"SEC. 121. DUTIES OF THE ASSOCIATION.

"The Association shall—

"(1) develop and submit to the Secretary for approval under section 123 a proposed management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

"(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

"(A) in preserving the corridor;

"(B) in establishing and maintaining interpretive exhibits in the corridor;

"(C) in developing recreational resources in the corridor;

"(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

"(E) in facilitating the restoration of any historic building relating to the themes of the corridor;

"(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;

"(4) consider the interests of diverse governmental, business, and other groups within the corridor;

"(5) conduct public meetings at least quarterly regarding the implementation of the management plan;

"(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary;

"(7) for any year in which Federal funds have been received under this title—

"(A) submit an annual report to the Secretary setting forth the Association's accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made;

"(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and

"(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

"SEC. 122. USE OF FEDERAL FUNDS.

"(1) IN GENERAL.—The Association shall not use Federal funds received under this title to acquire real property or an interest in real property.

"(2) OTHER SOURCES.—Nothing in this title precludes the Association from using Federal funds from other sources for authorized purposes.

"SEC. 123. MANAGEMENT PLAN.

"(a) PREPARATION OF MANAGEMENT PLAN.—Not later than 2 years after the date that Federal funds are made available for this purpose, the Association shall submit to the Secretary for approval a proposed management plan that shall—

"(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

"(2) present comprehensive recommendations for the corridor's conservation, funding, management, and development;

"(3) include actions proposed to be undertaken by units of government and nongovernmental and private organizations to protect the resources of the corridor;

"(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

"(5) include the following:

"(A) Identification of the geographic boundaries of the corridor.

"(B) A brief description and map of the corridor's overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages.

"(C) Identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks.

"(D) A listing of the key resources and themes of the corridor.

"(E) Identification of parties proposed to be responsible for carrying out the tasks.

"(F) A financial plan and other information on costs and sources of funds.

"(G) A description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan.

"(H) A mechanism and schedule for updating the plan based on actual progress.

"(I) A bibliography of documents used to develop the management plan.

"(J) A discussion of any other relevant issues relating to the management plan.

"(b) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.

"(c) APPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

"(d) EFFECT OF APPROVAL.—Upon the approval of the management plan as provided in subsection (c), the management plan shall supersede the conceptual plan contained in the National Park Service report.

"(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

"(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan. Funds made available under this title may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

"SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

"(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

"(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

"(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

"(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

"(1) consult with the Secretary and the Association with respect to such activities;

"(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

"(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

"(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

"SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—To carry out this title there is authorized to be appropriated $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.

"(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent of that cost.

"SEC. 126. SUNSET.

"The authority of the Secretary to provide assistance under this title terminates on September 30, 2027.".

SEC. 503. PRIVATE PROPERTY PROTECTION.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 502 of this title) the following new sections:

"SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

"(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the corridor until the owner of that private property has been notified in writing by the Association and has given written consent for such preservation, conservation, or promotion to the Association.

"(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

"SEC. 128. PRIVATE PROPERTY PROTECTION.

"(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

"(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

"(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

"(b) LIABILITY.—Designation of the corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

"(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

"(d) Participation of Private Property Owners in Corridor.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

"(e) Effect of Establishment.—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.".

SEC. 504. TECHNICAL AMENDMENTS.

Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) by striking "(a)" and all that follows through "For each" and inserting "(a) For each";

(B) by striking "Commission" and inserting "Association";

(C) by striking "Commission's" and inserting "Association's";

(D) by redesignating paragraph (2) as subsection (b); and

(E) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE VI—POTASH ROYALTY REDUCTION

SEC. 601. SHORT TITLE.

This Act may be cited as the "Potash Royalty Reduction Act of 2004".

SEC. 602. POTASSIUM AND POTASSIUM COMPOUNDS FROM SYLVITE.

(a) Royalty Rate.—Notwithstanding section 102(a)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 2 of the Act of February 7, 1927 (30 U.S.C. 282) and the term of any lease issued under such section 2, the royalty rate on the quantity or gross value of the output from Federal lands of potassium and potassium compounds from the mineral sylvite at the point of shipment to market in the 5-year period beginning on the date of the enactment of this Act shall be 1.0 percent.

(b) Reclamation Fund.—Fifty percentum of any royalties paid pursuant to this Act during the 5-year period referred to in subsection (a), together with any interest earned from the date of payment, shall be paid by the Secretary of the Treasury to the payor of the royalties to be used solely for land reclamation purposes in accordance with a schedule to implement a reclamation plan for the lands for which the royalties are paid. No payment shall be made by the Secretary of the Treasury pursuant to this subsection until the Secretary of the Interior receives from the payor of the royalties, and approves, the reclamation plan and schedule, and submits the approved schedule to the Secretary of the Treasury. The share of royalties held by the Secretary of the Treasury pursuant to this subsection, and interest earned thereon, shall be available until paid pursuant to this subsection, without further appropriation; shall not be considered as money received under section 35 of the Mineral Leasing Act (30 U.S.C. 191) for the purpose of revenue allocation; and shall not be reduced by any administrative or other costs incurred by the United States.

(c) Study and Report.—After the end of the 4-year period beginning on the date of the enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to the Congress on the effects of the royalty reduction under this Act, including a recommendation on whether the reduced royalty rate for potassium from sylvite should apply after the end of the 5-year period.

TITLE VII—SODA ASH ROYALTY REDUCTION

SEC. 701. SHORT TITLE.

This Act may be cited as the "Soda Ash Royalty Reduction Act of 2004".

SEC. 702. FINDINGS.

The Congress finds the following:

(1) The combination of global competitive pressures, flat domestic demand, and spiraling costs of production threaten the future of the United States soda ash industry.

(2) Despite booming world demand, growth in United States exports of soda ash since 1997 has been flat, with most of the world's largest markets for such growth, including Brazil, the People's Republic of China, India, the countries of eastern Europe, and the Republic of South Africa, have been closed by protectionist policies.

(3) The People's Republic of China is the prime competitor of the United States in soda ash production, and recently supplanted the United States as the largest producer of soda ash in the world.

(4) Over 700 jobs have been lost in the United States soda ash industry since the Department of the Interior increased the royalty rate on soda ash produced on Federal land, in 1996.

(5) Reduction of the royalty rate on soda ash produced on Federal land will provide needed relief to the United States soda ash industry and allow it to increase export growth and competitiveness in emerging world markets, and create new jobs in the United States.

SEC. 703. REDUCTION IN ROYALTY RATE ON SODA ASH.

Notwithstanding section 102(a)(9) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 5-year period beginning on the date of the enactment of this Act shall be 2 percent.

SEC. 704. STUDY.

After the end of the 4-year period beginning on the date of the enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to the Congress on the effects of the royalty reduction under this Act, including—

(1) the amount of sodium compounds and related products at the point of shipment to market from Federal land during that 4-year period;

(2) the number of jobs that have been created or maintained during the royalty reduction period;

(3) the total amount of royalty paid to the United States on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market produced during that 4-year period, and the portion of such royalty paid to States; and

(4) a recommendation of whether the reduced royalty rate should apply after the end of the 5-year period beginning on the date of the enactment of this Act.

Amend the title so as to read "An Act to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, and for other purposes.".

Mr. ALEXANDER. I ask unanimous consent the Senate concur in the House amendment, with an amendment which is at the desk, concur in the House amendment to the title, the motions to reconsider be laid on the table en bloc, and any statements related to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4085) was agreed to.

(The text of the amendment is printed in today's Record under "Text of Amendment.")

REMOVAL OF INJUNCTION OF SECRECY

Mr. ALEXANDER. Mr. President, as in executive session, I ask unanimous consent the injunction of secrecy be removed from the following revision transmitted to the Senate on December 7, 2004, by the President of the United States: 1995 Revision of Radio Regulations (Treaty Document No. 108-28).

I further ask that the revision be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the 1995 Revision of the Radio Regulations, with appendices, signed by the United States at Geneva on November 17, 1995 (the "1995 Revision"), together with declarations and reservations of the United States as contained in the final Acts of the World Radiocommunication Conference (WRC–95). I transmit also, for the information of the Senate, the report of the Department of State concerning these revisions.

The 1995 Revision, which was adopted at WRC–95, constitutes a revision of the International Telecommunication Union (ITU) Radio Regulations, to which the United States is a party. It provides for the simplification of the Radio Regulations, the introduction of new global mobile-satellite services, and new regulatory provisions both for non-geostationary satellites operating in the same frequency bands as geostationary satellites and for other new space services that share spectrum with the space research and terrestrial services.

Subject to the U.S. declarations and reservations mentioned above, I believe the United States should become a party to the 1995 Revision, which will facilitate the development of mobile-satellite and non-geostationary satellite orbit communication services by U.S. Government and industry, it is my hope that the Senate will take early action on this matter and give its advice and consent to ratification.

George W. Bush.

The White House, *December 7, 2004.*

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

FAREWELL TO ACTING SECRETARY OF THE ARMY LES BROWNLEE

Mr. FRIST. Mr. President, I would like to take a moment to honor a distinguished American for his tireless, dedicated service to the U.S. Army, the U.S. Senate, and the American people. After more than four decades of national service, Acting Secretary of the Army Less Brownlee is resigning his post as Under Secretary of the Army.

Secretary Brownlee is a highly decorated veteran. He has earned the Silver Star with Oak Leaf Cluster, the Bronze Star with two Oak Leaf Clusters, and a Purple Heart during his two tours of duty in Vietnam and over 22 years on active duty.

He has also served this body with distinction for 18 years as a Hill staff member, reaching the post of staff director for the Armed Services Committee. During his time on the committee, Secretary Brownlee was the committee's principal professional staff member responsible for Army and Marine Corps programs, Special Operations Forces, and drug interdiction policy and support. In addition, he was deeply involved in policies and programs ranging from ballistic missile defense and weapons programs to strategic deterrence and naval strategy.

Most recently, during his 18 months as Acting Secretary of the Army, Secretary Brownlee has been responsible for managing the Army's $80 billion annual budget and more than 1.3 million Active Duty, National Guard, Army Reserve, and civilian personnel. As a part of this duty, Secretary Brownlee has overseen recruiting, organizing, supplying, equipping, training, and mobilization efforts.

In addition, during his tenure, the Army began the process of an extraordinary transformation to meet the threats and challenges of the 21st century. Most notably, the Army has born the brunt of the global war on terrorism, making all Americans proud of its victories and achievements in Afghanistan, Iraq, and other far-off places around the globe.

Throughout these challenging times for the Nation and our Armed Forces, Secretary Brownlee has consistently provided strong, steady leadership for the Army as it adapts and prepares for the future. His service as Acting Secretary of the Army will undoubtedly have a profound impact on our fighting men and women and will ensure that the Army remains the world's finest fighting force for years to come.

I congratulate Secretary Brownlee on a brilliant career. I thank him for his commitment and dedication to making America stronger and safer, and I wish him all the best in his future endeavors.

RETIREMENT OF ADMINISTRATIVE ASSISTANT TO SECRETARY OF THE ARMY

Mr. REED. Mr. President, I rise to commend J.B. Hudson, who is retiring after 42 outstanding years of Federal service to the United States Army.

In 1962, Mr. Hudson began his Government career at Fort Eustis, VA, as a management analyst with the Office of the Assistant Chief of Staff, Comptroller. While pursuing his civilian career, Mr. Hudson also served as an Army reservist, 1963–1969, and continued his post graduate education earning a masters of personnel administration from George Washington University, 1969. In 1966, he accepted a position at Fort Monroe, VA, where he served as a management analyst with the Office of the Deputy Chief of Staff, Comptroller; and later, as chief, Management Improvement Branch, Office of the Deputy Chief of Staff, Resource Management from 1973–1975.

Since 1975, Mr. Hudson has been with the Office of the Administrative Assistant to the Secretary of the Army serving in a number of senior leadership positions, including deputy director and director, studies and analyses staff, 1975–1977; director, plans and projects, 1977–1979, director, policy and plans/safety, security and support services—Washington, 1979–1995, and deputy administrative assistant, 1995–1996. In over 42 years of Government service, Mr. Hudson has received numerous honors and awards, including the Meritorious Civilian Service Award and the Decoration for Exceptional Civilian Service.

Mr. Hudson is an extraordinary leader who recognizes that people are his most important resource. He epitomizes leadership by example, perpetuating a work environment in which harmony, resilience, and productivity reign. In the days following the terrorist attack on the Pentagon, he faced his toughest leadership challenge. Not only did he have to deal with the tragic loss of 40 staff members and the injury of many more, he also had to lead the effort of restoring calm and productivity to the agency, the Army, and the Pentagon, minimizing any disruption of support to the Army and OSD.

As the overseer of the Defense Post Office, Mr. Hudson faced the possibility of receiving mail contaminated with chemical or biological agents since the Pentagon's mail is processed through the same facility where two United States Postal Service workers died from exposure of mail contaminated with anthrax spores. Working in collaboration with Defense Department and White House officials, Mr. Hudson quickly assessed the threat and developed courses of defense.

His reputation for initiating leading-edge business practices is widely recognized. His vision, adaptability, and passion for customer success have enabled him to gain recognition for the Office of the Administrative Assistant to the Secretary of the Army as a preferred support provider throughout Headquarters, Department of the Army, and Defense Department activities within the Pentagon and the National Capital Area.

Mr. Hudson has been a focused and competent defender of the Army's limited resources and is absolutely committed to achieving operational excellence. In more recent years, he consistently used his keen business acumen, technical expertise, political savvy, and resourcefulness to proficiently position the agency for the best business results.

Mr. Hudson is a superior advisor, astute negotiator, and superb administrator who can operate comfortably in all environments. His ability to bring divergent parties together and forge a common vision to achieve desired outcomes is renowned. His mastery of unique Defense Department and National Capitol Region relationships has enabled him to consistently produce quality results, even on the most contentious and complex issues. Perhaps the best examples of Mr. Hudson's ability to build coalitions and achieve results for the Army and the Department of Defense are evident in his management of the Army's executive aircraft fleet and his championing of the Pentagon Athletic Facility. In the first initiative, Mr. Hudson worked with Defense Department and Congressional representatives to acquire two state-of-the-art executive airplanes. As the overseer of the Pentagon's 55-year old athletic center, Mr. Hudson realized that the aging infrastructure of the current facility and the growing demand for fitness facilities in support of the Army's readiness mission required quick action. Once again, he negotiated prime real estate at the Pentagon for the construction of a new facility and fought for and won funding for the $19 million project that offers a state-of-the-art facility comparable to well-known commercial fitness facilities.

Mr. Hudson's distinctive accomplishments, selflessness, dedication, commitment to excellence, and willingness to "go the extra mile" in supporting the Department of the Army, the Department of Defense and Joint Service activities in the Pentagon truly set a standard of excellence for others to follow. Mr. Hudson's distinctive accomplishments and selfless service in support of the Defense of our great nation truly set a standard of excellence worthy of emulation. I thank him on behalf of a grateful Nation and wish him well in his retirement.

WORLD AIDS DAY

Mr. LUGAR. Mr. President, I rise to comment on World AIDS Day, which was on December 1. The global HIV/AIDS pandemic is a humanitarian crisis of horrific proportions. World AIDS Day is a day to remember the millions of lives lost to and devastated by this global pandemic and to strengthen our commitment to fight this disease.

Last year, Congress passed legislation that created the Office of the Global AIDS Coordinator and pledged $15 billion over 5 years to address the HIV/AIDS crisis. The Senate Foreign Relations Committee continues to make HIV/AIDS a priority. Charged with the oversight of the President's initiative, we will continue to hold hearings and briefings on the subject of AIDS and the progress of the President's Emergency Plan for AIDS Relief. Earlier this year, for instance, we held a hearing focused on the intersection of HIV/AIDS and hunger. At this hearing, Ambassador Randall Tobias, the Global AIDS Coordinator, and Jim Morris, Executive Director of the World Food Program, testified about the devastating effects that the HIV/AIDS crisis is having on agricultural workers and the food supply in sub-Saharan Africa. In addition, we explored the special nutritional needs of individuals who are taking antiretroviral medication.

The theme of World AIDS Day this year, "Women, Girls, and HIV and AIDS," is an appropriate one. This disease is having a particularly devastating effect on women and girls around the world. We are just beginning to understand how women, and young girls in particular, are especially vulnerable to HIV and AIDS, due to a combination of biological, cultural, economic, social, and legal factors. Young girls constitute 75 percent of new infections in South Africa among individuals between 14 and 25 years of age. In Malawi, the National AIDS Commission has said that HIV and AIDS is killing more women than men, and that HIV-positive girls between 15 and 24 years of age outnumber males in the same age group by a six-to-one margin. Even in the United States, the disease is having a devastating effect on women and is the leading cause of death among African American women ages 25 to 34.

Not only are women and girls more vulnerable to infection, they are also shouldering much of the burden of taking care of sick and dying relatives and friends. In addition, in the vast majority of cases, they are the caretakers of the estimated 14 million children who have been orphaned by this pandemic. Grandmothers often take the responsibility of caring for grandchildren, and older female children often take care of their younger siblings.

One such young girl is Fanny Madanitsa. Fanny is a 16-year-old girl living in Malawi with her two younger sisters and a brother. Life has been difficult for Fanny and her siblings since they lost their parents to AIDS. As the oldest child, Fanny must deal with the stress of taking care of her younger siblings. They live in a modest house and share one bed. Fanny dreams of being a nurse, but reaching this goal will be a challenge for her. She cannot always attend classes, as she sometimes has to look after her siblings. Because money is scarce, she has a difficult time paying for school materials and other costs of her education.

But Fanny is more fortunate that many girls in similar circumstances. With the help of her Village AIDS Committee, a community-based organization that has organized to take care of the orphans in its village, Fanny and her siblings receive food, soap, school materials, and also medicines. Through the Village AIDS Committee, which receives support from Save the Children, the community assists Fanny in watching her siblings so she can attend school.

This June, I introduced the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2004. My bill would require the United States Government to develop a comprehensive strategy for providing assistance to orphans and would authorize the President to support community-based organizations that provide basic care for orphans and vulnerable children.

Furthermore, my bill aims to improve enrollment and access to primary school education for orphans and vulnerable children by supporting programs that reduce the negative impact of school fees and other expenses. It also would reaffirm our commitment to international school lunch programs. School meals provide basic nutrition to children who otherwise do not have access to reliable food. They have been a proven incentive for poor and orphaned children to enroll in school.

In addition, many women and children who lose one or both parents often face difficulty in asserting their inheritance rights. Even when the inheritance rights of women and children are spelled out in law, such rights are difficult to claim and are seldom enforced. In many countries, it is difficult or impossible for a widow—even if she has small children—to claim property after the death of her husband. This often leaves the most vulnerable children impoverished and homeless. My bill seeks to support programs that protect the inheritance rights of orphans and widows with children. Although the legislation will not become law this session, I am hopeful that, with bipartisan support, it will become law early next year.

The AIDS orphans crisis in sub-Saharan Africa has implications for political stability, development, and human welfare that extend far beyond the region. Turning the tide on this crisis will require a coordinated, comprehensive, and swift response. I am hopeful that, with the President's Emergency Plan for AIDS Relief, the Global Fund, and the Congress, we can make great strides in the battle against this pandemic.

Mr. LEVIN. Mr. President, December 1 marked the 17th annual observance of World AIDS Day. HIV/AIDS is an epidemic that requires a global solution and the United States has a responsibility to lead the world in addressing this horrible disease.

Since the beginning of the HIV/AIDS epidemic more than two decades ago, over 21 million people have died as a result of this disease. Worldwide, more than 42 million people are living with HIV/AIDS. It is estimated that AIDS claims the lives of over 8,000 people per day and 5 million more people are infected with HIV/AIDS each year.

This year's theme for Global AIDS Day is "Women, Girls, HIV and AIDS" to recognize and call attention to the rapidly growing number of females with HIV/AIDS. Women, and especially young women, are almost two and a half times more vulnerable to the disease than men because of the social and educational inequalities they face in many areas of the world. Women are much more likely to be sexually abused and are less likely to be aware of the risks associated with unprotected sex and IV drug use. Women also risk passing the disease on to their newborn children. It is estimated that over 19 million women currently live with HIV/AIDS, of which 2 million will pass the disease on to over 700,000 newborn children worldwide this year alone.

Tragically, more Americans lost their lives to AIDS in the 1990s than in all wars in U.S. history. Currently it is estimated that there are nearly 950,000 Americans living with HIV/AIDS, nearly one-third of which do not know they are infected. The disease continues to spread throughout the country and we have seen infection rates among women and minorities rise at alarming rates over the last few years.

The vast majority of deaths from HIV/AIDS occur in the developing world, most notably in Africa where AIDS is the leading cause of death. While Africa accounts for only 10 percent of the world's population, approximately two-thirds of the world's HIV/

AIDS cases occur there. There are an estimated 11,000 new infections per day in Africa and 57 percent of all women living with HIV/AIDS live in sub-Saharan Africa.

In addition, there have been dramatic increases in HIV/AIDS cases in Asia, Eastern Europe, and the Caribbean. This is clearly not a regional issue. The disease is spreading in every corner of the globe. The industrialized world has benefited greatly from new medicines that help people live with HIV/AIDS, but most developing countries still lack access to them in sufficient quantities. In many areas, non-governmental organizations are operating small-scale pilot programs that clearly are not adequate to meet the needs of the millions who are living with the disease. In order to successfully combat HIV/AIDS on a global scale, resources must continue to be made available to developing countries to assist in integrating prevention, treatment, and education programs into a national health care system.

There are no easy solutions to the problems associated with this epidemic. Researchers are continuing to work hard to find new treatments and ultimately a cure for this devastating disease. Halting the spread of the epidemic requires prevention and a commitment to supporting organizations that are vigorously working to defeat HIV/AIDS through education, humanitarian relief, and public awareness.

We must recognize the sobering reality that this disease continues to spread and infect people around the globe regardless of race, gender, age, or income. Remembering those who have already lost their lives to HIV/AIDS requires us to redouble our efforts to defeat the disease and prevent its spread to new members of our communities.

NORTHERN ARIZONA FOREST LANDS EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP ACT

Mr. McCAIN. Mr. President, after several years of negotiation and compromise, I am pleased that the Northern Arizona Forest Lands Exchange and Verde River Basin Partnership Act of 2004 was approved by the Senate today. Through the dedicated efforts of all parties, this bipartisan agreement provides a sound framework for a fair and equal value exchange of 50,000 acres of private and public land in Northern Arizona. The bill also addresses the water issues raised by the exchange of lands located within the Verde River Basin watershed by limiting water usage on certain exchanged lands and by supporting the development of a collaborative science based water resource planning and management entity for the Verde River Basin watershed.

It is gratifying that the compromise reached on the bill, after countless hours of deliberation and discussion, is both balanced and foresighted in terms of addressing the various issues raised by the exchange. I want to thank Senator KYL and his staff, as well as Senators DOMENICI and BINGAMAN, and their staffs on the Senate Energy and Natural Resources Committee, for their tireless efforts in reaching this agreement. I also want to recognize the work of Congressmen RENZI and HAYWORTH who have championed this legislation in the House of Representatives.

The bill sets forth a sound process for the achievement of a fair market value exchange which is expected to offer significant benefits for all parties. Benefits will accrue to the U.S. Forest Service and the public with the consolidation of checkerboard lands and the protection and enhanced management of extensive forest and grasslands. The communities of Flagstaff, Williams, and Camp Verde also will benefit in terms of economic development, water supply, and other important purposes.

Since introducing this legislation in April 2003, I have heard from hundreds of Arizonans and learned first-hand of the significant water issues raised by the transfer of federal land into private ownership. I want to thank all of the citizens that offered their time, expertise, and interest and provided us with valuable information on these issues. In large measure because of their efforts, I am more keenly aware that one of the most crucial challenges facing Arizona is the wise management of its water resources, particularly as we endure extended drought coupled with rapid population growth. Therefore, I am pleased that in addition to facilitating the Northern Arizona land exchange, this bill includes a number of new provisions to address water supply concerns associated with the exchange.

First, in order to ensure that current water users and water rights holders are not adversely affected by increased future water demands, an agreement was reached to remove an 820 acre parcel of federal land in the Verde Valley, where the long-term availability of water supplies is uncertain and current problems exist. On the remaining 2000 acre parcel of federal land in the Verde Valley, a maximum water use limit of 300 acre-feet per year has been established along with other land and water use restrictions.

Further, this bill includes a new title which supports the creation of a Verde River Basin Partnership to advance sound water resource decision-making at the state and local level in Northern Arizona.

The development of a sound, long-term watershed management plan requires the involvement of all the stakeholders with water supply responsibilities and interests and a foundation of knowledge about available resources and existing demands. We are fortunate to have an existing model of collaborative science-based water resource planning and management with the Upper San Pedro Partnership in the Sierra Vista subwatershed of Arizona. In my view, the establishment of a similar, cooperative body in the Verde Basin will be a vital step in assuring the wise use of our limited water resources.

Again, I want to thank all of the parties involved in this legislation during the past several years.

VETERANS HEALTH PROGRAMS IMPROVEMENT ACT OF 2004

Mr. GRAHAM of Florida. Mr. President, I rise today to applaud the passage of H.R. 3936, which is essentially a conference report on various veterans' health care measures. This bill will go far in giving the Department of Veterans Affairs, VA, the tools it needs to continue providing high-quality health care to our Nation's veterans. Though the bill contains many important provisions, I would like to draw attention to just a few of its key ones.

H.R. 3936 would authorize specialized centers to improve the rehabilitation services available to veterans suffering from multiple combat injuries. The centers would focus on all aspects involved in the development of improved rehabilitation programs, including through research, education, and clinical activities. These comprehensive centers are designed specifically to fill the gap that currently exists in the treatment of the complex injuries that result from modern conflict. Due to technological advancements in warfare and body armor, as well as improvements in battlefield medical care, an increased number of service personnel are surviving wounds that probably would have been fatal in previous wars.

The centers would be part of a larger collaboration effort between the Department of Veterans Affairs, VA, and the Department of Defense, DoD, in order to improve the rehabilitation process and treatment of these service members once they have returned from overseas. The initiative as a whole truly represents the way in which VA health care is evolving with changes in the areas of warfare and health care delivery.

The Veterans Health Programs Improvement Act of 2004 also would require VA to track waiting times for specialty care services and subsequently issue to Congress a report on any such waiting times of more than 3 months. VA has been suffering from a severe shortage of specialty care physicians. This shortage has led to significant increases in the time it takes for veterans to get appointments for specialty services like audiology and ophthalmology.

This compromise legislation would also provide a fix for the way VA per diem payments to State homes for veterans are handled, as they relate to Medicaid. Recently, many State homes have become Medicaid-certified to secure eligibility for payment for any veteran who qualifies under the Medicaid program. However, Medicaid officials determined that VA per diem payments made to State homes for the care of veterans are "additional payments" made on behalf on an individual patient. Thus, VA's per diem payments must be reimbursed to the Medicaid program. This provision would specify that per diem payments made by VA for the care of veterans in State homes will not be used to offset or reduce any other payment made to assist veterans in securing health care services. The impact of this change will be felt in many States across the country, including my home State of Florida.

Mr. President, I am proud to have contributed to legislation that is so vital to the continued provision of quality health care to our Nation's veterans. I thank my colleagues in both Chambers of Congress for their support of this measure.

VETERANS' BENEFITS IMPROVEMENT ACT OF 2004

Mr. GRAHAM of Florida. Mr. President, as ranking member of the Committee on Veterans' Affairs, I am proud to announce the passage of S. 2486, the Veterans Benefits Improvement Act of 2004, by both Chambers of Congress.

This bill, which I shall call the compromise agreement, is the final version of a veterans omnibus bill. The compromise agreement will improve and expand a host of veterans benefits, including: survivors benefits for spouses with dependent children; housing benefits; and educational benefits for Guard and Reserve members, veterans, and spouses of veterans killed on active duty.

It is very appropriate that at a time when our airmen, soldiers, sailors and marines are in harm's way, that we remember the sacrifices that those before them have made on behalf of this great Nation by improving and expanding veterans benefits for our Nation's bravest and their families.

I will briefly highlight some of the more important provisions. For further explanation of the proposed legislation please see the Joint Explanatory Statement, which accompanied the passage of the bill.

Dependency and indemnity compensation is a monthly benefit paid to eligible survivors of service members who died on active duty, and of certain veterans. A larger monthly benefit is paid to surviving spouses with children under the age of 18. Under this legislation, dependency and indemnity compensation for survivors, with dependent children, of spouses killed on active duty would be increased by $250 a month, for 2 years, beginning on the date when entitlement to benefits begins. A VA contracted study found that spouses with children had a higher level of unmet need than spouses without children. This provision is included to further aid the transition of surviving spouses with dependent children. We must make every effort to make certain that the families of service members who paid the ultimate sacrifice have their needs met.

Owning a home of one's own is the American Dream. This legislation would make that dream a reality for more of our veterans by increasing the maximum amount of the VA home loan guaranty. The current VA loan limit of $240,000 restricts beneficiaries from using the guaranty because it is insufficient to cover median housing prices in many parts of the Nation. Section 403 of the compromise agreement would increase the maximum VA loan amount to $333,700. It would also index the loan limit to 25 percent of the conforming loan limit for a single-family residence as set by Freddie Mac. This would allow the loan limit to continue to rise with the cost of housing inflation automatically. This change, coupled with the reinstatement of the VA adjustable rate mortgage loan program and improvement of the hybrid adjustable rate mortgage loan program will allow many more veterans to be able to purchase a home.

The second half of the American Dream is a college education. Educational assistance is provided to the surviving spouse of a service member or veteran who died of a service-connected injury, or the spouse of a veteran who is rated by VA to be totally and permanently disabled. The spouse has 10 years to use the entitlement. However, many surviving spouses, during this difficult transitional period, are busy raising children and working making it impossible to use the education benefit. This legislation would give an additional 10 years to the surviving spouse of a service member who died of a service-connected disability to use the benefit.

Under current law, a member of the Selected Reserve or National Guard must contribute a nonrefundable $1,200 in order to participate in the Montgomery GI Bill education program. However, a member of the Selected Reserve must spend one year on active duty before being eligible for the program. Section 109 of the committee bill would create flexibility and allow the Montgomery GI Bill participation fee to be collected not later than 1 year after the completion of 2 years of active duty, ensuring that the Reserve or Guard has become eligible by satisfying the service requirement.

With the costs of attending college rising, it is important that we do as much for our veterans as possible so that they may reach their academic objectives. This legislation would allow VA to reimburse eligible beneficiaries for the cost of certain national admission tests, such as the Law School Admission Test, Graduate Record Exam, Graduate Management Admission Test, and Scholastic Aptitude Test, and for course credit at institutions of higher learning, such as the Advanced Placement Exam and College-Level Examination Program.

In keeping with this committee's continuing effort to aid veterans in attaining appropriate education and employment opportunities, this legislation improves the full-time apprenticeship and on-job training programs under the MGIB. Section 103 of the compromise agreement, for more than a 2-year period, would increase the full-time VA monthly educational assistance allowance payable to individuals participating in these training programs. For the first 6 months of training, the monthly benefit would increase to 85 percent from 75 percent; for the second 6 months, 65 percent from 55 percent; and the remainder of months, 45 percent from 35 percent. Additionally, section 104 of the compromise agreement authorizes VA to pay educational benefits to veterans participating in competency-based apprenticeships, in addition to time-based apprenticeships, bringing the VA program in line with the way most apprenticeship programs are structured today.

These provisions show our veterans America's continuing unwavering support of the service and sacrifice that they have made on behalf of this country. Particularly at a time when we are at war, we must ensure our service members that we will fulfill the commitment promised by Abraham Lincoln, "to care for him that shall have borne the battle and for his widow and his orphan."

In conclusion, I specifically thank Senator SPECTER and his benefits staff for their work on this comprehensive bill, specifically Bill Tuerk, Jon Towers and Chris McNamee, and my staff—Buddy Menn, Mary Schoelen, Dahlia Melendrez, Ted Pusey, Amanda Krohn, and Tandy Barrett, who recently left the committee, for all of their hard work in helping to put this legislation together. I thank my colleagues for their support of this legislation on behalf of America's veterans and their families.

DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PERSONNEL ENHANCEMENT ACT OF 2004

Mr. GRAHAM of Florida. Mr. President, I rise today to applaud the passage of S. 2484, which reflects a compromise agreement on a new system for compensating physicians and dentists in the Department of Veterans Affairs, VA, health care system, as well as alternative work schedules for VA nurses. VA doctors and dentists have not gotten a pay adjustment in over a decade. All of these measures are aimed at improving VA's ability to recruit and retain quality health care professionals. I would like to highlight some of the key aspects of this legislation.

The compromise agreement would set forth a three-tiered system for paying VA physicians and dentists. The three tiers consist of base, market, and performance pay. The base pay element is similar to that employed by other Federal agencies, also known as the General Schedule, GS, system. As such, increases would be guaranteed for every 2 years a physician or dentist remains employed by VA.

The second component of the new pay system is market pay. This element would be implemented by the Secretary in the form of pay bands that will be determined by surveys of regional salaries in the academic and private sectors. Also relevant to the market pay determinations are factors such as the scarcity, or abundance, of certain specialty physicians, type and years of experience, and board certifications. Finally, the Secretary would consult with professional review panels composed of other physicians or dentists.

The final component is performance pay. Performance pay would be awarded to doctors and dentists if they meet certain goals and measures set forth by the Secretary. Currently, VA has extensive performance measures that it utilizes to motivate its health care providers and ensure quality of care. This element has a maximum of $15,000 or 7.5 percent of the sum of the base and market pay.

One other major section of this agreement would establish alternative work schedules for VA nurses. It is widely known that the entire country is suffering from a nursing shortage. VA anticipates that it will be hit especially hard by the retirement of a significant portion of its nursing workforce over the next 10 years. S. 2484 would allow VA to employ different types of working schedules in order to attract more nurses to the system.

I am proud to have worked on this valuable piece of legislation for our Nation's veterans, and I thank my colleagues in both Chambers of Congress for their support.

RECENT VISIT TO CANADA BY PRESIDENT BUSH

Mr. CRAPO. Mr. President, I commend President Bush on his recent trip to Canada and efforts to build on our strong relations with our neighbor to the north. Canada is our Nation's largest trading partner and one of our closest allies, and this relationship must continue to remain vibrant and strong. As the co-chairman of the Canada-U.S. Interparliamentary Group, I continue to work with my peers in Canada to do what I can to assist in this effort.

Despite certain media coverage to the contrary, many Canadians warmly embrace Americans and the President's policies. I want to share comments made by Senator Jerry Grafstein in the Canadian Senate on the occasion of President Bush's visit. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"MANIFEST DEMOCRACY"—THE BUSH DOCTRINE

Honourable senators, today President Bush visits Canada. We welcome President Bush, his wife and his senior advisers to our nation's capital. As Co-chair of the Canada-U.S. Interparliamentary Group, now the largest interparliamentary group in Parliament, it is my hope that Canada will actively engage President Bush and the Bush doctrine, which I call "Manifest Democracy."

Senators will recall that, in 1947 the then Minister of External Affairs, Louis St. Laurent, in Toronto defined the principles and practices of Canada's foreign policy based on these words: "freedom, liberty and democracy." Mr. St. Laurent and his then Deputy Minister, Mr. Pearson, were not confused by political debate or shifting political opinion within or outside Canada when it came to Canada's strategic interests.

In 1947, the UN was gridlocked. It was Mr. St. Laurent who convinced a reluctant Mr. King that Canada should take the lead in constructing and joining a transatlantic coalition of democracies to enhance our collective security called NATO. Mr. St. Laurent had learned well from the lessons of history—the sad experience of the League of Nations and the causes of World War II. Mr. St. Laurent believed in the democratic dialectic. Both Mr. St. Laurent and Mr. Pearson were not confused. They understood that democracies did not make war with democracies.

Before the shock of 9/11, it seemed the 21st century voices for a democratic dialectic were muted. The origins of the Helsinki Process were forgotten. It was the Helsinki Process, in 1974, that laid the groundwork for democratic change in Europe. The Berlin Wall collapsed following the popular democratic movement of Solidarity in Poland and the "Velvet" revolution in the Czech Republic. The drive toward human rights and expanding democracies slowed at the turn of the century. Yet, the appetite for democracy once tasted cannot be easily satisfied. With the "Rose" revolution in Georgia, and now the "Orange" revolution in Ukraine, democracy is on the march again.

The Bush doctrine of manifest democracy provoked by September 11, 2001, continues to gain support by raising the banner of freedom, liberty and free markets. Public sentiment for democracy is rising not only in the East, in Georgia and now Ukraine, but across Eurasia, in Afghanistan and seeping into the dialectics of the Middle East as well as, painfully, in Iraq.

My hope is that Canada will regain its principal place as an active protagonist and creative partner for democracy, liberty and freedom and as a forceful agent in the spread of free trade and free markets around the globe.

Canada owns a capacious toolbox of democratic instruments and best practices that can quickly and cost-efficiently be deployed to help build the infrastructure of democracy—independent parliamentary commissions; parliamentary practices, including checks and balances; separation of powers; policing; independent judging and free trade agreements.

We hope that Prime Minister Martin and Canada will actively re-engage with President Bush and America, as we did after World War II, in a collective effort to spread democracy, free trade and free markets around the world.

REMEMBRANCE OF ATTACK ON PEARL HARBOR

Mr. LAUTENBERG. Mr. President, today marks the sixty-third anniversary of the horrific attacks on Pearl Harbor, HI, the first major attack on American soil by a foreign enemy since British troops set fire to the White House and the Capitol Building in the War of 1812. It was 60 years later, September 11, 2001, before the next attack took place on American soil. Pearl Harbor will always be remembered as the first incident to shock the collective psyche of our Nation out of its complacency.

Whether it could be classified as a terrorist act or otherwise, the attack on Pearl Harbor claimed the lives of 2,403 American servicemen. This event, perpetrated by a people who have long since reconciled their differences with America and the world, is a reminder to all of us of the sacrifices made by millions of individuals during this time of national peril. Their selfless actions and incredible courage in the face of extreme personal risk helped to ensure that the freedoms which are the bedrock of our country were preserved. We honor the memory of our countrymen who sacrificed their own lives, so others could live, and the families who lost loved ones in the attack. And we honor the survivors of Pearl Harbor, including the roughly 6,000 who are still alive today. We must never forget any of these brave Americans.

FAMILY ENTERTAINMENT AND COPYRIGHT ACT OF 2004

Mr. LEAHY. Mr. President, today, in the waning hours of this Congress, the Senate has passed legislation that will improve important parts of our intellectual property law. Sponsored by myself, as well as by Senators HATCH, CORNYN, BIDEN, and FEINSTEIN, the Family Entertainment and Copyright Act of 2004 is the product of many months of bipartisan effort. Many of its provisions have passed the Senate before, others have passed the House, and the package enjoys the well-justified support of the many stakeholders. I am especially grateful for the assistance and support of our colleagues in the House of Representatives as we have tried to craft a broad, consensus bill.

Intellectual property is one of the driving forces in our Nation's economy, but if we do not continue to protect it, we will lose our place as the global leader in its production. Just as importantly, the United States enjoys the fruits of the labors of a multitude of creative and talented artists and inventors. Our arts and sciences bring not only monetary revenue to the country, but deep artistic satisfaction and rewards on a cultural level. The Digital Age has great potential to bring more of each.

Digital technology has allowed producers of intellectual property to find new and innovative ways to create and distribute their products, and it has enhanced our position as a global leader in the creation of cultural and intellectual works. However, the ease of duplication and nearly instantaneous communication that make these technologies so wonderful has also been used by some to undermine intellectual property rights; as a result, many of our copyright-holders are reluctant to embrace the very tools that offer so much to consumers and, if used legally, to our innovators. Thus, we face a key challenge: to preserve intellectual property rights while at the same time promoting the growth of new technologies. This act responds to the challenge. It bolsters our intellectual property protections while preserving the freedom necessary to make full use of music, movies, and other entertainment. The act also takes important steps to preserve our Nation's rich cultural heritage, and to ensure that this heritage remains available to our children.

The act includes the version of the CREATE Act that has passed both the House and Senate. That bill corrects for a provision in the Bayh-Dole Act which, when read literally by the Court of Appeals for the Federal, runs counter to the intent of that legislation. The correction will encourage more of the joint efforts between private industry and research universities that have proved so fruitful to the U.S. economy, our research universities, and the many Americans who work in the patent industries.

It also includes a version of the National Film Preservation Act and the Preservation of Orphan Works Act. These two provisions each play an important role in preserving our national heritage. The National Film Preservation Act, which I first introduced on November 21, 2003, reauthorizes a Library of Congress program dedicated to saving rare and significant films. The Preservation of Orphan Works Act corrects a drafting error in the Sonny Bono Copyright Term Extension Act. Correction of this error will allow libraries to create copies of certain copyrighted works, such as films and musical compositions that are in the last 20 years of their copyright term, are no longer commercially exploited, and are not available at a reasonable price.

The act also includes the Artists' Rights and Theft Prevention Act, which protects filmmakers from an increasingly common threat: the theft of their work by individuals who record films as they are played in theaters. Part of that provision directs the Register of Copyrights to create a registry of pre-release works in order to better address the problems associated with piracy of creative works before they are offered for legal distribution and provides improved remedies for such piracy.

It also includes the Anti-counterfeiting Act of 2004, an important piece of legislation that Senator BIDEN has championed for several years. This provision adds much-needed protections to those who create records, films, and computer programs, by expanding the prohibition on affixing counterfeit labels to such products. Another provision, the Fraudulent Online Identity Sanctions Act, enhances the integrity of the Internet by creating a rebuttable presumption that a trademark or copyright infringer acted willfully if that infringer used false information to register a domain name used in connection with the infringement. It also increases penalties for crimes committed using fraudulently-acquired domain names.

Finally, the act includes the Family Movie Act, which will preserve the right of home viewers to watch motion pictures in the manner they see fit. At the same time, the act protects the rights of directors and copyright holders to maintain the artistic vision and integrity of their works.

I thank my colleagues on both sides of the aisle, and in both houses of Congress, for their hard work on this bill. Our efforts here should be a model for achieving legislative consensus in this area, and others, in the future.

ARUBA AND COUNTER-TERRORISM FINANCING

Mr. BURNS. Mr. President, I rise today to pay tribute to the Government of Aruba, a leader in the fight to stop the flow of terrorist funds in the Caribbean and Latin America. There can be no doubt that terrorism is the defining challenge of the Nation since 9-11. While I have always believed that the United States must boldly and confidently lead the way in this brutal war we find ourselves in, I believe that help from our allies is essential to stop the financial networks that support terrorism.

One of the most important fronts in the war on terror concerns the funding mechanisms that support terrorist activities, including underground financial systems, illicit charities, and corrupt financial service providers. Financiers, fundraisers, or donors who provide financial support to terrorists need to be stopped.

Earlier this year, I had met with the Prime Minister of Aruba, Mr. Nelson Oduber. We discussed the international threat of terrorism and a number of other issues. Prime Minister Oduber stressed his nation's support for stopping terrorism and his determination in stopping money laundering and terrorist financing in his nation.

In fact, Aruba's leadership in this field started in 1990 when it hosted what became known as the Aruba Drug Money Laundering Conference, a regional mirror of the Financial Action Task Force—FATF—launched at the Paris G-7 summit of 1989. This started a process, which eventually led to the creation of the Caribbean Financial Action Task Force—CFATF—an organization that now plays a key role in the War on Terror. On October 30, 2001, the FATF adopted eight special recommendations on terrorist financing and Aruba has moved to implement some of those recommendations.

I pay tribute today to Aruba for joining the United States of America in the War on Terror.

SUPPORT OF LAW ENFORCEMENT

Mr. CAMPBELL. Mr. President, as a former Sacramento County, CA, sheriff's deputy, I have, throughout my congressional career, zealously sought to ensure the safety and effectiveness of America's Federal, tribal, State and local law enforcement officers. I have also worked hard to promote a better understanding and appreciation of law enforcement's extraordinary service and sacrifice by the American public.

Underscoring this commitment, I was proud to have authored a number of important laws, including the National Law Enforcement Museum Act (P.L. 106-492); the Law Enforcement Officers Safety Act of 2003 (P.L. 108-277); the Bulletproof Vest Partnership Act (P.L. 106-517); the Cops in School Act of 1998 (P.L. 105-302) and the resolution passed each year to designate May 15 as National Peace Officers Memorial Day. I want to take this opportunity to also commend my deputy chief of staff and legislative director, Larry Vigil, for all of his good work in getting these important initiatives passed on behalf of law enforcement.

As I conclude my tenure in the U.S. Senate, I challenge my colleagues and those who will follow in my footsteps to continue this valuable and necessary work to support those brave individuals who are putting their lives at risk each and every day for our safety and protection. There are currently some 870,000 sworn law enforcement officers serving our Nation. Each year, on average, 167 officers are killed in the line of duty—that is one officer killed somewhere in America every 53 hours. Roughly 58,000 officers are assaulted each year, resulting in about 17,000 injuries. It is the most dangerous profession in our Nation, and also one of the most important.

An inscription on the National Law Enforcement Officers Memorial, just a few blocks from here in a place called Judiciary Square, says it best: "In valor there is hope." As long as there are men and women among us who are willing to put their lives on the line for others, there is indeed great hope for this Nation of ours.

But, it must be remembered that our officers cannot do their job effectively or safely without the necessary resources. This means the best possible training and equipment, especially bullet-resistant vests for every officer. Studies have clearly shown that these vests save police lives. In fact, nearly 3,000 police lives have been saved by bullet resistant vests since they first started being used some 30 years ago.

But, another vital resource that our officers need is the trust and support of the American public they serve. That is why one of my proudest achievements as a legislator and former law enforcement officer was authoring the law to establish a National Law Enforcement Museum here in our Nation's capital. The U.S. Department of Justice has determined that only about one out of five Americans has any direct contact with a law enforcement officer during the course of a normal year, and most of those contacts are traffic stops. The fact is that most of our citizens draw their conclusions about law enforcement from the fictional works of Hollywood and the often sensationalized reporting by the media. Most Americans do not truly understand, nor fully appreciate the tremendous worth of the law enforcement profession to our Nation.

But all of that will soon change when the doors of the National Law Enforcement Museum open, which is expected to happen in 2009. Finally, we will have a popular destination here in Washington, DC, devoted to telling law enforcement's true story of selfless service and supreme sacrifice. Through some of the most entertaining and stimulating exhibit ideas I have ever seen for a museum, visitors will experience what it is like to walk in the shoes of a police officer, and to make split-second, life-or-death decisions. They will understand the vital roles our officers played in every pivotal moment of our Nation's history, including the taming of the Wild West, and the wars against gangsters, drug lords and now, terrorists. In short, this museum will vastly increase public understanding and support for law enforcement, and the museum's research repository will contribute greatly to promoting police safety. It will truly be a must-see destination in our Nation's capital and, appropriately, it will be located right across the street from the National Law Enforcement Officers Memorial.

I want to commend Craig W. Floyd, the chairman of the National Law Enforcement Officers Memorial Fund, his talented staff and dedicated board of directors for working so hard to make this museum a reality, just like they made the National Law Enforcement Officers Memorial a reality in 1991. Neither of these projects would be successful, though, without the generous funding provided by citizens and corporations across this country and I am grateful to see that support pouring in for the museum.

I pledge my continued full support for this museum project and I challenge my colleagues to do the same. That means ensuring that during the public approval process the integrity and importance of this museum as a major visual presence in Judiciary Square must not be compromised in any way.

Those dedicated public servants of the law enforcement profession—especially the more than 16,500 officers who have made the ultimate sacrifice in the performance of duty, and their families—deserve no less.

ELDER JUSTICE ACT

Mr. GRAHAM of Florida. Mr. President, I wish to commend Senator JOHN BREAUX and his staff for their excellent work on the Elder Justice Act. They have worked long and hard on this legislation, and I share their strong desire to see it pass the Senate this year.

I would like to share the comments I received from two Florida attorneys, Nick Cox and Mark Shalloway, who have extensive knowledge and experience in elder justice issues.

Nick Cox is a professor at the Stetson University College of Law in St. Petersburg, where he specializes in elder consumer protection matters and works on a special Federal project within the Elder Law Center. Mr. Cox, a former State prosecutor, worked for Attorneys General Bob Butterworth and Charlie Crist as their acting central Florida regional deputy and bureau chief of the Economic Crimes Division, which is the Florida Attorney General's consumer protection unit. Mr. Cox's comments are as follows:

> I feel very strongly about passage of this act from a consumer protection standpoint. At this time I have been researching criminal elder exploitation issues and have found that there is a complete lacking in good support research. Despite several attempts to get a statistical handle on how bad criminal exploitation of the elderly is, the reports that have been done have been consistently criticized or found to be scientifically statistically deficient. The Elder Justice Act calls for such research to be done on a national level and would provide the needed data that could assist those of us in the field of identifying the primary issues and hopefully some suggestions for solutions to the problem.
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> I also am very excited about the call in the Elder Justice Act for nationwide centers of excellence for study into these matters. We have already begun such work here at Stetson, but we can only address it on a regional basis here given the magnitude of our senior populations in Florida and throughout the Southeast United States. However, the work we have done so far has been very well received and applauded by those in the aging network. I think the Elder Justice Act would also give us some significant strides forward in that respect as well.
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> I also, as a former prosecutor, appreciate the attention it seems to give to increasing prosecutions. From the exploitation standpoint, I have experienced the positive outcome of criminally charging scam artists and the resulting change in business practices in that area. My office conducted undercover sting operations with the Florida Department of Law Enforcement. Once we convinced a prosecutor to charge a few of the salesmen and business owners who were targeting and scaring seniors into buying unneeded and overpriced equipment, there was an immediate change in the manner in which other companies conducted business.
>
> Anything we can do to encourage or mandate criminal prosecutions will be a positive step. I think the Elder Justice Act starts us in the right direction.

Mark Shalloway is a practicing attorney in West Palm Beach and has extensive experience in elder abuse and exploitation. Mr. Shalloway's comments are as follows:

> Elder Law attorneys, including my Florida colleagues see a great deal of elder abuse and financial exploitation on a weekly to monthly basis in our offices. The National Academy of Elder Law Attorneys (NAELA) is one of the five founding members of the Elder Justice Coalition that has worked for several years to get this piece of legislation passed. Senator Breaux and other supporters, like yourself, deserve much credit for keeping this bill on the front burner during a year when few bills have been addressed.
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> The revised version of S. 333 that the Finance Committee has marked up is not as comprehensive as the original bill, but is a great starting point and should be passed by the full Senate as soon as possible.
>
> As a Long-Term Care Ombudsman in Florida, I am anecdotally aware of the difficulties in identifying and prosecuting crimes against the elderly. This Act should give greater recognition to a silent but huge and growing problem.

I agree with the comments of Mr. Cox and Mr. Shalloway, and have thus strongly supported passage of the Elder Justice Act.

During Finance Committee deliberations of the Elder Justice Act, I added two critically important provisions to the bill. These amendments strengthened the bill immensely, would have greatly improved patient safety in long-term care facilities, and, in fact, would have saved lives.

Therefore, I am greatly disappointed that my patient safety provisions were the basis of an objection from Senator GREGG. That objection resulted in the provisions being stripped from the Elder Justice Act. The result? The legislation will do less on behalf of our elderly Americans than it could have done, and the elderly will continue to suffer from adverse events and death as a result of medication errors. This disappoints me deeply.

I would like to briefly describe the two amendments I had hoped would be part of the Elder Justice Act.

The first would have provided grants to long-term care facilities to improve quality and prevent neglect by improving patient safety and reducing health care complications and deaths resulting from medication errors in long-term care settings.

Section 108 of the Medicare Modernization Act gave authority to the Secretary to make such grants available to physicians in order to improve the quality of care and patient safety in physician offices. We should strive for no less for our patients in long-term care facilities.

According to the Institute of Medicine, medical errors cause up to 98,000 deaths in this country each year, in addition to otherwise avoidable injuries, hospitalizations, and expenses.

Although technologies are available to reduce errors and save lives, start-up costs and a lack of awareness have slowed the diffusion of these technologies, and prevented our long-term care facilities and elderly patients from reaping the benefits of these technologies.

The grant program would improve patient safety among the elderly by reducing medication errors in long-term care facilities. Grant money could be used by long-term care facilities to purchase proven technologies; the adoption of computer physician order entry systems, for example, is an essential component of any effective strategy to reduce medication errors.

Purchase and deployment of such systems is a substantial investment. Costs can delay the rapid introduction of new information technologies into long-term care facilities that already are grappling with other major financial challenges.

The grant program would have reduced this barrier by providing financial incentives for long term care facilities to adopt the resource intensive information technologies essential to system wide strategies for reducing and eventually ending most medication errors.

We know how to improve patient safety. We know how to save lives. My provision to create a grant program would have done just that, and I deeply regret having to strike the provision because of Senator GREGG's objection to it.

My second amendment would have required the Secretary of Health and Human Services to develop a plan for adopting open standards to enable improved electronic submission of clinical data by long term care facilities and allowing electronic transmission of data using such standards.

Although the Medicare Modernization Act requires the Secretary to develop uniform standards relating to requirements for electronic prescription drug programs, there is no provision for adopting uniform standards for data not related to prescription drug programs and no requirement that the Secretary allow long term care facilities to submit data electronically to HHS using uniform open standards.

The use of open standards is critical to ensuring that systems are able to communicate with each other and without human manipulation, thus allowing information to be processed automatically and quickly. Automatic, expedited processing of information will reduce neglect in the form of medical errors and save lives.

Currently, data may only be transmitted electronically using spreadsheets, PDFs, or SAS transport files. This form of submission does not allow systems to communicate with each other, and slows the processing of information.

I would like to explain the importance of this amendment to my constituents back in Florida and to people throughout our country.

Flu season is approaching. Without timely and accurate information to guide public health officials and physicians, seniors in my State and throughout the country are at risk. But, the public health system currently relies on a slow and unreliable methods of tracking outbreaks such as postcards and phonecalls from physicians and other medical professionals. If I want to get information on the health status of 290 million Americans, post cards and telephone calls simply aren't adequate. We need to use electronic reporting based on some common method of collecting that data to make public health safer.

Vioxx provides another example. Vioxx is a drug used for arthritis by seniors throughout the world; it was withdrawn by its manufacturer this fall. Vioxx was first sold in the United States 5 years ago and has been marketed in more than 80 countries. Worldwide sales of Vioxx in 2003 were $2.5 billion. It is a major drug with broad use. But, the FDA relies on slow and unreliable methods of tracking problems associated with drugs that may only appear after they go into broad use. Although prescriptions are one of the most thoroughly computerized areas in medicine, the FDA relies on slow and unreliable methods to track medical problems resulting from drug use. We need to use electronic reporting based on common method of collecting that data to make drug use safer.

One last example: heart conditions are one of the leading diseases affecting Medicare patients and heart attacks can result in deaths and high costs. Many heart attack victims can be helped if they receive drugs to assist their damaged heart while it recovers. CMS studies indicate that many of the victims do not receive those medications. But, CMS collects that data with great effort—relying on many health professionals to extract data from clinical records and summarize the data for analysis. By the time the data is available, the patient has met their fate and the time for correcting a mistake, for getting them a lifesaving drug, has passed. We need to use electronic reporting based on a common method of collecting data to improve quality of care and patient safety for those in long-term care facilities, and for all Medicare patients.

I had hoped to see these measures pass in my final days in the Senate and thus leave patients with a safer medical system. I am deeply disappointed in the removal of the amendments from the Elder Justice Act.

However because of my great desire to see the Elder Justice Act go through, I removed my hold on the legislation on Wednesday, November 17. It is my understanding that the Elder Justice Act has not yet cleared the Senate because of Republican objections to the substance of the legislation.

I share Senator BREAUX's desire to see the legislation enacted this year, and fervently hope that may still be possible.

"HUGS, NOT BULLETS"

Mr. LEVIN. Mr. President, I want to bring to the attention of my colleagues a campaign by the Neighborhood Service Organization's Youth Initiatives Project in Detroit, MI, called "Hugs, Not Bullets." This is an outstanding example of involvement by youth leaders who want to make a difference in their community by decreasing gun violence.

The Youth Initiatives Project was created in 1999 to address growing community issues including violence and substance abuse in Detroit. For five years, community organizations and students have been involved in a coordinated effort to accomplish the goals of the project. Previous Youth Initiatives Project campaigns have focused on after-school programs to reduce gun violence and increase the use of trigger locks in homes.

The current campaign, "Hugs, Not Bullets," is intended to reduce the use of firearms during the celebration of the New Year's holiday. Youth leaders have been organizing for months and plan to enlist over 200 students and numerous community groups in support of the campaign. Several rallies and a candlelight vigil are planned to draw attention to the campaign and the issue of gun safety. In addition, the centerpiece of the campaign is a four-foot by eight-foot card which will make its way through schools and the community to be signed by those who pledge to help reduce gun violence over the New Year's holiday. The card will serve as a powerful symbol of the community's determination to fight violence, particularly involving firearms.

I would like to express my heartfelt thanks to the members of the Youth Initiatives Project for their hard work to bring an end to the gun violence that continues to plague our society. I am hopeful that the 109th Congress will do more to support their efforts and pass sensible gun safety legislation. We owe it to them, to our police officers, and to our communities to do all we can to keep dangerous guns off of our streets.

EDUCATION

Mr. ENZI. Mr. President, I appreciate having this opportunity to express my congratulations and note for the RECORD the achievements of Dr. Steven F. Barrett who has just been named the Wyoming Professor of the Year. This prestigious honor is the only national award that recognizes the performance of college and university professors who have produced outstanding results as undergraduate teachers and mentors.

As an assistant professor of Electrical and Computer Engineering at the University of Wyoming, Dr. Barrett has served as a role model for his colleagues on the school's academic staff, as well as the students he teaches in his classes. His unique teaching style gets students more involved in their classes and increases their commitment to the successful completion of their education.

Dr. Barrett played a key role in the effort to improve the electrical and computer engineering curriculum. He revived courses in biomedical engineering and image processing that had not been taught for years. He also served on a committee to establish a computer engineering degree at the university. Thanks in no small part to his efforts, the degree was approved by the university trustees in 2000, and the first students graduated from the program in 2001. Wyoming students now have the chance to obtain a degree in one of the fastest growing job industries. That will help to improve their future chances for success and the ability of our workforce to compete in an ever changing job market.

Dr. Barrett's dedication to his profession extends far beyond his efforts to establish the computer engineering degree. To ensure his students have the skills they will need to prepare them for post graduate life, he has upgraded the department's course work and laboratory activities involving microcontrollers, which are small self-contained computers. When he couldn't find a textbook he liked for the degree, he contacted a close friend and former colleague to help him write a text that he could use in his classes. He has gone on to write another textbook and is in the process of completing a third. He truly does exemplify the characteristics needed to get students excited about education and what they need to do to reach their greatest potential.

Dr. Barrett's classes provide his students with a unique opportunity not only to learn, but to take a more active role in the process by helping to teach what they have learned. He applied for and was able to secure funding from the National Science Foundation for a program that improves the interaction between undergraduates and those with assistive technology needs. Through the program, students have had the support and encouragement they needed to develop a workshop to teach assistive technology professionals how to adapt off-the-shelf toys to assistive technology teaching aids. His students were also involved in the effort to create a 50-page workshop manual that they then used to help teach the workshop to assistive technology professionals across the state of Wyoming. By giving students these life experiences, they can more readily see the positive impact of the skills they have developed in the effort to improve the lives and education of others.

Wyoming can be very proud of professors such as Dr. Barrett who are such an integral part of our Wyoming school system. His dedication to the future of his students and his enthusiasm for teaching continues to improve the quality of the education Wyoming students receive in our schools, and better prepares them for the challenges they will face in their postgraduate years.

UNITED STATES CAPITOL HOLIDAY TREE

Mr. WARNER. Mr. President, I rise today to celebrate Virginia's role as the 2004 provider of the annual U.S. Capitol Holiday Tree, selected each year from America's national forests.

In recent decades, the traditional Christmas tree has moved beyond its place as solely a religious symbol in the homes of hundreds of millions of Americans. Although the Christmas tree will always, and rightfully, have a special meaning in Christian homes, today all Americans await the annual tree-trimming to signal the beginning of the year-end religious and holiday season.

It is with great pleasure that I join my colleagues from the Virginia congressional delegation in recognizing the first-ever contribution from the Commonwealth of Virginia to this fine tradition. This year, our State, the home of the first English-speaking colony in the Americas, and home to our first President, George Washington, and eight of his successors, will make America proud as the home of the Nation's holiday tree for the first time since this tradition began 40 years ago.

The poet Samuel Taylor Coleridge wrote of friendship as a "sheltering tree." And this year, thousands of Virginians—from all ages and from all across the Commonwealth—have extended the right hand of friendship to their fellow Americans by providing this great tree for display in our Nation's capital.

At five o'clock on the evening of December 9, the Speaker of the House of Representatives will mark the official beginning of America's holiday season by lighting 10,000 small lights on a 79-year-old Virginia red spruce that, until last month, stood as one of Virginia's finest. Without question, it has lived through a remarkable period in our Nation's history.

That flip of a switch will culminate over a year of activity by ordinary Virginians, park rangers, State officials, schoolchildren and countless others in selecting, preparing and decorating this wonderful, 82-foot tree from Warm Springs Ranger District of the George Washington National Forest in Highland County.

All Virginians rightfully take pride that this 7,500 pound tree will remain lit each evening on the National Mall until the 2nd of January, welcoming the Christmas and Holiday season for citizens across this great land. Since the day last month that the tree was airlifted from its place in the George Washington National Forest, Virginians from every corner of the Commonwealth have played a part in getting this wonderful tree ready for primetime. Beginning on November 13, the spruce visited 33 communities in our State on its way to the National Mall: Monterey, Winchester, Leesburg, Culpeper, King George County, Westmoreland County, Henrico County, Petersburg, Charles City, Hampton, Onancock, Cape Charles, Virginia Beach, Norfolk, Suffolk, Emporia, South Boston, Chatham, Damascus, Smyth County/Marion, Wise, Tazewell, Wytheville, Clifton Forge, New Market, Staunton, New Castle, Roanoke, Orange, Amherst, Farmville, Manassas, Alexandria, and Vienna.

In addition to the thousands of Virginians who greeted the tree on its way to Washington, thousands of other school children, scouts, State and Federal officials, police departments, members of 4-H clubs, and citizen volunteers also took part in crafting and preparing some 10,000 original ornaments for the tree. Approximately 5,000 of these will hang on the holiday tree, and the rest will decorate 70 smaller companion trees in the Nation's capital.

As the time-intensive, individual contributions of tens of thousands of

Virginians demonstrate, our State is proud to take a lead role this year in welcoming in the Christmas and holiday season for our fellow Americans. On a personal note, one of my longest-serving and hardest-working staff members, Ms. Doriene Steeves, has played a key organizing role in putting together this wonderful event for the benefit of our State and our Nation. I salute her and those other Virginians whose hard work and creativity have brought this magnificent tree to the Nation's doorstep for all to see and appreciate through the holidays.

HONORING TOM BROKAW

Mr. JOHNSON. Mr. President, I rise today to publicly honor and recognize one of South Dakota's favorite sons, Tom Brokaw. He has had an extraordinarily successful career as anchor of NBC Nightly News. During his 21-year reign as anchor, NBC moved from the least watched to the most watched network newscast.

Born in Webster, SD, in 1940, Mr. Brokaw attended high school in Yankton, SD, and began his journalism career after graduating from the University of South Dakota in 1962. He was hired by NBC news in 1966.

Throughout his tenure at NBC, Mr. Brokaw has gathered an impressive list of accomplishments. In 1987, he was the first American to interview Soviet Premier Mikhail Gorbachev, and this exclusive one-on-one from the Kremlin earned him the prestigious Alfred I. duPont Award. Mr. Brokaw was also the first American anchor to interview the Dalai Lama and to report on human rights abuses in Tibet. In 1989, Mr. Brokaw was the only anchor at the scene when the Berlin Wall fell, and in 1995 he was the first anchor to report from the site of the Oklahoma City bombing. He was also the first American anchor to interview Russian President Vladimir Putin in 2000. Mr. Brokaw has reported live from war zones in Iraq, Afghanistan, and Kosovo.

Mr. Brokaw is a highly respected political journalist, having covered every American election since 1968. He anchored all of NBC's political coverage from 1984 through 2004, including primaries, national conventions, and election nights. He has also moderated nine primary and general election debates, including the Presidential debates of 1987 and 1991.

In 1997, Mr. Brokaw won his second duPont award for "Why Can't We Live Together," a documentary examining the racial separation within American suburbs. He won his first Peabody award in 1989 for examining American society in his report, "To Be An American," and received another Peabody in 2004 for "Tom Brokaw Reports: A Question of Fairness," which discussed the University of Michigan affirmative action case and the history of affirmative action in the United States. Mr. Brokaw has received seven Emmy awards for reports on China, the 1992 floods in the Midwest, and the 1999 Kosovo conflict, among others.

With his 1998 book "The Greatest Generation," Mr. Brokaw became a best selling author. "The Greatest Generation Speaks," "An Album of Memories," and "A Long Way from Home" subsequently followed. He has also contributed to The New York Times, The Washington Post, The Los Angeles Times, Newsweek, and Time.

Prior to his position as sole anchor for NBC Nightly News, Mr. Brokaw served as Whitehouse Correspondent for NBC from 1973 to 1976, reporting on the Watergate scandal, and from 1976 to 1981 he anchored NBC's "Today."

After 38 years with NBC, Tom and his wife Meredith will be moving on to new challenges. Tom and Meredith have never forgotten their South Dakota roots and have returned home with great frequency. Their generous contributions of time and financial assistance to projects in Yankton, at the University of South Dakota, and throughout our State reflects their wonderful spirit of giving and a commitment to an enhanced quality of life for all South Dakotans. It is with great honor that I share his impressive accomplishments with my colleagues.

IN HONOR OF THE ARLES GREENE FAMILY

Mr. ALEXANDER. Mr. President, I have a few words before we adjourn for the holidays. This isn't the first year that there will be a lot of empty places at our holiday dinner tables. Even if our own table doesn't have a missing spot, we know a neighbor or a friend whose brother, mother, or husband is away fighting to keep us safe at home. These empty places remind us of the generations of men an women who have sacrificed to keep us free so that we can, in freedom, celebrate those holidays that are important to each of us.

Today I rise to honor the service of the family of Arles Greene of Hendersonville, TN. Arles's family has a lot of empty places around their dinner table in the Second World War. Arles's father Eugene W. Greene, his uncle William Edwin McDavid and friend Ed Gallbreath, Jr., all served some 60 years ago.

Ed Galbreath, Jr., a friend of Arles's family, joined the Air Force in February 1944, during his senior year of high school. He flew 23½ missions as a gunman, operated a VHF radio, and worked the radar jammers. He survived four crashes. In his last crash, out of a B–24 Tiger Shark, he landed in Berlin where he was taken prisoner. He spent months in confinement with some 6,000 other prisoners of war until he was liberated by the Russian Army. For his bravery, Sergeant Galbreath received many awards, including the Air Medal with three Oak Leaf Clusters, the Purple Heart, the P.O.W. Medal, and the Parachute Club Medal. His understanding of those prisons shaped his many future contributions to his community of Goodlettsville, TN.

In October of 1943, Arles's uncle, PVT William Edwin McDavid, left Moccasin Gap, Virginia, to serve in the 38th Infantry Division. Private McDavid was just 18 years old when he served in Normandy, the Rhineland, the Ardennes, and northern France. While fighting in the Battle of the Bulge on New Year's Eve of 1944, McDavid suffered frostbitten hands that ended his infantry career. Private McDavid's service and bravery was recognized with the award of a European-African Theatre Ribbon with four Bronze Battle Stars, a Bronze Star Medal, and a Purple Heart.

Arles's father, Eugene Greene, began his career with the U.S. Army in July 1944. The oldest of 12 children, he enlisted at 18 years old with the Hancock County Draft Board. He served with the U.S. Army infantry, 2nd Division, 9th Regiment that assisted in the liberation of Nazi concentration camps in the spring of 1945. Greene and his unit liberated the death camps at Dachau. He remembers finding only 25 people alive at the sub-camp where he shot a lock off a prison gate setting them free. Those prisoners rushed to drink the milk of Holstein cattle pastured nearby.

Eugene met General Patton shortly before his death. He says of Patton, "He was over there to get a job done, and that's what he did." Eugene Greene returned with may memories of the war. Most of these he buried in the fields of his Tennessee farm, but some lived on—the faith he had in his fellow soldiers, in his family, and in God.

I have had a lot to say about the importance of teaching American history and civics to help our children grow up understanding what it means to be an American. The teacher in me thinks of this tribute as an assignment. I hope when we gather around our holiday tables this season we pause to take stock, like Arles did, to answer what our own families have contributed to America's history and to answering the question of what it means to be an American.

Thank you for allowing me to honor my friend Arles Greene and his family.

TRIBUTE TO MS. GLORIA MARTIN

Mr. SHELBY. Mr. President, today I honor Ms. Gloria Martin, a legal assistant to the Battalion Commander, 1st Battalion, 210th Aviation Regiment, Fort Rucker, AL. Ms. Martin was hired at Fort Rucker in January of 1980. She has 24 years of exemplary and dedicated service to the United States Army and Fort Rucker.

This morning, the Army will honor Ms. Martin with the Army Outstanding

Employee of the Year with a Disability Award. Later today, Ms. Martin will be honored by the Department of Defense as the Army's recipient of the DoD Outstanding Disabled Employee of the Year Award. Ms. Martin will also be honored with the Meritorious Civilian Service Award.

Ms. Martin was born on August 13, 1955, to Paul and Mallie Martin in Opp, AL. Ms. Martin has five brothers and sisters, including her twin sister Gladys. While Gladys was born healthy, Gloria suffered from serious abnormalities that she has battled her entire life. The debilitating effects of scoliosis, neurofibromatosis and osteoporosis required a series of major back surgeries, the first when Gloria was 5 years old making her childhood very difficult. Through all the surgeries and many months of recovery and therapy, Gloria showed great courage and strength by working extremely hard to complete her school work to remain with her peers. She completed elementary school on time, and she also completed high school on time. She went on to complete a business course as a member of the Dean's List at Douglas MacArthur Technical College and worked two jobs before being hired at Fort Rucker.

Gloria faced another major back surgery in 1992 and, despite complications that required a prolonged absence, she returned to her job at Fort Rucker with the same fierce determination and strength of will that had made her such a popular and respected colleague with so many of her fellow employees. A back injury in 2000 that left her with a compression fracture in her middle back did not deter Gloria from continuing to perform her duties from home as best she could. But Gloria returned to work at Fort Rucker with the help of a walker and cane even though she was in constant, often severe, pain.

Gloria Martin's tenacious and courageous service to the Army and Fort Rucker is being very rightly rewarded. She has a wonderfully supportive family, and she also loves her church, the First Assembly of God in Kinston, AL. She has held many leadership positions in her church and participates in community service activities. In a recent Army Flier article, Ms. Martin put her experience in perspective when she said, "I think it's made me a stronger person because I grew up going to the Hospital and to doctor appointments a lot. I feel like it has strengthened my faith because when you have a disability, you have to depend more on God. My faith gives me confidence in my abilities. It gives me the strength to get up in the morning. I know that my faith in God and His care has enabled me to keep working."

Gloria Martin is a very special lady, and I am very proud to join the Army and Department of Defense in honoring her tremendous accomplishments and extraordinary service to our military. She is a role model for us all. She is an example for so many others with disabilities and a true testament to what faith and personal courage can accomplish. She has touched many lives, and I thank her today for her service.

KEITH KIDD

Mrs. HUTCHISON. Mr. President, over the Thanksgiving weekend, I received a letter from a State Department employee from Dallas, Keith Kidd, who left his previous job to serve in Afghanistan in 2003 and then in Iraq early this year. As a representative from the U.S. Embassy to Iraq, he worked with military and civilian leaders from the Western Al Anbar Province. I want to share his Thanksgiving message to his friends and family because he represents the best of America and his letter reflects the positive spirit that is so representative of our country. He has volunteered for the mission to stabilize Iraq and help the Iraqi people have the freedom and democracy that every human being deserves. I hope this letter makes every American proud of the thousands of U.S. men and women, both military and civilian, serving bravely overseas during the holidays.

His letter reads as follows:

Greetings from Ramadi.

As Thanksgiving draws near, I found it fitting to tally my blessings. As it turns out, I have oodles of them.

I'm thankful that I'm alive. All of the attempts on my life have failed. I realize I'm wrecking some poor terrorist's batting average, but that's just tough. I'm thankful for the guys on my Personal Security Detail who help ensure those attempts keep failing. I'm thankful for my health. The dust storms are bad for my eyes, nose, throat and lungs so I cry, sneeze and cough but it could be much worse. Much worse.

I'm thankful for the Dining Facility. The grub is not all that good but it sure beats MREs. The food is usually warm. Sometimes it's even hot. We often go weeks without fresh vegetables, but we enjoy them when we have them. I'm thankful for Coke. I'm not a coffee consumer so that crimson-colored can of carbonated cola contains the caffeine I crave when I work to the wee hours all week.

I'm thankful for the military postal system. It eventually delivers the dusty, bashed, mangled boxes that contain the vital vittles, the essential sundries and the other simple pleasures of home that folks have sent my way.

I'm thankful for fall. It has been over a month since the mercury was measured in triple digits. I'm thankful for cool evenings. I'm thankful for full moons, bright stars and desert sunsets. I'm thankful that I get to see that big orange orb drop below the horizon every day. The only thing worse than having a bad day is not making it to the end.

I'm thankful for the shipping container that acts as my desert abode. It's modest but it's higher class than the plywood box I called home in Afghanistan. I'm thankful for showers. Standing under a gentle cascade of water with a bar of soap in hand is far superior to baby-wipe style bathing.

I'm thankful for electricity. It powers the window unit air conditioner that keeps me from melting and the computer that makes it possible for me to communicate with you. Sometimes we don't have any of these things but it's nice when we do.

I'm thankful for armored cars. They have saved my life more than once. I'm thankful for ballistic vests. They protect me from flying projectiles when I'm in town. I'm thankful for sandbags. They protect me from flying projectiles when I'm at home. I'm thankful for Mylar. It's a plastic coating on my windows that prevents the glass from shattering into thousands of pieces when flying projectiles break through it. I'm thankful for dumb luck. I suspect it has saved my life more times than I will ever know. I'm thankful I was not in my tin home when the rocket exploded over it and blew a 3″ x 5″ hole in the roof right over my desk and chair where I would ordinarily have been sitting. (No sandbags or Mylar on the roof a deficiency we have oft noted.) I'm thankful for Mother Nature's sense of humor. I had not seen rain in six months but it rained that night.

I'm thankful for the soldiers and marines who fight our enemies on the ground and I'm thankful for the airmen and the sailors who fight them from the sky and sea. I'm thankful there are people who would give their lives so that others can live in freedom.

I'm thankful for you. It is wonderful to have friends and family back home who care for me and pray for me.

I'm thankful for God above. I am here by His design and I will only come home by his grace.

All in all, not bad. Not bad at all.

TRIBUTE TO CAROL SALISBURY

Mr. ALLARD. Mr. President, on this occasion I pay tribute to a dear friend and employee, Carol Salisbury. Carol joined my office in January of 1991, when I was first elected to Congress from the Fourth Congressional District. One of my original staffers, Carol has served my office and the people of Colorado for 14 years, and she has done so with grace and conviction. She will be leaving my office in January 2005.

Carol began her career working out of my Fort Collins congressional office, and later, the Senate offices in Greeley and Loveland. As area director, she managed the office and provided dedicated service on a variety of issues, including housing and healthcare. Carol was instrumental in establishing the Fall River Visitor Center at Rocky Mountain National Park, the acquisition of Cherokee Park by the Forest Service, and many other smaller objects that have greatly benefitted our public lands and will lead to greater enjoyment by the public. She was passionate about historic preservation and worked tirelessly on behalf of many worthwhile interests, including the historic Cumbres & Toltec Scenic Railroad in Southern California. Her presence on Team Allard will be missed and I know the Northern Colorado community will miss her as well. Carol was a hard working and earnest friend and employee.

My wife, Joan, joins me in thanking her for dedication and loyalty. We both wish her and her husband Jack the best in their future endeavors.

TRIBUTE TO MARTI MORGAN

Mr. ALLARD. Mr. President, I express my appreciation and gratitude to Marti Morgan for her dedicated service and contributions to my office and to the people of Colorado. Marti will be leaving my office on January 5, 2005. As the 108th Congress concludes, a career that began during the 102d Congress comes to a successful and resounding conclusion.

Marti began working in my office nearly 13 years ago, in January 1992. Working out of my northern Colorado office, located first in Fort Collins and Greeley and then in Loveland. Marti has been an excellent employee and a true constituent representative. Her work and expertise in the areas of natural resources, water, and endangered species, among others, will be truly missed. Through her tireless work, she has helped me protect and improve national treasures like the Rocky Mountain National Park. Having served as my academy nominations coordinator, Marti has assisted thousands of Colorado's best and brightest youth in their aspirations to become the future leaders of our military and our nation.

My wife, Joan, joins me in expressing our thanks for Marti's many years of hard work, and in wishing her the best for whatever venture she may pursue in the future.

ADDITIONAL STATEMENTS

NEW JERSEY COMMUNITY DEVELOPMENT CORPORATION

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute and to recognize a New Jersey organization celebrating its tenth anniversary, the New Jersey Community Development Corporation, NJCDC. I wish to take a moment now to honor NJCDC for the important work it is doing in the State of New Jersey and the accomplishments it has achieved over the past decade.

The work of the NJCDC has helped make the dreams of New Jersey residents become a reality for over a decade now. The NJCDC provides hope for a rewarding future through urban revitalization efforts, financial support, education initiatives, and the creation of jobs. The work done by NJCDC has directly transformed the lives of many, especially in the city of Paterson, where I was born.

In honor of the accomplishments of this organization, I ask that a proclamation honoring the tenth anniversary of the NJCDC be printed in the RECORD.

The proclamation follows.

> Whereas, the New Jersey Community development Corporation is a non-profit community development and social service agency based in the City of Paterson, New Jersey; and
>
> Whereas, the New Jersey Community Development Corporation and its dedicated staff empowers individuals to transform their lives and offers a variety of programs and services to assist economically disadvantaged individuals, at-risk youth, and people with disabilities; and
>
> Whereas, the New Jersey Community Development Corporation helps create jobs, support affordable housing, generate educational initiatives, and support men, women, and children of the community; and
>
> Whereas, the New Jersey Community Development Corporation has contributed to the revitalization of the City of Paterson and the Great Falls Historic District, helping to ensure a vibrant future for the City and its residents; and
>
> Whereas, now as the New Jersey Community Development Corporation prepares to celebrate its 10th Anniversary, we congratulate the staff and volunteers on this milestone.
>
> Therefore, in presenting this citation to the New Jersey Community Development Corporation, I, Frank R. Lautenberg, United States Senator, State of New Jersey, on behalf of the People of the State of New Jersey hereby congratulate the New Jersey Community Development Corporation on its contributions to the community, the City of Paterson, and the State of New Jersey.•

TRIBUTE TO MRS. MARIE PRINGLE

• Mr. BOND. Mr. President. I rise today to honor Mrs. Marie Pringle who is retiring this month from the Department of Veterans Affairs, VA. Mrs. Pringle's retirement is well deserved after serving more than 30 years for the Federal Government, including over 20 years in the VA's Office of Budget. Mrs. Pringle epitomizes the best of public service in terms of her dedication, commitment, hard work, and professionalism.

Mrs. Pringle began her Federal service in 1972 with the Department of Army as a clerk typist. She then moved on to the Department of Energy in 1978 to work as a budget analyst. After a 2-year period in the private sector, Mrs. Pringle returned to the Federal Government working for the VA's Office of Budget. At the VA, Mrs. Pringle worked diligently in analyzing the budgetary activities of the Department whose budget has grown to some $68 billion.

As chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee, my staff and I have found Mrs. Pringle to be an invaluable resource for reliable and timely data that was critical in helping me make decisions impacting the millions of veterans who depend on the VA. Further, Mrs. Pringle provided my subcommittee with technical expertise that helped us develop our appropriations bills.

Mrs. Pringle's departure is a great loss to the Department and my subcommittee and she will be missed. I commend Mrs. Pringle for her outstanding public service to the American Taxpayer and the millions of our veterans. I wish Mrs. Pringle and her husband Darian all the best.•

HARRISON LIM

• Mrs. BOXER. Mr. President, I take this opportunity to recognize Harrison Lim, the founder and executive director of Charity Cultural Services, who is retiring after 21 years of dedicated service to the community.

Mr. Lim emigrated from China to San Francisco over 30 years ago. Upon his arrival in America, he struggled with the difficulties of learning a new language and assimilating into a new culture. As he worked hard to establish himself in his new country, Mr. Lim noticed that there were other immigrants who faced similar situations. Seeing the struggles of immigrants, Mr. Lim dedicated his life to making sure that new immigrants had resources available to them to ease the transition of immigration.

To achieve this goal, Mr. Lim founded and established Charity Cultural Services Center, CCSC, in 1983. Located in the heart of San Francisco's Chinatown, CCSC aimed to provide essential services to new Asian American immigrants and their families. Today, CCSC successfully assists over 4,000 people each year by offering a variety of services, from employment-training for adults, apprenticeship programs, and English-as-a-Second-Language classes to school-based academic support services and other activities for youth. Working with local government, businesses, and educational institutions, CCSC's programs result in the ability of new immigrants to improve their quality of life and provide them with a greater chance at equal opportunities. In 1990, seeing a similar need by Asian American immigrants in Silicon Valley, Mr. Lim worked successfully with the Silicon Valley community to establish a Silicon Valley chapter of Charity Cultural Services Center, the Silicon Valley Crosscultural Community Services Center.

In addition to his work at CCSC, Mr. Lim has also been involved with other community-based organizations in San Francisco. He has served as the President of the Chinese Consolidated Benevolent Association and also sits on the Chinatown Economic Development Committee.

Mr. Lim has tirelessly strived to address the issues and meet the needs of new immigrants and their families who find themselves living in two different cultures. Through CCSC, he has enriched the community by helping its residents develop positive identities, build confidence in their capabilities, and become active members of society.

Harrison Lim is an invaluable asset to the Bay Area's Asian American community. I commend him for his dedication, hard work and many achievements, and wish him well in his future endeavors. I am sure that, even in his retirement, he will continue to serve as an advocate for the Bay Area's Asian American immigrants. He is the kind of person who makes my state and our country a better place.●

TRIBUTE TO NORTH AMERICAN BAPTIST MISSION

● Mr. SESSIONS. Mr. President, I wish today to give tribute to the North American Baptist Mission for the great leadership and assistance they provided the citizens of Alabama in their time of need following Hurricane Ivan. Their selfless devotion of time, energy, and skills played an integral role in helping Alabamians recover from such a tragic event.

Much of Alabama suffered as a result of Hurricane Ivan. It was a major hurricane that did tremendous damage to homes and properties, timber, and agriculture throughout the State. I was shocked by the devastation that was left in the wake of the storm. I was, however, encouraged by the resilient nature of the citizens in Alabama during such a difficult time. I remain continually thankful for the thousands of volunteers and, in particular, the North American Baptist Mission, that came to Alabama lending helping hands in our time of need.

Concerned for Alabama, the North American Baptist Mission alerted its churches to the extreme destruction caused by Hurricane Ivan, and Baptist churches across the Nation responded. Volunteers from 14 different States ventured into the most devastated counties in Alabama: Baldwin, Butler, Conecuh, Covington, Clarke, Escambia, Mobile, and Washington Counties. The Baptist volunteers assisted Alabamians in putting their homes and lives back together. The Baptist groups set up 16 feeding sites that served 559,000 meals in Alabama. Specifically, in Butler County, 45 North Carolina Baptist Men volunteers served 17,586 meals. I had the opportunity and privilege of seeing this particular outreach mission, and I was thoroughly impressed with the volunteers attitudes and selfless acts. In addition to serving meals, clean up crews removed yard debris from 1,750 homes and businesses throughout the eight counties in Alabama, and in some locations the Baptist groups were able to set up portable showers and washer/dryer connections, providing 1,118 people with laundry assistance.

These men and women, working from motor homes and in the heat, reflected the best in selfless service. Many were retired and some have served the Lord for many years, yet they were full of energy and vitality. They served, they encouraged, and they helped. The spirit of Jesus was indeed alive and strong in Greenville.

I realize that there were numerous organizations, charities, churches, and individuals that came to Alabama's aid in our time of need. Additionally, I realize that what I witnessed in Greenville was multiplied all across the State, and I would like to take this opportunity to thank all of the good Samaritans who sacrificed their time, energy, and resources to help Alabamians on their road to recovery. Particularly, I would like to say thank you to the North American Baptist Mission volunteers I met in Greenville for their selfless devotion of time and energy.●

NANCY EARLE

● Mr. LEAHY. Mr. President, I recently learned that Nancy Earle of South Conway, NH, was presented with the New Hampshire Lakes Association John F. Morton Annual Award for Exemplary Service, 2004.

I mention this for two reasons. First, although Nancy is not a Vermonter, she and her husband Rink Earle once lived in Putney, VT where three sons and two granddaughters later attended the Putney School, her husband has a niece who lives in Norwich, VT, and they both have close friends in Vermont. Second, this award honors Nancy for her tireless work to protect New Hampshire's many beautiful lakes, lakes which not only citizens of New Hampshire, but Vermonters and people from around the country, as well as from other countries, enjoy particularly in the summer months.

Protecting the environment is a global challenge, but much if not most of the work is done at the local level. New Hampshire's lakes, like Vermont's and every State's, are threatened by rapid development along their shores, by pollutants caused from marine craft and by over-fishing. It is concerned individuals like Nancy Earle, motivated by nothing more than their sense of responsibility to protect these fragile aquatic ecosystems for the use and enjoyment of future generations to whom we owe a debt of gratitude.

I want to congratulate Nancy for this award, and to commend the New Hampshire Lakes Association for paying tribute to such a fine and deserving person. Nancy was the president of the Walker's Pond Association in Conway for over 30 years. She will be 86 years old this December 24, and despite a recent bout with cancer I suspect that, health permitting, Nancy Earle will continue to do what she can to protect New Hampshire's lakes.●

COMMENDING MAJOR GENERAL JOHN E. "GENE" PRENDERGAST ON HIS RETIREMENT

● Mr. BURNS. Mr. President, I rise today to commend a great man and his long career of selfless service to our country. On August 31, Major General John E. "Gene" Prendergast retired after serving 12 years as Montana's Adjutant General.

His 46-year career in the Montana National Guard began 1958, when he joined the Montana Air National Guard. I had the pleasure of getting to know Gene during his time as Montana's Adjutant General. His leadership, vision, and dedication brought a great deal to the dedicated and professional men and women of the Montana National Guard.

Over the years, he worked to improve the Guard's infrastructure in the State and saw the 1940s vintage buildings at Fort Harrison converted into some of the most state-of-the-art facilities in the country. Top of the line military training sites exist today at Limestone Hills. In addition, new and improved infrastructure exists at the Air National Guard Base at Gore Hill in Great Falls and the Army Aviation Support Facility at the Helena Airport.

Our warfighters need the best equipment and infrastructure possible to do their jobs. Gene understood this and I enjoyed working with him to make some of these improvements a reality. As a result, Montana's Guard is known as one of the best in the Nation.

His work did not just stop there. During General Prendergast's time as Adjutant General, Montana's involvement in the Partnership for Peace Program with the country of Kyrgyzstan became a model for the rest of the United States. Also, the Montana National Guard's Youth Challenge Program has successfully transitioned hundreds of "at risk' youth to active, involved members of society.

While he had a talented, dedicated, selfless group behind him, General Prendergast led in an inspiring and intelligent manner which will not be forgotten. I enjoyed my time working with General Prendergast—a man I am proud to call my friend. His presence will be missed, but a new chapter of his life lies ahead, and I wish him well as that chapter unfolds.●

CONGRATULATING TIM TURNER

● Mr. GRASSLEY. Mr. President, I rise today to bring to the attention of my colleagues a fine Iowan and American. Tim Turner, formerly of Iowa, has been selected for his photographic skills to represent the United States in the First International Culinary Competition. This competition brings together professional culinary photographers from around the globe to bring to life the elements of wine and food in unique settings. The artists will be judged by professional chefs, members of the press, and the general public.

Mr. Turner began his interest in photography while at Heelen High School in Sioux City, IA, and pursued it further at the University of Iowa and the Brooks Institute of Photography. By combining his passion for cuisine with his keen eye for photography he has received major recognition for his work.

His photographs have appeared in over 40 cookbooks and he has been nominated three times for the prestigious Beard Award and received a Beard Award for best food photography in a cookbook.

Commenting about his photograph selected for the competition, Turner stated:

> The human touch is vital to the authenticity of the food we eat, the wines we drink and the heirlooms we treasure. These are the connections to the heart and soul of mankind. This photograph, uses a patchwork (quilt) as a metaphor for the connection between food and wine, all are united by tradition, in methods, techniques, knowledge and cultural influences, passed through the generations. The patchwork (quilt), sewn for the occasion, was created from scraps of old fabric, clothes and my photographs reproduced on fabric. Set in a timeless space, the chair invites the viewer to explore and enjoy.

The competition is being organized by the Beaujolais winemaking region of France and competitors from 12 countries including Denmark, Sweden, Japan, Germany, Belgium, Switzerland, Italy, Norway, Finland, Great Britain, and France are displaying their artistic photographs.

I want to encourage my colleagues to log on to the website at http://lauriers.beaujolais.com/en to learn more about the competition and to vote for the United States contestant Tim Turner. The winner will be decided on February 1, 2005. I ask that you please join me in supporting Mr. Turner.●

CECELIA FIRE THUNDER

● Mr. JOHNSON. Mr. President, I rise today to publicly recognize Cecelia Fire Thunder, the newly elected president of the Oglala Sioux Tribe. Ms. Fire Thunder is the first woman ever to hold this distinguished position.

Located on the Pine Ridge Indian Reservation in southwest South Dakota and comprised of about 16,000 residents, the Oglala Sioux Tribe elected Ms. Fire Thunder over Russell Means by a margin of 648 votes. Traditionally, the Oglala Sioux Tribe has only been led by male presidents or leaders. Those leaders include historic figures such as Crazy Horse and Red Cloud.

Ms. Fire Thunder's election is truly a momentous occasion, but this accomplishment is not the first example of her selfless dedication to serving her community. Ms. Fire Thunder has devoted much of her energy to enriching the lives of those around her, and now she will take on an even larger role in her tribe. Her altruistic vision for her people is unmatched.

Ms. Fire Thunder was born on the Pine Ridge Reservation but moved to California as a young child. Upon her return to the reservation 24 years later, she attended nursing school and became active in an effort to provide free health care to people unable to afford it themselves. Fire Thunder's background includes her work at a hospital, for the tribe itself, for state government, and as a private consultant. Most recently, she served as the education specialist for Cangleska, Inc., a domestic abuse education and prevention program on the reservation.

President-elect Fire Thunder was inaugurated today and I have faith that her hard work will be a catalyst for positive changes in her community. I congratulate Cecelia Fire Thunder on her election as the next president of the Oglala Sioux Tribe in southwest South Dakota. Ms. Fire Thunder is a shining example of perseverance and strength for her people, and for all South Dakota citizens. I have known Cecelia for some time and I sincerely look forward to working with her for many years to come.●

HONORING THE PUBLIC SERVICE OF STEPHEN MYERS

● Mr. JOHNSON. Mr. President, I rise today to publicly thank Stephen R. Myers for his 32 years as chief investment officer of the South Dakota Investment Council. Mr. Myers has served with distinction as the state investment officer for the State of South Dakota since September 11, 1972. He will retire in January to spend more time with his wife, Mary Lynn.

The South Dakota Legislature created the investment council in 1971 to manage seven funds, including assets from the State's retirement system and the proceeds from tobacco lawsuit damages. Mr. Myers invested $65 million during the first year of the council's existence and had immediate success. In more than three decades the fund has returned an average of 11.2 percent annually, while the capital markets benchmark is only a 10.5-percent annual return. The assets have grown to over $7.2 billion, with returns putting the funds in the top 1 percent of the Nation's pension funds. The returns from the SDIC's investments allow over 65,000 South Dakotans to retire with financial dignity.

Mr. Myers is a man of passion and integrity who takes his responsibility to retiring South Dakotans very seriously. As he himself has stated, "When you're managing other people's money, it simply won't do to have 99 percent integrity." Mr. Myers is also humble and quick to give credit to his co-workers and members of the South Dakota State Government for their roles in the SDIC's success.

In addition to his role as chief investment officer of the South Dakota Investment Council, Stephen is a cofounder and past president of the South Dakota Investment Society and cofounder and executive committee member of the National Association of State Investment Officers. He also received the National Association of State Investment Officers' Stoddard Award for his significant contribution to the State's public pensions funds.

After growing up in Pierre, Mr. Myers attended the University of South Dakota, where he met his future bride. His dedication to and love of the State of South Dakota is evident and has led to investments that have positively impacted every South Dakotan, either directly or indirectly. The State will miss his leadership, and it is with honor that I share his accomplishments with my colleagues.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the President Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on November 29, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

S. 150. An act to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 437. An act to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

S. 1466. An act to facilitate the transfer of land in the State of Alaska, and for other purposes.

S. 2192. An act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2486. An act to amend title 38, United States Code, to improve and extend housing, education, and other benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2618. An act to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

S. 2873. An act to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

S. 3014. An act to reauthorize the Harmful Algal Bloorm and Hypoxia Research and Control act of 1998, and for other purposes.

H.R. 1350. An act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

H.R. 2655. An act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

H.R. 4302. An act to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect.

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

Under the authority of the order of January 7, 2003, the enrolled bills and joint resolution were signed by the President pro tempore (Mr. STEVENS) during the adjournment of the Senate, on November 29, 2004.

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5394. An act to amend the Internal Revenue Code of 1986 to modify the taxation of arrow components.

The message also announced that the House has passed the following bills, without amendment:

S. 2657. An act to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2856. An act to limit the transfer of certain Commodity Credit Corporation funds between conservation programs for technical assistance for the programs.

The message further announced that the House agree to the amendments of the Senate to the bill (H.R. 4012) to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public school and private school tuition assistance programs established under the Act.

The message also announced that the House agree to the amendment of the Senate to the resolution (H. Con. Res. 528) directing the clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 4012. An act to amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act.

H.R. 4818. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 6:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and appoints the following members as the managers of the conference on the part of the House: From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Hoekstra, Mr. Boehlert, Mr. Gibbons, Mr. LaHood, Mr. Cunningham, Mr. Burr, Mr. Everett, Mr. Gallegly, Mr. Collins, Mrs. Jo Ann Davis of Virginia, Mr. Thornberry, Ms. Harman, Mr. Hastings of Florida, Mr. Reyes, Mr. Boswell, Mr. Peterson of Minnesota, Mr. Cramer, Ms. Eshoo, Mr. Holt, and Mr. Ruppersberger.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Mr. Hunter, Mr. Weldon of Pennsylvania, and Mr. Skelton.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 29, 2004, she had presented to the President of the United States the following enrolled bills:

S. 150. An act to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 437. An act to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

S. 1466. An act to facilitate the transfer of land in the State of Alaska, and for other purposes.

S. 2192., An act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2486., An act to amend title 38, United States Code, to improve and extend housing, education, and other benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2618. An act to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

S. 2873. An act to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

S. 3014. An act to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–10067. A communication from the Secretary of State, transmitting, pursuant to law, a report prepared by the Department of State for the August 26, 2004 through October 25, 2004 reporting period concerning matters relating to post-liberation Iraq under section 7 of the Iraq Liberation Act of 1998 (P.L. 105–338); to the Committee on Foreign Relations.

EC–10068. A message from the President of the United States, transmitting, pursuant to law, the report of the modification of the national emergency with respect to the development fund for Iraq and certain property in which Iraq has an interest and protecting the central bank of Iraq that was declared in Executive Order 13303 of May 22, 2003, 13315 of August 28, 2003, and 13350 of July 29, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–10069. A communication from the President of the United States, transmitting, the report of an alternative plan for locality pay increases payable to civilian Federal employees covered by the General Schedule (GS) and certain other pay systems in January 2005; to the Committee on Governmental Affairs.

EC–10070. A message from the President of the United States, transmitting, pursuant to law, a report concerning the standards for supervision of physical therapist assistants (PTAs) and the effects of eliminating the "Personal" PTA supervision requirement on the financial caps for medicare therapy services; to the Committee on Finance.

EC–10071. A message from the President of the United States, transmitting, pursuant to law, three documents in response to requests for reports to Congress on outpatient therapy services; the first document is the Center for Medicare and Medicaid Services report on two studies required by Congress; the second document is the report entitled "Study and Report on Outpatient Therapy Utilization"; and the third document is entitled "Part B Therapy Services under Medicare in 1998–2000"; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs:

Special Report entitled "Activities of the Committee on Governmental Affairs for the One Hundred Seventh Congress" (Rept. No. 108–421).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes (Rept. No. 108–422).

Report to accompany S. 1963, a bill to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services (Rept. No. 108–423).

Report to accompany S. 2145, a bill to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, and for other purposes (Rept. No. 108–424).

Report to accompany S. 2281, a bill to provide a clear and unambiguous structure for the jurisdictional and regulatory treatment for the offering or provision of voice-over-Internet-protocol applications, and for other purposes (Rept. No. 108–425).

Report to accompany S. 2505, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service (Rept. No. 108–426).

Report to accompany S. 2644, a bill to amend the Communications Act of 1934 with respect to the carriage of direct broadcast satellite television signals by satellite carriers to consumers in rural areas, and for other purposes (Rept. No. 108–427).

Report to accompany S. 2820, a bill to ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, and for other purposes (Rept. No. 108–428).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself and Mr. CONRAD):

S. 3029. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 3030. A bill to establish an Office of Consumer Advocacy and Outreach within the Federal Trade Commission to protect consumers from certain unfair or deceptive acts or practices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NICKLES (for himself, Ms. LANDRIEU, Mr. CRAIG, and Mr. INHOFE):

S. 3031. A bill to provide for the reform of intercountry adoption, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 3032. A bill to provide for special trial judges of the United States Court of Federal Claims, make technical and conforming amendments relating to the transition of special masters to special trial judges, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. DURBIN):

S. Res. 483. A resolution expressing the sense of the Senate regarding the detention of Tibetan political prisoners by the Government of the People's Republic of China; considered and agreed to.

By Mr. FRIST:

S. Res. 484. A resolution to honor and thank Robert Ray Howe; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. ALLARD, Mr. NELSON of Nebraska, and Mr. ALLEN):

S. Con. Res. 152. A concurrent resolution expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 282

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 282, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs.

S. 1704

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1762

At the request of Mr. CRAPO, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1762, a bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes.

S. 1771

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1771, a bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the medicaid program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases.

S. 1956

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1956, a bill to provide assistance to States and nongovernmental entities to initiate public awareness and outreach campaigns to reduce teenage pregnancies.

S. 2038

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2038, a bill to amend the Public Health Service Act to provide for influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes.

S. 2282

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2282, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

S. 2338

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2526

At the request of Mr. BOND, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2647

At the request of Mr. HOLLINGS, the names of the Senator from Arizona (Mr. McCAIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2647, a bill to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes.

S. 2722

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2722, a bill to maintain and expand the steel import licensing and monitoring program.

S. 2994

At the request of Ms. SNOWE, the names of the Senator from Florida (Mr. NELSON) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 2994, a bill to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time.

S. 3002

At the request of Mr. Nelson of Florida, his name was added as a cosponsor of S. 3002, a bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a program to provide a support system for members of the Armed Forces who incur severe disabilities.

S. 3026

At the request of Mr. Inhofe, his name was added as a cosponsor of S. 3026, a bill to support the Boy Scouts of America and the Girl Scouts of the United States of America.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself and Mr. Conrad):

S. 3029. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Finance.

Mr. SMITH. Mr. President, with over 77 million baby boomers beginning to retire in 2008, a serious retirement challenge is looming in our country. Moreover, with Americans living longer and a growing numbers of retirees facing the challenge of managing their own retirement savings, we need to provide them with better retirement options. In response, I rise today to offer legislation aimed at assisting people to maintain their financial independence and their standard of living throughout their retirement by making it easier for them to secure a steady income for life.

In recent years, the focus of the ``retirement security'' debate in Congress has almost entirely been on the need to accumulate a nest egg to fund retirement. Congress is doing much to encourage personal saving and employer-provided retirement plans. I am proud of both our successes and our continuing efforts in these areas. Encouraging greater savings is an important step; however, it is not enough.

Unfortunately, there has been little attention paid to the retirement income or ``payout'' phase of the retirement security equation. The risk of outliving one's savings is one of the biggest problems facing retirees. I have heard it said that Americans perceive the retirement savings ``finish line'' to be the point of retirement. But retirement is just the beginning of a very different kind of race, one of unknown duration. If Americans are going to fully enjoy their retirement years, we need to ensure that as many Americans as possible will have a stream of income they cannot outlive. We have some control over when we retire. However, we have very little control over how long we will live.

For most Americans, a ``secure retirement'' means maintaining their standard of living through retirement and the means to deal with life's challenges from the first day of retirement to the very last. For the majority of Americans, that requires a steady stream of income that, combined with Social Security or other retirement income, covers basic living expenses—from housing expenses to medical bills, taxes to transportation, food to clothing. Yet, Americans today are facing a serious and growing challenge to retirement security.

At the same time Americans are living longer, the future of private and public retirement programs, as well as financial markets, is increasingly uncertain. Fewer Americans are covered by traditional pension plans, and Social Security currently replaces on average only about 42 percent of earnings. This means it's increasingly up to each individual to manage their retirement savings to last their lifetime. And exactly how long will that period in retirement be? It depends. Of course none of us know how long we will live; research shows most Americans vastly underestimate their longevity.

According to the Society of Actuaries, a male age 65 has a 50 percent chance of living beyond age 85 and a 25 percent chance of living beyond age 92. Indeed, the biggest risk we face in retirement is the longevity risk—that is, living longer than our retirement savings lasts. In order to meet this challenge, Senator Conrad and I are introducing legislation to encourage the use of retirement vehicles that pay a guaranteed lifetime income.

Under the Retirement Security for Life Act that Senator Conrad and I are introducing today, a tax incentive would be enacted that encourages retirees to provide themselves with a guaranteed lifetime income that they can't outlive. Specifically, the proposal would exclude from Federal taxes one-half of the income payments from an annuity purchased with after tax dollars (a so-called non-qualified annuity). Importantly, we have proposed a cap on the exclusion so that no more that $20,000 could be excluded in a year. For a typical American in the 25 percent tax bracket, this would provide an annual maximum tax savings of up to $5,000. I believed that this modest tax incentive will enable some retirees to consider annuitizing a portion of their nest egg so that they have a guaranteed lifetime of income.

This legislation has a wide range of support from organizations representing women, minorities, farmers and small businesses. Many in these groups do not have access to traditional employer provided pension. As we tackle the challenges of retirement policy, we need to ensure that all Americans have adequate financial security to meet their basic needs during retirement. Personal savings and responsibility are the keys to a balanced national retirement security policy. Please join me in supporting our proposal as a crucial step in providing a secure retirement for all Americans. I ask unanimous consent that the text of the legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Retirement Security for Life Act of 2004''.

SEC. 2. EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.

(a) Lifetime Annuity Payments Under Annuity Contracts.—Section 72(b) of the Internal Revenue Code of 1986 (relating to exclusion ratio) is amended by adding at the end the following new paragraph:

``(5) Exclusion for lifetime annuity payments.—

``(A) In general.—In the case of lifetime annuity payments received under one or more annuity contracts in any taxable year, gross income shall not include 50 percent of the portion of lifetime annuity payments otherwise includible (without regard to this paragraph) in gross income under this section. For purposes of the preceding sentence, the amount excludible from gross income in any taxable year shall not exceed $20,000.

``(B) Cost-of-living adjustment.—In the case of taxable years beginning after December 31, 2005, the $20,000 amount in subparagraph (A) shall be increased by an amount equal to—

``(i) such dollar amount, multiplied by

``(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting `calendar year 2004' for `calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.

``(C) Application of paragraph.—Subparagraph (A) shall not apply to—

``(i) any amount received under an eligible deferred compensation plan (as defined in section 457(b)) or under a qualified retirement plan (as defined in section 4974(c)),

``(ii) any amount paid under an annuity contract that is received by the beneficiary under the contract—

``(I) after the death of the annuitant in the case of payments described in subsection (c)(5)(A)(ii)(III), unless the beneficiary is the surviving spouse of the annuitant, or

``(II) after the death of the annuitant and joint annuitant in the case of payments described in subsection (c)(5)(A)(ii)(IV), unless the beneficiary is the surviving spouse of the last to die of the annuitant and the joint annuitant, or

``(iii) any annuity contract that is a qualified funding asset (as defined in section

130(d)), but without regard to whether there is a qualified assignment.

"(D) INVESTMENT IN THE CONTRACT.—For purposes of this section, the investment in the contract shall be determined without regard to this paragraph.".

(b) DEFINITIONS.—Subsection (c) of section 72 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(5) LIFETIME ANNUITY PAYMENT.—

"(A) IN GENERAL.—For purposes of subsection (b)(5), the term 'lifetime annuity payment' means any amount received as an annuity under any portion of an annuity contract, but only if—

"(i) the only person (or persons in the case of payments described in subclause (II) or (IV) of clause (ii)) legally entitled (by operation of the contract, a trust, or other legally enforceable means) to receive such amount during the life of the annuitant or joint annuitant is such annuitant or joint annuitant, and

"(ii) such amount is part of a series of substantially equal periodic payments made not less frequently than annually over—

"(I) the life of the annuitant,

"(II) the lives of the annuitant and a joint annuitant, but only if the annuitant is the spouse of the joint annuitant as of the annuity starting date or the difference in age between the annuitant and joint annuitant is 15 years or less,

"(III) the life of the annuitant with a minimum period of payments or with a minimum amount that must be paid in any event, or

"(IV) the lives of the annuitant and a joint annuitant with a minimum period of payments or with a minimum amount that must be paid in any event, but only if the annuitant is the spouse of the joint annuitant as of the annuity starting date or the difference in age between the annuitant and joint annuitant is 15 years or less.

"(iii) EXCEPTIONS.—For purposes of clause (ii), annuity payments shall not fail to be treated as part of a series of substantially equal periodic payments—

"(I) because the amount of the periodic payments may vary in accordance with investment experience, reallocations among investment options, actuarial gains or losses, cost of living indices, a constant percentage applied not less frequently than annually, or similar fluctuating criteria,

"(II) due to the existence of, or modification of the duration of, a provision in the contract permitting a lump sum withdrawal after the annuity starting date, or

"(III) because the period between each such payment is lengthened or shortened, but only if at all times such period is no longer than one calendar year.

"(B) ANNUITY CONTRACT.—For purposes of subparagraph (A) and subsections (b)(5) and (w), the term 'annuity contract' means a commercial annuity (as defined by section 3405(e)(6)), other than an endowment or life insurance contract.

"(C) MINIMUM PERIOD OF PAYMENTS.—For purposes of subparagraph (A), the term 'minimum period of payments' means a guaranteed term of payments that does not exceed the greater of 10 years or—

"(i) the life expectancy of the annuitant as of the annuity starting date, in the case of lifetime annuity payments described in subparagraph (A)(ii)(III), or

"(ii) the life expectancy of the annuitant and joint annuitant as of the annuity starting date, in the case of lifetime annuity payments described in subparagraph (A)(ii)(IV).

For purposes of this subparagraph, life expectancy shall be computed with reference to the tables prescribed by the Secretary under paragraph (3). For purposes of subsection (w)(1)(C)(ii), the permissible minimum period of payments shall be determined as of the annuity starting date and reduced by one for each subsequent year.

"(D) MINIMUM AMOUNT THAT MUST BE PAID IN ANY EVENT.—For purposes of subparagraph (A), the term 'minimum amount that must be paid in any event' means an amount payable to the designated beneficiary under an annuity contract that is in the nature of a refund and does not exceed the greater of the amount applied to produce the lifetime annuity payments under the contract or the amount, if any, available for withdrawal under the contract on the date of death.".

(c) RECAPTURE TAX FOR LIFETIME ANNUITY PAYMENTS.—Section 72 of the Internal Revenue Code of 1986 is amended by redesignating subsection (w) as subsection (x) and by inserting after subsection (v) the following new subsection:

"(w) RECAPTURE TAX FOR MODIFICATIONS TO OR REDUCTIONS IN LIFETIME ANNUITY PAYMENTS.—

"(1) IN GENERAL.—If any amount received under an annuity contract is excluded from income by reason of subsection (b)(5) (relating to lifetime annuity payments), and

"(A) the series of payments under such contract is subsequently modified so any future payments are not lifetime annuity payments,

"(B) after the date of receipt of the first lifetime annuity payment under the contract an annuitant receives a lump sum and thereafter is to receive annuity payments in a reduced amount under the contract, or

"(C) after the date of receipt of the first lifetime annuity payment under the contract the dollar amount of any subsequent annuity payment is reduced and a lump sum is not paid in connection with the reduction, unless such reduction is—

"(i) due to an event described in subsection (c)(5)(A)(iii), or

"(ii) due to the addition of, or increase in, a minimum period of payments within the meaning of subsection (c)(5)(C) or a minimum amount that must be paid in any event (within the meaning of subsection (c)(5)(D)),

then gross income for the first taxable year in which such modification or reduction occurs shall be increased by the recapture amount.

"(2) RECAPTURE AMOUNT.—

"(A) IN GENERAL.—For purposes of this subsection, the recapture amount shall be the amount, determined under rules prescribed by the Secretary, equal to the amount that (but for subsection (b)(5)) would have been includible in the taxpayer's gross income if the modification or reduction described in paragraph (1) had been in effect at all times, plus interest for the deferral period at the underpayment rate established by section 6621.

"(B) DEFERRAL PERIOD.—For purposes of this subsection, the term 'deferral period' means the period beginning with the taxable year in which (without regard to subsection (b)(5)) the payment would have been includible in gross income and ending with the taxable year in which the modification described in paragraph (1) occurs.

"(3) EXCEPTIONS TO RECAPTURE TAX.—Paragraph (1) shall not apply in the case of any modification or reduction that occurs because an annuitant—

"(A) dies or becomes disabled (within the meaning of subsection (m)(7)),

"(B) becomes a chronically ill individual within the meaning of section 7702B(c)(2), or

"(C) encounters hardship.".

(d) LIFETIME DISTRIBUTIONS OF LIFE INSURANCE DEATH BENEFITS.—

(1) IN GENERAL.—Section 101(d) of the Internal Revenue Code of 1986 (relating to payment of life insurance proceeds at a date later than death) is amended by adding at the end the following new paragraph:

"(4) EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.—

"(A) IN GENERAL.—In the case of amounts to which this subsection applies, gross income shall not include the lesser of—

"(i) 50 percent of the portion of lifetime annuity payments otherwise includible in gross income under this section (determined without regard to this paragraph), or

"(ii) the amount in effect under section 72(b)(5).

"(B) RULES OF SECTION 72(B)(5) TO APPLY.—For purposes of this paragraph, rules similar to the rules of section 72(b)(5) and section 72(w) shall apply, substituting the term 'beneficiary of the life insurance contract' for the term 'annuitant' wherever it appears, and substituting the term 'life insurance contract' for the term 'annuity contract' wherever it appears.".

(2) CONFORMING AMENDMENT.—Section 101(d)(1) of such Code is amended by inserting "or paragraph (4)" after "to the extent not excluded by the preceding sentence".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts received in calendar years beginning after the date of the enactment of this Act.

(2) SPECIAL RULE FOR EXISTING CONTRACTS.—In the case of a contract in force on the date of the enactment of this Act that does not satisfy the requirements of section 72(c)(5)(A) of the Internal Revenue Code of 1986 (as added by this section), or requirements similar to such section 72(c)(5)(A) in the case of a life insurance contract), any modification to such contract (including a change in ownership) or to the payments thereunder that is made to satisfy the requirements of such section (or similar requirements) shall not result in the recognition of any gain or loss, any amount being included in gross income, or any addition to tax that otherwise might result from such modification, but only if the modification is completed prior to the date that is 2 years after the date of the enactment of this Act.

Mr. CONRAD. Mr. President, I am pleased to join my friend and colleague, Senator GORDON SMITH from Oregon, in introducing legislation that can help seniors enjoy a more secure retirement. The good news is that Americans are living longer but it also means that people have to plan for a longer period of retirement. A successful retirement income plan is a challenge even for the savvy investor. How much more difficult is this task for the millions of Americans with limited investment experience?

For years Congress has encouraged people to save for their retirement. Through the tax code, we encourage asset building through home ownership. We provide significant tax incentives for employer-based pension plans and for dedicated retirement savings programs by individuals, such as IRAs and 401(k) plans.

One of the biggest threats to retirement income security for baby boomers is their own longevity. It will not be easy to manage their accumulated assets so that they will last a lifetime. Unprecedented numbers of Americans are now living into their 90s and even past 100. Today, actuaries tell us that about one in six 65-year-old men and one out of three 65-year-old women can expect to live into their 90s.

Consequently, people are going to spend more time in retirement than previous generations. Over the course of the 20th century, the percentage of men in the workforce aged 65 years or older dropped from about 66 percent to less than 20 percent. Now our society confronts the impending retirement of 77 million baby boomers. Many of them will not have the guaranteed monthly retirement checks that many of their parents enjoyed as a result of employer-based pension plans. Traditional defined-benefit pension plans have given way to defined contribution plans, which have shifted the retirement income security risk from the employer to the individual.

Of course, there are still many Americans who have no access at all to employer-provided pension plans. Some have never been in the traditional workforce; others work in seasonal jobs or part time. In my state of North Dakota, as well as in rural and farming communities across America, there is an acute need for retirement vehicles that will provide a secure lifetime payout. Others who could face difficulty in securing retirement income are widowed individuals—both men and women—who suddenly find themselves having to make a life insurance benefit or proceeds from the sale of a business or family home last a lifetime.

The proposal we are introducing today will provide a valuable tool for helping people avoid the risk of outliving their assets. Specifically, we are proposing a tax incentive to encourage Americans to annuitize a portion of their assets available for retirement. If they annuitize—in other words, elect to receive their money from an annuity in a series of payments for the rest of their lives, no matter how long that may be—they would be able to exclude from income a portion of the annuity benefit that represents the accumulation in the annuity above and beyond the original investment. The tax benefit is capped to ensure that tax sheltering activity is not encouraged and that the incentive will be effective for people who would benefit most from securing a lifetime income stream.

This proposal we offer today would apply only to life-contingent, non-qualified annuities. A life-contingent annuity that is subsequently modified to a fixed-term payout would be subject to a recapture tax.

Baby boomers represent an unprecedented challenge to our retirement security policies. They should have a wide range of options available for responsible retirement planning. Our proposal focuses on non-qualified annuities because it is important to have this option considered as part of the larger retirement income security debate that Congress should have before baby boomers begin retiring in large numbers. Options for making qualified plans more secure should be part of that debate as well.

I hope that the 109th Congress will tackle this matter promptly because time is short. That first wave of baby boomer retirees begins in 2008—just over 36 months from today.

By Mr. NELSON of Florida:

S. 3030. A bill to establish an Office of Consumer Advocacy and Outreach within the Federal Trade Commission to protect consumers from certain unfair or deceptive acts or practices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, today I rise to introduce a bill to create a new government reward hotline designed to solicit tips from Spanish-speaking immigrants and other groups that are more likely to be the silent victims of consumer fraud.

The hotline will allow anyone with knowledge of a fraud scheme involving deceptive advertising to get a reward for reporting it directly to the experts who work at the Federal Trade Commission.

This legislation addresses the unscrupulous businesses that target certain communities because they know the victims are less likely to report crimes. It will further the efforts of the Federal Trade Commission to combat this problem by creating an Office of Consumer Advocacy and Outreach within the Federal Trade Commission which will administer programs and services that make it easier for victims in these communities to hold wrongdoers accountable.

A Federal Trade Commission survey from earlier this year revealed that nearly 25 million adults in the United States, or 11.2 percent of the adult population, were victims of fraud, and that certain communities were more likely to fall prey to fraudulent schemes. For example, the survey found that Hispanics are twice as likely to be victims of fraud as non-Hispanic whites. A study conducted by the National Institute of Justice concluded that immigrant victims report crimes less frequently than other victims. The factors cited as contributing to this underreporting included language barriers, cultural differences, and a limited understanding of the United States Justice system.

During this past year the Federal Trade Commission has levied an increasing number of complaints against deceptive Spanish-language advertisements, including fraudulent driving permits and junk computers. Two of these complaints were filed against businesses in South Florida that targeted Spanish speakers with advertisements for "scientifically unfeasible" weight-loss pills.

The Office of Consumer Advocacy and Outreach created by this bill will provide information to targeted consumers in these communities on how to protect themselves against fraudulent schemes and where to seek redress if they become a victim. The Office will work with law enforcement to track and investigate fraud schemes that target immigrants, the elderly, minorities and other communities.

One of the ways the Office will work to increase reporting of fraud by Spanish-speakers, for example, will be to publicize the reward program through a Spanish-language public service advertising campaign produced by the Federal Trade Commission that warns against consumer fraud and provides the number for this newly created anonymous hotline.

Additionally, the Office will work with law enforcement to increase their level of participation in the Consumer Sentinel database system. This database, currently in existence, collects information from local, State and Federal agencies on consumer complaints to assist in the tracking and investigating of consumer fraud issues.

By Mr. NICKLES (for himself, Ms. LANDRIEU, Mr. CRAIG, and Mr. INHOFE): S. 3031. A bill to provide for the reform of intercountry adoption, and for other purposes; to the Committee on the Judiciary.

Mr. NICKLES. Mr. President, last month we celebrated National Adoption Month. In 2003, Americans opened their hearts and homes to over 20,000 orphaned children born overseas. In order to adopt these children the families had to submit extensive paperwork and work with three federal agencies in order to be approved to adopt a foreign born child and to be able to bring that child home to America. The Intercountry Adoption Reform Act that I am introducing today along with Senators LANDRIEU, CRAIG, and INHOFE streamlines the process families go through to adopt a child from overseas by eliminating unnecessary paperwork and consolidating the federal functions into one office.

Last November, I introduced the first version of the Intercountry Adoption Reform Act, known simply as the ICARE Act, along with Senators LANDRIEU, CRAIG, INHOFE, BINGAMAN, and SMITH. Over the last year we have received many comments about the bill from groups representing adoption professionals as well as comments from the administration. In response to these comments, we have revised our original bill to incorporate many of the suggestions provided to us and to address some of the concerns expressed.

Two major changes have been made. First, we have added enforcement provisions. We revised the bill to make clear that the new Office of Intercountry Adoption (OIA) will have the ability to protect children, birth families and adoptive families from fraud and abuse through enforcement provisions. It also clarifies that the OIA can work with the Department of Homeland Security and the Department of Justice to enforce the provisions of the Act. Second, we added provisions to provide a smooth transition from the current adoption process to the new and improved process. These provisions ensure that all adoption cases filed prior to the opening of the OIA would be processed under the current rules. Any cases filed after the opening of the OIA would be processed under the provisions of ICARE.

There were many other technical and minor changes made to clarify and perfect the original language. I believe that these changes have significantly improved the bill and address many, if not all of the concerns that were raised.

Since 1998, I have been working to improve the foreign adoption process. It was in that year that I introduced the first version of the Child Citizenship Act which became law in 2000. This Act provides for automatic U.S. citizenship for foreign born children adopted by American citizens. When that bill took effect on February 27, 2001, over 150,000 foreign adopted children became U.S. citizens automatically.

In the fall of 2001, and the first half of 2002, I helped work on the crisis that ensued when the INS suspended American adoptions from Cambodia. Four hundred and fifty families who were in the process of adopting from Cambodia were left stranded, unable to bring their adopted children home to America. Although there was evidence that fraudulent players were involved in adoptions in Cambodia and that there is a need for a fraud free, transparent adoption process, the suspension impacted many American families and the Cambodian orphans they hoped to adopt. The children and families stuck in the process when the suspension was announced needed to be able to complete the adoption process they had started prior to the suspension. I worked with the Administration to develop a plan to process those adoptions where it was determined that no fraud was involved. I worked closely with Senator LANDRIEU and other members of Congress on both the House and Senate side to ensure that these Cambodian orphans could come home to their American families.

I have also been working since 2002, to develop the ICARE Act. ICARE has two main goals. First, and most importantly, this bill acknowledges and affirms that foreign adopted children of American citizens are to be treated in all respects the same as children born abroad to an American citizen. Under existing law, foreign adopted children are treated as immigrants to the United States. They have to apply for, and be granted immigrant visas to enter the United States. Once they enter the United States, citizenship is acquired automatically. Had these children been born abroad to American citizens, they would have traveled back to the United States with a U.S. passport and entered as citizens. This bill provides for equal treatment for foreign adopted children.

The second goal is to consolidate the existing functions of the federal government relating to foreign adoption into one centralized office. The office would be located within the Department of State. Currently, these functions are performed by offices within the Department of Homeland Security and the Department of State. Consolidation of these functions into one office will result in focused attention on the needs of families seeking to adopt overseas and on the children they are hoping to make part of their families.

Although I have not been able to see this bill through to completion during my tenure in the Senate, it is my hope and desire that my colleagues who have cosponsored this bill with me will continue to press forward until the goals of this bill are accomplished.

I introduce this revised version of the ICARE Act and hope that it will be reintroduced and acted upon in the next Congress. Passage of this bill will significantly improve the foreign adoption process so that more children worldwide can find loving, permanent homes. It is my prayer that someday, adoption will not be needed. That all children will be born into stable, loving homes to parents who want them and are able to care for them. However, until that day comes, the foreign adoption process can be improved and should be improved. Foreign adopted children of American citizens should be treated as children of U.S. citizens, not as immigrants, and should be accorded all the same rights as biological children of U.S. citizens. To that end, I introduce this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3031

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intercountry Adoption Reform Act of 2004" or the "ICARE Act".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) That a child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding.

(2) That intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin.

(3) There has been a significant growth in intercountry adoptions. In 1990, Americans adopted 7,093 children from abroad. In 2001, they adopted 19,237 children from abroad.

(4) Americans increasingly seek to create or enlarge their families through intercountry adoptions.

(5) There are many children worldwide that are without permanent homes.

(6) In the interest of children without a permanent family and the United States citizens who are waiting to bring them into their families, reforms are needed in the intercountry adoption process used by United States citizens.

(7) Before adoption, each child should have the benefit of measures taken to ensure that intercountry adoption is in his or her best interests and prevents the abduction, selling, or trafficking of children.

(8) In addition, Congress recognizes that foreign born adopted children do not make the decision whether to immigrate to the United States. They are being chosen by Americans to become part of their immediate families.

(9) As such these children should not be classified as immigrants in the traditional sense. Once fully and finally adopted, they should be treated as children of United States citizens.

(10) Since a child who is fully and finally adopted is entitled to the same rights, duties, and responsibilities as a biological child, the law should reflect such equality.

(11) Therefore, foreign born adopted children of United States citizens should be accorded the same procedural treatment as biological children born abroad to a United States citizen.

(12) If a United States citizen can confer citizenship to a biological child born abroad, then the same citizen is entitled to confer such citizenship to their legally and fully adopted foreign born child immediately upon final adoption.

(13) If a United States citizen cannot confer citizenship to a biological child born abroad, then such citizen cannot confer citizenship to their legally and fully adopted foreign born child, except through the naturalization process.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that intercountry adoptions take place in the best interests of the child;

(2) to ensure that foreign born children adopted by United States citizens will be treated identically to a biological child born abroad to the same citizen parent; and

(3) to improve the intercountry adoption process by making it more citizen friendly and focused on the protection of the child.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADOPTABLE CHILD.—The term "adoptable child" has the same meaning given such term in section 101(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(c)(3)), as added by section 204(a) of this Act.

(2) AMBASSADOR AT LARGE.—The term "Ambassador at Large" means the Ambassador at Large for Intercountry Adoptions

appointed to head the Office pursuant to section 101(b).

(3) COMPETENT AUTHORITY.—The term "competent authority" means the entity or entities authorized by the law of the child's country of residence to engage in permanent placement of children who are no longer in the legal or physical custody of their biological parents.

(4) CONVENTION.—The term "Convention" means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(5) FULL AND FINAL ADOPTION.—The term "full and final adoption" means an adoption—

(A) that is completed according to the laws of the child's country of residence or the State law of the parent's residence;

(B) under which a person is granted full and legal custody of the adopted child;

(C) that has the force and effect of severing the child's legal ties to the child's biological parents;

(D) under which the adoptive parents meet the requirements of section 205; and

(E) under which the child has been adjudicated to be an adoptable child in accordance with section 206.

(6) OFFICE.—The term "Office" means the Office of Intercountry Adoptions established under section 101(a).

(7) READILY APPROVABLE.—A petition or certification is considered "readily approvable" if the documentary support provided demonstrates that the petitioner satisfies the eligibility requirements and no additional information or investigation is necessary.

TITLE I—ADMINISTRATION OF INTERCOUNTRY ADOPTIONS

Subtitle A—In General

SEC. 101. OFFICE OF INTERCOUNTRY ADOPTIONS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, there is to be established within the Department of State, an Office of Intercountry Adoptions which shall be headed by the Ambassador at Large for Intercountry Adoptions who shall be appointed pursuant to subsection (b).

(b) AMBASSADOR AT LARGE.—

(1) APPOINTMENT.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have background, experience, and training in intercountry adoptions, taking care to ensure that the individual who serves as Ambassador is free from any conflicts of interest that might inhibit such individual's ability to serve as Ambassador.

(2) AUTHORITY.—The Ambassador at Large shall report directly to the Secretary of State, in consultation with the Assistant Secretary for Consular Affairs. The Ambassador at Large has no independent regulatory authority.

(3) DUTIES OF THE AMBASSADOR AT LARGE.—In carrying out the functions of the Office, the Ambassador at Large shall have the following responsibilities:

(A) IN GENERAL.—The primary responsibilities of the Ambassador at Large shall be—

(i) to ensure that intercountry adoptions take place in the best interests of the child; and

(ii) to assist the Secretary of State in fulfilling the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.).

(B) ADVISORY ROLE.—The Ambassador at Large shall be a principal advisor to the President and the Secretary of State regarding matters affecting intercountry adoption and the general welfare of children abroad and shall make recommendations regarding—

(i) the policies of the United States with respect to the establishment of a system of cooperation among the parties to the Convention;

(ii) the policies to prevent abandonment, strengthen families, and to advance the placement of children in permanent families; and

(iii) policies that promote the protection and well-being of children.

(C) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador at Large may represent the United States in matters and cases relevant to international adoption in—

(i) fulfillment of the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.);

(ii) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations and other international organizations of which the United States is a member; and

(iii) multilateral conferences and meetings relevant to international adoption.

(D) INTERNATIONAL POLICY DEVELOPMENT.—The Ambassador at Large shall advise and support the Secretary of State and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(E) REPORTING RESPONSIBILITIES.—The Ambassador at Large shall have the following reporting responsibilities:

(i) IN GENERAL.—The Ambassador at Large shall assist the Secretary of State and other relevant Bureaus in preparing those portions of the Human Rights Reports that relate to the abduction, sale, and trafficking of children.

(ii) ANNUAL REPORT ON INTERCOUNTRY ADOPTION.—On September 1 of each year, the Secretary of State, with the assistance of the Ambassador at Large, shall prepare and transmit to Congress an annual report on intercountry adoption. Each annual report shall include—

(I) a description of the status of child protection and adoption in each foreign country, including—

(aa) trends toward improvement in the welfare and protection of children and families;

(bb) trends in family reunification, domestic adoption, and intercountry adoption;

(cc) movement toward ratification and implementation of the Convention; and

(dd) census information on the number of children in orphanages, foster homes, and other types of nonpermanent residential care as reported by the foreign country;

(II) the number of intercountry adoptions by United States citizens, including the country from which each child emigrated, the State in which each child resides, and the country in which the adoption was finalized;

(III) the number of intercountry adoptions involving emigration from the United States, including the country where each child now resides and the State from which each child emigrated;

(IV) the number of placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act (42 U.S.C. 622(b)(14));

(V) the average time required for completion of an adoption, set forth by the country from which the child emigrated;

(VI) the current list of agencies accredited and persons approved under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.) to provide adoption services;

(VII) the names of the agencies and persons temporarily or permanently debarred under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and the reasons for the debarment;

(VIII) the range of adoption fees involving adoptions by United States citizens and the median of such fees set forth by the country of origin;

(IX) the range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention; and

(X) recommendations of ways the United States might act to improve the welfare and protection of children and families in each foreign country.

(c) FUNCTIONS OF OFFICE.—The Office shall have the following 7 functions:

(1) APPROVAL OF A FAMILY TO ADOPT.—To approve or disapprove the eligibility of United States citizens to adopt foreign born children.

(2) CHILD ADJUDICATION.—To investigate and adjudicate the status of a child born abroad to determine their eligibility as an adoptable child.

(3) FAMILY SERVICES.—To provide assistance to United States citizens engaged in the intercountry adoption process in resolving problems with respect to that process and to track intercountry adoption cases so as to ensure that all such adoptions are processed in a timely manner.

(4) INTERNATIONAL POLICY DEVELOPMENT.—To advise and support the Ambassador at Large and other relevant Bureaus in the development of sound policy regarding child protection and intercountry adoption.

(5) CENTRAL AUTHORITY.—To assist the Secretary of State in carrying out duties of the central authority as defined in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

(6) ENFORCEMENT.—To investigate, either directly or in cooperation with other appropriate international, Federal, State, or local entities, improprieties relating to adoption, including issues of child protection, birth family protection, and consumer fraud.

(7) ADMINISTRATION.—To perform administrative functions related to the functions performed under paragraphs (1) through (6), including legal functions and congressional liaison and public affairs functions.

(d) ORGANIZATION.—

(1) IN GENERAL.—All functions of the Office shall be performed by officers housed in a centralized office located in Washington, D.C. Within the Washington, D.C. office, there shall be 7 divisions corresponding to the 7 functions of the Office. All 7 divisions and their respective directors shall report directly to the Ambassador at Large.

(2) APPROVAL TO ADOPT.—The division responsible for approving parents to adopt

shall be divided into regions of the United States as follows:

(A) Northwest.
(B) Northeast.
(C) Southwest.
(D) Southeast.
(E) Midwest.
(F) West.

(3) Child Adjudication.—To the extent practicable, the division responsible for the adjudication of foreign born children as adoptable shall be divided by world regions which correspond to those currently used by other divisions within the Department of State.

(4) Use of International Field Officers.—Nothing in this section shall be construed to prohibit the use of international field officers posted abroad, as necessary, to fulfill the requirements of this Act.

(5) Use of Existing Systems.—Whenever possible, the Office shall utilize systems currently in place that ensure protections against child trafficking.

(e) Qualifications and Training.—In addition to meeting the employment requirements of the Department of State, officers employed in any of the 7 divisions of the Office shall undergo extensive and specialized training in the laws and processes of intercountry adoption as well as understanding the cultural, medical, emotional, and social issues surrounding intercountry adoption and adoptive families. The Ambassador at Large shall, whenever possible, recruit and hire individuals with background and experience in intercountry adoptions, taking care to ensure that such individuals do not have any conflicts of interest that might inhibit their ability to serve.

(f) Use of Electronic Databases and Filing.—To the extent possible, the Office shall make use of centralized, electronic databases and electronic form filing.

SEC. 102. RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES.

Section 505(a)(1) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 note) is amended by inserting "301, 302," after "205,".

SEC. 103. TECHNICAL AND CONFORMING AMENDMENT.

Section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914) is repealed.

Subtitle B—Transition Provisions

SEC. 111. TRANSFER OF FUNCTIONS.

(a) In General.—Subject to subsection (c), all functions under the immigration laws of the United States with respect to the adoption of foreign born children by United States citizens and their admission to the United States that have been vested by statute in, or exercised by, the Commissioner of Immigration and Naturalization, the Immigration and Naturalization Service (or any officer, employee, or component thereof), of the Department of Homeland Security (or any officer, employee, or component thereof) immediately prior to the effective date of this title, are transferred to the Office on the effective date of this title for exercise by the Ambassador at Large in accordance with applicable laws and title II of this Act.

(b) Exercise of Authorities.—Except as otherwise provided by law, the Ambassador at Large may, for purposes of performing any function transferred to the Ambassador at Large under subsection (a), exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function pursuant to this title.

(c) Limitation on Transfer of Pending Adoptions.—If an individual has filed a petition with the Immigration and Naturalization Service or the Department of Homeland Security with respect to the adoption of a foreign born child prior to the date of enactment of this title, the Secretary of Homeland Security shall have the authority to make the final determination on such petition and such petition shall not be transferred to the Office.

SEC. 112. TRANSFER OF RESOURCES.

Subject to section 1531 of title 31, United States Code, upon the effective date of this title, there are transferred to the Ambassador at Large for appropriate allocation in accordance with section 115, the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Immigration and Naturalization Service or the Department of Homeland Security in connection with the functions transferred pursuant to this title.

SEC. 113. INCIDENTAL TRANSFERS.

The Ambassador at Large may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this title. The Ambassador at Large shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 114. SAVINGS PROVISIONS.

(a) Legal Documents.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Ambassador at Large, the former Commissioner of the Immigration and Naturalization Service, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this title; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(b) Proceedings.—

(1) Pending.—The transfer of functions under section 111 shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this title before an office whose functions are transferred pursuant to this title, but such proceedings and applications shall be continued.

(2) Orders.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) Discontinuance or Modification.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) Suits.—This title shall not affect suits commenced before the effective date of this title, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against the Department of State, the Immigration and Naturalization Service, or the Department of Homeland Security, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(e) Continuance of Suit With Substitution of Parties.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this title such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) Administrative Procedure and Judicial Review.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this title shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

Subtitle C—Effective Date

SEC. 121. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

TITLE II—REFORM OF UNITED STATES LAWS GOVERNING INTERCOUNTRY ADOPTIONS

SEC. 201. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR ADOPTED CHILDREN BORN OUTSIDE THE UNITED STATES.

(a) Amendments of Automatic Citizenship Provisions.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended—

(1) by amending the section heading to read as follows: "Children Born Outside the United States; Conditions Under Which Citizenship Automatically Acquired"; and

(2) in subsection (a), by striking paragraphs (1) through (3) and inserting the following:

"(1) Upon the date the adoption becomes full and final, at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years. Any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization as that term is defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288) by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person—

"(A) honorably serving with the Armed Forces of the United States; or

"(B) employed by the United States Government or an international organization as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288);

may be included in order to satisfy the physical presence requirement of this paragraph.

"(2) The child is an adoptable child described in section 101(c)(3).

"(3) The child is the beneficiary of a full and final adoption decree entered by a foreign government or a court in the United States.

"(4) For purposes of this subsection, the term 'full and final adoption' means an adoption—

"(A) that is completed under the laws of the child's country of residence or the State law of the parent's residence;

"(B) under which a person is granted full and legal custody of the adopted child;

"(C) that has the force and effect of severing the child's legal ties to the child's biological parents;

"(D) under which the adoptive parents meet the requirements of section 205 of the Intercountry Adoption Reform Act of 2004; and

"(E) under which the child has been adjudicated to be an adoptable child in accordance with section 206 of the Intercountry Adoption Reform Act of 2004.".

(b) EFFECTIVE DATE.—This section shall take effect as if enacted on January 1, 1950.

SEC. 202. REVISED PROCEDURES.

Notwithstanding any other provision of law, the following requirements shall apply with respect to the adoption of foreign born children by United States citizens:

(1) Upon completion of a full and final adoption, the Secretary of State shall issue a United States passport and a Consular Report of Birth for a child who satisfies the requirements of section 320 of the Immigration and Nationality Act (8 U.S.C. 1431), as amended by section 201 of this Act, upon application by a United States citizen parent.

(2) An adopted child described in paragraph (1) shall not require the issuance of a visa for travel and admission to the United States but shall be admitted to the United States upon presentation of a valid, unexpired United States passport.

(3) No affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) shall be required in the case of any adoptable child.

(4)(A) The Secretary of State shall require that agencies provide prospective adoptive parents an opportunity to conduct an independent medical exam and a copy of any medical records of the child known to exist (to the greatest extent practicable, these documents shall include an English translation) on a date that is not later than the earlier of the date that is 2 weeks before the adoption, or the date on which prospective adoptive parents travel to such a foreign country to complete all procedures in such country relating to adoption.

(B) The Secretary of State shall not require an adopted child described in paragraph (1) to undergo a medical exam for the purpose of excluding the child's immigration to the United States.

(5) The Secretary of State shall take necessary measures to ensure that all prospective adoptive parents adopting internationally are provided with training that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(6) The Secretary of State shall take necessary measures to ensure that—

(A) prospective adoptive parents are given full disclosure of all direct and indirect costs of intercountry adoption before they are matched with child for adoption;

(B) fees charged in relation to the intercountry adoption be on a fee for service basis not on a contingent fee basis; and

(C) that the transmission of fees between the adoption agency, the country of origin, and the prospective adoptive parents is carried out in a transparent and efficient manner.

(7) The Secretary of State shall take all measures necessary to ensure that all documents provided to a country of origin on behalf of a prospective adoptive parent are truthful and accurate.

SEC. 203. NONIMMIGRANT VISAS FOR CHILDREN TRAVELING TO THE UNITED STATES TO BE ADOPTED BY A UNITED STATES CITIZEN.

(a) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (U);

(2) by striking the period at the end of subparagraph (V) and inserting "; or"; and

(3) by adding at the end the following:

"(W) an adoptable child who is coming into the United States for adoption by a United States citizen and a spouse jointly or by an unmarried United States citizen at least 25 years of age, who has been approved to adopt.".

(b) TERMINATION OF PERIOD OF AUTHORIZED ADMISSION.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

"(s) In the case of a nonimmigrant described in section 101(a)(15)(W), the period of authorized admission shall terminate on the earlier of—

"(1) the date on which the adoption of the nonimmigrant is completed by the courts of the State where the parents reside; or

"(2) the date that is 4 years after the date of admission of the nonimmigrant into the United States, unless a petitioner is able to show cause as to why the adoption could not be completed prior to such date and the Secretary extends such period for the period necessary to complete the adoption.".

(c) TEMPORARY TREATMENT AS LEGAL PERMANENT RESIDENT.—Notwithstanding any other law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

(d) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR CERTAIN ADOPTED CHILDREN.—Section 212(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)) is amended—

(1) in the heading by striking "10 YEARS" and inserting "18 YEARS"; and

(2) in clause (i), by striking "10 years" and inserting "18 years".

(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

SEC. 204. DEFINITION OF ADOPTABLE CHILD.

(a) IN GENERAL.—Section 101(c) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by adding at the end the following:

"(3) The term 'adoptable child' means an unmarried person under the age of 18—

"(A)(i) whose biological parents (or parent, in the case of a child who has one sole or surviving parent) or other persons or institutions that retain legal custody of the child—

"(I) have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption and that such consent has not been induced by payment or compensation of any kind and has not been given prior to the birth of the child;

"(II) are unable to provide proper care for the child, as determined by the competent authority of the child's residence; or

"(III) have voluntarily relinquished the child to the competent authorities pursuant to the law of the child's residence; or

"(ii) who, as determined by the competent authority of the child's residence—

"(I) has been abandoned or deserted by their biological parent, parents, or legal guardians; or

"(II) has been orphaned due to the death or disappearance of their biological parent, parents, or legal guardians;

"(B) with respect to whom the Secretary of State is satisfied that the proper care will be furnished the child if admitted to the United States;

"(C) with respect to whom the Secretary of State is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship and that the parent-child relationship of the child and the biological parents has been terminated (and in carrying out both obligations under this subparagraph the Secretary of State, in consultation with the Secretary of Homeland Security, may consider whether there is a petition pending to confer immigrant status on one or both of the biological parents);

"(D) with respect to whom the Secretary of State, is satisfied that there has been no inducement, financial or otherwise, offered to obtain the consent nor was it given before the birth of the child;

"(E) with respect to whom the Secretary of State, in consultation with the Secretary of Homeland Security, is satisfied that the person is not a security risk; and

"(F) whose eligibility for adoption and emigration to the United States has been certified by the competent authority of the country of the child's place of birth or residence.".

(b) CONFORMING AMENDMENT.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended by inserting "and an adoptable child as defined in section 101(c)(3)" before "unless a valid home-study".

SEC. 205. APPROVAL TO ADOPT.

(a) IN GENERAL.—Prior to the issuance of a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 203(a) of this Act, or the issuance of a full and final adoption decree, the United States citizen adoptive parent shall have approved by the Office a petition to adopt. Such petition shall be subject to the same terms and conditions as are applicable to petitions for classification under section 204.3 of title 8 of the Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

(b) EXPIRATION OF APPROVAL.—Approval to adopt under this Act is valid for 24 months from the date of approval. Nothing in this section may prevent the Secretary of Homeland Security from periodically updating the fingerprints of an individual who has filed a petition for adoption.

(c) Expedited Reapproval Process of Families Previously Approved To Adopt.—The Secretary of State shall prescribe such regulations as may be necessary to provide for an expedited and streamlined process for families who have been previously approved to adopt and whose approval has expired, so long as not more than 3 years have lapsed since the original application.

(d) Denial of Petition.—

(1) Notice of intent.—If the officer adjudicating the petition to adopt finds that it is not readily approvable, the officer shall notify the petitioner, in writing, of the officer's intent to deny the petition. Such notice shall include the specific reasons why the petition is not readily approvable.

(2) Petitioners right to respond.—Upon receiving a notice of intent to deny, the petitioner has 30 days to respond to such notice.

(3) Decision.—Within 30 days of receipt of the petitioner's response the Office must reach a final decision regarding the eligibility of the petitioner to adopt. Notice of a formal decision must be delivered in writing.

(4) Right to an appeal.—Unfavorable decisions may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

(5) Regulations regarding appeals.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall promulgate formal regulations regarding the process for appealing the denial of a petition.

SEC. 206. ADJUDICATION OF CHILD STATUS.

(a) In General.—Prior to the issuance of a full and final adoption decree or a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 203(a) of this Act—

(1) the Office shall obtain from the competent authority of the country of the child's residence a certification, together with documentary support, that the child sought to be adopted meets the description of an adoptable child; and

(2) not later than 15 days after the date of the receipt of the certification referred to in paragraph (1), the Office shall make a final determination on whether the certification and the documentary support are sufficient to meet the requirements of this section or whether additional investigation or information is required.

(b) Process for Determination.—

(1) In general.—The Ambassador at Large shall work with the competent authorities of the child's country of residence to establish a uniform, transparent, and efficient process for the exchange and approval of the certification and documentary support required under subsection (a).

(2) Notice of intent.—If the Office finds that the certification submitted by the competent authority of the child's country of origin is not readily approvable, the Office shall—

(A) notify the competent authority and the prospective adoptive parents, in writing, of the specific reasons why the certification is not sufficient; and

(B) provide the competent authority and the prospective adoptive parents the opportunity to address the stated insufficiencies.

(3) Petitioners right to respond.—Upon receiving a notice of intent to find that a certification is not readily approvable, the prospective adoptive parents shall have 30 days to respond to such notice.

(4) Decision.—Not later than 30 days after the date of receipt of a response submitted under paragraph (3), the Office must reach a final decision regarding the child's eligibility as an adoptable child. Notice of such decision must be in writing.

(5) Right to an appeal.—Unfavorable decisions on a certification may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

TITLE III—FUNDING

SEC. 301. FUNDS.

The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for—

(1) the hiring of staff for the Office;

(2) investigations conducted by the Office; and

(3) travel and other expenses necessary to carry out this Act.

TITLE IV—ENFORCEMENT

SEC. 401. ENFORCEMENT.

(a) Civil Penalties.—A person shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than $50,000 for a first violation, and not more than **$100,000** for each succeeding violation if such person—

(1) violates a provision of this Act or an amendment made by this Act;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision for an approval under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2).

(b) Civil Enforcement.—

(1) Authority of attorney general.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) Factors to be considered in imposing penalties.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

(c) Criminal Penalties.—Whoever knowingly and willfully commits a violation described in paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than **$250,000**, imprisonment for not more than 5 years, or both.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 483—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DETENTION OF TIBETAN POLITICAL PRISONERS BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. BROWNBACK (for himself and Mr. Durbin) submitted the following resolution; which was considered and agreed to:

S. Res. 483

Whereas, according to the Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in Tibet;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted standards of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of the People's Republic of China has detained hundreds of Tibetan nuns, monks, and lay persons as political prisoners for speaking out against China's occupation of Tibet and for their efforts to preserve Tibet's distinct national identity;

Whereas Phuntsog Nyidron was arrested on October 14, 1989, together with 5 other nuns, for participating in a peaceful protest against China's occupation of Tibet;

Whereas, on February 26, 2004, following a sustained international campaign on her behalf, the Government of the People's Republic of China released Phuntsog Nyidron from detention after she served more than 14 years of her 16-year sentence;

Whereas Tenzin Delek, a prominent Tibetan religious leader, and 3 other monks were arrested on April 7, 2002, during a nighttime raid on Jamyang Choekhorling monastery in Nyagchu County, Tibetan Autonomous Prefecture;

Whereas, following a closed trial and more than 8 months of incommunicado detention, Tenzin Delek and another Tibetan, Lobsang Dhondup, were convicted of inciting separatism and for their alleged involvement in a series of bombings on December 2, 2002;

Whereas Lobsang Dhondup was sentenced to death and Tenzin Delek was sentenced to death with a 2-year suspension;

Whereas the Government of the People's Republic of China told senior officials of the United States and other governments that the cases of Lobsang Dhondup and Tenzin Delek would be subjected to a "lengthy review" by the Supreme People's Court prior to the death sentences being carried out;

Whereas the Supreme People's Court never carried out this review, and Lobsang Dhondup was executed on January 26, 2003;

Whereas the Government of the People's Republic of China has failed to produce any evidence that either Lobsang Dhondup or Tenzin Delek were involved in the crimes for which they were convicted, despite repeated requests from officials of the United States and other governments;

Whereas the Government of the People's Republic of China continues to imprison Tibetans for engaging in peaceful efforts to protest China's repression of Tibetans and preserve the Tibetan identity;

Whereas Tibetan political prisoners are routinely subjected to beatings, electric shock, solitary confinement, and other forms of torture and inhumane treatment while in Chinese custody;

Whereas the Government of the People's Republic of China continues to exert control over religious and cultural institutions in Tibet, abusing human rights through the torture, arbitrary arrest, and detention without fair or public trial of Tibetans who peacefully express their political or religious views or attempt to preserve the unique Tibetan identity; and

Whereas the Government of the People's Republic of China has paroled individual political prisoners for good behavior or for medical reasons in the face of strong international pressure, but has failed to make the systemic changes necessary to provide minimum standards of due process or protections for basic civil and political rights: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of the People's Republic of China is in violation of international human rights standards by detaining and mistreating Tibetans who engage in peaceful activities to protest China's repression of Tibetans or promote the preservation of a distinct Tibetan identity;

(2) sustained international pressure on the Government of the People's Republic of China is essential to improve the human rights situation in Tibet and secure the release of Tibetan political prisoners;

(3) the Government of the United States should—

(A) raise the cases of Tenzin Delek and other political prisoners at every opportunity with officials from the People's Republic of China; and

(B) work with other governments concerned about human rights in China, including the Tibet Autonomous Region and other Tibetan areas, to encourage the release of political prisoners and promote systemic improvement of human rights in China; and

(4) the Government of the People's Republic of China should, as a gesture of goodwill and in order to promote human rights, immediately release all political prisoners, including Tenzin Delek.

SENATE RESOLUTION 484—TO HONOR AND THANK ROBERT RAY HOWE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 484

Whereas Assistant Chief Robert Ray Howe, a native of the State of Wyoming, was appointed as a United States Capitol Police Private on March 4, 1971;

Whereas Assistant Chief Howe, throughout his career, has distinguished himself through countless commendations and recognition for professionalism and extraordinary service for the United States Capitol Police;

Whereas Assistant Chief Howe, through extraordinary efforts and dedication during his outstanding career of over thirty (30) years, rose from the rank of private to the position of Assistant Chief of Police, the second in command of the United States Capitol Police:

Resolved, That the Senate hereby honors and thanks Robert Ray Howe and his family for a lifelong professional commitment of service to the United States Capitol Police and the United States Congress.

SENATE CONCURRENT RESOLUTION 152—EXPRESSING THE SENSE OF THE CONGRESS THAT THE DEPARTMENT OF DEFENSE SHOULD CONTINUE TO EXERCISE ITS STATUTORY AUTHORITY TO SUPPORT THE ACTIVITIES OF THE BOY SCOUTS OF AMERICA, IN PARTICULAR THE PERIODIC NATIONAL AND WORLD BOY SCOUT JAMBOREES

Mr. NELSON of Florida (for himself, Mr. ALLARD, Mr. NELSON of Nebraska, and Mr. ALLEN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 152

Whereas the Boy Scouts of America was incorporated on February 8, 1910, and received a Federal charter on June 15, 1916, which is codified as chapter 309 of title 36, United States Code;

Whereas section 30902 of title 36, United States Code, states that it is the purpose of the Boy Scouts of America to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues;

Whereas, since its inception, millions of Americans of every race, creed, and religion have participated in the Boy Scouts of America, and the Boy Scouts of America, as of October 1, 2004, utilizes more than 1,200,000 adult volunteers to serve 2,863,000 youth members organized in 121,051 units;

Whereas the Department of Defense and members of the Armed Forces have a long history of supporting the activities of the Boy Scouts of America and individual Boy Scout troops inside the United States, and section 2606 of title 10, United States Code, enacted in 1988, specifically authorizes the Department of Defense to cooperate with and assist the Boy Scouts of America in establishing and providing facilities and services for members of the Armed Forces and their dependents, and civilian employees of the Department of Defense and their dependents, at locations outside the United States;

Whereas sections 4682, 7541, and 9682 of title 10, United States Code, authorize the Department of Defense to sell and, in certain cases, donate obsolete or excess material to the Boy Scouts of America to support its activities; and

Whereas Public Law 92-249, enacted on March 10, 1972, and codified as section 2554 of title 10, United States Code, recognizes that Boy Scout Jamborees may be held on military installations and authorizes the Department of Defense to loan certain equipment and to provide transportation from the United States or military commands overseas, and return, at no expense to the United States Government, and to provide other personnel services and logistical support to the Boy Scouts of America to support national and world gatherings of Boy Scouts at events known as Boy Scout Jamborees: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Department of Defense should continue to exercise its longstanding statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4082. Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

SA 4083. Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, supra.

SA 4084. Mr. ALEXANDER (for Mr DOMENICI) proposed an amendment to the bill H.R. 620, An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes.

SA 4085. Mr. ALEXANDER (for Mr. DOMENICI) proposed an amendment to the bill S. 1521, An act to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post buiding and memorial park for use by the American Legion, other veterans' groups, and the local community, and for other purposes.

TEXT OF AMENDMENTS

SA 4082. Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, condemning the repression of the Iranian Bahá'i community and calling for the emancipation of Iranian Bahá'is. as follows:

Beginning with page 5, line 22, strike all through page 6, line 7, and insert the following:

"(A) assert the concerns of the United States Government regarding violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'i community;".

SA 4083. Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; as follows:

Insert after the fourth whereas clause the following:

"Whereas Iranian authorities destroyed a Bahá'í holy site, the tomb of Quddus, in February 2004, and the historic house of the father of the founder of the Bahá'í faith in June 2004, marking the first time in 25 years that Bahá'í sites have been destroyed;".

Strike the tenth whereas clause that begins "Whereas as of June 2003" and insert the following:

"Whereas as of November 2004, one Bahá'í remains in an Iranian prison for converting from Islam to the Bahá'í faith in 1995;".

SA 4084. Mr. ALEXANDER (for Mr. DOMENICI) proposed an amendment to the bill H.R. 620, An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS.

SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) IN GENERAL.—(1) For fiscal years 2005 through 2008, the Secretary of the Interior may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District in the State of California for educational services to students—

(A) who are dependents of persons engaged in the administration, operation, and maintenance of Yosemite National Park; or

(B) who live within or near the park upon real property owned by the United States.

(2) The Secretary's authority to make payments under this section shall terminate if the State of California or local education agencies do not continue to provide funding to the schools referred to in subsection (a) at per student levels that are no less than the amount provided in fiscal year 2004.

(b) LIMITATION ON USE OF FUNDS.—Payments made under this section shall only be used to pay public employees for educational services provided in accordance with subsection (a). Payments may not be used for construction, construction contracts, or major capital improvements.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of—

(1) $400,000 in any fiscal year; or

(2) the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) SOURCE OF PAYMENTS.—(1) Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) Funds from the following sources shall not be used to make payments under this section:

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.); the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 460l–6a note); and the National Park Passport Program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(B) Emergency appropriations for flood recovery at Yosemite National Park.

(3)(A) The Secretary may use an authorized funding source to make payments under this section only if the funding available to Yosemite National Park from such source (after subtracting any payments to the school districts authorized under this section) is greater than or equal to the amount made available to the park for the prior fiscal year, or in fiscal year 2004, whichever is greater.

(B) It is the sense of Congress that any payments made under this section should not result in a reduction of funds to Yosemite National Park from any specific funding source, and that with respect to appropriated funds, funding levels should reflect annual increases in the park's operating base funds that are generally made to units of the National Park System.

SEC. 102. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.

(a) FUNDING AUTHORITY FOR TRANSPORTATION SYSTEMS AND EXTERNAL FACILITIES.—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the heading by inserting "AND YOSEMITE NATIONAL PARK" after "ZION NATIONAL PARK";

(2) in the first sentence—

(A) by inserting "and Yosemite National Park" after "Zion National Park"; and

(B) by inserting "for transportation systems or" after "appropriated funds"; and

(3) in the second sentence by striking "facilities" and inserting "systems or facilities".

(b) CLARIFYING AMENDMENT FOR TRANSPORTATION FEE AUTHORITY.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by striking "service contract" and inserting "service contract, cooperative agreement, or other contractual arrangement".

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act".

SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92–589 (16 U.S.C. 460bb–1(a)) is amended—

(1) by striking "The recreation area shall comprise" and inserting the following:

"(1) INITIAL LANDS.—The recreation area shall comprise"; and

(2) by striking "The following additional lands are also" and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

"(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

"(A) The parcels numbered by the Assessor of Marin County, California, 119–040–04, 119–040–05, 119–040–18, 166–202–03, 166–010–06, 166–010–07, 166–010–24, 166–010–25, 119–240–19, 166–010–10, 166–010–22, 119–240–03, 119–240–51, 119–240–52, 119–240–54, 166–010–12, 166–010–13, and 119–235–10.

"(B) Lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG–80,000–A, and dated May 1980.

"(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb–1 note; Public Law 102–299).

"(D) Lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS–80–076, and dated July 2000/PWR–PLRPC.

"(E) Lands generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area', numbered NPS–80,079E, and dated March 2004.

"(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.".

(b) ADVISORY COMMISSION.—Section 5 of Public Law 92–589 (16 U.S.C. 460bb–4) is amended—

(1) by striking subsection (b) and inserting the following new subsection:

"(b) MEMBERSHIP.—The Commission shall be composed of 18 members appointed by the Secretary for terms of five years each. In appointing such members, the Secretary shall ensure that the interests of local, historic recreational users of the recreation area are represented."; and

(2) in subsection (g), by striking "cease to exist thirty years after the enactment of this Act" and inserting "terminate on December 31, 2014".

SEC. 203. MANZANAR NATIONAL HISTORIC SITE ADVISORY COMMISSION.

Section 105(h) of Public Law 102–248 (16 U.S.C. 461 note) is amended by striking "10 years after the date of enactment of this title" and inserting "on December 31, 2013".

TITLE III—OJITO WILDERNESS

SEC. 301. SHORT TITLE.

This title may be cited as the "Ojito Wilderness Act".

SEC. 302. DEFINITIONS.

In this title:

(1) PUEBLO.—The term "Pueblo" means the Pueblo of Zia.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of New Mexico.

(4) MAP.—The term "map" means the map entitled "Ojito Wilderness Act" and dated October 1, 2004.

(5) WILDERNESS.—The term "Wilderness" means the Ojito Wilderness designated under section 303(a).

SEC. 303. DESIGNATION OF THE OJITO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby designated as wilderness, and, therefore, as a component of the National Wilderness Preservation System, certain land in the Albuquerque District-Bureau of Land Management, New Mexico, which comprise approximately 11,183 acres, as generally depicted on the map, and which shall be known as the "Ojito Wilderness".

(b) MAP AND LEGAL DESCRIPTION.—The map and a legal description of the Wilderness shall—

(1) be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives as soon as practicable after the date of the enactment of this Act;

(2) have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in the legal description and map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) MANAGEMENT OF WILDERNESS.—Subject to valid existing rights, the Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this title, except that, with respect to the Wilderness, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) MANAGEMENT OF NEWLY ACQUIRED LAND.—If acquired by the United States, the following land shall become part of the Wilderness and shall be managed in accordance with this title and other laws applicable to the Wilderness:

(1) Section 12 of township 15 north, range 01 west, New Mexico Principal Meridian.

(2) Any land within the boundaries of the Wilderness.

(e) Management of Lands To Be Added.—The lands generally depicted on the map as "Lands to be Added" shall become part of the Wilderness if the United States acquires, or alternative adequate access is available to, section 12 of township 15 north, range 01 west.

(f) Release.—The Congress hereby finds and directs that the lands generally depicted on the map as "Lands to be Released" have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and no longer are subject to the requirement of section 603(c) of such Act (43 U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(g) Grazing.—Grazing of livestock in the Wilderness, where established before the date of the enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the One Hundred First Congress (H. Rept. 101-405).

(h) Fish and Wildlife.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(i) Water Rights.—

(1) Findings.—Congress finds that—

(A) the land designated as Wilderness by this title is arid in nature and is generally not suitable for use or development of new water resource facilities; and

(B) because of the unique nature and hydrology of the desert land designated as wilderness by this title, it is possible to provide for proper management and protection of the wilderness and other values of lands in ways different from those used in other legislation.

(2) Statutory construction.—Nothing in this title—

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by this title;

(B) shall affect any water rights in the State existing on the date of the enactment of this Act, including any water rights held by the United States;

(C) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(3) New Mexico water law.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by this title.

(4) New projects.—

(A) Water resource facility.—As used in this subsection, the term "water resource facility"—

(i) means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and

(ii) does not include wildlife guzzlers.

(B) Restriction on new water resource facilities.—Except as otherwise provided in this Act, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this title.

(j) Withdrawal.—Subject to valid existing rights, the Wilderness, the lands to be added under subsection (e), and lands identified on the map as the "BLM Lands Authorized to be Acquired by the Pueblo of Zia" are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(k) Exchange.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall seek to complete an exchange for State land within the boundaries of the Wilderness.

SEC. 304. LAND HELD IN TRUST.

(a) In General.—Subject to valid existing rights and the conditions under subsection (d), all right, title, and interest of the United States in and to the lands (including improvements, appurtenances, and mineral rights to the lands) generally depicted on the map as "BLM Lands Authorized to be Acquired by the Pueblo of Zia" shall, on receipt of consideration under subsection (c) and adoption and approval of regulations under subsection (d), be declared by the Secretary to be held in trust by the United States for the Pueblo and shall be part of the Pueblo's Reservation.

(b) Description of Lands.—The boundary of the lands authorized by this section for acquisition by the Pueblo where generally depicted on the map as immediately adjacent to CR906, CR923, and Cucho Arroyo Road shall be 100 feet from the center line of the road.

(c) Consideration.—

(1) In general.—In consideration for the conveyance authorized under subsection (a), the Pueblo shall pay to the Secretary the amount that is equal to the fair market value of the land conveyed, as subject to the terms and conditions in subsection (d), as determined by an independent appraisal.

(2) Appraisal.—To determine the fair market value, the Secretary shall conduct an appraisal paid for by the Pueblo that is performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(3) Availability.—Any amounts paid under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition from willing sellers of land or interests in land in the State.

(d) Public Access.—

(1) In general.—Subject to paragraph (2), the declaration of trust and conveyance under subsection (a) shall be subject to the continuing right of the public to access the land for recreational, scenic, scientific, educational, paleontological, and conservation uses, subject to any regulations for land management and the preservation, protection, and enjoyment of the natural characteristics of the land that are adopted by the Pueblo and approved by the Secretary: Provided that the Secretary shall ensure that the rights provided for in this paragraph are protected and that a process for resolving any complaints by an aggrieved party is established.

(2) Conditions.—Except as provided in subsection (f)—

(A) In general.—The land conveyed under subsection (a) shall be maintained as open space, and the natural characteristics of the land shall be preserved in perpetuity.

(B) Prohibited uses.—The use of motorized vehicles (except on existing roads or as is necessary for the maintenance and repair of facilities used in connection with grazing operations), mineral extraction, housing, gaming, and other commercial enterprises shall be prohibited within the boundaries of the land conveyed under subsection (a).

(e) Rights of Way.—

(1) Existing rights of way.—Nothing in this section shall affect—

(A) any validly issued right-of-way, or the renewal thereof; or

(B) the access for customary construction, operation, maintenance, repair, and replacement activities in any right-of-way issued, granted, or permitted by the Secretary.

(2) New rights of way and renewals.—

(A) In general.—The Pueblo shall grant any reasonable requests for rights-of-way for utilities and pipelines over land acquired under subsection (a) that is designated as the Rights-of-Way corridor #1 as established in the Rio Puerco Resource Management Plan in effect on the date of the grant.

(B) Administration.—Any right-of-way issued or renewed after the date of the enactment of this Act over land authorized to be conveyed by this section shall be administered in accordance with the rules, regulations, and fee payment schedules of the Department of the Interior, including the Rio Puerco Resources Management Plan in effect on the date of issuance or renewal of the right-of-way.

(f) Judicial Relief.—

(1) In general.—To enforce subsection (d), any person may bring a civil action in the United States District Court for the District of New Mexico seeking declaratory or injunctive relief.

(2) Sovereign immunity.—The Pueblo shall not assert sovereign immunity as a defense or bar to a civil action brought under paragraph (1).

(3) Effect.—Nothing in this section—

(A) authorizes a civil action against the Pueblo for money damages, costs, or attorneys fees; or

(B) except as provided in paragraph (2), abrogates the sovereign immunity of the Pueblo.

TITLE IV—WIND CAVE NATIONAL PARK BOUNDARY REVISION

SEC. 401. SHORT TITLE.

This title may be cited as the "Wind Cave National Park Boundary Revision Act of 2004".

SEC. 402. DEFINITIONS.

In this title:

(1) Map.—The term "map" means the map entitled "Wind Cave National Park Boundary Revision", numbered 108/80,030, and dated June 2002.

(2) PARK.—The term "Park" means the Wind Cave National Park in the State.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of South Dakota.

SEC. 403. LAND ACQUISITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire the land or interest in land described in subsection (b)(1) for addition to the Park.

(2) MEANS.—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The land referred to in subsection (a)(1) shall consist of approximately 5,675 acres, as generally depicted on the map.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) REVISION.—The boundary of the Park shall be adjusted to reflect the acquisition of land under subsection (a)(1).

SEC. 404. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer any land acquired under section 403(a)(1) as part of the Park in accordance with laws (including regulations) applicable to the Park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—The Secretary shall transfer from the Director of the Bureau of Land Management to the Director of the National Park Service administrative jurisdiction over the land described in paragraph (2).

(2) MAP AND ACREAGE.—The land referred to in paragraph (1) consists of the approximately 80 acres of land identified on the map as "Bureau of Land Management land".

SEC. 405. GRAZING.

(a) GRAZING PERMITTED.—Subject to any permits or leases in existence as of the date of acquisition, the Secretary may permit the continuation of livestock grazing on land acquired under section 403(a)(1).

(b) LIMITATION.—Grazing under subsection (a) shall be at not more than the level existing on the date on which the land is acquired under section 403(a)(1).

(c) PURCHASE OF PERMIT OR LEASE.—The Secretary may purchase the outstanding portion of a grazing permit or lease on any land acquired under section 403(a)(1).

(d) TERMINATION OF LEASES OR PERMITS.—The Secretary may accept the voluntary termination of a permit or lease for grazing on any acquired land.

TITLE V—BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE

SEC. 501. SHORT TITLE.

This title may be cited as the "Blunt Reservoir and Pierre Canal Land Conveyance Act of 2004".

SEC. 502. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term "Blunt Reservoir feature" means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term "Commission" means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term "nonpreferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term "Pierre Canal feature" means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term "preferential leaseholder" means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term "preferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term "State" means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term "unleased parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a condition of each conveyance under subsections (d)(5) and (e), respectively, the State shall agree to accept—

(A) in "as is" condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this title shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county

taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this title, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this title $750,000 to reimburse the Secretary for expenses incurred in implementing this title, and such sums as are necessary to reimburse the Commission for expenses incurred implementing this title, not to exceed 10 percent of the cost of each transaction conducted under this title.

TITLE VI—HOLLOMAN AIR FORCE BASE LAND EXCHANGE

SEC. 601. LAND EXCHANGE, PRIVATE AND PUBLIC LAND IN VICINITY OF HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) CONVEYANCE OF PUBLIC LAND.—In exchange for the land described in subsection (b), the Secretary of the Interior shall convey to Randal, Jeffrey, and Timothy Rabon of Otero County, New Mexico (in this section referred to as the "Rabons"), all right, title, and interest of the United States in and to certain public land administered by the Secretary through the Bureau of Land Management consisting of a total of approximately 320 acres, as depicted on the map entitled "Alamogordo Rabon Land Exchange" and dated September 24, 2004, and more specifically described as follows:

(1) SE1/4 of section 6, township 17 south, range 10 east, New Mexico principal meridian.

(2) N1/2N1/2 of section 7, township 17 south, range 10 east, New Mexico principal meridian.

(b) CONSIDERATION.—As consideration for the conveyance of the real property under subsection (a), the Rabons shall convey to the United States all right, title, and interest held by the Rabons in and to three parcels of land depicted on the map referred to in subsection (a), which consists of approximately 241 acres, is contiguous to Holloman Air Force Base, New Mexico, and is located within the required safety zone surrounding munitions storage bunkers at the installation. The Secretary shall assume jurisdiction over the land acquired under this subsection. The three parcels are more specifically described as follows:

(1) Lot 4 in the S1/2 of section 30, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 17.6 acres.

(2) E1/2SW1/4 of section 31, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 80 acres.

(3) Lots 1, 2, 3, and 4 of section 31, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 143 acres.

(c) INTERESTS INCLUDED IN EXCHANGE.—Subject to valid existing rights, the land exchange under this section shall include conveyance of all surface, subsurface, mineral, and water rights in the lands.

(d) COMPLIANCE WITH EXISTING LAW.—(1) The Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716). Notwithstanding subsection (b) of such section, if necessary, a cash equalization payment may be made in excess of 25 percent of the appraised value the public land to be conveyed under subsection (a).

(2) The cost of the appraisals performed as part of the land exchange shall be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

TITLE VII—COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

SEC. 701. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 19(b) of Public Law 99-396 (48 U.S.C. 1469a–1) is amended by adding at the end the following: "Amounts to be covered over pursuant to section 703(b) of the Covenant to establish the Commonwealth of the Northern Mariana Islands shall include the proceeds of all taxes, fees, and other collections, including on estates and gifts, derived from the Commonwealth or activities therein or its inhabitants and residents, with the sole exception of taxes imposed under chapters 2 and 21 of the Internal Revenue Code of 1986, as specifically excluded under 703(b) of the Covenant, together with interest on any amounts not covered over within 1 year of the date of receipt.".

(b) SETTLEMENT.—The Secretary of the Interior shall review the analysis and methodology submitted by the Commonwealth of the Northern Mariana Islands for amounts due under section 703(b) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 263) and shall negotiate with the Governor of the Commonwealth to reach a settlement for all past due sums set forth in the analysis as well as other sums, such as excise taxes and other collections applicable in or to the Commonwealth. Any settlement shall be conditioned on the Commonwealth executing a full and final release of any and all claims under section 703(b) of the Covenant and submission of a plan for the expenditure of all funds for essential infrastructure for education and water.

TITLE VIII—UNITED STATES-MEXICO TRANSBOUNDARY AQUIFER ASSESSMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "United States-Mexico Transboundary Aquifer Assessment Act".

SEC. 802. PURPOSE.

The purpose of this title is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to—

(1) systematically assess priority transboundary aquifers; and

(2) provide the scientific foundation necessary for State and local officials to address pressing water resource challenges in the United States-Mexico border region.

SEC. 803. DEFINITIONS.

In this title:

(1) AQUIFER.—The term "aquifer" means a subsurface water-bearing geologic formation from which significant quantities of water may be extracted.

(2) BORDER STATE.—The term "Border State" means each of the States of Arizona, California, New Mexico, and Texas.

(3) INDIAN TRIBE.—The term "Indian tribe" means an Indian tribe, band, nation, or other organized group or community—

(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

(4) PRIORITY TRANSBOUNDARY AQUIFER.—The term "priority transboundary aquifer" means a transboundary aquifer that has been designated for study and analysis under the program.

(5) PROGRAM.—The term "program" means the United States-Mexico transboundary aquifer assessment program established under section 804(a).

(6) Reservation.—The term "reservation" means land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

(7) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(8) Transboundary aquifer.—The term "transboundary aquifer" means an aquifer that underlies the boundary between the United States and Mexico.

(9) Tri-regional planning group.—The term "Tri-Regional Planning Group" means the binational planning group comprised of—

(A) the Junta Municipal de Agua y Saneamiento de Ciudad Juarez;

(B) the El Paso Water Utilities Public Service Board; and

(C) the Lower Rio Grande Water Users Organization.

(10) Water resources research institutes.—The term "water resources research institutes" means the institutes within the Border States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

SEC. 804. ESTABLISHMENT OF PROGRAM.

(a) In General.—The Secretary, in consultation and cooperation with the Border States, the water resources research institutes, Sandia National Laboratories, and other appropriate entities in the United States and Mexico, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and model transboundary groundwater resources along the United States-Mexico border at a level of detail determined to be appropriate for the particular aquifer.

(b) Objectives.—The objectives of the program are to—

(1) develop and implement an integrated scientific approach to assess transboundary groundwater resources, including—

(A)(i) identifying fresh and saline transboundary aquifers; and

(ii) prioritizing the transboundary aquifers for further analysis by assessing—

(I) the proximity of the transboundary aquifer to areas of high population density;

(II) the extent to which the transboundary aquifer is used;

(III) the susceptibility of the transboundary aquifer to contamination; and

(IV) any other relevant criteria;

(B) evaluating all available data and publications as part of the development of study plans for each priority transboundary aquifer;

(C) creating a new, or enhancing an existing, geographic information system database to characterize the spatial and temporal aspects of each priority transboundary aquifer; and

(D) using field studies, including support for and expansion of ongoing monitoring and metering efforts, to develop—

(i) the additional data necessary to adequately define aquifer characteristics; and

(ii) scientifically sound groundwater flow models to assist with State and local water management and administration, including modeling of relevant groundwater and surface water interactions;

(2) expand existing agreements, as appropriate, between the United States Geological Survey, the Border States, the water resources research institutes, and appropriate authorities in the United States and Mexico, to—

(A) conduct joint scientific investigations;

(B) archive and share relevant data; and

(C) carry out any other activities consistent with the program; and

(3) produce scientific products for each priority transboundary aquifer that—

(A) are capable of being broadly distributed; and

(B) provide the scientific information needed by water managers and natural resource agencies on both sides of the United States-Mexico border to effectively accomplish the missions of the managers and agencies.

(c) Designation of Priority Transboundary Aquifers.—

(1) In general.—For purposes of the program, the Secretary shall designate as priority transboundary aquifers—

(A) the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico; and

(B) the Santa Cruz River Valley aquifers underlying Arizona and Sonora, Mexico.

(2) Additional aquifers.—The Secretary shall, using the criteria under subsection (b)(1)(A)(ii), evaluate and designate additional priority transboundary aquifers.

(d) Cooperation With Mexico.—To ensure a comprehensive assessment of transboundary aquifers, the Secretary shall, to the maximum extent practicable, work with appropriate Federal agencies and other organizations to develop partnerships with, and receive input from, relevant organizations in Mexico to carry out the program.

(e) Grants and Cooperative Agreements.—The Secretary may provide grants or enter into cooperative agreements and other agreements with the water resources research institutes and other Border State entities to carry out the program.

SEC. 805. IMPLEMENTATION OF PROGRAM.

(a) Coordination With States, Tribes, and Other Entities.—The Secretary shall coordinate the activities carried out under the program with—

(1) the appropriate water resource agencies in the Border States;

(2) any affected Indian tribes; and

(3) any other appropriate entities that are conducting monitoring and metering activity with respect to a priority transboundary aquifer.

(b) New Activity.—After the date of enactment of this Act, the Secretary shall not initiate any new field studies or analyses under the program before consulting with, and coordinating the activity with, any Border State water resource agencies that have jurisdiction over the aquifer.

(c) Study Plans; Cost Estimates.—

(1) In general.—The Secretary shall work closely with appropriate Border State water resource agencies, water resources research institutes, and other relevant entities to develop a study plan, timeline, and cost estimate for each priority transboundary aquifer to be studied under the program.

(2) Requirements.—A study plan developed under paragraph (1) shall, to the maximum extent practicable—

(A) integrate existing data collection and analyses conducted with respect to the priority transboundary aquifer;

(B) if applicable, improve and strengthen existing groundwater flow models developed for the priority transboundary aquifer; and

(C) be consistent with appropriate State guidelines and goals.

SEC. 806. EFFECT.

Nothing in this title affects—

(1) the jurisdiction or responsibility of a Border State with respect to managing surface or groundwater resources in the Border State; or

(2) the water rights of any person or entity using water from a transboundary aquifer.

SEC. 807. REPORTS.

Not later than 5 years after the date of enactment of this Act, and on completion of the program in fiscal year 2014, the Secretary shall submit to the appropriate water resource agency in the Border States, an interim and final report, respectively, that describes—

(1) any activities carried out under the program;

(2) any conclusions of the Secretary relating to the status of transboundary aquifers; and

(3) the level of participation in the program of entities in Mexico.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this title $50,000,000 for the period of fiscal years 2005 through 2014.

(b) Distribution of Funds.—Of the amounts made available under subsection (a), 50 percent shall be made available to the water resources research institutes to provide funding to appropriate entities in the Border States (including Sandia National Laboratories, State agencies, universities, the Tri-Regional Planning Group, and other relevant organizations) and Mexico to conduct activities under the program, including the binational collection and exchange of scientific data.

TITLE IX—CASTILLO DE SAN MARCOS NATIONAL MONUMENT

Subtitle A—Castillo de San Marcos National Monument Preservation Act

SEC. 901. SHORT TITLE.

This subtitle may be cited as the "Castillo de San Marcos National Monument Preservation and Education Act".

SEC. 902. VISITOR CENTER.

(a) Authorization.—Subject to the availability of appropriations and the project being prioritized in the National Park Services 5-year, line-item construction program, the Secretary of the Interior (referred to in this section as the "Secretary") may design and construct a Visitor Center for the Castillo de San Marcos National Monument (referred to in this section as the "Monument").

(b) Preferred Alternative.—The Visitor Center authorized in subsection (a) shall be located and constructed in accordance with the Preferred Alternative identified in the Record of Decision for the General Management Plan for the Monument, expected to be signed in 2005.

SEC. 903. COOPERATIVE AGREEMENT.

The Secretary may enter into cooperative agreements with the City of St. Augustine, Florida, the Colonial St. Augustine Preservation Foundation, other Federal, State, and local departments or agencies, academic institutions, and non-profit entities for the planning and design, construction, management, and operation of the Visitor Center.

SEC. 904. BOUNDARY EXPANSION.

(a) Property Acquisition.—If the Preferred Alternative for the Visitor Center authorized by section 902 is located outside the boundary of the Monument, the Secretary is authorized to acquire the site for the Visitor Center, from willing sellers, by donation, purchase with donated or appropriated funds, or by exchange.

(b) Administration of Newly Acquired Land.—Land added to the Monument pursuant to subsection (a) shall be administered by the Secretary in accordance with applicable laws and regulations.

(c) BOUNDARY MODIFICATION.—The boundary of the Monument shall be modified to reflect the acquisition of land authorized in subsection (a) after completion of the acquisition.

SEC. 905. PROJECT APPROVAL.

Prior to initiating any planning, design, or construction on the Visitor Center authorized by section 902, the project must be reviewed and approved by the National Park Service consistent with partnership construction guidelines established by that agency.

Subtitle B—Castillo de San Marcos National Monument Boundary Modification

SEC. 911. SHORT TITLE.

This subtitle may be cited as the "Castillo de San Marcos National Monument Boundary Adjustment Act of 2004".

SEC. 912. FINDINGS.

Congress finds the following:

(1) The early defense lines for Fort Marion, Florida, today known as the Castillo de San Marcos National Monument, included defenses extending in a line due west to the Sebastian River, a distance of about one half mile.

(2) In the 1830's, during the Seminole Wars in Florida, these defensive lines were maintained, but as Florida became more settled they fell into disrepair and/or became obsolete.

(3) In 1908 the War Department deeded much of the property running west to the Sebastian River to the St. Johns County Board of Public Instruction. The portion of this property remaining in federal ownership today is occupied by Orange Street, a City of St. Augustine, Florida street.

(4) For nearly a century, the City of St. Augustine has maintained and managed Orange Street, a modern city street, and associated utilities in the Orange Street corridor.

(5) Any archeological remains that are still present on the property overlaid by Orange Street are adequately protected by the City's archeological ordinances, and by the City having an archeologist on staff.

(6) Although the city currently operates Orange Street under a right-of-way from the National Park Service, from a management perspective it is appropriate for the City of St. Augustine to own Orange Street.

SEC. 913. BOUNDARY ADJUSTMENT.

(a) CONVEYANCE OF LAND.—The Secretary of the Interior shall convey, without consideration, to the City of St. Augustine, Florida, all right, title, and interest of the United States in and to the lands known as Orange Street, a portion of the Castillo de San Marcos National Monument (Monument), consisting of approximately 3.1 acres, as shown on the map entitled Castillo de San Marcos National Monument Boundary Adjustment and Correction, numbered 343/80060, and dated April 2003. Upon completion of the conveyance, the Secretary shall revise the boundary of the Monument to exclude the land conveyed.

(b) BOUNDARY REVISION.—Effective on the date of the enactment of this Act, the boundary of the Monument is revised to include an area of approximately 0.45 acres, as shown on the map identified in subsection (a). The Secretary shall administer the lands included in the boundary as part of the national monument in accordance with applicable laws and regulations.

TITLE X—NORTHERN CALIFORNIA COASTAL WILD HERITAGE WILDERNESS

SEC. 1001. SHORT TITLE.

This title may be cited as the "Northern California Coastal Wild Heritage Wilderness Act".

SEC. 1002. DEFINITION OF SECRETARY.

In this title, the term "Secretary" means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

SEC. 1003. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of California are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) SNOW MOUNTAIN WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Mendocino National Forest, comprising approximately 23,312 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall considered to be a part of the "Snow Mountain Wilderness", as designated by section 101(a)(31) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled "Skeleton Glade Unit, Snow Mountain Proposed Wilderness Addition, Mendocino National Forest" and dated September 17, 2004; and

(ii) the map entitled "Bear Creek/Deafy Glade Unit, Snow Mountain Wilderness Addition, Mendocino National Forest" and dated September 17, 2004.

(2) SANHEDRIN WILDERNESS.—Certain land in the Mendocino National Forest, comprising approximately 10,571 acres, as generally depicted on the map entitled "Sanhedrin Proposed Wilderness, Mendocino National Forest" and dated September 17, 2004, which shall be known as the "Sanhedrin Wilderness".

(3) YUKI WILDERNESS.—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Lake and Mendocino Counties, California, together comprising approximately 54,087 acres, as generally depicted on the map entitled "Yuki Proposed Wilderness" and dated October 28, 2004, which shall be known as the "Yuki Wilderness".

(4) YOLLA BOLLY-MIDDLE EEL WILDERNESS ADDITION.—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Mendocino County, California, together comprising approximately 25,806 acres, as generally depicted on the map entitled "Middle Fork Eel, Smokehouse and Big Butte Units, Yolla Bolly-Middle Eel Proposed Wilderness Addition" and dated October 28, 2004, is incorporated in and shall considered to be a part of the Yolla Bolly-Middle Eel Wilderness, as designated by section 3 of the Wilderness Act (16 U.S.C. 1132).

(5) MAD RIVER BUTTES WILDERNESS.—Certain land in the Six Rivers National Forest, comprising approximately 6,494 acres, as generally depicted on the map entitled "Mad River Buttes, Mad River Proposed Wilderness" and dated September 17, 2004, which shall be known as the "Mad River Buttes Wilderness".

(6) SISKIYOU WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Six Rivers National Forest, comprising approximately 48,754 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall be considered to be a part of the Siskiyou Wilderness, as designated by section 101(a)(30) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled "Bear Basin Butte Unit, Siskiyou Proposed Wilderness Additions, Six Rivers National Forest" and dated October 28, 2004;

(ii) the map entitled "Blue Creek Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest" and dated October 28, 2004;

(iii) the map entitled "Blue Ridge Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004;

(iv) the map entitled "Broken Rib Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004; and

(v) the map entitled "Wooly Bear Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest" and dated September 27, 2004.

(7) MOUNT LASSIC WILDERNESS.—Certain land in the Six Rivers National Forest, comprising approximately 7,279 acres, as generally depicted on the map entitled "Mt. Lassic Proposed Wilderness" and dated September 17, 2004, which shall be known as the "Mount Lassic Wilderness".

(8) TRINITY ALPS WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Six Rivers National Forest, comprising approximately 28,805 acres, as generally depicted on the maps described in subparagraph (B) and which is incorporated in and shall be considered to be a part of the Trinity Alps Wilderness as designated by section 101(a)(34) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled "Orleans Mountain Unit (Boise Creek), Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest", and dated October 28, 2004;

(ii) the map entitled "East Fork Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004;

(iii) the map entitled "Horse Linto Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004; and

(iv) the map entitled "Red Cap Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004.

(9) UNDERWOOD WILDERNESS.—Certain land in the Six Rivers National Forest, comprising approximately 2,977 acres, as generally depicted on the map entitled "Underwood Proposed Wilderness, Six Rivers National Forest" and dated September 17, 2004, which shall be known as the "Underwood Wilderness".

(10) CACHE CREEK WILDERNESS.—Certain land administered by the Bureau of Land Management in Lake County, California, comprising approximately 30,870 acres, as generally depicted on the map entitled "Cache Creek Wilderness Area" and dated September 27, 2004, which shall be known as the "Cache Creek Wilderness".

(11) CEDAR ROUGHS WILDERNESS.—Certain land administered by the Bureau of Land Management in Napa County, California, comprising approximately 6,350 acres, as generally depicted on the map entitled "Cedar

Roughs Wilderness Area" and dated September 27, 2004, which shall be known as the "Cedar Roughs Wilderness".

(12) SOUTH FORK EEL RIVER WILDERNESS.—Certain land administered by the Bureau of Land Management in Mendocino County, California, comprising approximately 12,915 acres, as generally depicted on the map entitled "South Fork Eel River Wilderness Area and Elkhorn Ridge Potential Wilderness" and dated September 27, 2004, which shall be known as the "South Fork Eel River Wilderness".

(13) KING RANGE WILDERNESS.—

(A) IN GENERAL.—Certain land administered by the Bureau of Land Management in Humboldt and Mendocino Counties, California, comprising approximately 42,585 acres, as generally depicted on the map entitled "King Range Wilderness", and dated November 12, 2004, which shall be known as the "King Range Wilderness".

(B) APPLICABLE LAW.—With respect to the wilderness designated by subparagraph (A), in the case of a conflict between this title and Public Law 91–476 (16 U.S.C. 460y et seq.), the more restrictive provision shall control.

(14) ROCKS AND ISLANDS.—

(A) IN GENERAL.—All Federally-owned rocks, islets, and islands (whether named or unnamed and surveyed or unsurveyed) that are located—

(i) not more than 3 geographic miles off the coast of the King Range National Conservation Area; and

(ii) above mean high tide.

(B) APPLICABLE LAW.—In the case of a conflict between this title and Proclamation No. 7264 (65 Fed. Reg. 2821), the more restrictive provision shall control.

SEC. 1004. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by this title shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the wilderness.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this title with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by this title that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this title, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this title is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(e) FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take such measures in the wilderness areas designated by this title as are necessary for the control and prevention of fire, insects, and diseases, in accordance with—

(A) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(B) House Report No. 98–40 of the 98th Congress.

(2) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall review existing policies applicable to the wilderness areas designated by this title to ensure that authorized approval procedures for any fire management measures allow a timely and efficient response to fire emergencies in the wilderness areas.

(f) ACCESS TO PRIVATE PROPERTY.—

(1) IN GENERAL.—The Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this title adequate access to such property to ensure the reasonable use and enjoyment of the property by the owner.

(2) KING RANGE WILDERNESS.—

(A) IN GENERAL.—Subject to subparagraph (B), within the wilderness designated by section 1003(13), the access route depicted on the map for private landowners shall also be available for invitees of the private landowners.

(B) LIMITATION.—Nothing in subparagraph (A) requires the Secretary to provide any access to the landowners or invitees beyond the access that would be available if the wilderness had not been designated.

(g) SNOW SENSORS AND STREAM GAUGES.—If the Secretary determines that hydrologic, meteorologic, or climatological instrumentation is appropriate to further the scientific, educational, and conservation purposes of the wilderness areas designated by this title, nothing in this title prevents the installation and maintenance of the instrumentation within the wilderness areas.

(h) MILITARY ACTIVITIES.—Nothing in this title precludes low-level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over wilderness areas designated by this title.

(i) LIVESTOCK.—Grazing of livestock and the maintenance of existing facilities related to grazing in wilderness areas designated by this title, where established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(j) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas designated by this title if such activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this title affects the jurisdiction of the State of California with respect to fish and wildlife on the public land located in the State.

(k) USE BY MEMBERS OF INDIAN TRIBES.—

(1) ACCESS.—In recognition of the past use of wilderness areas designated by this title by members of Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure that Indian tribes have access to the wilderness areas for traditional cultural and religious purposes.

(2) TEMPORARY CLOSURES.—

(A) IN GENERAL.—In carrying out this section, the Secretary, on request of an Indian tribe, may temporarily close to the general public 1 or more specific portions of a wilderness area to protect the privacy of the members of the Indian tribe in the conduct of the traditional cultural and religious activities in the wilderness area.

(B) REQUIREMENT.—Any closure under subparagraph (A) shall be made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out.

(3) APPLICABLE LAW.—Access to the wilderness areas under this subsection shall be in accordance with—

(A) Public Law 95–341 (commonly known as the "American Indian Religious Freedom Act") (42 U.S.C. 1996 et seq.); and

(B) the Wilderness Act (16 U.S.C. 1131 et seq.).

(l) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in this title creates protective perimeters or buffer zones around any wilderness area designated by this title.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this title shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 1005. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as wilderness by this title or any previous Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the King Range Wilderness Study Area;

(2) the Chemise Mountain Instant Study Area;

(3) the Red Mountain Wilderness Study Area;

(4) the Cedar Roughs Wilderness Study Area; and

(5) those portions of the Rocky Creek/Cache Creek Wilderness Study Area in Lake County, California which are not in R. 5 W., T. 12 N., sec. 22, Mount Diablo Meridian.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as wilderness by this title or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 1006. ELKHORN RIDGE POTENTIAL WILDERNESS AREA.

(a) Designation.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain public land in the State administered by the Bureau of Land Management, compromising approximately 9,655 acres, as generally depicted on the map entitled South Fork Eel River Wilderness Area and Elkhorn Ridge Potential Wilderness" and dated September 27, 2004, is designated as a potential wilderness area.

(b) Management.—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area as wilderness until the potential wilderness area is designated as wilderness.

(c) Ecological Restoration.—

(1) In general.—For purposes of ecological restoration (including the elimination of non-native species, removal of illegal, unused, or decommissioned roads, repair of skid tracks, and any other activities necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may used motorized equipment and mechanized transport in the potential wilderness area until the potential wilderness area is designated as wilderness.

(2) Limitation.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) Wilderness Designation.—

(1) In general.—The potential wilderness area shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(A) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(B) the date that is 5 years after the date of enactment of this Act.

(2) Administration.—On designation as wilderness under paragraph (1), the potential wilderness area shall be—

(A) known as the "Elkhorn Ridge Wilderness"; and

(B) administered in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1007. WILD AND SCENIC RIVER DESIGNATION.

(a) Designation of Black Butte River, California.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"( ) Black Butte River, California.—The following segments of the Black Butte River in the State of California, to be administered by the Secretary of Agriculture:

"(A) The 16 miles of Black Butte River, from the Mendocino County Line to its confluence with Jumpoff Creek, as a wild river.

"(B) The 3.5 miles of Black Butte River from its confluence with Jumpoff Creek to its confluence with Middle Eel River, as a scenic river.

"(C) The 1.5 miles of Cold Creek from the Mendocino County Line to its confluence with Black Butte River, as a wild river.".

(b) Plan; Report.—

(1) In general.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress—

(A) a fire management plan for the Black Butte River segments designated by the amendment under subsection (a); and

(B) a report on the cultural and historic resources within those segments.

(2) Transmittal to county.—The Secretary of Agriculture shall transmit to the Board of Supervisors of Mendocino County, California, a copy of the plan and report submitted under paragraph (1).

SEC. 1008. KING RANGE NATIONAL CONSERVATION AREA BOUNDARY ADJUSTMENT.

Section 9 of Public Law 91 476 (16 U.S.C. 460y–8) is amended by adding at the end the following:

"(d) In addition to the land described in subsections (a) and (c), the land identified as the King Range National Conservation Area Additions on the map entitled 'King Range Wilderness' and dated November 12, 2004, is included in the Area.".

TITLE XI—TRIBAL PARITY ACT

SEC. 1101. SHORT TITLE.

This title may be cited as the "Tribal Parity Act".

SEC. 1102. FINDINGS.

Congress finds that—

(1) the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891)), was approved to promote the general economic development of the United States;

(2) the Fort Randall and Big Bend dam and reservoir projects in South Dakota—

(A) are major components of the Pick-Sloan Missouri River Basin Program; and

(B) contribute to the national economy;

(3) the Fort Randall and Big Bend projects inundated the fertile bottom land of the Lower Brule and Crow Creek Sioux Tribes, which greatly damaged the economy and cultural resources of the Tribes;

(4) Congress has provided compensation to several Indian tribes, including the Lower Brule and Crow Creek Sioux Tribes, that border the Missouri River and suffered injury as a result of 1 or more Pick-Sloan Projects;

(5) the compensation provided to those Indian tribes has not been consistent;

(6) Missouri River Indian tribes that suffered injury as a result of 1 or more Pick-Sloan Projects should be adequately compensated for those injuries, and that compensation should be consistent among the Tribes; and

(7) the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe, based on methodology determined appropriate by the General Accounting Office, are entitled to receive additional compensation for injuries described in paragraph (6), so as to provide parity among compensation received by all Missouri River Indian tribes.

SEC. 1103. LOWER BRULE SIOUX TRIBE.

Section 4(b) of the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act (Public Law 105–132; 111 Stat. 2565) is amended by striking "$39,300,000" and inserting "$186,822,140".

SEC. 1104. CROW CREEK SIOUX TRIBE.

Section 4(b) of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996 (Public Law 104 223; 110 Stat. 3027) is amended by striking "$27,500,000" and inserting "$105,917,853".

TITLE XII—REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT

SEC. 1201. SHORT TITLE.

This title may be cited as the "Redwood National Park Boundary Adjustment Act of 2004".

SEC. 1202. REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT.

Section 2(a) of the Act of Public Law 90–545 (16 U.S.C. 79b(a)) is amended—

(1) in the first sentence, by striking "(a) The area" and all that follows through the period at the end and inserting the following: "(a)(1) The Redwood National Park consists of the land generally depicted on the map entitled 'Redwood National Park, Revised Boundary', numbered 167 60502, and dated February, 2003.";

(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

"(2) The map referred to in paragraph (1) shall be—

"(A) on file and available for public inspection in the appropriate offices of the National Park Service; and

"(B) provided by the Secretary of the Interior to the appropriate officers of Del Norte and Humboldt Counties, California."; and

(3) in the second sentence—

(A) by striking "The Secretary" and inserting the following:

"(3) The Secretary"; and

(B) by striking "one hundred and six thousand acres" and inserting "133,000 acres".

TITLE XIII—VALLES CALDERA PRESERVATION

SEC. 1301. SHORT TITLE.

This title may be cited as the "Valles Caldera Preservation Act of 2004".

SEC. 1302. AMENDMENTS TO THE VALLES CALDERA PRESERVATION ACT.

(a) Acquisition of Outstanding Mineral Interests.—Section 104(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–2(e)) is amended—

(1) by striking "The acquisition" and inserting the following:

"(1) In general.—The acquisition";

(2) by striking "The Secretary" and inserting the following:

"(2) Acquisition.—The Secretary";

(3) by striking "on a willing seller basis";

(4) by striking "Any such" and inserting the following:

"(3) Administration.—Any such"; and

(5) by adding at the end the following:

"(4) Available funds.—Any such interests shall be acquired with available funds.

"(5) Declaration of taking.—

"(A) In general.—If negotiations to acquire the interests are unsuccessful by the date that is 60 days after the date of enactment of this paragraph, the Secretary shall acquire the interests pursuant to section 3114 of title 40, United States Code.

"(B) Source of funds.—Any difference between the sum of money estimated to be just compensation by the Secretary and the amount awarded shall be paid from the permanent judgment appropriation under section 1304 of title 31, United States Code.".

(b) Obligations and Expenditures.—Section 106(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(e)) is amended by adding at the end the following:

"(4) Obligations and expenditures.—Subject to the laws applicable to Government corporations, the Trust shall determine—

"(A) the character of, and the necessity for, any obligations and expenditures of the Trust; and

"(B) the manner in which obligations and expenditures shall be incurred, allowed, and paid.".

(c) Solicitation of Donations.—Section 106(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v 4(g)) is amended by striking "The Trust may solicit" and inserting "The members of the Board of Trustees, the executive director, and 1 additional employee of the Trust in an executive position designated by the Board of Trustees or the executive director may solicit".

(d) Use of Proceeds.—Section 106(h)(1) of the Valles Caldera Preservation Act (16

U.S.C. 698v-4(h)(1)) is amended by striking "subsection (g)" and inserting "subsection (g), from claims, judgments, or settlements arising from activities occurring on the Baca Ranch or the Preserve after October 27, 1999,".

SEC. 1303. BOARD OF TRUSTEES.

Section 107(e) of the Valles Caldera Preservation Act (U.S.C. 698v-5(e)) is amended—

(1) in paragraph (2), by striking "Trustees" and inserting "Except as provided in paragraph (3), trustees"; and

(2) in paragraph (3)—

(A) by striking "Trustees" and inserting the following:

"(A) SELECTION.—Trustees"; and

(B) by adding at the end the following:

"(B) COMPENSATION.—On request of the chair, the chair may be compensated at a rate determined by the Board of Trustees, but not to exceed the daily equivalent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) in which the chair is engaged in the performance of duties of the Board of Trustees.

"(C) MAXIMUM RATE OF PAY.—The total amount of compensation paid to the chair for a fiscal year under subparagraph (B) shall not exceed 25 percent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

SEC. 1304. RESOURCE MANAGEMENT.

(a) PROPERTY DISPOSAL LIMITATIONS.—Section 108(c)(3) of the Valles Caldera Preservation Act (16 U.S.C. 698v-6(c)(3)) is amended—

(1) in the first sentence, by striking "The Trust may not dispose" and inserting the following:

"(A) IN GENERAL.—The Trust may not dispose";

(2) in the second sentence, by striking "The Trust" and inserting the following:

"(B) MAXIMUM DURATION.—The Trust";

(3) in the last sentence, by striking "Any such" and inserting the following:

"(C) TERMINATION.—The"; and

(4) by adding at the end the following:

"(D) EXCLUSIONS.—For the purposes of this paragraph, the disposal of real property does not include the sale or other disposal of forage, forest products, or marketable renewable resources.".

(b) LAW ENFORCEMENT AND FIRE MANAGEMENT.—Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v-6(g)) is amended—

(1) in the first sentence, by striking "The Secretary" and inserting the following:

"(1) LAW ENFORCEMENT.—

"(A) IN GENERAL.—The Secretary";

(2) in the second sentence, by striking "The Trust" and inserting the following:

"(B) FEDERAL AGENCY.—The Trust"; and

(3) by striking "At the request of the Trust" and all that follows through the end of the paragraph and inserting the following:

"(2) FIRE MANAGEMENT.—

"(A) NON-REIMBURSABLE SERVICES.—

"(i) DEVELOPMENT OF PLAN.—The Secretary shall, in consultation with the Trust, develop a plan to carry out fire preparedness, suppression, and emergency rehabilitation services on the Preserve.

"(ii) CONSISTENCY WITH MANAGEMENT PROGRAM.—The plan shall be consistent with the management program developed pursuant to subsection (d).

"(iii) COOPERATIVE AGREEMENT.—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide the services to be carried out pursuant to the plan under a cooperative agreement entered into between the Secretary and the Trust.

"(B) REIMBURSABLE SERVICES.—To the extent generally authorized at other units of the National Forest System, the Secretary may provide presuppression and nonemergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.".

TITLE XIV—CENTRAL NEVADA RURAL CEMETERIES

SEC. 1401. SHORT TITLE.

This title may be cited as the "Central Nevada Rural Cemeteries Act".

SEC. 1402. CONVEYANCE TO LANDER COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the historical use by settlers and travelers since the late 1800's of the cemetery known as "Kingston Cemetery" in Kingston, Nevada, predates incorporation of the land within the jurisdiction of the Forest Service on which the cemetery is situated;

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency;

(3) in accordance with Public Law 85-569 (commonly known as the "Townsite Act") (16 U.S.C. 478a), the Forest Service has conveyed to the Town of Kingston 1.25 acres of the land on which historic gravesites have been identified; and

(4) to ensure that all areas that may have unmarked gravesites are included, and to ensure the availability of adequate gravesite space in future years, an additional parcel consisting of approximately 8.75 acres should be conveyed to the county so as to include the total amount of the acreage included in the original permit issued by the Forest Service for the cemetery.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Lander County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of National Forest System land (including any improvements on the land) known as "Kingston Cemetery", consisting of approximately 10 acres and more particularly described as SW¼SE¼SE¼ of section 36, T. 16N., R. 43E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over Forest Development Road #20307B, notwithstanding any future closing of the road for other use.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the Secretary, to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

SEC. 1403. CONVEYANCE TO EUREKA COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the historical use by settlers and travelers since the late 1800's of the cemetery known as "Maiden's Grave Cemetery" in Beowawe, Nevada, predates incorporation of the land within the jurisdiction of the Bureau of Land Management on which the cemetery is situated; and

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Eureka County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of public land (including any improvements on the land) known as "Maiden's Grave Cemetery", consisting of approximately 10 acres and more particularly described as S½NE¼SW¼SW¼, N½SE¼SW¼SW¼ of section 10, T.31N., R.49E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over an appropriate access route consistent with current access.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the Secretary, to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

TITLE XV—DANDINI RESEARCH PARK CONVEYANCE

SEC. 1501. SHORT TITLE.

This title may be cited as the "Dandini Research Park Conveyance Act".

SEC. 1502. DEFINITIONS.

In this title:

(1) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of

the University and Community College System of Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 1503. CONVEYANCE TO THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA.

(a) CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall convey to the Board of Regents, without consideration, all right, title, and interest of the United States in and to the approximately 467 acres of land located in Washoe County, Nevada, patented to the University of Nevada under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.), and described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is—

(A) the parcel of land consisting of approximately 309.11 acres and more particularly described as T. 20 N., R. 19 E., Sec. 25, lots 1, 2, 3, 4, 5, and 11, SE¼NW¼, NE¼SW¼, Mount Diablo Meridian, Nevada; and

(B) the parcel of land consisting of approximately 158.22 acres and more particularly described as T. 20 N., R. 19 E., Sec. 25, lots 6 and 7, SW¼NE¼, NW¼SE¼, Mount Diablo Meridian, Nevada.

(b) COSTS.—The Board of Regents shall pay to the United States an amount equal to the costs of the Secretary associated with the conveyance under subsection (a)(1).

(c) CONDITIONS.—If the Board of Regents sells any portion of the land conveyed to the Board of Regents under subsection (a)(1)—

(1) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(2) the Board of Regents shall pay to the Secretary an amount equal to the net proceeds of the sale, for use by the Director of the Bureau of Land Management in the State of Nevada, without further appropriation.

TITLE XVI—ACQUISITION OF CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH

SEC. 1601. ACQUISITION OF CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) DEFINITION OF OWNER.—In this section, the term "owner" means an owner that is able to convey to the United States clear title to property taken under this section.

(b) TAKING OF PROPERTY.—Notwithstanding any other provision of law, effective 30 days after the date of enactment of this Act, there is vested in the United States all right, title, and interest in and to, and the right to immediate possession of certain land located in a master planned community development in Washington County, Utah, known as "PAHO", owned by Environmental Land Technology, Ltd., Rocky Mountain Ventures, and James Doyle, within the Red Cliffs Reserve in Washington County, Utah, consisting of—

(A) the fee simple interest in approximately 1,516 acres of real property; and

(B) the fee simple interest in 34 acres of real property adjacent to the Red Cliffs Reserve owned by Environmental Land Technology, Ltd.

(c) JUST COMPENSATION.—

(1) IN GENERAL.—The United States shall pay the owner just compensation determined as of the date of enactment of this Act.

(2) AMOUNT.—Payment of just compensation shall be in the amount of—

(A) the valuation of the property determined by judgment awarded by a United States Court of competent jurisdiction;

(B) interest from the date of enactment of this Act; and

(C) any other costs and expenses, if any, as determined by the court.

(3) INTEREST.—Interest under this subsection shall be compounded in the same manner as under subsection (b)(2)(B) of the first section of the Act of April 17, 1954 (16 U.S.C. 429b(b)(2)(B)), except that the reference in that provision to the date of enactment of the Manassas National Battlefield Park Amendments of 1988 shall be deemed to be a reference to the date of enactment of this Act.

(4) SOURCE OF PAYMENT.—Payment of the amount pursuant to this section shall be made from the permanent judgment appropriation under section 1304 of title 31, United States Code.

(5) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of any judgment entered against the United States with respect to the taking of property under this section.

TITLE XVII—NORTHERN ARIZONA LAND EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP

SEC. 1701. SHORT TITLE.

This title may be cited as the "Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2004".

Subtitle A—Northern Arizona Land Exchange

SEC. 1711. DEFINITIONS.

In this subtitle:

(1) CAMP.—The term "camp" means Camp Pearlstein, Friendly Pines, Patterdale Pines, Pine Summit, Sky Y, and Young Life Lost Canyon camps in the State of Arizona.

(2) CITIES.—The term "cities" means the cities of Flagstaff, Williams, and Camp Verde, Arizona.

(3) FEDERAL LAND.—The term "Federal land" means the land described in section 1714.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the land described in section 1713.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(6) YAVAPAI RANCH.—The term "Yavapai Ranch" means the Yavapai Ranch Limited Partnership, an Arizona Limited Partnership, and the Northern Yavapai, L.L.C., an Arizona Limited Liability Company.

SEC. 1712. LAND EXCHANGE.

(a) IN GENERAL.—(1) Upon the conveyance by Yavapai Ranch of title to the non-Federal land identified in section 1713, the Secretary shall simultaneously convey to Yavapai Ranch title to the Federal land identified in section 1714.

(2) Title to the lands to be exchanged shall be in a form acceptable to the Secretary and Yavapai Ranch.

(3) The Federal and non-Federal lands to be exchanged under this subtitle may be modified prior to the exchange as provided in this subtitle.

(4)(A) By mutual agreement, the Secretary and Yavapai Ranch may make minor and technical corrections to the maps and legal descriptions of the lands and interests therein exchanged or retained under this subtitle, including changes, if necessary to conform to surveys approved by the Bureau of Land Management.

(B) In the case of any discrepancy between a map and legal description, the map shall prevail unless the Secretary and Yavapai Ranch agree otherwise.

(b) EXCHANGE PROCESS.—(1) Except as otherwise provided in this subtitle, the land exchange under subsection (a) shall be undertaken in accordance with section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716).

(2) Before completing the land exchange under this subtitle, the Secretary shall perform any necessary land surveys and pre-exchange inventories, clearances, reviews, and approvals, including those relating to hazardous materials, threatened and endangered species, cultural and historic resources, and wetlands and flood plains.

(c) EQUAL VALUE EXCHANGE.—(1) The value of the Federal land and the non-Federal land shall be equal, or equalized by the Secretary by adjusting the acreage of the Federal land in accordance with paragraph (2).

(2) If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, prior to making other adjustments, the Federal lands shall be adjusted by deleting all or part of the parcels or portions of the parcels in the following order:

(A) A portion of the Camp Verde parcel described in section 1714(a)(4), comprising approximately 316 acres, located in the Prescott National Forest, and more particularly described as lots 1, 5, and 6 of section 26, the NE¼NE¼ portion of section 26 and the N½N½ portion of section 27, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(B) A portion of the Camp Verde parcel described in section 1714(a)(4), comprising approximately 314 acres, located in the Prescott National Forest, and more particularly described as lots 2, 7, 8, and 9 of section 26, the SE¼NE¼ portion of section 26, and the S½N½ of section 27, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(C) Beginning at the south boundary of section 31, Township 20 North, Range 5 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 33 and 35, Township 20 North, Range 6 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, by adding to the non-Federal land to be conveyed to the United States in 1/16-section increments (E-W 64th line) while deleting from the conveyance to Yavapai Ranch Federal land in the same incremental portions of section 32, Township 20 North, Range 5 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 32, 34, and 36 in Township 20 North, Range 6 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs east-to-west across the sections.

(D) Any other parcels, or portions thereof, agreed to by the Secretary and Yavapai Ranch.

(3) If any parcel of Federal land or non-Federal land is not conveyed because of any reason, that parcel of land, or portion thereof, shall be excluded from the exchange and the remaining lands shall be adjusted as provided in this subsection.

(4) If the value of the Federal land exceeds the value of the non-Federal land by more than $50,000, the Secretary and Yavapai Ranch shall, by mutual agreement, delete additional Federal land from the exchange until the value of the Federal land and non-Federal land is, to the maximum extent practicable, equal.

(d) APPRAISALS.—(1) The value of the Federal land and non-Federal land shall be determined by appraisals prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(2)(A) After the Secretary has reviewed and approved the final appraised values of the

Federal land and non-Federal land to be exchanged, the Secretary shall not be required to reappraise or update the final appraised values before the completion of the land exchange.

(B) This paragraph shall apply during the three-year period following the approval by the Secretary of the final appraised values of the Federal land and non-Federal land unless the Secretary and Yavapai Ranch have entered into an agreement to implement the exchange.

(3) During the appraisal process, the appraiser shall determine the value of each parcel of Federal land and non-Federal land (including the contributory value of each individual section of the intermingled Federal and non-Federal land of the property described in sections 103(a) and 104(a)(1)) as an assembled transaction.

(4)(A) To ensure the timely and full disclosure to the public of the final appraised values of the Federal land and non-Federal land, the Secretary shall provide public notice of any appraisals approved by the Secretary and copies of such appraisals shall be available for public inspection in appropriate offices of the Prescott, Coconino, and Kaibab National Forests.

(B) The Secretary shall also provide copies of any approved appraisals to the cities and the owners of the camps described in section 1711(1).

(e) CONTRACTING.—(1) If the Secretary lacks adequate staff or resources to complete the exchange by the date specified in section 1716(c), Yavapai Ranch, subject to the agreement of the Secretary, may contract with independent third-party contractors to carry out any work necessary to complete the exchange by that date.

(2) If, in accordance with this subsection, Yavapai Ranch contracts with an independent third-party contractor to carry out any work that would otherwise be performed by the Secretary, the Secretary shall reimburse Yavapai Ranch for the costs for the third-party contractors.

(f) EASEMENTS.—(1) The exchange of non-Federal and Federal land under this subtitle shall be subject to any easements, rights-of-way, utility lines, and any other valid encumbrances in existence on the date of enactment of this subtitle, including acquired easements for water pipelines as generally depicted on the map entitled "Yavapai Ranch Land Exchange, YRLP Acquired Easements for Water Lines" dated April 2002, and any other reservations that may be agreed to by the Secretary and Yavapai Ranch.

(2) Upon completion of the land exchange under this subtitle, the Secretary and Yavapai Ranch shall grant each other at no charge reciprocal easements for access and utilities across, over, and through—

(A) the routes depicted on the map entitled "Yavapai Ranch Land Exchange, Road and Trail Easements, Yavapai Ranch Area" dated April 2002; and

(B) any relocated routes that are agreed to by the Secretary and Yavapai Ranch.

(3) An easement described in paragraph (2) shall be unrestricted and non-exclusive in nature and shall run with and benefit the land.

(g) CONVEYANCE OF FEDERAL LAND TO CITIES AND CAMPS.—(1) Prior to the completion of the land exchange between Yavapai Ranch and the Secretary, the cities and the owners of the camps may enter into agreements with Yavapai Ranch whereby Yavapai Ranch, upon completion of the land exchange, will convey to the cities or the owners of the camps the applicable parcel of Federal land or portion thereof.

(2) If Yavapai Ranch and the cities or camp owners have not entered into agreements in accordance with paragraph (1), the Secretary shall, on notification by the cities or owners of the camps no later than 30 days after the date the relevant approved appraisal is made publicly available, delete the applicable parcel or portion thereof from the land exchange between Yavapai Ranch and the United States as follows:

(A) Upon request of the City of Flagstaff, Arizona, the parcels, or portion thereof, described in section 1714(a)(2).

(B) Upon request of the City of Williams, Arizona, the parcels, or portion thereof, described in section 1714(a)(3).

(C) Upon request of the City of Camp Verde, Arizona, a portion of the parcel described in section 1714(a)(4), comprising approximately 514 acres located southeast of the southeastern boundary of the I–17 right-of-way, and more particularly described as the SE¼ portion of the southeast quarter of section 26, the E½ and the E½W½ portions of section 35, and lots 5 through 7 of section 36, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(D) Upon request of the owners of the Younglife Lost Canyon camp, the parcel described in section 1714(a)(5).

(E) Upon request of the owner of Friendly Pines Camp, Patterdale Pines Camp, Camp Pearlstein–Pine Summit, or Sky Y Camp, as applicable, the corresponding parcel described in section 1714(a)(6).

(3)(A) Upon request of the specific city or camp referenced in paragraph (2), the Secretary shall convey to such city or camp all right, title, and interest of the United States in and to the applicable parcel of Federal land or portion thereof, upon payment of the fair market value of the parcel and subject to any terms and conditions the Secretary may require.

(B) A conveyance under this paragraph shall not require new administrative or environmental analyses or appraisals beyond those prepared for the land exchange.

(4) A city or owner of a camp purchasing land under this subsection shall reimburse Yavapai Ranch for any costs incurred which are directly associated with surveys and appraisals of the specific property conveyed.

(5) A conveyance of land under this subsection shall not affect the timing of the land exchange.

(6) Nothing in this subsection limits the authority of the Secretary or Yavapai Ranch to delete any of the parcels referenced in this subsection from the land exchange.

(7)(A) The Secretary shall deposit the proceeds of any sale under paragraph (2) in a special account in the fund established under Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(B) Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation, to be used for the acquisition of land in the State of Arizona for addition to the National Forest System, including the land to be exchanged under this subtitle.

SEC. 1713. DESCRIPTION OF NON-FEDERAL LAND.

(a) IN GENERAL.—The non-Federal land referred to in this subtitle consists of approximately 35,000 acres of privately-owned land within the boundaries of the Prescott National Forest, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Non-Federal Lands", dated April 2002.

(b) EASEMENTS.—(1) The conveyance of non-Federal land to the United States under section 1712 shall be subject to the reservation of—

(A) water rights and perpetual easements that run with and benefit the land retained by Yavapai Ranch for—

(i) the operation, maintenance, repair, improvement, development, and replacement of not more than 3 wells in existence on the date of enactment of this Act;

(ii) related storage tanks, valves, pumps, and hardware; and

(iii) pipelines to point of use; and

(B) easements for reasonable access to accomplish the purposes of the easements described in subparagraph (A).

(2) Each easement for an existing well referred to in paragraph (1) shall be 40 acres in area, and to the maximum extent practicable, centered on the existing well.

(3) The United States shall be entitled to one-half the production of each existing or replacement well, not to exceed a total of 3,100,000 gallons of water annually for National Forest System purposes.

(4) The locations of the easements and wells shall be as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Reserved Easements for Water Lines and Wells", dated April 2002.

SEC. 1714. DESCRIPTION OF FEDERAL LAND.

(a) IN GENERAL.—The Federal land referred to in this subtitle consists of the following:

(1) Certain land comprising approximately 15,300 acres located in the Prescott National Forest, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Yavapai Ranch Area Federal Lands", dated April 2002.

(2) Certain land located in the Coconino National Forest—

(A) comprising approximately 1,500 acres as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Flagstaff Federal Lands Airport Parcel", dated April, 2002; and

(B) comprising approximately 28.26 acres in two separate parcels, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Flagstaff Federal Lands Wetzel School and Mt. Elden Parcels", dated September 2002.

(3) Certain land located in the Kaibab National Forest, and referred to as the Williams Airport, Williams golf course, Williams Sewer, Buckskinner Park, Williams Railroad, and Well parcels number 2, 3, and 4, cumulatively comprising approximately 950 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Williams Federal Lands", dated April 2002.

(4) Certain land located in the Prescott National Forest, comprising approximately 2,200 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Camp Verde Federal Land General Crook Parcel", dated April 2002.

(5) Certain land located in the Kaibab National Forest, comprising approximately 237.5 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Younglife Lost Canyon", dated April 2002.

(6) Certain land located in the Prescott National Forest, including the "Friendly Pines", "Patterdale Pines", "Camp Pearlstein", "Pine Summit", and "Sky Y" camps, cumulatively comprising approximately 200 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Prescott Federal Lands, Summer Youth Camp Parcels", dated April 2002.

(b) CONDITION OF CONVEYANCE OF CAMP VERDE PARCEL.—(1) To conserve water in the Verde Valley, Arizona, and to minimize the adverse impacts from future development of the Camp Verde General Crook parcel described in subsection (a)(4) on current and future holders of water rights in existence of the date of enactment of this subtitle and the Verde River and National Forest System lands retained by the United States, the United States shall limit in perpetuity the use of water on the parcel by reserving conservation easements that—

(A) run with the land;

(B) prohibit golf course development on the parcel;

(C) require that any public park or greenbelt on the parcel be watered with treated wastewater;

(D) limit total post-exchange water use on the parcel to not more than 300 acre-feet of water per year;

(E) provide that any water supplied by municipalities or private water companies shall count towards the post-exchange water use limitation described in subparagraph (D); and

(F) except for water supplied to the parcel by municipal water service providers or private water companies, require that any water used for the parcel not be withdrawn from wells perforated in the saturated Holocene alluvium of the Verde River.

(2) If Yavapai Ranch conveys the Camp Verde parcel described in subsection (a)(4), or any portion thereof, the terms of conveyance shall include a recorded and binding agreement of the quantity of water available for use on the land conveyed, as determined by Yavapai Ranch, except that total water use on the Camp Verde parcel may not exceed the amount specified in paragraph (1)(D).

(3) The Secretary may enter into a memorandum of understanding with the State or political subdivision of the State to enforce the terms of the conservation easement.

SEC. 1715. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) IN GENERAL.—Land acquired by the United States under this subtitle shall become part of the Prescott National Forest and shall be administered by the Secretary in accordance with this subtitle and the laws applicable to the National Forest System.

(b) GRAZING.—Where grazing on non-Federal land acquired by the Secretary under this subtitle occurs prior to the date of enactment of this Act, the Secretary may manage the land to allow for continued grazing use, in accordance with the laws generally applicable to domestic livestock grazing on National Forest System land.

(c) TIMBER HARVESTING.—(1) After completion of the land exchange under this subtitle, except as provided in paragraph (2), commercial timber harvesting shall be prohibited on the non-Federal land acquired by the United States.

(2) Timber harvesting may be conducted on the non-Federal land acquired under this subtitle if the Secretary determines that such harvesting is necessary—

(A) to prevent or control fires, insects, and disease through forest thinning or other forest management techniques;

(B) to protect or enhance grassland habitat, watershed values, native plants and wildlife species; or

(C) to improve forest health.

SEC. 1716. MISCELLANEOUS PROVISIONS.

(a) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(b) WITHDRAWAL OF FEDERAL LAND.—Subject to valid existing rights, the Federal land is withdrawn from all forms of entry and appropriation under the public land laws; location, entry, and patent under the mining laws; and operation of the mineral leasing and geothermal leasing laws, until the date on which the land exchange is completed.

(c) COMPLETION OF EXCHANGE.—It is the intent of Congress that the land exchange authorized and directed under this subtitle be completed not later than 18 months after the date of enactment of this Act.

SEC. 1717. CONVEYANCE OF ADDITIONAL LAND.

(a) IN GENERAL.—The Secretary shall convey to a person that represents the majority of landowners with encroachments on the lot by quitclaim deed the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is lot 8 in section 11, T. 21 N., R. 7 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(c) AMOUNT OF CONSIDERATION.—In exchange for the land described in subsection (b), the person acquiring the land shall pay to the Secretary consideration in the amount of—

(1) $2500; plus

(2) any costs of re-monumenting the boundary of land.

(d) TIMING.—(1) Not later than 90 days after the date on which the Secretary receives a power of attorney executed by the person acquiring the land, the Secretary shall convey to the person the land described in subsection (b).

(2) If, by the date that is 270 days after the date of enactment of this Act, the Secretary does not receive the power of attorney described in paragraph (1)—

(A) the authority provided under this section shall terminate; and

(B) any conveyance of the land shall be made under Public Law 97-465 (16 U.S.C. 521c et seq.).

Subtitle B—Verde River Basin Partnership

SEC. 1721. PURPOSE.

The purpose of this subtitle is to authorize assistance for a collaborative and science-based water resource planning and management partnership for the Verde River Basin in the State of Arizona, consisting of members that represent—

(1) Federal, State, and local agencies; and

(2) economic, environmental, and community water interests in the Verde River Basin.

SEC. 1722. DEFINITIONS.

In this subtitle:

(1) DIRECTOR.—The term "Director" means the Director of the Arizona Department of Water Resources.

(2) PARTNERSHIP.—The term "Partnership" means the Verde River Basin Partnership.

(3) PLAN.—The term "plan" means the plan for the Verde River Basin required by section 1724(a)(1).

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(5) STATE.—The term "State" means the State of Arizona.

(6) VERDE RIVER BASIN.—The term "Verde River Basin" means the land area designated by the Arizona Department of Water Resources as encompassing surface water and groundwater resources, including drainage and recharge areas with a hydrologic connection to the Verde River.

(7) WATER BUDGET.—The term "water budget" means the accounting of—

(A) the quantities of water leaving the Verde River Basin—

(i) as discharge to the Verde River and tributaries;

(ii) as subsurface outflow;

(iii) as evapotranspiration by riparian vegetation;

(iv) as surface evaporation;

(v) for agricultural use; and

(vi) for human consumption; and

(B) the quantities of water replenishing the Verde River Basin by precipitation, infiltration, and subsurface inflows.

SEC. 1723. VERDE RIVER BASIN PARTNERSHIP.

(a) IN GENERAL.—The Secretary may participate in the establishment of a partnership, to be known as the "Verde River Basin Partnership", made up of Federal, State, local governments, and other entities with responsibilities and expertise in water to coordinate and cooperate in the identification and implementation of comprehensive science-based policies, projects, and management activities relating to the Verde River Basin.

(b) AUTHORIZATION OF APPROPRIATIONS.—On establishment of the Partnership, there are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out the activities of the Partnership for each of fiscal years 2005 through 2009.

SEC. 1724. VERDE RIVER BASIN STUDIES.

(a) STUDIES.—

(1) IN GENERAL.—The Partnership shall prepare a plan for conducting water resource studies in the Verde River Basin that identifies—

(A) the primary study objectives to fulfill water resource planning and management needs for the Verde River Basin; and

(B) the water resource studies, hydrologic models, surface and groundwater monitoring networks, and other analytical tools helpful in the identification of long-term water supply management options within the Verde River Basin.

(2) REQUIREMENTS.—At a minimum, the plan shall—

(A) include a list of specific studies and analyses that are needed to support Partnership planning and management decisions;

(B) identify any ongoing or completed water resource or riparian studies that are relevant to water resource planning and management for the Verde River Basin;

(C) describe the estimated cost and duration of the proposed studies and analyses; and

(D) designate as a study priority the compilation of a water budget analysis for the Verde Valley.

(b) VERDE VALLEY WATER BUDGET ANALYSIS.—

(1) IN GENERAL.—Subject to the availability of appropriations, not later than 14 months after the date of enactment of this Act, the Director of the U.S. Geological Survey, in cooperation with the Director, shall prepare and submit to the Partnership a report that provides a water budget analysis of the portion of the Verde River Basin within the Verde Valley.

(2) COMPONENTS.—The report submitted under paragraph (1) shall include—

(A) a summary of the information available on the hydrologic flow regime for the portion of the Middle Verde River from the Clarkdale streamgauging station to the city of Camp Verde at United States Geological Survey Stream Gauge 09506000;

(B) with respect to the portion of the Middle Verde River described in subparagraph (A), estimates of—

(i) the inflow and outflow of surface water and groundwater;

(ii) annual consumptive water use; and

(iii) changes in groundwater storage; and

(C) an analysis of the potential long-term consequences of various water use scenarios on groundwater levels and Verde River flows.

(c) Preliminary Report and Recommendations.—

(1) In general.—Not later than 16 months after the date of enactment of this Act, using the information provided in the report submitted under subsection (b) and any other relevant information, the Partnership shall submit to the Secretary, the Governor of Arizona, and representatives of the Verde Valley communities, a preliminary report that sets forth the findings and recommendations of the Partnership regarding the long-term available water supply within the Verde Valley.

(2) Consideration of recommendations.—The Secretary may take into account the recommendations included in the report submitted under paragraph (1) with respect to decisions affecting land under the jurisdiction of the Secretary, including any future sales or exchanges of Federal land in the Verde River Basin after the date of enactment of this Act.

(3) Effect.—Any recommendations included in the report submitted under paragraph (1) shall not affect the land exchange process or the appraisals of the Federal land and non-Federal land conducted under sections 103 and 104.

SEC. 1725. VERDE RIVER BASIN PARTNERSHIP FINAL REPORT.

Not later than 4 years after the date of enactment of this Act, the Partnership shall submit to the Secretary and the Governor of Arizona a final report that—

(1) includes a summary of the results of any water resource assessments conducted under this subtitle in the Verde River Basin;

(2) identifies any areas in the Verde River Basin that are determined to have groundwater deficits or other current or potential water supply problems;

(3) identifies long-term water supply management options for communities and water resources within the Verde River Basin; and

(4) identifies water resource analyses and monitoring needed to support the implementation of management options.

SEC. 1726. MEMORANDUM OF UNDERSTANDING.

The Secretary (acting through the Chief of the Forest Service) and the Secretary of the Interior, shall enter into a memorandum of understanding authorizing the United States Geological Survey to access Forest Service land (including stream gauges, weather stations, wells, or other points of data collection on the Forest Service land) to carry out this subtitle.

SEC. 1727. EFFECT.

Nothing in this title diminishes or expands State or local jurisdiction, responsibilities, or rights with respect to water resource management or control.

TITLE XVIII—PACTOLA RESERVOIR REALLOCATION AUTHORIZATION ACT OF 2004

SEC. 1801. SHORT TITLE.

This title may be cited as the "Pactola Reservoir Reallocation Authorization Act of 2004".

SEC. 1802. FINDINGS.

Congress finds that—

(1) it is appropriate to reallocate the costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; and

(2) section 302 of the Department of Energy Organization Act (42 U.S.C. 7152) prohibits such a reallocation of costs without congressional approval.

SEC. 1803. REALLOCATION OF COSTS OF PACTOLA DAM AND RESERVOIR, SOUTH DAKOTA.

The Secretary of the Interior may, as provided in the contract of August 2001 entered into between Rapid City, South Dakota, and the Rapid Valley Conservancy District, reallocate, in a manner consistent with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)), the construction costs of Pactola Dam and Reservoir, Rapid Valley Unit, Pick-Sloan Missouri Basin Program, South Dakota, from irrigation purposes to municipal, industrial, and fish and wildlife purposes.

SA 4085. Mr. ALEXANDER (for Mr. DOMENICI) proposed an amendment to the bill S. 1521, an act to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, and for other purposes; as follows:

Strike section 201 and insert the following:

SEC. 201. AUTHORIZATION AND APPROPRIATION EXTENSIONS.

(a) In General.—Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104 333; 16 U.S.C. 461 note) is amended—

(1) in each of sections 107, 208, 408, 507, 607, 811, and 910, by striking "September 30, 2012" and inserting "September 30, 2027"; and

(2) in title VIII, by striking "Canal National Heritage Corridor" each place it appears in the section headings and text and inserting "National Heritage Canalway".

(b) John H. Chafee Blackstone River Valley.—Section 7 of Public Law 99 647 (16 U.S.C. 461 note) is amended by striking "on the date" and all that follows through "section" and inserting "on September 30, 2027".

After title VII, add the following:

TITLE VIII—WIND CAVE NATIONAL PARK BOUNDARY REVISION

SEC. 801. SHORT TITLE.

This title may be cited as the "Wind Cave National Park Boundary Revision Act of 2004".

SEC. 802. DEFINITIONS.

In this title:

(1) Map.—The term "map" means the map entitled "Wind Cave National Park Boundary Revision", numbered 108/80,030, and dated June 2002.

(2) Park.—The term "Park" means the Wind Cave National Park in the State.

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

(4) State.—The term "State" means the State of South Dakota.

SEC. 803. LAND ACQUISITION.

(a) Authority.—

(1) In general.—The Secretary may acquire the land or interest in land described in subsection (b)(1) for addition to the Park.

(2) Means.—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(b) Boundary.—

(1) Map and acreage.—The land referred to in subsection (a)(1) shall consist of approximately 5,675 acres, as generally depicted on the map.

(2) Availability of map.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) Revision.—The boundary of the Park shall be adjusted to reflect the acquisition of land under subsection (a)(1).

SEC. 804. ADMINISTRATION.

(a) In General.—The Secretary shall administer any land acquired under section 803(a)(1) as part of the Park in accordance with laws (including regulations) applicable to the Park.

(b) Transfer of Administrative Jurisdiction.—

(1) In general.—The Secretary shall transfer from the Director of the Bureau of Land Management to the Director of the National Park Service administrative jurisdiction over the land described in paragraph (2).

(2) Map and acreage.—The land referred to in paragraph (1) consists of the approximately 80 acres of land identified on the map as "Bureau of Land Management land".

SEC. 805. GRAZING.

(a) Grazing Permitted.—Subject to any permits or leases in existence as of the date of acquisition, the Secretary may permit the continuation of livestock grazing on land acquired under section 803(a)(1).

(b) Limitation.—Grazing under subsection (a) shall be at not more than the level existing on the date on which the land is acquired under section 803(a)(1).

(c) Purchase of Permit or Lease.—The Secretary may purchase the outstanding portion of a grazing permit or lease on any land acquired under section 803(a)(1).

(d) Termination of Leases or Permits.—The Secretary may accept the voluntary termination of a permit or lease for grazing on any acquired land.

TITLE IX—BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE

SEC. 901. SHORT TITLE.

This title may be cited as the "Blunt Reservoir and Pierre Canal Land Conveyance Act of 2004".

SEC. 902. BLUNT RESERVOIR AND PIERRE CANAL.

(a) Definitions.—In this section:

(1) Blunt reservoir feature.—The term "Blunt Reservoir feature" means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) Commission.—The term "Commission" means the Commission of Schools and Public Lands of the State.

(3) Nonpreferential lease parcel.—The term "nonpreferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) Pierre canal feature.—The term "Pierre Canal feature" means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) Preferential leaseholder.—The term "preferential leaseholder" means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) Preferential lease parcel.—The term "preferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term "State" means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term "unleased parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a condition of each conveyance under subsections (d)(5) and (e), respectively, the State shall agree to accept—

(A) in "as is" condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder uhder the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this title shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this title, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this title $750,000 to reimburse the Secretary for expenses incurred in implementing this title, and such sums as are necessary to reimburse the Commission for expenses incurred implementing this title, not to exceed 10 percent of the cost of each transaction conducted under this title.

TITLE X—STEEL INDUSTRY NATIONAL HISTORIC SITE

SEC. 1001. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Certain sites and structures in the Commonwealth of Pennsylvania symbolize in physical form the heritage of the steel industry of the United States.

(2) Certain buildings and other structures in the Commonwealth of Pennsylvania are

nationally significant historical resources, including the United States Steel Homestead Works, the Carrie Furnace complex, and the Hot Metal Bridge.

(3) Despite substantial efforts for cultural preservation and historical interpretation by the Commonwealth of Pennsylvania and by individuals and public and private entities in the Commonwealth, these buildings and other structures may be lost without the assistance of the Federal Government.

(b) Purposes.—The purposes of this title are to ensure the preservation, interpretation, visitor enjoyment, and maintenance of the nationally significant historical and cultural sites and structures described in subsection (a) for the benefit and inspiration of present and future generations.

SEC. 1002. STEEL INDUSTRY NATIONAL HISTORIC SITE, PENNSYLVANIA.

(a) Establishment.—The Steel Industry National Historic Site is hereby established as a unit of the National Park System in the Commonwealth of Pennsylvania.

(b) Description.—

(1) Inclusion of certain property.—Subject to paragraph (2), the historic site shall consist of the following properties, each of which relate to the former United States Steel Homestead Works, as depicted on the map entitled "Steel Industry National Historic Site", dated November 2003, and numbered 80,000:

(A) The historic location of the Battle of Homestead site in the borough of Munhall, Pennsylvania, consisting of approximately 3 acres of land, including the pumphouse and water tower and related structures, within the property bounded by the Monongahela River, the CSX railroad, Waterfront Drive, and the Damascus-Marcegaglia Steel Mill.

(B) The historic location of the Carrie Furnace complex in the boroughs of Swissvale and Rankin, Pennsylvania, consisting of approximately 35 acres of land, including blast furnaces 6 and 7, the ore yard, the cast house, the blowing engine house, the AC power house, and related structures, within the property bounded by the proposed southwesterly right-of-way line needed to accommodate the Mon/Fayette Expressway and the relocated CSX railroad right-of-way, the Monongahela River, and a property line drawn northeast to southwest approximately 100 yards east of the AC power house.

(C) The historic location of the Hot Metal Bridge, consisting of the Union railroad bridge and its approaches, spanning the Monongahela River and connecting the mill sites in the boroughs of Rankin and Munhall, Pennsylvania.

(2) Availability of map.—The map referred to in paragraph (1) shall be available for public inspection in an appropriate office of the National Park Service.

(c) Acquisition of Property.— To further the purposes of this section, the Secretary of the Interior may acquire, only by donation, property for inclusion in the historic site as follows:

(1) Any land or interest in land with respect to the property identified in subsection (b)(1).

(2) Up to 10 acres of land adjacent to or in the general proximity of the property identified in such subsection, for the development of visitor, administrative, museum, curatorial, and maintenance facilities.

(3) Personal property associated with, and appropriate for, the interpretation of the historic site.

(d) Private Property Protections.—Nothing in this title shall be construed—

(1) to require any private property owner to permit public access (including Federal, State, or local government access) to the private property; or

(2) to modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(e) Administration.—The Secretary of the Interior shall administer the historic site in accordance with this title and the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(f) Cooperative Agreements.—

(1) In general.—Until such time as the Secretary of the Interior has acquired the property identified in subsection (b)(1), as depicted on the map referred to in such subsection, the Secretary may enter into a cooperative agreement with any interested individual, public or private agency, organization, or institution to further the purposes of the historic site.

(2) Contrary purposes.—Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purpose of the historic site, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such a project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(g) Technical Assistance.—The Secretary of the Interior may provide technical assistance to any person for—

(1) the preservation of historic structures within the historic site; and

(2) the maintenance of the natural and cultural landscape of the historic site.

(h) General Management Plan.—

(1) Preparation.—Not later than three years after the date on which funds are first made available to carry out this title, the Secretary of the Interior shall prepare a general management plan for the historic site that will incorporate or otherwise address substantive comments made during the consultation required by paragraph (2).

(2) Consultation.—The Secretary shall prepare the general management plan in consultation with—

(A) an appropriate official of each appropriate political subdivision of the Commonwealth of Pennsylvania that has jurisdiction over all or a portion of the lands included in the historic site;

(B) an appropriate official of the Steel Industry Heritage Corporation; and

(C) private property owners in the vicinity of the historic site.

(3) Submission of plan to congress.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

TITLE XI—ST. CROIX NATIONAL HERITAGE AREA STUDY

SEC. 1101. ST. CROIX NATIONAL HERITAGE AREA STUDY.

(a) Study.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the island of St. Croix—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(3) provides outstanding recreational and educational opportunities;

(4) contains resources important to the identified theme or themes of the island of St. Croix that retain a degree of integrity capable of supporting interpretation;

(5) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(6) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(7) has a conceptual boundary map that is supported by the public.

(b) Private Property.—In conducting the study required by this section, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

(c) Report.—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations as the Secretary deems appropriate.

TITLE XII—ARABIA MOUNTAIN NATIONAL HERITAGE AREA

SEC. 1201. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone

Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 1202. DEFINITIONS.

For the purposes of this title, the following definitions apply:

(1) HERITAGE AREA.—The term "heritage area" means the Arabia Mountain National Heritage Area established by section 1203.

(2) MANAGEMENT ENTITY.—The term "management entity" means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the heritage area developed under section 1205.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Georgia.

SEC. 1203. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Arabia Mountain National Heritage Area in the State.

(b) BOUNDARIES.—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled "Arabia Mountain National Heritage Area", numbered AMNHA 80,000, and dated October, 2003.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) MANAGEMENT ENTITY.—The Arabia Mountain Heritage Area Alliance shall be the management entity for the heritage area.

SEC. 1204. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES.—For purposes of developing and implementing the management plan, the management entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The management entity shall develop and submit to the Secretary the management plan.

(B) CONSIDERATIONS.—In developing and implementing the management plan, the management entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) PRIORITIES.—The management entity shall give priority to implementing actions described in the management plan, including assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(3) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) ANNUAL REPORT.—For any year in which Federal funds have been made available under this title, the management entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the management entity.

(B) The expenses and income of the management entity.

(5) AUDIT.—The management entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 1205. MANAGEMENT PLAN.

(a) IN GENERAL.—The management entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) BASIS.—The management plan shall be based on the preferred concept in the document entitled "Arabia Mountain National Heritage Area Feasibility Study", dated February 28, 2001.

(c) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) REQUIREMENTS.—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this title.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the management entity, including the membership and organizational structure of the management entity.

(e) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this title until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) REVISION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any revisions to the management plan that the management entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this title shall be used to implement any revision proposed by the management entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 1206. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 1207. EFFECT ON CERTAIN AUTHORITY.

(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this title—

(1) imposes an occupational, safety, conservation, or environmental regulation on

the heritage area that is more stringent than the regulations that would be applicable to the land described in section 1203(b) but for the establishment of the heritage area by section 1203; or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 1203(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 1203.

(b) Land Use Regulation.—Nothing in this title—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the management entity.

SEC. 1208. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) Notification and Consent of Property Owners Required.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) Landowner Withdraw.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 1209. PRIVATE PROPERTY PROTECTION.

(a) Access to Private Property.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) Liability.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) Recognition of Authority To Control Land Use.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) Participation of Private Property Owners in Heritage Area.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) Effect of Establishment.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 1210. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this title $10,000,000, to remain available until expended, of which not more than $1,000,000 may be used in any fiscal year.

(b) Federal Share.—The Federal share of the cost of any project or activity carried out using funds made available under this title shall not exceed 50 percent.

SEC. 1211. TERMINATION OF AUTHORITY.

The authority of the Secretary to make any grant or provide any assistance under this title shall terminate on September 30, 2016.

TITLE XIII—UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA

SEC. 1301. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds the following:

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places including—

(A) five National Historic Landmarks—

(i) Edith Wharton's home, The Mount, Lenox, Massachusetts;

(ii) Herman Melville's home, Arrowhead, Pittsfield, Massachusetts;

(iii) W.E.B. DuBois' Boyhood Homesite, Great Barrington, Massachusetts;

(iv) Mission House, Stockbridge, Massachusetts; and

(v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and

(B) four National Natural Landmarks—

(i) Bartholomew's Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;

(ii) Beckley Bog, Norfolk, Connecticut;

(iii) Bingham Bog, Salisbury, Connecticut; and

(iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country's leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B. DuBois, artists Daniel Chester French and Norman Rockwell, and the performing arts centers of Tanglewood, Music Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob's Pillow, and Shakespeare & Company.

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron, paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays' Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the seventeenth and eighteenth centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) Purposes.—The purposes of this title are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled "Upper Housatonic Valley National Heritage Area Feasibility Study, 2003".

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region's heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

SEC. 1302. DEFINITIONS.

In this title:

(1) Heritage area.—The term "Heritage Area" means the Upper Housatonic Valley National Heritage Area, established in section 1303.

(2) Management entity.—The term "Management Entity" means the management entity for the Heritage Area designated by section 1303(d).

(3) Management plan.—The term "Management Plan" means the management plan for the Heritage Area specified in section 1305.

(4) Map.—The term "map" means the map entitled "Boundary Map Upper Housatonic Valley National Heritage Area", numbered P17 80,000, and dated February 2003.

(5) Secretary.—The term "Secretary" means the Secretary of the Interior.

(6) State.—The term "State" means the State of Connecticut and the Commonwealth of Massachusetts.

SEC. 1303. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.

(a) Establishment.—There is established the Upper Housatonic Valley National Heritage Area.

(b) Boundaries.—The Heritage Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

(c) Availability of Map.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) Management Entity.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

SEC. 1304. AUTHORITIES, PROHIBITIONS AND DUTIES OF THE MANAGEMENT ENTITY.

(a) DUTIES OF THE MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 1305;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the management entity receives Federal funds under this title, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this title, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic development that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this title to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their subdivisions, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) undertake to be a catalyst for any other activity that furthers the purposes of the Heritage Area and is consistent with the approved management plan.

(c) PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this title to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

SEC. 1305. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) include comprehensive policies, strategies and recommendations for conservation, funding, management and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

(6) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of implementation; and

(7) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this title.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this title until such time as the management plan is submitted to the Secretary.

SEC. 1306. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon the request of the management entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area; and

(D) the management plan is supported by the appropriate State and local officials whose cooperation is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The management entity shall not use Federal funds authorized by this title to implement any amendments until the Secretary has approved the amendments.

SEC. 1307. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and,

(3) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 1308. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 1309. PRIVATE PROPERTY PROTECTION.

(a) Access to Private Property.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) Liability.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) Recognition of Authority To Control Land Use.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) Participation of Private Property Owners in Heritage Area.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) Effect of Establishment.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 1310. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated for the purposes of this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this title.

(b) Matching Funds.—Federal funding provided under this title may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

SEC. 1311. SUNSET.

The authority of the Secretary to provide assistance under this title shall terminate on the day occurring 15 years after funds are first made available for this title.

TITLE XIV—PACTOLA RESERVOIR REALLOCATION AUTHORIZATION ACT OF 2004

SEC. 1401. SHORT TITLE.

This title may be cited as the "Pactola Reservoir Reallocation Authorization Act of 2004".

SEC. 1402. FINDINGS.

Congress finds that—

(1) it is appropriate to reallocate the costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; and

(2) section 302 of the Department of Energy Organization Act (42 U.S.C. 7152) prohibits such a reallocation of costs without congressional approval.

SEC. 1403. REALLOCATION OF COSTS OF PACTOLA DAM AND RESERVOIR, SOUTH DAKOTA.

The Secretary of the Interior may, as provided in the contract of August 2001 entered into between Rapid City, South Dakota, and the Rapid Valley Conservancy District, reallocate, in a manner consistent with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)), the construction costs of Pactola Dam and Reservoir, Rapid Valley Unit, Pick-Sloan Missouri Basin Program, South Dakota, from irrigation purposes to municipal, industrial, and fish and wildlife purposes.

TITLE XV—GULLAH/GEECHEE CULTURAL HERITAGE

SEC. 1501. SHORT TITLE.

This title may be cited as the "Gullah/Geechee Cultural Heritage Act".

SEC. 1502. PURPOSES.

The purposes of this title are to—

(1) recognize the important contributions made to American culture and history by African-Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina and Georgia;

(2) assist State and local governments and public and private entities in the South Carolina and Georgia in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and

(3) assist in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

SEC. 1503. DEFINITIONS.

For the purposes of this title, the following definitions apply:

(1) Commission.—The term "Commission" means the Gullah/Geechee Cultural Heritage Corridor Commission established under this title.

(2) Heritage corridor.—The term "Heritage Corridor" means the Gullah/Geechee Cultural Heritage Corridor established by this title.

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 1504. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.

(a) Establishment.—There is established the Gullah/Geechee Cultural Heritage Corridor.

(b) Boundaries.—

(1) In general.—The Heritage Corridor shall be comprised of those lands and waters generally depicted on a map entitled "Gullah/Geechee Cultural Heritage Corridor" numbered GGCHC/80,000, and dated September 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and in an appropriate State office in each of the States included in the Heritage Corridor. The Secretary shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act a detailed description and map of the boundaries established under this subsection.

(2) Revisions.—The boundaries of the heritage corridor may be revised if the revision is—

(A) proposed in the management plan developed for the Heritage Corridor;

(B) approved by the Secretary in accordance with this title; and

(C) placed on file in accordance with paragraph (1).

(c) Administration.—The Heritage Corridor shall be administered in accordance with the provisions of this title.

SEC. 1505. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.

(a) Establishment.—There is hereby established a commission to be known as "Gullah/Geechee Cultural Heritage Corridor Commission" whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of a management plan for those land and waters specified in section 1504.

(b) Membership.—The Commission shall be composed of nine members appointed by the Secretary as follows:

(1) Four individuals nominated by the State Historic Preservation Officer of South Carolina and two individuals nominated by the State Historic Preservation Officer of Georgia and appointed by the Secretary.

(2) Two individuals from South Carolina and one individual from Georgia who are recognized experts in historic preservation, anthropology, and folklore, appointed by the Secretary.

(c) Terms.—Members of the Commission shall be appointed to terms not to exceed 3 years. The Secretary may stagger the terms of the initial appointments to the Commission in order to assure continuity of operation. Any member of the Commission may serve after the expiration of their term until a successor is appointed. A vacancy shall be filled in the same manner in which the original appointment was made.

(d) Termination.—The Commission shall terminate 10 years after the date of enactment of this Act.

SEC. 1506. OPERATION OF THE COMMISSION.

(a) Duties of the Commission.—To further the purposes of the Heritage Corridor, the Commission shall—

(1) prepare and submit a management plan to the Secretary in accordance with section 1507;

(2) assist units of local government and other persons in implementing the Approved management plan by—

(A) carry out programs and projects that recognize, protect, and enhance important resource values within the Heritage Corridor;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Corridor;

(C) developing recreational and educational opportunities in the Heritage Corridor;

(D) increasing public awareness of and appreciation for the historical, cultural, natural, and scenic resources of the Heritage Corridor;

(E) protecting and restoring historic sites and buildings in the Heritage Corridor that are consistent with heritage corridor themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Corridor; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Corridor;

(3) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Corridor in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the Commission receives Federal funds under this title, setting forth its accomplishments, expenses, and income, including grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this title, all information pertaining to the expenditure of such funds and any matching

funds, and require all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organization make available for audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Corridor.

(b) Authorities.—The Commission may, for the purposes of preparing and implementing the management plan, use funds made available under this title to—

(1) make grants to, and enter into cooperative agreements with the States of South Carolina and Georgia, political subdivisions of those States, a nonprofit organization, or any person;

(2) hire and compensate staff;

(3) obtain funds from any source including any that are provided under any other Federal law or program; and

(4) contract for goods and services.

SEC. 1507. MANAGEMENT PLAN.

(a) In General.—The management plan for the Heritage Corridor shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Corridor;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the historical, cultural, and natural resources of the Heritage Corridor;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Corridor in the first 5 years of implementation;

(5) include an inventory of the historical, cultural, natural, resources of the Heritage Corridor related to the themes of the Heritage Corridor that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the Heritage Corridor's historical, cultural, and natural resources;

(7) describe a program for implementation of the management plan including plans for resources protection, restoration, construction, and specific commitments for implementation that have been made by the Commission or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for the ways in which Federal, State, or local programs may best be coordinated to further the purposes of this title; and

(9) include an interpretive plan for the Heritage Corridor.

(b) Submittal of Management Plan.—The Commission shall submit the management plan to the Secretary for approval not later than 3 years after funds are made available for this title.

(c) Failure to Submit.—If the Commission fails to submit the management plan to the Secretary in accordance with subsection (b), the Heritage Corridor shall not qualify for Federal funding until the management plan is submitted.

(d) Approval or Disapproval of Management Plan.—

(1) In general.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) Criteria.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Commission has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(B) the resource preservation and interpretation strategies contained in the management plan would adequately protect the cultural and historic resources of the Heritage Corridor; and

(C) the Secretary has received adequate assurances from appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the plan.

(3) Action following disapproval.—If the Secretary disapproves the management plan, the Secretary shall advise the Commission in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted.

(4) Approval of amendments.—Substantial amendments to the management plan shall be reviewed and approved by the Secretary in the same manner as provided in the original management plan. The Commission shall not use Federal funds authorized by this title to implement any amendments until the Secretary has approved the amendments.

SEC. 1508. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) In General.—Upon a request of the Commission, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(b) Priority for Assistance.—In providing assistance under subsection (a), the Secretary shall give priority to actions that assist in—

(1) conserving the significant cultural, historical, and natural resources of the Heritage Corridor; and

(2) providing educational and interpretive opportunities consistent with the purposes of the Heritage Corridor.

(c) Spending for Non-Federal Property.—

(1) In general.—The Commission may expend Federal funds made available under this title on nonfederally owned property that is—

(A) identified in the management plan; or

(B) listed or eligible for listing on the National Register for Historic Places.

(2) Agreements.—Any payment of Federal funds made pursuant to this title shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right of the United States to compensation of all funds made available to that project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 1509. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner in which the Commission determines will not have an adverse effect on the Heritage Corridor.

SEC. 1510. COASTAL HERITAGE CENTERS.

In furtherance of the purposes of this title and using the authorities made available under this title, the Commission shall establish one or more Coastal Heritage Centers at appropriate locations within the Heritage Corridor in accordance with the preferred alternative identified in the Record of Decision for the Low Country Gullah Culture Special Resource Study and Environmental Impact Study, December 2003.

SEC. 1511. PRIVATE PROPERTY PROTECTION.

(a) Access to Private Property.—Nothing in this title shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this title shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) Liability.—Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) Recognition of Authority To Control Land Use.—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) Participation of Private Property Owners in Heritage Corridor.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.

(e) Effect of Establishment.—The boundaries designated for the Heritage Corridor represent the area within which Federal funds appropriated for the purpose of this title shall be expended. The establishment of the Heritage Corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Corridor or its viewshed by the Secretary or the management entity.

(f) Notification and Consent of Property Owners Required.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(g) Landowner Withdrawal.—Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

SEC. 1512. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated for the purposes of this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Corridor under this title.

(b) Cost Share.—Federal funding provided under this title may not exceed 50 percent of the total cost of any activity for which assistance is provided under this title.

(c) IN-KIND CONTRIBUTIONS.—The Secretary may accept in-kind contributions as part of the non-Federal cost share of any activity for which assistance is provided under this title.

SEC. 1513. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title shall terminate on the day occurring 15 years after the date of enactment of this Act.

TITLE XVI—WESTERN RESERVE HERITAGE AREA

SEC. 1601. SHORT TITLE.

This title may be cited as the "Western Reserve Heritage Areas Study Act".

SEC. 1602. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.

(a) FINDINGS.—The Congress finds the following:

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio with the rich history in what was once the Western Reserve, has made a unique contribution to the cultural, political and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many settlers migrated to in order to begin life outside of the original 13 colonies.

(3) The Western Reserve played a significant role in providing land to the people of Connecticut whose property and land was destroyed during the Revolution. These settlers were descendants of the brave immigrants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new destination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve remains transfixed in the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwavering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the establishment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the Western Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and centers of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the significance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within these counties and what was once the Western Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall, in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on private property located within or abutting the Study Area.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio.

TITLE XVII—TRIBAL PARITY ACT

SEC. 1701. SHORT TITLE.

This title may be cited as the "Tribal Parity Act".

SEC. 1702. FINDINGS.

Congress finds that—

(1) the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891)), was approved to promote the general economic development of the United States;

(2) the Fort Randall and Big Bend dam and reservoir projects in South Dakota—

(A) are major components of the Pick-Sloan Missouri River Basin Program; and

(B) contribute to the national economy;

(3) the Fort Randall and Big Bend projects inundated the fertile bottom land of the Lower Brule and Crow Creek Sioux Tribes, which greatly damaged the economy and cultural resources of the Tribes;

(4) Congress has provided compensation to several Indian tribes, including the Lower Brule and Crow Creek Sioux Tribes, that border the Missouri River and suffered injury as a result of 1 or more Pick-Sloan Projects;

(5) the compensation provided to those Indian tribes has not been consistent;

(6) Missouri River Indian tribes that suffered injury as a result of 1 or more Pick-Sloan Projects should be adequately compensated for those injuries, and that compensation should be consistent among the Tribes; and

(7) the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe, based on methodology determined appropriate by the General Accounting Office, are entitled to receive additional compensation for injuries described in paragraph (6), so as to provide parity among compensation received by all Missouri River Indian tribes.

SEC. 1703. LOWER BRULE SIOUX TRIBE.

Section 4(b) of the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act (Public Law 105–132; 111 Stat. 2565) is amended by striking "$39,300,000" and inserting "$186,822,140".

SEC. 1704. CROW CREEK SIOUX TRIBE.

Section 4(b) of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996 (Public Law 104–223; 110 Stat. 3027) is amended by striking "$27,500,000" and inserting "$105,917,853".

TITLE XVIII—NORTHERN RIO GRANDE NATIONAL HERITAGE AREA

SEC. 1801. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including eight Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

SEC. 1802. DEFINITIONS.

As used in this title—

(1) the term "heritage area" means the Northern Rio Grande Heritage Area; and

(2) the term "Secretary" means the Secretary of the Interior.

SEC. 1803. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) Management Entity.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos, and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

SEC. 1804. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) Management Plan.—

(1) Not later than 3 years after the date of enactment of this title, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this title.

(4) If the management entity fails to submit a management plan to the secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this title until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) Authority.—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) Duties.—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) coordinate with tribal and local governments to better enable them to adopt land use policies consistent with the goals of the management plan;

(3) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(4) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sits in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this title, consistent with the management plan.

(d) Prohibition on Acquiring Real Property.—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property.

(e) Public Meetings.—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) Annual Reports and Audits.—

(1) For any year in which the management entity receives Federal funds under this title, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 1805. DUTIES OF THE SECRETARY.

(a) Technical and Financial Assistance.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) Priority.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

SEC. 1806. SAVINGS PROVISIONS.

(a) No Effect on Private Property.—Nothing in this title shall be construed—

(1) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands; or

(2) to grant the management entity any authority to regulate the use of privately owned lands.

(b) Tribal Lands.—Nothing in this title shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(c) Authority of Governments.—Nothing in this title shall—

(1) modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(2) authorize the management entity to assume any management authorities over such lands.

(d) Trust Responsibilities.—Nothing in this title shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

SEC. 1807. SUNSET.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this title.

SEC. 1808. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this title $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) Cost-Sharing Requirement.—The Federal share of the total cost of any activity assisted under this title shall be not more than 50 percent.

TITLE XIX—ATCHAFALAYA NATIONAL HERITAGE AREA

SEC. 1901. DEFINITIONS.

In this title:

(1) Heritage Area.—The term "Heritage Area" means the Atchafalaya National Heritage Area established by section 1902(a).

(2) Local coordinating entity.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 1902(c).

(3) Management plan.—The term "management plan" means the management plan for the Heritage Area developed under section 1904.

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

(5) State.—The term "State" means the State of Louisiana.

SEC. 1902. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) Establishment.—There is established in the State the Atchafalaya National Heritage Area.

(b) Boundaries.—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

(c) Local Coordinating Entity.—

(1) In general.—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) Composition.—The local coordinating entity shall be composed of 13 members appointed by the governing authority of each parish within the Heritage Area.

SEC. 1903. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) Authorities.—For the purposes of developing and implementing the management plan and otherwise carrying out this title, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) Duties.—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this title, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

(B) the expenses and income of the local coordinating entity.

(c) ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly.

SEC. 1904. MANAGEMENT PLAN.

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) CONTENTS.—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this title;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this title, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this title until a management plan for the Heritage Area is submitted to the Secretary.

(e) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) REVISION.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this title shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 1905. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent to the management entity for such preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have that private property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 1906. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on that private property.

(c) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

SEC. 1907. EFFECT OF TITLE.

Nothing in this title or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this title;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this title that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this title, of any public utility or common carrier.

SEC. 1908. REPORTS.

For any year in which Federal funds have been made available under this title, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

SEC. 1909. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this title shall be not more than 50 percent.

SEC. 1910. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance to the local coordinating entity under this title terminates on the date that is 15 years after the date of enactment of this title.

TITLE XX—CHAMPLAIN VALLEY NATIONAL HERITAGE PARTNERSHIP

SEC. 2001. SHORT TITLE.

This title may be cited as the "Champlain Valley National Heritage Partnership Act of 2003".

SEC. 2002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;

(2) archaeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;

(3) the linked waterways of the Champlain Valley, including the Richelieu River in Canada, played a unique and significant role in the establishment and development of the United States and Canada through several distinct eras, including—

(A) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;

(B) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and

(C) the era of maritime commerce, during which canals boats, schooners, and steamships formed the backbone of commercial transportation for the region;

(4) those unique and significant eras are best described by the theme "The Making of Nations and Corridors of Commerce";

(5) the artifacts and structures associated with those eras are unusually well-preserved;

(6) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;

(7) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;

(8) there are benefits in celebrating and promoting this mutual heritage;

(9) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(10) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(11) according to the 1999 report of the National Park Service entitled "Champlain Valley Heritage Corridor Project", "the Champlain Valley contains resources and represents a theme 'The Making of Nations and Corridors of Commerce', that is of outstanding importance in U.S. history"; and

(12) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

(b) PURPOSES.—The purposes of this title are—

(1) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(2) to assist the State of Vermont and New York, including units of local government and nongovernmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(3) to use those resources and the theme "The Making of Nations and Corridors of Commerce" to—

(A) revitalize the economy of communities in the Champlain Valley; and

(B) generate and sustain increased levels of tourism in the Champlain Valley;

(4) to encourage—

(A) partnerships among State and local governments and nongovernmental organizations in the United States; and

(B) collaboration with Canada and the Province of Quebec to—

(i) interpret and promote the history of the waterways of the Champlain Valley region;

(ii) form stronger bonds between the United States and Canada; and

(iii) promote the international aspects of the Champlain Valley region; and

(5) to provide financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 2003. DEFINITIONS.

In this title:

(1) HERITAGE PARTNERSHIP.—The term "Heritage Partnership" means the Champlain Valley National Heritage Partnership established by section 2004(a).

(2) MANAGEMENT ENTITY.—The term "management entity" means the Lake Champlain Basin Program.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan developed under section 2004(b)(B)(i).

(4) REGION.—

(A) IN GENERAL.—The term "region" means any area or community in 1 of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) INCLUSIONS.—The term "region" includes—

(i) the linked navigable waterways of—

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(ii) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—the term "State" means—

(A) the State of Vermont; and

(B) the State of New York.

(7) THEME.—The term "theme" means the theme "The Making of Nations and Corridors of Commerce", as the term is used in the 1999 report of the National Park Service entitled "Champlain Valley Heritage Corridor Project", that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

SEC. 2004. HERITAGE PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the regional the Champlain Valley National Heritage Partnership.

(b) MANAGEMENT ENTITY.—

(1) DUTIES.—

(A) IN GENERAL.—The management entity shall implement the title.

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop a management plan for the Heritage Partnership.

(ii) EXISTING PLAN.—Pending the completion and approval of the management plan, the management entity may implement the provisions of this title based on its federally authorized plan "Opportunities for Action, an Evolving Plan For Lake Champlain".

(iii) CONTENTS.—The management plan shall include—

(I) recommendations for funding, managing, and developing the Heritage Partnership;

(II) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

(III) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership;

(IV) an assessment of the organizational capacity of the management entity to achieve the goals for implementation; and

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this title.

(iv) CONSIDERATIONS.—In developing the management plan under clause (i), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

(v) SUBMISSION TO SECRETARY FOR APPROVAL.—

(I) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(II) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (I), the Secretary shall not provide any additional funding under this title until a management plan for the Heritage Partnership is submitted to the Secretary.

(vi) APPROVAL.—Not later than 90 days after receiving the management plan submitted under subparagraph (V)(I), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(vii) ACTION FOLLOWING DISAPPROVAL.—

(I) GENERAL.—If the Secretary disapproves a management plan under subparagraph (vi), the Secretary shall—

(aa) advise the management entity in writing of the reasons for the disapproval;

(bb) make recommendations for revisions to the management plan; and

(cc) allow the management entity to submit to the Secretary revisions to the management plan.

(II) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (vii)(I)(cc), the Secretary shall approve or disapprove the revision.

(viii) AMENDMENT.—

(I) IN GENERAL.—After approval by the Secretary of the management plan, the management entity shall periodically—

(aa) review the management plan; and

(bb) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any amendments to the management plan that the management entity considers to be appropriate.

(II) EXPENDITURE OF FUNDS.—No funds made available under this title shall be used to implement any amendment proposed by the management entity under subparagraph (viii)(1) until the Secretary approves the amendments.

(2) PARTNERSHIPS.—

(A) IN GENERAL.—In carrying out this title, the management entity may enter into partnerships with—

(i) the States, including units of local governments in the States;

(ii) nongovernmental organizations;

(iii) Indian Tribes; and

(iv) other persons in the Heritage Partnership

(B) GRANTS.—Subject to the availability of funds, the management entity may provide grants to partners under subparagraph (A) to assist in implementing this title.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this title to acquire real property or any interest in real property.

(c) ASSISTANCE FROM SECRETARY.—To carry out the purposes of this title, the Secretary may provide technical and financial assistance to the management entity.

SEC. 2005. EFFECT.

Nothing in this title—

(1) grants powers of zoning or land use to the management entity;

(2) modifies, enlarges, or diminishes the authority of the Federal Government or a

State or local government to manage or regulate any use of land under any law (including regulations); or

(3) obstructs or limits private business development activities or resource development activities.

SEC. 2006. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this title not more than a total of $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) Non-Federal Share.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) not be less than 50 percent.

SEC. 2007. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this Act.

TITLE XXI—GREAT BASIN NATIONAL HERITAGE ROUTE

SEC. 2101. SHORT TITLE.

This title may be cited as the "Great Basin National Heritage Route Act".

SEC. 2102. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;

(6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Route dates back thousands of years and includes—

(A) archaeological sites;

(B) petroglyphs and pictographs;

(C) the westernmost village of the Fremont culture; and

(D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as—

(A) bristlecone pines, the oldest living trees in the world;

(B) wildlife adapted to harsh desert conditions;

(C) unique plant communities, lakes, and streams; and

(D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage Route Partnership and other local and governmental entities, of programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Route Partnership shall serve as the management entity for a Heritage Route established in the Great Basin.

(b) Purposes.—The purposes of this title are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

SEC. 2103. DEFINITIONS.

In this title:

(1) Great basin.—The term "Great Basin" means the North American Great Basin.

(2) Heritage route.—The term "Heritage Route" means the Great Basin National Heritage Route established by section 2104(a).

(3) Management entity.—The term "management entity" means the Great Basin Heritage Route Partnership established by section 2104(c).

(4) Management plan.—The term "management plan" means the plan developed by the management entity under section 2106(a).

(5) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 2104. GREAT BASIN NATIONAL HERITAGE ROUTE.

(a) Establishment.—There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the management entity.

(b) Boundaries.—The management entity shall determine the specific boundaries of the Heritage Route.

(c) Management Entity.—

(1) In general.—The Great Basin Heritage Route Partnership shall serve as the management entity for the Heritage Route.

(2) Board of directors.—The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of—

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Route.

SEC. 2105. MEMORANDUM OF UNDERSTANDING.

(a) In General.—In carrying out this title, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the management entity.

(b) Inclusions.—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including—

(1) a description of the resources of the Heritage Route;

(2) a discussion of the goals and objectives of the Heritage Route, including—

(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the management entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.

(c) Additional Requirements.—In developing the terms of the memorandum of understanding, the Secretary and the management entity shall—

(1) provide opportunities for local participation; and

(2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) Amendments.—

(1) In general.—The Secretary shall review any amendments of the memorandum of understanding proposed by the management entity or the Governor of the State of Nevada or Utah.

(2) Use of funds.—Funds made available under this title shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 2106. MANAGEMENT PLAN.

(a) In General.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that—

(1) specifies—

(A) any resources designated by the management entity under section 2104(a); and

(B) the specific boundaries of the Heritage Route, as determined under section 2104(b); and

(2) presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Route.

(b) Considerations.—In developing the management plan, the management entity shall—

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include—

(A) a program for implementation of the management plan by the management entity, including—

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

(ii) specific commitments by the identified partners referred to in section 2105(b)(4) for the first 5 years of operation; and

(B) an interpretation plan for the Heritage Route; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) Failure To Submit.—If the management entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall no longer qualify for Federal funding.

(d) Approval and Disapproval of Management Plan.—

(1) In general.—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) Criteria.—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) Action following disapproval.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(e) Implementation.—On approval of the management plan as provided in subsection (d)(1), the management entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) Amendments.—

(1) In general.—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) Use of funds.—Funds made available under this title shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 2107. AUTHORITY AND DUTIES OF MANAGEMENT ENTITY.

(a) Authorities.—The management entity may, for purposes of preparing and implementing the management plan, use funds made available under this title to—

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) Duties.—In addition to developing the management plan, the management entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) establishing and maintaining interpretive exhibits along the Heritage Route;

(ii) developing recreational resources along the Heritage Route;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;

(B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;

(2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;

(3) conduct public meetings in the region of the Heritage Route at least semiannually regarding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

(5) for any year for which Federal funds are received under this title—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.

(c) Prohibition on the Acquisition of Real Property.—The management entity shall not use Federal funds made available under this title to acquire real property or any interest in real property.

(d) Prohibition on the Regulation of Land Use.—The management entity shall not regulate land use within the Heritage Route.

SEC. 2108. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) Technical and Financial Assistance.—

(1) In general.—The Secretary may, on request of the management entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.

(2) Priority for assistance.—In providing assistance under paragraph (1), the Secretary shall, on request of the management entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and

(B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.

(b) Application of Federal Law.—The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

SEC. 2109. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.

(a) Land Use Regulation.—Nothing in this title—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the management entity.

(b) Applicability of Federal Law.—Nothing in this title—

(1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this title.

SEC. 2110. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this title $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) Cost Sharing.—

(1) Federal share.—The Federal share of the cost of any activity assisted under this title shall not exceed 50 percent.

(2) Form of non-federal share.—The non-Federal share may be in the form of in-kind contributions, donations, grants, and loans from individuals and State or local governments or agencies.

SEC. 2111. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this Act.

TITLE XXII—BLEEDING KANSAS AND ENDURING STRUGGLE FOR FREEDOM NATIONAL HERITAGE AREA

SEC. 2201. SHORT TITLE.

This title may be cited as the "Bleeding Kansas National Heritage Area Act".

SEC. 2202. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds the following:

(1) The Bleeding Kansas National Heritage Area is a cohesive assemblage of natural,

historic, cultural, and recreational resources that—

(A) together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use;

(B) are best managed through partnerships between private and public entities; and

(C) will build upon the Kansas rural development policy and the new homestead act to recognize inherent strengths of small towns and rural communities—close-knit communities, strong local business networks, and a tradition of entrepreneurial creativity.

(2) The Bleeding Kansas National Heritage Area reflects traditions, customs, beliefs, folk life, or some combination thereof, that are a valuable part of the heritage of the United States.

(3) The Bleeding Kansas National Heritage Area provides outstanding opportunities to conserve natural, cultural, or historic features, or some combination thereof.

(4) The Bleeding Kansas National Heritage Area provides outstanding recreational and interpretive opportunities.

(5) The Bleeding Kansas National Heritage Area has an identifiable theme, and resources important to the theme retain integrity capable of supporting interpretation.

(6) Residents, nonprofit organizations, other private entities, and units of local government throughout the Bleeding Kansas National Heritage Area demonstrate support for designation of the Bleeding Kansas National Heritage Area as a national heritage area and for management of the Bleeding Kansas National Heritage Area as appropriate for such designation.

(7) Capturing these interconnected stories through partnerships with National Park Service sites, Kansas State Historical Society sites, local organizations, and citizens will augment the story opportunities within the prospective boundary for the educational and recreational benefit of this and future generations of Americans.

(8) Communities throughout this region know the value of their Bleeding Kansas legacy, but require expansion of the existing cooperative framework to achieve key preservation, education, and other significant goals by working more closely together.

(9) The State of Kansas officially recognized the national significance of the Bleeding Kansas story when it designated the heritage area development as a significant strategic goal within the statewide economic development plan.

(10) Territorial Kansas Heritage Alliance is a nonprofit corporation created for the purposes of preserving, interpreting, developing, promoting and, making available to the public the story and resources related to the story of Bleeding Kansas and the Enduring Struggle for Freedom.

(11) Territorial Kansas Heritage Alliance has completed a study that—

(A) describes in detail the role, operation, financing, and functions of Territorial Kansas Heritage Alliance, the management entity; and

(B) provides adequate assurances that Territorial Kansas Heritage Alliance, the management entity, is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirement for grants.

(12) There are at least 7 National Historic Landmarks, 32 National Register properties, 3 Kansas Register properties, and 7 properties listed on the National Underground Railroad Network to Freedom that contribute to the Heritage Area as well as other significant properties that have not been designated at this time.

(13) There is an interest in interpreting all sides of the Bleeding Kansas story that requires further work with several counties in Missouri interested in joining the area.

(14) In 2004, the State of Kansas is commemorating the Sesquicentennial of the signing of the Kansas-Nebraska Act, opening the territory to settlement.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To designate a region in eastern Kansas and western Missouri containing nationally important natural, historic, and cultural resources and recreational and educational opportunities that are geographically assembled and thematically related as areas that provide unique frameworks for understanding the great and diverse character of the United States and the development of communities and their surroundings as the Bleeding Kansas National Heritage Area.

(2) To strengthen, complement, and support the Fort Scott, Brown v. Board of Education, Nicodemus and Tallgrass Prairie sites through the interpretation and conservation of the associated living landscapes outside of the boundaries of these units of the National Park System.

(3) To describe the extent of Federal responsibilities and duties in regard to the Heritage Area.

(4) To further collaboration and partnerships among Federal, State, and local governments, nonprofit organizations, and the private sector, or combinations thereof, to conserve and manage the resources and opportunities in the Heritage Area through grants, technical assistance, training and other means.

(5) To authorize Federal financial and technical assistance to management entity to assist in the conservation and interpretation of the Heritage Area.

(6) To empower communities and organizations in Kansas to preserve the special historic identity of Bleeding Kansas and with it the identity of the Nation.

(7) To provide for the management, preservation, protection, and interpretation of the natural, historical, and cultural resources within the region for the educational and inspirational benefit of current and future generations.

(8) To provide greater community capacity through inter-local cooperation.

(9) To provide a vehicle, particularly in the four counties with high out-migration of population, to recognize that self-reliance and resilience will be the keys to their economic future.

(10) To build upon the Kansas rural development policy, the Kansas agritourism initiative and the new homestead act to recognize inherent strengths of small towns and rural communities—close-knit communities, strong local business networks, and a tradition of entrepreneurial creativity.

(11) To educate and cultivate among its citizens, particularly its youth, the stories and cultural resources of the region's legacy that—

(A) reflect the popular phrase "Bleeding Kansas" describing the conflict over slavery that became nationally prominent in Kansas just before and during the American Civil War;

(B) reflect the commitment of American settlers who first fought and killed to uphold their different and irreconcilable principles of freedom and equality during the years of the Kansas Conflict;

(C) reflect the struggle for freedom, experienced during the "Bleeding Kansas" era, that continues to be a vital and pressing issue associated with the real problem of democratic nation building; and

(D) recreate the physical environment revealing its impact on agriculture, transportation, trade and business, and social and cultural patterns in urban and rural settings.

(12) To interpret the effect of the era's democratic ethos on the development of America's distinctive political culture.

SEC. 2203. DEFINITIONS.

For the purposes of this title:

(1) MANAGEMENT ENTITY.—The term "management entity" means Territorial Kansas Heritage Alliance, recognized by the Secretary, in consultation with the chief executive officer of the State of Kansas, that agrees to perform the duties of a local coordinating entity under this title.

(2) HERITAGE AREA.—The term "Heritage Area" means the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area in eastern Kansas and western Missouri.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means the government of a State, a political subdivision of a State, or an Indian tribe.

SEC. 2204. BLEEDING KANSAS AND THE ENDURING STRUGGLE FOR FREEDOM NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Kansas the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall include the following:

(1) An area located in eastern Kansas and western Missouri, consisting currently of Allen, Anderson, Bourbon, Cherokee, Clay, Coffey, Crawford, Douglas, Franklin, Geary, Johnson, Labette, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Riley, Shawnee, Wabaunsee, Wilson, Woodson, Wyandotte Counties in Kansas and tentatively including additional counties in Kansas and western Missouri to be included in the development of the management plan.

(2) Contributing sites, buildings, and districts within the area will be recommended by the management plan.

(c) MAP.—Final boundary will be defined during the management plan development. A map of the Heritage Area shall be included in the management plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be Territorial Kansas Heritage Alliance, a nonprofit organization established in the State of Kansas, recognized by the Secretary, in consultation with the chief executive officer of the State of Kansas, that agrees to perform the duties of a local coordinating entity under this title.

SEC. 2205. AUTHORITIES, DUTIES, AND PROHIBITIONS OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES.—The management entity may, for purposes of preparing and implementing the management plan, use funds made available under this title to—

(1) prepare a management plan for the Heritage Area;

(2) prepare reports, studies, interpretive exhibits and programs, historic preservation projects, and other activities recommended in the management plan for the Heritage Area;

(3) pay for operational expenses of the management entity incurred within the first 10 fiscal years beginning after the date of the enactment of this Act designating the Heritage Area;

(4) make grants or loans to entities defined in the management plan;

(5) enter into cooperative agreements with the State of Kansas, its political subdivisions, nonprofit organizations, and other organizations;

(6) hire and compensate staff;

(7) obtain money from any source under any program or law to be used for a regrant program requiring the recipient of such money to make a contribution in order to receive it;

(8) contract for goods and services; and

(9) offer a competitive grants program to contributing partners requiring a dollar-for-dollar match of Federal funds.

(b) Duties of the Management Entity.—In addition to developing the management plan, the management entity shall—

(1) give priority to the implementation of actions, goals, strategies, and standards set forth in the management plan, including assisting units of government and other persons in—

(A) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(B) establishing interpretive exhibits in the Heritage Area;

(C) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area;

(D) supporting the restoration of historic buildings that are—

(i) located in the Heritage Area; and

(ii) related to the themes of the Heritage Area;

(E) the conservation of contributing landscapes and natural resources; and

(F) the installation throughout the Heritage Area of signs identifying public access points and sites of interest;

(2) prepare and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups within the Heritage Area;

(3) conduct public meetings in conjunction with training and skill building workshops regarding the development and implementation of the management plan; and

(4) for any fiscal year for which Federal funds are received under this title—

(A) submit to the Secretary a report that describes, for the year—

(i) accomplishments of the management entity;

(ii) expenses and income of the management entity;

(iii) each entity to which a grant was made; and

(iv) an accounting of matching funds obtained to meet grant guidelines;

(B) conduct an annual audit with a neutral auditing firm and make available for audit by Congress, the Secretary, and appropriate units of government, all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of their funds.

(c) Prohibition of Acquisition of Real Property.—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(d) Other Sources.—Nothing in this title precludes the management entity from using Federal funds from other sources for authorized purposes.

SEC. 2206. MANAGEMENT PLAN.

(a) Requirements.—The management entity shall:

(1) Management plan.—Not later than 3 years after the date funds are made available for this purpose, prepare and submit a management plan reviewed by participating units of local government within the boundaries of the proposed Heritage Area.

(2) Collaboration.—Collaborate with and consider the interests of diverse units of government, businesses, tourism officials, private property owners, and nonprofit groups within the geographic area of the Heritage Area in developing and implementing such a management plan.

(3) Public involvement.—Ensure regular public involvement, including public meetings at least annually, regarding the implementation of the management plan.

(b) Contents of Management Plan.—The management plan prepared for the Heritage Area shall—

(1) present a comprehensive program for the conservation, interpretation, funding, management, and development of the Heritage Area, in a manner consistent with the existing local, State, and Federal land use laws and compatible economic viability of the Heritage Area;

(2) establish criteria or standards to measure what is selected for conservation, interpretation, funding, management, and development;

(3) involve residents, public agencies, and private organizations working in the Heritage Area;

(4) specify and coordinate, as of the date of the management plan, existing and potential sources of technical and financial assistance under this and other Federal laws to protect, manage, and develop the Heritage Area; and

(5) include—

(A) actions to be undertaken by units of government and private organizations to protect, conserve, and interpret the resources of the Heritage Area;

(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that meets the establishing criteria (such as, but not exclusive to, visitor readiness) to merit preservation, restoration, management, development, or maintenance because of its natural, cultural, historical, or recreational significance;

(C) policies for resource management including the development of intergovernmental cooperative agreements, private sector agreements, or any combination thereof, to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(D) a program for implementation of the management plan by the designated management entity, in cooperation with its partners and units of local government;

(E) evidence that relevant State, county, and local plans applicable to the Heritage Area have been taken into consideration;

(F) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title; and

(G) a business plan that—

(i) describes in detail the role, operation, financing, and functions of the management entity for each activity included in the recommendations contained in the management plan; and

(ii) provides, to the satisfaction of the Secretary, adequate assurances that the management entity is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirement for grants awarded under this title.

(c) Public Notice.—The management entity shall place a notice of each of its public meetings in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

(d) Disqualification From Funding.—If a proposed management plan is not submitted to the Secretary within 4 years of the date of the enactment of this Act, the management entity shall be ineligible to receive additional funding under this title until the date on which the Secretary receives the proposed management plan.

(e) Approval and Disapproval of Management Plan.—The Secretary shall approve or disapprove the proposed management plan submitted under this title not later than 90 days after receiving such proposed management plan.

(f) Action Following Disapproval.—If the Secretary disapproves a proposed management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(g) Approval of Amendments.—The Secretary shall review and approve substantial amendments to the management plan. Funds appropriated under this title may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

SEC. 2207. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) Technical and Financial Assistance.—

(1) In general.—On the request of the management entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(2) Priority for assistance.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, and natural resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) Spending for non-Federal property.—The management entity may expend Federal funds made available under this title on non-Federal property that—

(A) meets the criteria in the approved management plan; or

(B) is listed or eligible for listing on the National Register of Historic Places.

(4) Other assistance.—The Secretary may enter into cooperative agreements with public and private organizations to carry out this subsection.

(b) Other Federal Agencies.—Any Federal entity conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consider the potential effect of the activity on the purposes of the Heritage Area and the management plan;

(2) consult with the management entity regarding the activity; and

(3) to the maximum extent practicable, conduct or support the activity to avoid adverse effects on the Heritage Area.

(c) Other Assistance Not Affected.—This title does not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(d) Notification of Other Federal Activities.—The head of each Federal agency shall provide to the Secretary and the management entity, to the extent practicable, advance notice of all activities that may have an impact on the Heritage Area.

SEC. 2208. PRIVATE PROPERTY PROTECTION.

(a) Access to Private Property.—Nothing in this title shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this title shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) Liability.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) Recognition of Authority to Control Land Use.—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) Participation of Private Property Owners in Heritage Areas.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) Land Use Regulation.—

(1) In general.—The management entity shall provide assistance and encouragement to State and local governments, private organizations, and persons to protect and promote the resources and values of the Heritage Area.

(2) Effect.—Nothing in this title—

(A) affects the authority of the State or local governments to regulate under law any use of land; or

(B) grants any power of zoning or land use to the management entity.

(f) Private Property.—

(1) In general.—The management entity shall be an advocate for land management practices consistent with the purposes of the Heritage Area.

(2) Effect.—Nothing in this title—

(A) abridges the rights of any person with regard to private property;

(B) affects the authority of the State or local government regarding private property; or

(C) imposes any additional burden on any property owner.

SEC. 2209. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) Notification and Consent of Property Owners Required.—No privately owned property shall be governed by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such inclusion to the management entity.

(b) Landowner Withdraw.—Any owner of private property included within the boundary of the Heritage Area, and not notified under subsection (a), shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 2210. SAVINGS PROVISIONS.

(a) Rules, Regulations, Standards, and Permit Processes.—Nothing in this title shall be construed to impose any environmental, occupational, safety, or other rule, regulation, standard, or permit process in the Heritage Area that is different from those that would be applicable if the Heritage Area had not been established.

(b) Water and Water Rights.—Nothing in this title shall be construed to authorize or imply the reservation or appropriation of water or water rights.

(c) No Diminishment of State Authority.—Nothing in this title shall be construed to diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area.

(d) Existing National Heritage Areas.—Nothing in this title shall affect any national heritage area so designated before the date of the enactment of this Act.

SEC. 2211. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this title $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) Cost-Sharing Requirement.—The Federal share of the total cost of any activity assisted under this title shall be not more than 50 percent.

SEC. 2212. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 10 years after the date of the enactment of this Act.

TITLE XXIII—NATIONAL MORMON PIONEER HERITAGE AREA

SEC. 2301. SHORT TITLE.

This title may be cited as the "National Mormon Pioneer Heritage Area Act".

SEC. 2302. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(2) in the area starting along the Highway 89 corridor at the Arizona border, passing through Kane, Garfield, Piute, Sevier, Wayne, and Sanpete Counties in the State of Utah, and terminating in Fairview, Utah, there are a variety of heritage resources that demonstrate—

(A) the colonization of the western United States; and

(B) the expansion of the United States as a major world power;

(3) the great relocation to the western United States was facilitated by—

(A) the 1,400 mile trek from Illinois to the Great Salt Lake by the Mormon pioneers; and

(B) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho, the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern California, and areas along the eastern border of California;

(4) the 250-mile Highway 89 corridor from Kanab to Fairview, Utah, contains some of the best features of the Mormon colonization experience in the United States;

(5) the landscape, architecture, traditions, beliefs, folk life, products, and events along Highway 89 convey the heritage of the pioneer settlement;

(6) the Boulder Loop, Capitol Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area convey the compelling story of how early settlers—

(A) interacted with Native Americans; and

(B) established towns and cities in a harsh, yet spectacular, natural environment;

(7) the colonization and settlement of the Mormon settlers opened up vast amounts of natural resources, including coal, uranium, silver, gold, and copper;

(8) the Mormon colonization played a significant role in the history and progress of the development and settlement of the western United States; and

(9) the artisans, crafters, innkeepers, outfitters, historic landscape, customs, national parks, and architecture in the Heritage Area make the Heritage Area unique.

(b) Purpose.—The purpose of this title is to establish the Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities in the State;

(2) empower communities in the State to conserve, preserve, and enhance the heritage of the communities while strengthening future economic opportunities;

(3) conserve, interpret, and develop the historical, cultural, natural, and recreational resources within the Heritage Area; and

(4) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the Heritage Area.

SEC. 2303. DEFINITIONS.

In this title:

(1) Alliance.—The term "Alliance" means the Utah Heritage Highway 89 Alliance.

(2) Board.—The term "Board" means the Board of Directors of the Alliance.

(3) Heritage area.—The term "Heritage Area" means the National Mormon Pioneer Heritage Area established by section 2304(a).

(4) Management plan.—The term "management plan" means the plan developed by the Board under section 2306(a).

(5) Secretary.—The term "Secretary" means the Secretary of the Interior.

(6) State.—The term "State" means the State of Utah.

SEC. 2304. NATIONAL MORMON PIONEER HERITAGE AREA.

(a) Establishment.—There is established the National Mormon Pioneer Heritage Area.

(b) Boundaries.—

(1) In general.—The boundaries of the Heritage Area shall include areas in the State that are—

(A) related to the corridors—

(i) from the Arizona border northward through Kanab, Utah, and to the intersection of Highway 89 and Highway 12, including Highway 12 and Highway 24 as those highways loop off Highway 89 and rejoin Highway 89 at Sigurd;

(ii) from Highway 89 at the intersection of Highway 12 through Panguitch, Junction, Marysvale, and Sevier County to Sigurd;

(iii) continuing northward along Highway 89 through Axtell and Sterling, Sanpete County, to Fairview, Sanpete County, at the junction with Utah Highway 31; and

(iv) continuing northward along Highway 89 through Fairview and Thistle Junction, to the junction with Highway 6; and

(B) located in the following communities: Kanab, Mt. Carmel, Orderville, Glendale, Alton, Cannonville, Tropic, Henrieville, Escalante, Boulder, Teasdale, Fruita, Hanksville, Torrey, Bicknell, Loa, Hatch, Panquitch, Circleville, Antimony, Junction, Marysvale, Koosharem, Sevier, Joseph, Monroe, Elsinore, Richfield, Glenwood, Sigurd, Aurora, Salina, Mayfield, Sterling, Gunnison, Fayette, Manti, Ephraim, Spring City, Mt. Pleasant, Moroni, Fountain Green, and Fairview.

(2) Map.—The Secretary shall prepare a map of the Heritage Area, which shall be on

file and available for public inspection in the office of the Director of the National Park Service.

(3) NOTICE TO LOCAL GOVERNMENTS.—The Alliance shall provide to the government of each city, town, and county that has jurisdiction over property proposed to be included in the Heritage Area written notice of the proposed inclusion.

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this title.

SEC. 2305. DESIGNATION OF ALLIANCE AS MANAGEMENT ENTITY.

(a) IN GENERAL.—The Alliance shall be the management entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The Alliance may receive amounts made available to carry out this title.

(2) DISQUALIFICATION.—If a management plan is not submitted to the Secretary as required under section 2306 within the time period specified in that section, the Alliance may not receive Federal funding under this title until a management plan is submitted to the Secretary.

(c) USE OF FEDERAL FUNDS.—The Alliance may, for the purposes of developing and implementing the management plan, use Federal funds made available under this title—

(1) to make grants and loans to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain funds from any source under any program or law requiring the recipient of funds to make a contribution in order to receive the funds; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Alliance may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. 2306. MANAGEMENT OF THE HERITAGE AREA.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) DEVELOPMENT AND SUBMISSION FOR REVIEW.—Not later than 3 years after the date of enactment of this Act, the Board, with public participation, shall develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration Federal, State, county, and local plans in effect on the date of enactment of this Act;

(C) involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area;

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(F) include—

(i) an inventory of resources in the Heritage Area that—

(I) includes a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the historical, cultural, or natural significance of the property as the property relates to the themes of the Heritage Area; and

(II) does not include any property that is privately owned unless the owner of the property consents in writing to the inclusion;

(ii) a recommendation of policies for resource management that consider the application of appropriate land and water management techniques, including policies for the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability;

(iii) a program for implementation of the management plan, including plans for restoration and construction;

(iv) a description of any commitments that have been made by persons interested in management of the Heritage Area;

(v) an analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title; and

(vi) an interpretive plan for the Heritage Area.

(3) APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after submission of the management plan by the Board, the Secretary shall approve or disapprove the management plan.

(B) DISAPPROVAL AND REVISIONS.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary shall—

(I) advise the Board, in writing, of the reasons for the disapproval; and

(II) make recommendations for revision of the management plan.

(ii) APPROVAL OR DISAPPROVAL.—The Secretary shall approve or disapprove proposed revisions to the management plan not later than 60 days after receipt of the revisions from the Board.

(b) PRIORITIES.—The Alliance shall give priority to the implementation of actions, goals, and policies set forth in the management plan, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations in—

(A) conserving the historical, cultural, and natural resources of the Heritage Area;

(B) establishing and maintaining interpretive exhibits in the Heritage Area;

(C) developing recreational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for the historical, cultural, and natural resources of the Heritage Area;

(E) restoring historic buildings that are—

(i) located within the boundaries of the Heritage Area; and

(ii) related to the theme of the Heritage Area; and

(F) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means, including encouraging and soliciting the development of heritage products.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—In developing and implementing the management plan, the Board shall consider the interests of diverse units of government, businesses, private property owners, and nonprofit organizations in the Heritage Area.

(d) PUBLIC MEETINGS.—The Board shall conduct public meetings at least annually regarding the implementation of the management plan.

(e) ANNUAL REPORTS.—For any fiscal year in which the Alliance receives Federal funds under this title or in which a loan made by the Alliance with Federal funds under section 2305(c)(1) is outstanding, the Alliance shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the Alliance;

(2) the expenses and income of the Alliance; and

(3) the entities to which the Alliance made any loans or grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—For any fiscal year in which the Alliance receives Federal funds under this title or in which a loan made by the Alliance with Federal funds under section 2305(c)(1) is outstanding, the Alliance shall—

(1) make available for audit by Congress, the Secretary, and appropriate units of government all records and other information relating to the expenditure of the Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of the Federal funds by other organizations, that the receiving organizations make available for audit all records and other information relating to the expenditure of the Federal funds.

(g) DELEGATION.—

(1) IN GENERAL.—The Alliance may delegate the responsibilities and actions under this section for each area identified in section 2304(b)(1).

(2) REVIEW.—All delegated responsibilities and actions are subject to review and approval by the Alliance.

SEC. 2307. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to—

(A) units of government, nonprofit organizations, and other persons, at the request of the Alliance; and

(B) the Alliance, for use in developing and implementing the management plan.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of the technical assistance or a grant to enact or modify any land use restriction.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall determine whether a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of technical assistance—

(A) based on the extent to which the assistance—

(i) fulfills the objectives of the management plan; and

(ii) achieves the purposes of this title; and

(B) after giving special consideration to projects that provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the public with information concerning the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this section.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—A Federal entity conducting any activity directly affecting the Heritage Area shall—

(1) consider the potential effect of the activity on the management plan; and

(2) consult with the Alliance with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 2308. NO EFFECT ON LAND USE AUTHORITY AND PRIVATE PROPERTY.

(a) NO EFFECT ON LAND USE AUTHORITY.—Nothing in this title modifies, enlarges, or diminishes any authority of Federal, State, or local government to regulate any use of land under any other law (including regulations).

(b) NO ZONING OR LAND USE POWERS.—Nothing in this title grants powers of zoning or land use control to the Alliance.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this title affects or authorizes the Alliance to interfere with—

(1) the right of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State or a political subdivision of the State.

SEC. 2309. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $1,000,000 $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any activity carried out using funds made available under this title shall not exceed 50 percent.

SEC. 2310. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this Act.

TITLE XXIV—FRENCH COLONIAL HERITAGE NATIONAL HISTORIC SITE STUDY

SEC. 2401. SHORT TITLE.

This title may be cited as the "French Colonial Heritage National Historic Site Study Act of 2003".

SEC. 2402. FINDINGS.

Congress finds that:

(1) The French Colonial Heritage Area has great historical significance as the home of two of the five poteaux-en-terre (post in the ground) vertical log French homes remaining in North America, dating from circa 1800, in addition to several other important historical artifacts.

(2) The area is located within the Ste. Genevieve National Historic District, and is adjacent to related historic properties including the third North American poteaux-en-terre home, the "Le Grand Champ" (common field used by French settlers), historic downtown Ste. Genevieve, and a pre-historic Native American village still evidenced by several ceremonial mounds.

(3) The Area contains some of the only existing examples of a French Colonial Period settlement, which was characterized by contact that emphasized integration with the local culture.

(4) Local state agencies and organizations have undertaken significant efforts to preserve the historic architecture of Ste. Genevieve and convert it to educational facilities devoted to the history of the early French experience in the New World.

(5) No current National Park System unit has comparable historic features providing the cultural backdrop required to adequately interpret the story of the early French in the New World.

SEC. 2403. DEFINITIONS.

In this title:

(1) AREA.—The term "Area" means the French Colonial Heritage Area, which includes the Bequette-Ribault, St. Gemme-Amoureaux, and Wilhauk homes, and the related and supporting historical assets located in Ste. Genevieve County, Missouri.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 2404. STUDY.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall, in consultation with the State of Missouri—

(1) complete a study on the suitability and feasibility of designating the Area as a unit of the National Park System; and

(2) submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings of the study.

(b) CONTENTS.—The study under subsection (a) shall be conducted in accordance with Public Law 91–383 (16 U.S.C. 1a–1 et seq.).

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE XXV—SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY

SEC. 2501. SHORT TITLE.

This title may be cited as the "Southern Campaign of the Revolution Heritage Area Study Act".

SEC. 2502. DEFINITIONS.

In this title:

(1) HERITAGE AREA.—The term "Heritage Area" means the Southern Campaign of the Revolution Heritage Area.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of South Carolina.

(4) STUDY AREA.—The term "study area" means the study area described in section 3(b).

SEC. 2503. SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY.

(a) IN GENERAL.—The Secretary, in consultation with State historic preservation officers, State historical societies, the South Carolina Department of Parks, Recreation, and Tourism, and other appropriate entities, shall conduct a study to assess the suitability and feasibility of designating the study area as the Southern Campaign of the Revolution Heritage Area.

(b) DESCRIPTION OF STUDY AREA.—The study area—

(1) shall include the counties of Anderson, Beaufort, Charleston, Cherokee, Chester, Chesterfield, Colleton, Darlington, Dorchester, Fairfield, Florence, Georgetown, Greenville, Greenwood, Kershaw, Lancaster, Laurens, Marlboro, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York in the State; and

(2) may include—

(A) National Park Service sites in the State, including—

(i) the Charles Pickney National Historic Site;

(ii) Cowpens National Battlefield;

(iii) Fort Moultrie National Monument;

(iv) Kings Mountain National Military Park;

(v) the National Park Service affiliate of the Historic Camden Revolutionary War Site; and

(vi) the Ninety Six National Historic Site;

(B) sites maintained by the State, including—

(i) Andrew Jackson State Park;

(ii) Colonial Dorchester State Historic Site;

(iii) Fort Watson;

(iv) Eutaw Springs Battle Site;

(v) Hampton Plantation State Historic Site;

(vi) Landsford Canal State Historic Site; and

(vii) Musgrove Mill State Park;

(C) other sites in the State that are open to the public, including—

(i) Goose Creek Church;

(ii) Historic Brattonsville;

(iii) Hopsewee Plantation;

(iv) Middleton Place; and

(v) Walnut Grove Plantation;

(D) the cities of Beaufort, Camden, Cayce, Charleston, Cheraw, Georgetown, Kingstree, Orangeburg, and Winusboro, in the State; and

(E) appropriate sites and locations in the State of North Carolina, as the Secretary determines to be appropriate.

(c) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that—

(A) represent distinctive aspects of the heritage of the United States;

(B) are worthy of recognition, conservation, interpretation, and continuing use; and

(C) would be best managed—

(i) through partnerships between public and private entities; and

(ii) by linking diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(3) provides—

(A) outstanding opportunities to conserve natural, historical, cultural, or scenic features; and

(B) outstanding recreational and educational opportunities;

(4) contains resources that—

(A) are important to any identified themes of the study area; and

(B) would support interpretation;

(5) includes residents, business interests, nonprofit organizations, and State and local governments that—

(A) are involved in the planning of the Heritage Area;

(B) have developed a conceptual financial plan that outlines the roles of all participants in the Heritage Area, including the Federal Government; and

(C) have demonstrated support for the designation of the Heritage Area;

(6) has a potential management entity to work in partnership with the individuals and entities referred to in paragraph (5) while encouraging continued State and local economic activity; and

(7) has a conceptual boundary map that is supported by the public.

SEC. 2504. REPORT.

Not later than the 3rd fiscal year that begins after the date on which funds are first made available to carry out this title, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on—

(1) the findings of the Secretary; and

(2) any conclusions and recommendations of the Secretary.

ORDERS FOR WEDNESDAY, DECEMBER 8, 2004

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, December 8. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the Senate then proceed to the conference report to accompany S. 2845, the intelligence reform bill, if received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow morning the Senate will begin consideration of the intelligence reform conference report. We hope to lock in a time certain for a vote on the conference report tomorrow. We don't have it now, but we hope to lock in a time certain. All Senators should therefore expect a rollcall vote on adoption of the conference tomorrow afternoon.

For scheduling purposes, we would like to begin that vote at sometime around 2 or 2:30 in the afternoon. Because of the uncertainty of the schedule, however, we will be prepared to hold that vote open for an extended period to accommodate all Senators. That vote could extend until approximately 5 or 5:15 tomorrow afternoon to accommodate Senators coming in from various places around the country. Given the unique circumstance, we are willing to hold the vote open; however, Members should prepare to come to the Chamber as early as possible for the vote.

We will notify all of our colleagues, all of the Senators, when the time for the vote is locked in, but, again, it should cover a period of a number of different hours in order to accommodate people who, unfortunately, are coming in from all over the country to catch this vote on this important matter.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:29 p.m., adjourned until Wednesday, December 8, 2004, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate December 7, 2004:

NATIONAL SECURITY EDUCATION BOARD

JAMES WILLIAM CARR, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE MANUEL TRINIDAD PACHECO, TERM EXPIRED.

GEORGE M. DENNISON, OF MONTANA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE BRUCE SUNDLUN, TERM EXPIRED.

ANDREW J. MCKENNA, JR., OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE ROBERT N. SHAMANSKY, TERM EXPIRED.

HARRY ROBINSON, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008. (REAPPOINTMENT)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION:

To be commander

JAMES D. RATHBUN

To be lieutenant (junior grade)

ANDREW P. SEAMAN

HOUSE OF REPRESENTATIVES—*Tuesday, December 7, 2004*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. OSE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 7, 2004.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

FISCAL 2005 OMNIBUS APPROPRIATIONS BILL

Mr. MCGOVERN. Mr. Speaker, in the days and hours preceding this body's passage of the Fiscal Year 2005 Omnibus Appropriations bill on Saturday, November 20, we were assured and then reassured by the majority party that all controversial provisions had been stripped out of the 3,300-page document. Many of us were skeptical, but given those assurances, we in this body passed the bill nonetheless.

Mr. Speaker, never again. Sadly, our worst fears and suspicions were confirmed as evidenced by the action we took yesterday to strike the taxpayer persecution provision that thankfully was discovered by the other body before final passage. And while the action we took yesterday was absolutely necessary and important, it bears mentioning that there are a number of other provisions that remain in the bill that are not only controversial but harmful.

For example, a one-sentence provision inserted into this massive bill at the last minute encapsulates all that is wrong with the way this legislation came to the floor. This provision raises maximum truck weights to 99,000 pounds on two interstate highways in the State of New Hampshire. And although it was drafted in a form that appears to apply only to New Hampshire, its impact will reach all States, all taxpayers, and all motorists.

The House debated this very same issue last April, and 334 Members of this House, including the chairmen of the Committee on Transportation and Infrastructure and the Committee on Appropriations, voted against allowing a truck weight increase on New Hampshire's interstates.

Now, just 7 months later, the New Hampshire superheavy truck provision has been added to this bill in secret with no notice or opportunity for debate, even though an overwhelming majority of the House rejected it on a recorded vote.

What has changed since April that makes a bad idea then a good one now? Not a single thing. In fact, the only important development since we defeated the amendment last April has been the U.S. Department of Transportation's announcement that it too opposes State exemptions from Federal truck size and weight laws. According to the U.S. Department of Transportation, a 100,000-pound six-axle single tractor-trailer truck pays only 40 percent of its costs. Taxpayers pay the rest. Not just taxpayers in New Hampshire but taxpayers from all across the country.

Heavier trucks also pose numerous safety risks. As weights go from 65,000 to 80,000 pounds, the risk of an accident involving a fatality goes up 50 percent. In addition, these superheavy trucks will have added braking and steering problems and the risk for rollover will increase.

Mr. Speaker, this is just further evidence of the need to pass my legislation, the Safe Highways and Infrastructure Preservation Act, and to freeze truck lengths and weights in New Hampshire and all other States, before more damage is done.

Senior law enforcement officials and other safety leaders in New Hampshire have already joined in a campaign to overturn this provision when Congress resumes consideration of the TEA-21 reauthorization after the first of the year. And I will insert a letter cosigned by a dozen law enforcement leaders and other concerned citizens of New Hampshire opposing the truck weight increase into the RECORD at this point.

DECEMBER 6, 2004.

Hon. DON YOUNG, Chairman,
House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: We are very disappointed to learn that a provision was inserted in the omnibus appropriations bill recently passed by the House and Senate that increases truck weights on Interstates 89 and 93 in New Hampshire. This will make our highways in the Granite State more dangerous and exacerbate our already serious problems with deteriorating infrastructure, particularly bridges.

We feel it is unconscionable that a provision with such serious implications for highway safety and road quality in our state was added to this huge bill with no notice. There were no hearings on it. There was no opportunity for us to make our views known. We understand that even the leaders of the Committee on Environment and Public Works, which has jurisdiction over these matters, were unaware of this provision until after it had been passed.

This should not be allowed to stand. A matter with such serious safety and infrastructure implications should be addressed by the authorizing committee with proper jurisdiction. Congress is planning to reauthorize the TEA-21 transportation legislation within the next several months. Proposals to change federal truck weight laws on New Hampshire's Interstate are serious matters that should be considered with greater care in the context of the reauthorization not in a last-second "rider" to a massive appropriations bill.

We ask that you do whatever is necessary to have this provision removed from the omnibus appropriations bill.

Thank you.

Sincerely,

Chief Jerome Madden, Concord Police Department; Chief David Kurz, Durham Police Department; Chief David A. Currier, Seabrook Police Department; Executive Councilor Ray Burton, New Hampshire Executive Council; Chief Tim Russell, Henniker Police Department; Chief Bradley Loomis, Newington Police Department; Senator Lou D'Allesandro, New Hampshire State Senate District #20; Dr. Henry LaBranche, Salem Town Manager; Sarah Johansen, MD, New Hampshire Chapter College of Emergency Physicians; Frederick (Ted) Gray, Portsmouth Traffic and Safety Committee; David S. Szacik, Director, Legislative Department, New Hampshire State Grange; Robert Best, Executive Director, New Hampshire State Nurses Association.

Mr. Speaker, the Fiscal Year 2005 Omnibus Appropriations bill also included language intended to undermine, if not completely eliminate, the authority of States to permit liquefied natural gas, LNG, facilities all across the country. Again, without notice, public hearings, or any debate, the conferees included language in the statement of the managers that suggests that the Federal Energy Regulatory

Commission, FERC, can preempt States on the siting and permitting of LNG facilities. While this particular provision does not change or override existing law, it is tantamount to an expression of Congress that may have implications on a pending lawsuit in California where the State's public utility commission is challenging FERC's assertion of this authority in the permitting of an LNG facility.

Mr. Speaker, I can tell my colleagues from personal experience that FERC already gives short-shrift to the concerns of local governments and States in the permitting of LNG facilities. In my congressional district, FERC recently issued a draft Environmental Impact Statement for the Weaver's Cove LNG plant in Fall River, Massachusetts that completely ignored the concerns of the community with respect to ongoing economic development plans and the impact on and isolation of emergency services. Were the language in this omnibus bill ever to be codified into law, FERC would run rough-shod over the cities and towns we represent. States are in the best position to know the larger safety concerns that these facilities present, and they deserve to have local authority in permitting them.

Mr. Speaker, in conclusion, it is amazing to me that the party that claims to be the champion of States' rights is always prepared to sell them out when the large corporate energy special interests are involved. That is what has happened here, and it is disgusting.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

The Reverend Stanley G. Peterson, Sr. Pastor, Monmouth Christian Church, Monmouth, Oregon, offered the following prayer:

Our Father who art in Heaven, give us this day wisdom to transact the business You have put before us; to humble ourselves so we can hear Your voice even in the midst of chaos and strife. For today, O Lord God, we want to make a positive difference in Your world.

Today we want to be part of what would bring peace and harmony, rather than war and strife, to serve America in a manner that would bring glory to You and honor to these United States.

We want to hear Your voice when the voice of so many are crying out to be heard, for we recognize our responsibilities, O Lord God, to serve rather than to be served, and to faithfully and honestly accomplish each task as it is presented.

On this day, O God, we remember and we give thanks for the men and women who gave their lives at Pearl Harbor, for those who died and those who worked so hard to save so many. We also give thanks and pray for those who continue to sacrifice all that they have to keep us safe today. Watch over and protect them.

Now fill us, use us, and guide us by Your spirit that glory may be given to Your Holy Name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Oregon (Ms. HOOLEY) come forward and lead the House in the Pledge of Allegiance.

Ms. HOOLEY of Oregon led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF THE REVEREND STANLEY PETERSON, GUEST CHAPLAIN

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, it is my honor to introduce Pastor Stan Peterson this morning. Stan is a senior pastor at Monmouth Christian Church, as well as the lead chaplain for the Polk County Police and Fire Chaplaincy Team. His family has deep roots in Polk County, which is part of Oregon's Fifth Congressional District.

Stan Peterson has come to Washington, DC to visit our troops at Walter Reed, Bethesda, and the VA hospitals. I am hoping that later today and tomorrow he can deliver the letters, quilts, cookies, and holiday spirit to the young men and women who have given so much for this Nation.

On behalf of Polk County Emergency Services and the people of the community, Stan has come to Washington, DC, to share a message of good will and support. I am so delighted that he has made the trip and grateful that he has been able to give the invocation on this historic day, Pearl Harbor Day.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2004.

The Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 6, 2004 at 7:30 p.m.:

That the Senate agreed to conference report H.R. 4818.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Monday, December 6, 2004:

H.R. 4818. making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

FLORENCE NARUSEWICZ

The CLERK called the bill (H.R. 710) for the relief of Mrs. Florence Narusewicz of Erie, Pennsylvania.

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

DOCUMENTS LINK SADDAM HUSSEIN TO TERRORISTS BEFORE 9/11

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, an adviser to former President Clinton commented last month after reviewing documents captured by U.S. troops in Iraq. One 11-page memo dated 1993 lists experts "in executing the required missions," including terror groups and three of the most wanted terrorists in the world: Al-Zarqawi, a-Zawahiri, and Hekmatyar.

Another memo that lists names of those trained for suicide missions was personally reviewed and approved by Saddam Hussein himself. The documents also describe Iraq's purchase of mustard gas and anthrax at a time when Hussein had kicked the U.N. inspectors out of the country. They show a strong operational link to al-Jihan al Tajdeed, a group allied with Zarqawi that posts its videos and statements on the Web.

Taken as a whole, the documents demonstrate not only Saddam Hussein's role in terrorism but his personal involvement, collaboration, and support for Islamic terrorist groups, with some on Saddam's payroll and some operating under his direct authority.

While some people have refused to acknowledge the documents, we cannot ignore them. The American people should know of them.

PROTECT OUR TROOPS FROM INSTANT LENDERS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, today's New York Times reports on instant payday lenders who set up shop outside the gates of our military bases and charge staggeringly high interest rates to our troops. The Times found 200 payday lenders surrounding the Norfolk and Hampton naval bases in Virginia, two dozen surrounding the Marine Corps base at Camp Pendleton, California, 36 located within 3 miles of Fort Lewis, in Washington State, and one is even located on the edge of a small parking lot near a base.

One example is of a Navy petty officer and her husband who borrowed $500 with an annual interest rate of 390 percent. This couple racked up $4,000 in debt, and their house was foreclosed upon.

In September, this body passed a bipartisan piece of legislation, which I sponsored, to protect our troops from high-cost contractual mutual funds and life insurance policies that they need not have gotten. Unfortunately, before we left, the Senate did not take up this legislation. I would hope that today's article would add an impetus that the House again, in the Committee on Financial Services, take up the legislation, pass it again, and move it over to the Senate so we can protect the men and women who have served our country so proudly.

Mr. Speaker, it is our duty to provide them the type of services and stability they expect in return for the dangers they face and the financial burdens they willingly assume in order to serve.

INTELLIGENCE REFORM LEGISLATION

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, today marks the 63rd anniversary of the attack on Pearl Harbor. The day after, President Roosevelt said, "I will make very certain that this form of treachery shall never endanger us again." In the days after the attacks of September 11, we as a Congress pledged to do the same exact thing. However, since then the record of this House can be questioned.

In July of 2002, with only 25 Republican votes, House Democrats voted to create the 9/11 Commission to investigate what went wrong and what needed to be done to protect the American people. Earlier this year, some in this House sought to block an extension of the deadline for the commission's report. Last month, some in this House blocked consideration of the conference report to implement the critical recommendations of the 9/11 Commission.

Mr. Speaker, it is almost 3 years and 3 months since the attacks of September 11, and 138 days since the 9/11 Commission unanimously made their bipartisan recommendations, yet Congress has still not given the American people a bill that reforms our intelligence agencies' structure and secures our Nation against terrorism.

☐ 1015

Mr. Speaker, we have one final chance to do right by the American people. I urge the House leadership to bring this Conference Report to a vote today in the House.

RECESS

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 15 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1325

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 1 o'clock and 25 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 4548, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan? The Chair hears none and, without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. HOEKSTRA, BOEHLERT, GIBBONS, LAHOOD, CUNNINGHAM, BURR, EVERETT, GALLEGLY, COLLINS, Mrs. JO ANN DAVIS of Virginia, Mr. THORNBERRY, Ms. HARMAN, Messrs. HASTINGS of Florida, REYES, BOSWELL, PETERSON of Minnesota, CRAMER, Ms. ESHOO, Mr. HOLT and Mr. RUPPERSBERGER.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Messrs. HUNTER, WELDON of Pennsylvania, and SKELTON.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1458

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 2 o'clock and 58 minutes p.m.

CONFERENCE REPORT ON S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Mr. HOEKSTRA submitted the following conference report and statement on the Senate bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–796)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2845), to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Reform and Terrorism Prevention Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—REFORM OF THE INTELLIGENCE COMMUNITY

Sec. 1001. Short title.

Subtitle A—Establishment of Director of National Intelligence

Sec. 1011. Reorganization and improvement of management of intelligence community.
Sec. 1012. Revised definition of national intelligence.
Sec. 1013. Joint procedures for operational coordination between Department of Defense and Central Intelligence Agency.
Sec. 1014. Role of Director of National Intelligence in appointment of certain officials responsible for intelligence-related activities.
Sec. 1015. Executive Schedule matters.
Sec. 1016. Information sharing.
Sec. 1017. Alternative analysis of intelligence by the intelligence community.
Sec. 1018. Presidential guidelines on implementation and preservation of authorities.
Sec. 1019. Assignment of responsibilities relating to analytic integrity.
Sec. 1020. Safeguard of objectivity in intelligence analysis.

Subtitle B—National Counterterrorism Center, National Counter Proliferation Center, and National Intelligence Centers

Sec. 1021. National Counterterrorism Center.
Sec. 1022. National Counter Proliferation Center.
Sec. 1023. National intelligence centers.

Subtitle C—Joint Intelligence Community Council

Sec. 1031. Joint Intelligence Community Council.

Subtitle D—Improvement of Education for the Intelligence Community

Sec. 1041. Additional education and training requirements.
Sec. 1042. Cross-disciplinary education and training.
Sec. 1043. Intelligence Community Scholarship Program.

Subtitle E—Additional Improvements of Intelligence Activities

Sec. 1051. Service and national laboratories and the intelligence community.
Sec. 1052. Open-source intelligence.
Sec. 1053. National Intelligence Reserve Corps.

Subtitle F—Privacy and Civil Liberties

Sec. 1061. Privacy and Civil Liberties Oversight Board.
Sec. 1062. Sense of Congress on designation of privacy and civil liberties officers.

Subtitle G—Conforming and Other Amendments

Sec. 1071. Conforming amendments relating to roles of Director of National Intelligence and Director of the Central Intelligence Agency.
Sec. 1072. Other conforming amendments
Sec. 1073. Elements of intelligence community under National Security Act of 1947.
Sec. 1074. Redesignation of National Foreign Intelligence Program as National Intelligence Program.
Sec. 1075. Repeal of superseded authority.
Sec. 1076. Clerical amendments to National Security Act of 1947.
Sec. 1077. Conforming amendments relating to prohibiting dual service of the Director of the Central Intelligence Agency.
Sec. 1078. Authority to establish inspector general for the Office of the Director of National Intelligence.
Sec. 1079. Ethics matters.
Sec. 1080. Construction of authority of Director of National Intelligence to acquire and manage property and services.
Sec. 1081. General references.

Subtitle H—Transfer, Termination, Transition, and Other Provisions

Sec. 1091. Transfer of Community Management Staff.
Sec. 1092. Transfer of Terrorist Threat Integration Center.
Sec. 1093. Termination of positions of Assistant Directors of Central Intelligence.
Sec. 1094. Implementation plan.
Sec. 1095. Director of National Intelligence report on implementation of intelligence community reform.
Sec. 1096. Transitional authorities.
Sec. 1097. Effective dates.

Subtitle I—Other Matters

Sec. 1101. Study of promotion and professional military education school selection rates for military intelligence officers.
Sec. 1102. Extension and improvement of authorities of Public Interest Declassification Board.
Sec. 1103. Severability.

TITLE II—FEDERAL BUREAU OF INVESTIGATION

Sec. 2001. Improvement of intelligence capabilities of the Federal Bureau of Investigation.
Sec. 2002. Directorate of Intelligence of the Federal Bureau of Investigation.
Sec. 2003. Federal Bureau of Investigation intelligence career service.
Sec. 2004. Federal Bureau of Investigation Reserve Service.
Sec. 2005. Federal Bureau of Investigation mandatory separation age.
Sec. 2006. Federal Bureau of Investigation use of translators.

TITLE III—SECURITY CLEARANCES

Sec. 3001. Security clearances.

TITLE IV—TRANSPORTATION SECURITY

Subtitle A—National Strategy for Transportation Security

Sec. 4001. National Strategy for Transportation Security.

Subtitle B—Aviation Security

Sec. 4011. Provision for the use of biometric or other technology.
Sec. 4012. Advanced airline passenger prescreening.
Sec. 4013. Deployment and use of detection equipment at airport screening checkpoints.
Sec. 4014. Advanced airport checkpoint screening devices.
Sec. 4015. Improvement of screener job performance.
Sec. 4016. Federal air marshals.
Sec. 4017. International agreements to allow maximum deployment of Federal air marshals.
Sec. 4018. Foreign air marshal training.
Sec. 4019. In-line checked baggage screening.
Sec. 4020. Checked baggage screening area monitoring.
Sec. 4021. Wireless communication.
Sec. 4022. Improved pilot licenses.
Sec. 4023. Aviation security staffing.
Sec. 4024. Improved explosive detection systems.
Sec. 4025. Prohibited items list.
Sec. 4026. Man-Portable Air Defense Systems (MANPADs).
Sec. 4027. Technical corrections.
Sec. 4028. Report on secondary flight deck barriers.
Sec. 4029. Extension of authorization of aviation security funding.

Subtitle C—Air Cargo Security

Sec. 4051. Pilot program to evaluate use of blast resistant cargo and baggage containers.
Sec. 4052. Air cargo security.
Sec. 4053. Air cargo security regulations.
Sec. 4054. Report on international air cargo threats.

Subtitle D—Maritime Security

Sec. 4071. Watch lists for passengers aboard vessels.
Sec. 4072. Deadlines for completion of certain plans, reports, and assessments.

Subtitle E—General Provisions

Sec. 4081. Definitions.
Sec. 4082. Effective date.

TITLE V—BORDER PROTECTION, IMMIGRATION, AND VISA MATTERS

Subtitle A—Advanced Technology Northern Border Security Pilot Program

Sec. 5101. Establishment.
Sec. 5102. Program requirements.
Sec. 5103. Administrative provisions.
Sec. 5104. Report.
Sec. 5105. Authorization of appropriations.

Subtitle B—Border and Immigration Enforcement

Sec. 5201. Border surveillance.
Sec. 5202. Increase in full-time Border Patrol agents.
Sec. 5203. Increase in full-time immigration and customs enforcement investigators.
Sec. 5204. Increase in detention bed space.

Subtitle C—Visa Requirements

Sec. 5301. In person interviews of visa applicants.
Sec. 5302. Visa application requirements.
Sec. 5303. Effective date.
Sec. 5304. Revocation of visas and other travel documentation.

Subtitle D—Immigration Reform

Sec. 5401. Bringing in and harboring certain aliens.
Sec. 5402. Deportation of aliens who have received military-type training from terrorist organizations.
Sec. 5403. Study and report on terrorists in the asylum system.

Subtitle E—Treatment of Aliens Who Commit Acts of Torture, Extrajudicial Killings, or Other Atrocities Abroad

Sec. 5501. Inadmissibility and deportability of aliens who have committed acts of torture or extrajudicial killings abroad.
Sec. 5502. Inadmissibility and deportability of foreign government officials who have committed particularly severe violations of religious freedom.
Sec. 5503. Waiver of inadmissibility.
Sec. 5504. Bar to good moral character for aliens who have committed acts of torture, extrajudicial killings, or severe violations of religious freedom.

Sec. 5505. Establishment of the Office of Special Investigations.
Sec. 5506. Report on implementation.
TITLE VI—TERRORISM PREVENTION
Subtitle A—Individual Terrorists as Agents of Foreign Powers
Sec. 6001. Individual terrorists as agents of foreign powers.
Sec. 6002. Additional semiannual reporting requirements under the Foreign Intelligence Surveillance Act of 1978.
Subtitle B—Money Laundering and Terrorist Financing
Sec. 6101. Additional authorization for finCEN.
Sec. 6102. Money laundering and financial crimes strategy reauthorization.
Subtitle C—Money Laundering Abatement and Financial Antiterrorism Technical Corrections
Sec. 6201. Short title.
Sec. 6202. Technical corrections to Public Law 107–56.
Sec. 6203. Technical corrections to other provisions of law.
Sec. 6204. Repeal of review.
Sec. 6205. Effective date.
Subtitle D—Additional Enforcement Tools
Sec. 6301. Bureau of Engraving and Printing security printing.
Sec. 6302. Reporting of certain cross-border transmittal of funds.
Sec. 6303. Terrorism financing.
Subtitle E—Criminal History Background Checks
Sec. 6401. Protect Act.
Sec. 6402. Reviews of criminal records of applicants for private security officer employment.
Sec. 6403. Criminal history background checks.
Subtitle F—Grand Jury Information Sharing
Sec. 6501. Grand jury information sharing.
Subtitle G—Providing Material Support to Terrorism
Sec. 6601. Short title.
Sec. 6602. Receiving military-type training from a foreign terrorist organization.
Sec. 6603. Additions to offense of providing material support to terrorism.
Sec. 6604. Financing of terrorism.
Subtitle H—Stop Terrorist and Military Hoaxes Act of 2004
Sec. 6701. Short title.
Sec. 6702. Hoaxes and recovery costs.
Sec. 6703. Obstruction of justice and false statements in terrorism cases.
Sec. 6704. Clarification of definition.
Subtitle I—Weapons of Mass Destruction Prohibition Improvement Act of 2004
Sec. 6801. Short title.
Sec. 6802. Weapons of mass destruction.
Sec. 6803. Participation in nuclear and weapons of mass destruction threats to the United States.
Subtitle J—Prevention of Terrorist Access to Destructive Weapons Act of 2004
Sec. 6901. Short title.
Sec. 6902. Findings and purpose.
Sec. 6903. Missile systems designed to destroy aircraft.
Sec. 6904. Atomic weapons.
Sec. 6905. Radiological dispersal devices.
Sec. 6906. Variola virus.
Sec. 6907. Interception of communications.
Sec. 6908. Amendments to section 2332b(g)(5)(b) of title 18, United States Code.
Sec. 6909. Amendments to section 1956(c)(7)(d) of title 18, United States Code.
Sec. 6910. Export licensing process.
Sec. 6911. Clerical amendments.
Subtitle K—Pretrial Detention of Terrorists
Sec. 6951. Short title.
Sec. 6952. Presumption for pretrial detention in cases involving terrorism.
TITLE VII—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS
Sec. 7001. Short title.
Subtitle A—Diplomacy, Foreign Aid, and the Military in the War on Terrorism
Sec. 7101. Findings.
Sec. 7102. Terrorist sanctuaries.
Sec. 7103. United States commitment to the future of Pakistan.
Sec. 7104. Assistance for Afghanistan.
Sec. 7105. The relationship between the United States and Saudi Arabia.
Sec. 7106. Efforts to combat Islamist terrorism.
Sec. 7107. United States policy toward dictatorships.
Sec. 7108. Promotion of free media and other American values.
Sec. 7109. Public diplomacy responsibilities of the Department of State.
Sec. 7110. Public diplomacy training.
Sec. 7111. Promoting democracy and human rights at international organizations.
Sec. 7112. Expansion of United States scholarship and exchange programs in the Islamic world.
Sec. 7112. Pilot program to provide grants to American-sponsored schools in predominantly Muslim countries to provide scholarships.
Sec. 7113. International Youth Opportunity Fund.
Sec. 7114. The use of economic policies to combat terrorism.
Sec. 7115. Middle East partnership initiative.
Sec. 7116. Comprehensive coalition strategy for fighting terrorism.
Sec. 7117. Financing of terrorism.
Sec. 7118. Designation of foreign terrorist organizations.
Sec. 7119. Report to Congress.
Sec. 7120. Case-Zablocki Act requirements.
Sec. 7121. Effective date.
Subtitle B—Terrorist Travel and Effective Screening
Sec. 7201. Counterterrorist travel intelligence.
Sec. 7202. Establishment of human smuggling and trafficking center.
Sec. 7203. Responsibilities and functions of consular officers.
Sec. 7204. International agreements to track and curtail terrorist travel through the use of fraudulently obtained documents.
Sec. 7205. International standards for transliteration of names into the Roman alphabet for international travel documents and name-based watchlist systems.
Sec. 7206. Immigration security initiative.
Sec. 7207. Certification regarding technology for visa waiver participants.
Sec. 7208. Biometric entry and exit data system.
Sec. 7209. Travel documents.
Sec. 7210. Exchange of terrorist information and increased preinspection at foreign airports.
Sec. 7211. Minimum standards for birth certificates.
Sec. 7212. Driver's licenses and personal identification cards.
Sec. 7213. Social security cards and numbers.
Sec. 7214. Prohibition of the display of social security account numbers on driver's licenses or motor vehicle registrations.
Sec. 7215. Terrorist travel program.
Sec. 7216. Increase in penalties for fraud and related activity.
Sec. 7217. Study on allegedly lost or stolen passports.
Sec. 7218. Establishment of visa and passport security program in the Department of State.
Sec. 7219. Effective date.
Sec. 7220. Identification standards.
Subtitle C—National Preparedness
Sec. 7301. The incident command system.
Sec. 7302. National capital region mutual aid.
Sec. 7303. Enhancement of public safety communications interoperability.
Sec. 7304. Regional model strategic plan pilot projects.
Sec. 7305. Private sector preparedness.
Sec. 7306. Critical infrastructure and readiness assessments.
Sec. 7307. Northern command and defense of the United States homeland.
Sec. 7308. Effective date.
Subtitle D—Homeland Security
Sec. 7401. Sense of Congress on first responder funding.
Sec. 7402. Coordination of industry efforts.
Sec. 7403. Study regarding nationwide emergency notification system.
Sec. 7404. Pilot study to move warning systems into the modern digital age.
Sec. 7405. Required coordination.
Sec. 7406. Emergency preparedness compacts.
Sec. 7407. Responsibilities of counternarcotics office.
Sec. 7408. Use of counternarcotics enforcement activities in certain employee performance appraisals.
Subtitle E—Public Safety Spectrum
Sec. 7501. Digital television conversion deadline.
Sec. 7502. Studies on telecommunications capabilities and requirements.
Subtitle F—Presidential Transition
Sec. 7601. Presidential transition.
Subtitle G—Improving International Standards and Cooperation to Fight Terrorist Financing
Sec. 7701. Improving international standards and cooperation to fight terrorist financing.
Sec. 7702. Definitions.
Sec. 7703. Expanded reporting and testimony requirements for the Secretary of the Treasury.
Sec. 7704. Coordination of United States Government efforts.
Subtitle H—Emergency Financial Preparedness
Sec. 7801. Delegation authority of the Secretary of the Treasury.
Sec. 7802. Treasury support for financial services industry preparedness and response and consumer education.
Sec. 7803. Emergency Securities Response Act of 2004.
Sec. 7804. Private sector preparedness.
TITLE VIII—OTHER MATTERS
Subtitle A—Intelligence Matters
Sec. 8101. Intelligence community use of National Infrastructure Simulation and Analysis Center.
Subtitle B—Department of Homeland Security Matters
Sec. 8201. Homeland security geospatial information.
Subtitle C—Homeland Security Civil Rights and Civil Liberties Protection
Sec. 8301. Short title.
Sec. 8302. Mission of Department of Homeland Security.
Sec. 8303. Officer for Civil Rights and Civil Liberties.
Sec. 8304. Protection of civil rights and civil liberties by Office of Inspector General.
Sec. 8305. Privacy officer.

Sec. 8306. Protections for human research subjects of the Department of Homeland Security.

Subtitle D—Other Matters

Sec. 8401. Amendments to Clinger-Cohen Act provisions to enhance agency planning for information security needs.
Sec. 8402. Enterprise architecture.
Sec. 8403. Financial disclosure and records.
Sec. 8404. Extension of requirement for air carriers to honor tickets for suspended air passenger service.

TITLE I—REFORM OF THE INTELLIGENCE COMMUNITY

SEC. 1001. SHORT TITLE.

This title may be cited as the "National Security Intelligence Reform Act of 2004".

Subtitle A—Establishment of Director of National Intelligence

SEC. 1011. REORGANIZATION AND IMPROVEMENT OF MANAGEMENT OF INTELLIGENCE COMMUNITY.

(a) In General.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by striking sections 102 through 104 and inserting the following new sections:

"DIRECTOR OF NATIONAL INTELLIGENCE

"Sec. 102. (a) Director of National Intelligence.—(1) There is a Director of National Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate. Any individual nominated for appointment as Director of National Intelligence shall have extensive national security expertise.

"(2) The Director of National Intelligence shall not be located within the Executive Office of the President.

"(b) Principal Responsibility.—Subject to the authority, direction, and control of the President, the Director of National Intelligence shall—

"(1) serve as head of the intelligence community;

"(2) act as the principal adviser to the President, to the National Security Council, and the Homeland Security Council for intelligence matters related to the national security; and

"(3) consistent with section 1018 of the National Security Intelligence Reform Act of 2004, oversee and direct the implementation of the National Intelligence Program.

"(c) Prohibition on Dual Service.—The individual serving in the position of Director of National Intelligence shall not, while so serving, also serve as the Director of the Central Intelligence Agency or as the head of any other element of the intelligence community.

"RESPONSIBILITIES AND AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"Sec. 102A. (a) Provision of Intelligence.—(1) The Director of National Intelligence shall be responsible for ensuring that national intelligence is provided—

"(A) to the President;

"(B) to the heads of departments and agencies of the executive branch;

"(C) to the Chairman of the Joint Chiefs of Staff and senior military commanders;

"(D) to the Senate and House of Representatives and the committees thereof; and

"(E) to such other persons as the Director of National Intelligence determines to be appropriate.

"(2) Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community and other appropriate entities.

"(b) Access to Intelligence.—Unless otherwise directed by the President, the Director of National Intelligence shall have access to all national intelligence and intelligence related to the national security which is collected by any Federal department, agency, or other entity, except as otherwise provided by law or, as appropriate, under guidelines agreed upon by the Attorney General and the Director of National Intelligence.

"(c) Budget Authorities.—(1) With respect to budget requests and appropriations for the National Intelligence Program, the Director of National Intelligence shall—

"(A) based on intelligence priorities set by the President, provide to the heads of departments containing agencies or organizations within the intelligence community, and to the heads of such agencies and organizations, guidance for developing the National Intelligence Program budget pertaining to such agencies and organizations;

"(B) based on budget proposals provided to the Director of National Intelligence by the heads of agencies and organizations within the intelligence community and the heads of their respective departments and, as appropriate, after obtaining the advice of the Joint Intelligence Community Council, develop and determine an annual consolidated National Intelligence Program budget; and

"(C) present such consolidated National Intelligence Program budget, together with any comments from the heads of departments containing agencies or organizations within the intelligence community, to the President for approval.

"(2) In addition to the information provided under paragraph (1)(B), the heads of agencies and organizations within the intelligence community shall provide the Director of National Intelligence such other information as the Director shall request for the purpose of determining the annual consolidated National Intelligence Program budget under that paragraph.

"(3)(A) The Director of National Intelligence shall participate in the development by the Secretary of Defense of the annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities.

"(B) The Director of National Intelligence shall provide guidance for the development of the annual budget for each element of the intelligence community that is not within the National Intelligence Program.

"(4) The Director of National Intelligence shall ensure the effective execution of the annual budget for intelligence and intelligence-related activities.

"(5)(A) The Director of National Intelligence shall be responsible for managing appropriations for the National Intelligence Program by directing the allotment or allocation of such appropriations through the heads of the departments containing agencies or organizations within the intelligence community and the Director of the Central Intelligence Agency, with prior notice (including the provision of appropriate supporting information) to the head of the department containing an agency or organization receiving any such allocation or allotment or the Director of the Central Intelligence Agency.

"(B) Notwithstanding any other provision of law, pursuant to relevant appropriations Acts for the National Intelligence Program, the Director of the Office of Management and Budget shall exercise the authority of the Director of the Office of Management and Budget to apportion funds, at the exclusive direction of the Director of National Intelligence, for allocation to the elements of the intelligence community through the relevant host executive departments and the Central Intelligence Agency. Department comptrollers or appropriate budget execution officers shall allot, allocate, reprogram, or transfer funds appropriated for the National Intelligence Program in an expeditious manner.

"(C) The Director of National Intelligence shall monitor the implementation and execution of the National Intelligence Program by the heads of the elements of the intelligence community that manage programs and activities that are part of the National Intelligence Program, which may include audits and evaluations.

"(6) Apportionment and allotment of funds under this subsection shall be subject to chapter 13 and section 1517 of title 31, United States Code, and the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

"(7)(A) The Director of National Intelligence shall provide a semi-annual report, beginning April 1, 2005, and ending April 1, 2007, to the President and the Congress regarding implementation of this section.

"(B) The Director of National Intelligence shall report to the President and the Congress not later than 15 days after learning of any instance in which a departmental comptroller acts in a manner inconsistent with the law (including permanent statutes, authorization Acts, and appropriations Acts), or the direction of the Director of National Intelligence, in carrying out the National Intelligence Program.

"(d) Role of Director of National Intelligence in Transfer and Reprogramming of Funds.—(1)(A) No funds made available under the National Intelligence Program may be transferred or reprogrammed without the prior approval of the Director of National Intelligence, except in accordance with procedures prescribed by the Director of National Intelligence.

"(B) The Secretary of Defense shall consult with the Director of National Intelligence before transferring or reprogramming funds made available under the Joint Military Intelligence Program.

"(2) Subject to the succeeding provisions of this subsection, the Director of National Intelligence may transfer or reprogram funds appropriated for a program within the National Intelligence Program to another such program.

"(3) The Director of National Intelligence may only transfer or reprogram funds referred to in subparagraph (A)—

"(A) with the approval of the Director of the Office of Management and Budget; and

"(B) after consultation with the heads of departments containing agencies or organizations within the intelligence community to the extent such agencies or organizations are affected, and, in the case of the Central Intelligence Agency, after consultation with the Director of the Central Intelligence Agency.

"(4) The amounts available for transfer or reprogramming in the National Intelligence Program in any given fiscal year, and the terms and conditions governing such transfers and reprogrammings, are subject to the provisions of annual appropriations Acts and this subsection.

"(5)(A) A transfer or reprogramming of funds or personnel may be made under this subsection only if—

"(i) the funds are being transferred to an activity that is a higher priority intelligence activity;

"(ii) the transfer or reprogramming supports an emergent need, improves program effectiveness, or increases efficiency;

"(iii) the transfer or reprogramming does not involve a transfer or reprogramming of funds to a Reserve for Contingencies of the Director of National Intelligence or the Reserve for Contingencies of the Central Intelligence Agency;

"(iv) the transfer or reprogramming results in a cumulative transfer or reprogramming of funds out of any department or agency, as appropriate, funded in the National Intelligence Program in a single fiscal year—

"(I) that is less than $150,000,000, and

"(II) that is less than 5 percent of amounts available to a department or agency under the National Intelligence Program; and *"(v) the transfer or reprogramming does not terminate an acquisition program.*

"(B) A transfer or reprogramming may be made without regard to a limitation set forth in clause (iv) or (v) of subparagraph (A) if the transfer has the concurrence of the head of the department involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency). The authority to provide such concurrence may only be delegated by the head of the department or agency involved to the deputy of such officer.

"(6) Funds transferred or reprogrammed under this subsection shall remain available for the same period as the appropriations account to which transferred or reprogrammed.

"(7) Any transfer or reprogramming of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer or reprogramming for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer or reprogramming and how it satisfies the requirements of this subsection. In addition, the congressional intelligence committees shall be promptly notified of any transfer or reprogramming of funds made pursuant to this subsection in any case in which the transfer or reprogramming would not have otherwise required reprogramming notification under procedures in effect as of the date of the enactment of this subsection.

"(e) TRANSFER OF PERSONNEL.—(1)(A) In addition to any other authorities available under law for such purposes, in the first twelve months after establishment of a new national intelligence center, the Director of National Intelligence, with the approval of the Director of the Office of Management and Budget and in consultation with the congressional committees of jurisdiction referred to in subparagraph (B), may transfer not more than 100 personnel authorized for elements of the intelligence community to such center.

"(B) The Director of National Intelligence shall promptly provide notice of any transfer of personnel made pursuant to this paragraph to—

"(i) the congressional intelligence committees;

"(ii) the Committees on Appropriations of the Senate and the House of Representatives;

"(iii) in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and

"(iv) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives.

"(C) The Director shall include in any notice under subparagraph (B) an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

"(2)(A) The Director of National Intelligence, with the approval of the Director of the Office of Management and Budget and in accordance with procedures to be developed by the Director of National Intelligence and the heads of the departments and agencies concerned, may transfer personnel authorized for an element of the intelligence community to another such element for a period of not more than 2 years.

"(B) A transfer of personnel may be made under this paragraph only if—

"(i) the personnel are being transferred to an activity that is a higher priority intelligence activity; and

"(ii) the transfer supports an emergent need, improves program effectiveness, or increases efficiency.

"(C) The Director of National Intelligence shall promptly provide notice of any transfer of personnel made pursuant to this paragraph to—

"(i) the congressional intelligence committees;

"(ii) in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and

"(iii) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives.

"(D) The Director shall include in any notice under subparagraph (C) an explanation of the nature of the transfer and how it satisfies the requirements of this paragraph.

"(3) It is the sense of Congress that—

"(A) the nature of the national security threats facing the United States will continue to challenge the intelligence community to respond rapidly and flexibly to bring analytic resources to bear against emerging and unforeseen requirements;

"(B) both the Office of the Director of National Intelligence and any analytic centers determined to be necessary should be fully and properly supported with appropriate levels of personnel resources and that the President's yearly budget requests adequately support those needs; and

"(C) the President should utilize all legal and administrative discretion to ensure that the Director of National Intelligence and all other elements of the intelligence community have the necessary resources and procedures to respond promptly and effectively to emerging and unforeseen national security challenges.

"(f) TASKING AND OTHER AUTHORITIES.—(1)(A) The Director of National Intelligence shall—

"(i) establish objectives, priorities, and guidance for the intelligence community to ensure timely and effective collection, processing, analysis, and dissemination (including access by users to collected data consistent with applicable law and, as appropriate, the guidelines referred to in subsection (b) and analytic products generated by or within the intelligence community) of national intelligence;

"(ii) determine requirements and priorities for, and manage and direct the tasking of, collection, analysis, production, and dissemination of national intelligence by elements of the intelligence community, including—

"(I) approving requirements (including those requirements responding to needs provided by consumers) for collection and analysis; and

"(II) resolving conflicts in collection requirements and in the tasking of national collection assets of the elements of the intelligence community; and

"(iii) provide advisory tasking to intelligence elements of those agencies and departments not within the National Intelligence Program.

"(B) The authority of the Director of National Intelligence under subparagraph (A) shall not apply—

"(i) insofar as the President so directs;

"(ii) with respect to clause (ii) of subparagraph (A), insofar as the Secretary of Defense exercises tasking authority under plans or arrangements agreed upon by the Secretary of Defense and the Director of National Intelligence; or

"(iii) to the direct dissemination of information to State government and local government officials and private sector entities pursuant to sections 201 and 892 of the Homeland Security Act of 2002 (6 U.S.C. 121, 482).

"(2) The Director of National Intelligence shall oversee the National Counterterrorism Center and may establish such other national intelligence centers as the Director determines necessary.

"(3)(A) The Director of National Intelligence shall prescribe, in consultation with the heads of other agencies or elements of the intelligence community, and the heads of their respective departments, personnel policies and programs applicable to the intelligence community that—

"(i) encourage and facilitate assignments and details of personnel to national intelligence centers, and between elements of the intelligence community;

"(ii) set standards for education, training, and career development of personnel of the intelligence community;

"(iii) encourage and facilitate the recruitment and retention by the intelligence community of highly qualified individuals for the effective conduct of intelligence activities;

"(iv) ensure that the personnel of the intelligence community are sufficiently diverse for purposes of the collection and analysis of intelligence through the recruitment and training of women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;

"(v) make service in more than one element of the intelligence community a condition of promotion to such positions within the intelligence community as the Director shall specify; and

"(vi) ensure the effective management of intelligence community personnel who are responsible for intelligence community-wide matters.

"(B) Policies prescribed under subparagraph (A) shall not be inconsistent with the personnel policies otherwise applicable to members of the uniformed services.

"(4) The Director of National Intelligence shall ensure compliance with the Constitution and laws of the United States by the Central Intelligence Agency and shall ensure such compliance by other elements of the intelligence community through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.

"(5) The Director of National Intelligence shall ensure the elimination of waste and unnecessary duplication within the intelligence community.

"(6) The Director of National Intelligence shall establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for national intelligence purposes, except that the Director shall have no authority to direct or undertake electronic surveillance or physical search operations pursuant to that Act unless authorized by statute or Executive order.

"(7) The Director of National Intelligence shall perform such other functions as the President may direct.

"(8) Nothing in this title shall be construed as affecting the role of the Department of Justice or the Attorney General under the Foreign Intelligence Surveillance Act of 1978.

"(g) INTELLIGENCE INFORMATION SHARING.—(1) The Director of National Intelligence shall have principal authority to ensure maximum availability of and access to intelligence information within the intelligence community consistent with national security requirements. The Director of National Intelligence shall—

"(A) establish uniform security standards and procedures;

"(B) establish common information technology standards, protocols, and interfaces;

"(C) ensure development of information technology systems that include multi-level security and intelligence integration capabilities;

"(D) establish policies and procedures to resolve conflicts between the need to share intelligence information and the need to protect intelligence sources and methods;

"(E) develop an enterprise architecture for the intelligence community and ensure that elements of the intelligence community comply with such architecture; and

"(F) have procurement approval authority over all enterprise architecture-related information technology items funded in the National Intelligence Program.

"(2) The President shall ensure that the Director of National Intelligence has all necessary support and authorities to fully and effectively implement paragraph (1).

"(3) Except as otherwise directed by the President or with the specific written agreement of the head of the department or agency in question, a Federal agency or official shall not be considered to have met any obligation to provide any information, report, assessment, or other material (including unevaluated intelligence information) to that department or agency solely by virtue of having provided that information, report, assessment, or other material to the Director of National Intelligence or the National Counterterrorism Center.

"(4) Not later than February 1 of each year, the Director of National Intelligence shall submit to the President and to the Congress an annual report that identifies any statute, regulation, policy, or practice that the Director believes impedes the ability of the Director to fully and effectively implement paragraph (1).

"(h) ANALYSIS.—To ensure the most accurate analysis of intelligence is derived from all sources to support national security needs, the Director of National Intelligence shall—

"(1) implement policies and procedures—

"(A) to encourage sound analytic methods and tradecraft throughout the elements of the intelligence community;

"(B) to ensure that analysis is based upon all sources available; and

"(C) to ensure that the elements of the intelligence community regularly conduct competitive analysis of analytic products, whether such products are produced by or disseminated to such elements;

"(2) ensure that resource allocation for intelligence analysis is appropriately proportional to resource allocation for intelligence collection systems and operations in order to maximize analysis of all collected data;

"(3) ensure that differences in analytic judgment are fully considered and brought to the attention of policymakers; and

"(4) ensure that sufficient relationships are established between intelligence collectors and analysts to facilitate greater understanding of the needs of analysts.

"(i) PROTECTION OF INTELLIGENCE SOURCES AND METHODS.—(1) The Director of National Intelligence shall protect intelligence sources and methods from unauthorized disclosure.

"(2) Consistent with paragraph (1), in order to maximize the dissemination of intelligence, the Director of National Intelligence shall establish and implement guidelines for the intelligence community for the following purposes:

"(A) Classification of information under applicable law, Executive orders, or other Presidential directives.

"(B) Access to and dissemination of intelligence, both in final form and in the form when initially gathered.

"(C) Preparation of intelligence products in such a way that source information is removed to allow for dissemination at the lowest level of classification possible or in unclassified form to the extent practicable.

"(3) The Director may only delegate a duty or authority given the Director under this subsection to the Principal Deputy Director of National Intelligence.

"(j) UNIFORM PROCEDURES FOR SENSITIVE COMPARTMENTED INFORMATION.—The Director of National Intelligence, subject to the direction of the President, shall—

"(1) establish uniform standards and procedures for the grant of access to sensitive compartmented information to any officer or employee of any agency or department of the United States and to employees of contractors of those agencies or departments;

"(2) ensure the consistent implementation of those standards and procedures throughout such agencies and departments;

"(3) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by those agencies; and

"(4) ensure that the process for investigation and adjudication of an application for access to sensitive compartmented information is performed in the most expeditious manner possible consistent with applicable standards for national security.

"(k) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the President and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director of National Intelligence shall oversee the coordination of the relationships between elements of the intelligence community and the intelligence or security services of foreign governments or international organizations on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

"(l) ENHANCED PERSONNEL MANAGEMENT.—(1)(A) The Director of National Intelligence shall, under regulations prescribed by the Director, provide incentives for personnel of elements of the intelligence community to serve—

"(i) on the staff of the Director of National Intelligence;

"(ii) on the staff of the national intelligence centers;

"(iii) on the staff of the National Counterterrorism Center; and

"(iv) in other positions in support of the intelligence community management functions of the Director.

"(B) Incentives under subparagraph (A) may include financial incentives, bonuses, and such other awards and incentives as the Director considers appropriate.

"(2)(A) Notwithstanding any other provision of law, the personnel of an element of the intelligence community who are assigned or detailed under paragraph (1)(A) to service under the Director of National Intelligence shall be promoted at rates equivalent to or better than personnel of such element who are not so assigned or detailed.

"(B) The Director may prescribe regulations to carry out this section.

"(3)(A) The Director of National Intelligence shall prescribe mechanisms to facilitate the rotation of personnel of the intelligence community through various elements of the intelligence community in the course of their careers in order to facilitate the widest possible understanding by such personnel of the variety of intelligence requirements, methods, users, and capabilities.

"(B) The mechanisms prescribed under subparagraph (A) may include the following:

"(i) The establishment of special occupational categories involving service, over the course of a career, in more than one element of the intelligence community.

"(ii) The provision of rewards for service in positions undertaking analysis and planning of operations involving two or more elements of the intelligence community.

"(iii) The establishment of requirements for education, training, service, and evaluation for service involving more than one element of the intelligence community.

"(C) It is the sense of Congress that the mechanisms prescribed under this subsection should, to the extent practical, seek to duplicate for civilian personnel within the intelligence community the joint officer management policies established by chapter 38 of title 10, United States Code, and the other amendments made by title IV of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433).

"(4)(A) Except as provided in subparagraph (B) and subparagraph (D), this subsection shall not apply with respect to personnel of the elements of the intelligence community who are members of the uniformed services.

"(B) Mechanisms that establish requirements for education and training pursuant to paragraph (3)(B)(iii) may apply with respect to members of the uniformed services who are assigned to an element of the intelligence community funded through the National Intelligence Program, but such mechanisms shall not be inconsistent with personnel policies and education and training requirements otherwise applicable to members of the uniformed services.

"(C) The personnel policies and programs developed and implemented under this subsection with respect to law enforcement officers (as that term is defined in section 5541(3) of title 5, United States Code) shall not affect the ability of law enforcement entities to conduct operations or, through the applicable chain of command, to control the activities of such law enforcement officers.

"(D) Assignment to the Office of the Director of National Intelligence of commissioned officers of the Armed Forces shall be considered a joint-duty assignment for purposes of the joint officer management policies prescribed by chapter 38 of title 10, United States Code, and other provisions of that title.

"(m) ADDITIONAL AUTHORITY WITH RESPECT TO PERSONNEL.—(1) In addition to the authorities under subsection (f)(3), the Director of National Intelligence may exercise with respect to the personnel of the Office of the Director of National Intelligence any authority of the Director of the Central Intelligence Agency with respect to the personnel of the Central Intelligence Agency under the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and other applicable provisions of law, as of the date of the enactment of this subsection to the same extent, and subject to the same conditions and limitations, that the Director of the Central Intelligence Agency may exercise such authority with respect to personnel of the Central Intelligence Agency.

"(2) Employees and applicants for employment of the Office of the Director of National Intelligence shall have the same rights and protections under the Office of the Director of National Intelligence as employees of the Central Intelligence Agency have under the Central Intelligence Agency Act of 1949, and other applicable provisions of law, as of the date of the enactment of this subsection.

"(n) ACQUISITION AUTHORITIES.—(1) In carrying out the responsibilities and authorities under this section, the Director of National Intelligence may exercise the acquisition and appropriations authorities referred to in the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) other than the authorities referred to in section 8(b) of that Act (50 U.S.C. 403j(b)).

"(2) For the purpose of the exercise of any authority referred to in paragraph (1), a reference to the head of an agency shall be deemed to be a reference to the Director of National Intelligence or the Principal Deputy Director of National Intelligence.

"(3)(A) Any determination or decision to be made under an authority referred to in paragraph (1) by the head of an agency may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final.

"(B) Except as provided in subparagraph (C), the Director of National Intelligence or the Principal Deputy Director of National Intelligence may, in such official's discretion, delegate to any officer or other official of the Office of the Director of National Intelligence any authority to make a determination or decision as the head of the agency under an authority referred to in paragraph (1).

"(C) The limitations and conditions set forth in section 3(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c(d)) shall apply to the exercise by the Director of National Intelligence of an authority referred to in paragraph (1).

"(D) Each determination or decision required by an authority referred to in the second sentence of section 3(d) of the Central Intelligence Agency Act of 1949 shall be based upon written findings made by the official making such determination or decision, which findings shall be final and shall be available within the Office of the Director of National Intelligence for a period of at least six years following the date of such determination or decision.

"(o) CONSIDERATION OF VIEWS OF ELEMENTS OF INTELLIGENCE COMMUNITY.—In carrying out the duties and responsibilities under this section, the Director of National Intelligence shall take into account the views of a head of a department containing an element of the intelligence community and of the Director of the Central Intelligence Agency.

"(p) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE REGARDING NATIONAL INTELLIGENCE PROGRAM BUDGET CONCERNING THE DEPARTMENT OF DEFENSE.—Subject to the direction of the President, the Director of National Intelligence shall, after consultation with the Secretary of Defense, ensure that the National Intelligence Program budgets for the elements of the intelligence community that are within the Department of Defense are adequate to satisfy the national intelligence needs of the Department of Defense, including the needs of the Chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands, and wherever such elements are performing Government-wide functions, the needs of other Federal departments and agencies.

"(q) ACQUISITIONS OF MAJOR SYSTEMS.—(1) For each intelligence program within the National Intelligence Program for the acquisition of a major system, the Director of National Intelligence shall—

"(A) require the development and implementation of a program management plan that includes cost, schedule, and performance goals and program milestone criteria, except that with respect to Department of Defense programs the Director shall consult with the Secretary of Defense;

"(B) serve as exclusive milestone decision authority, except that with respect to Department of Defense programs the Director shall serve as milestone decision authority jointly with the Secretary of Defense or the designee of the Secretary; and

"(C) periodically—

"(i) review and assess the progress made toward the achievement of the goals and milestones established in such plan; and

"(ii) submit to Congress a report on the results of such review and assessment.

"(2) If the Director of National Intelligence and the Secretary of Defense are unable to reach an agreement on a milestone decision under paragraph (1)(B), the President shall resolve the conflict.

"(3) Nothing in this subsection may be construed to limit the authority of the Director of National Intelligence to delegate to any other official any authority to perform the responsibilities of the Director under this subsection.

"(4) In this subsection:

"(A) The term 'intelligence program', with respect to the acquisition of a major system, means a program that—

"(i) is carried out to acquire such major system for an element of the intelligence community; and

"(ii) is funded in whole out of amounts available for the National Intelligence Program.

"(B) The term 'major system' has the meaning given such term in section 4(9) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 403(9)).

"(r) PERFORMANCE OF COMMON SERVICES.—The Director of National Intelligence shall, in consultation with the heads of departments and agencies of the United States Government containing elements within the intelligence community and with the Director of the Central Intelligence Agency, coordinate the performance by the elements of the intelligence community within the National Intelligence Program of such services as are of common concern to the intelligence community, which services the Director of National Intelligence determines can be more efficiently accomplished in a consolidated manner.

"OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 103. (a) OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—There is an Office of the Director of National Intelligence.

"(b) FUNCTION.—The function of the Office of the Director of National Intelligence is to assist the Director of National Intelligence in carrying out the duties and responsibilities of the Director under this Act, the National Security Act of 1947 (50 U.S.C. 401 et seq.), and other applicable provisions of law, and to carry out such other duties as may be prescribed by the President or by law.

"(c) COMPOSITION.—The Office of the Director of National Intelligence is composed of the following:

"(1) The Director of National Intelligence.

"(2) The Principal Deputy Director of National Intelligence.

"(3) Any Deputy Director of National Intelligence appointed under section 103A.

"(4) The National Intelligence Council.

"(5) The General Counsel.

"(6) The Civil Liberties Protection Officer.

"(7) The Director of Science and Technology.

"(8) The National Counterintelligence Executive (including the Office of the National Counterintelligence Executive).

"(9) Such other offices and officials as may be established by law or the Director may establish or designate in the Office, including national intelligence centers.

"(d) STAFF.—(1) To assist the Director of National Intelligence in fulfilling the duties and responsibilities of the Director, the Director shall employ and utilize in the Office of the Director of National Intelligence a professional staff having an expertise in matters relating to such duties and responsibilities, and may establish permanent positions and appropriate rates of pay with respect to that staff.

"(2) The staff of the Office of the Director of National Intelligence under paragraph (1) shall include the staff of the Office of the Deputy Director of Central Intelligence for Community Management that is transferred to the Office of the Director of National Intelligence under section 1091 of the National Security Intelligence Reform Act of 2004.

"(e) LIMITATION ON CO-LOCATION WITH OTHER ELEMENTS OF INTELLIGENCE COMMUNITY.—Commencing as of October 1, 2008, the Office of the Director of National Intelligence may not be co-located with any other element of the intelligence community.

"DEPUTY DIRECTORS OF NATIONAL INTELLIGENCE

"SEC. 103A. (a) PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.—(1) There is a Principal Deputy Director of National Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) In the event of a vacancy in the position of Principal Deputy Director of National Intelligence, the Director of National Intelligence shall recommend to the President an individual for appointment as Principal Deputy Director of National Intelligence.

"(3) Any individual nominated for appointment as Principal Deputy Director of National Intelligence shall have extensive national security experience and management expertise.

"(4) The individual serving as Principal Deputy Director of National Intelligence shall not, while so serving, serve in any capacity in any other element of the intelligence community.

"(5) The Principal Deputy Director of National Intelligence shall assist the Director of National Intelligence in carrying out the duties and responsibilities of the Director.

"(6) The Principal Deputy Director of National Intelligence shall act for, and exercise the powers of, the Director of National Intelligence during the absence or disability of the Director of National Intelligence or during a vacancy in the position of Director of National Intelligence.

"(b) DEPUTY DIRECTORS OF NATIONAL INTELLIGENCE.—(1) There may be not more than four Deputy Directors of National Intelligence who shall be appointed by the Director of National Intelligence.

"(2) Each Deputy Director of National Intelligence appointed under this subsection shall have such duties, responsibilities, and authorities as the Director of National Intelligence may assign or are specified by law.

"(c) MILITARY STATUS OF DIRECTOR OF NATIONAL INTELLIGENCE AND PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.—(1) Not more than one of the individuals serving in the positions specified in paragraph (2) may be a commissioned officer of the Armed Forces in active status.

"(2) The positions referred to in this paragraph are the following:

"(A) The Director of National Intelligence.

"(B) The Principal Deputy Director of National Intelligence.

"(3) It is the sense of Congress that, under ordinary circumstances, it is desirable that one of the individuals serving in the positions specified in paragraph (2)—

"(A) be a commissioned officer of the Armed Forces, in active status; or

"(B) have, by training or experience, an appreciation of military intelligence activities and requirements.

"(4) A commissioned officer of the Armed Forces, while serving in a position specified in paragraph (2)—

"(A) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense;

"(B) shall not exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law; and

"(C) shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the military department of that officer.

"(5) Except as provided in subparagraph (A) or (B) of paragraph (4), the appointment of an officer of the Armed Forces to a position specified in paragraph (2) shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

"(6) A commissioned officer of the Armed Forces on active duty who is appointed to a position specified in paragraph (2), while serving in such position and while remaining on active duty, shall continue to receive military pay and allowances and shall not receive the pay prescribed for such position. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of National Intelligence.

"NATIONAL INTELLIGENCE COUNCIL

"SEC. 103B. (a) NATIONAL INTELLIGENCE COUNCIL.—There is a National Intelligence Council.

"(b) COMPOSITION.—(1) The National Intelligence Council shall be composed of senior analysts within the intelligence community and substantive experts from the public and private sector, who shall be appointed by, report to, and serve at the pleasure of, the Director of National Intelligence.

"(2) The Director shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the Council, or as contractors of the Council or employees of such contractors, to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

"(c) DUTIES AND RESPONSIBILITIES.—(1) The National Intelligence Council shall—

"(A) produce national intelligence estimates for the United States Government, including alternative views held by elements of the intelligence community and other information as specified in paragraph (2);

"(B) evaluate community-wide collection and production of intelligence by the intelligence community and the requirements and resources of such collection and production; and

"(C) otherwise assist the Director of National Intelligence in carrying out the responsibilities of the Director under section 102A.

"(2) The Director of National Intelligence shall ensure that the Council satisfies the needs of policymakers and other consumers of intelligence.

"(d) SERVICE AS SENIOR INTELLIGENCE ADVISERS.—Within their respective areas of expertise and under the direction of the Director of National Intelligence, the members of the National Intelligence Council shall constitute the senior intelligence advisers of the intelligence community for purposes of representing the views of the intelligence community within the United States Government.

"(e) AUTHORITY TO CONTRACT.—Subject to the direction and control of the Director of National Intelligence, the National Intelligence Council may carry out its responsibilities under this section by contract, including contracts for substantive experts necessary to assist the Council with particular assessments under this section.

"(f) STAFF.—The Director of National Intelligence shall make available to the National Intelligence Council such staff as may be necessary to permit the Council to carry out its responsibilities under this section.

"(g) AVAILABILITY OF COUNCIL AND STAFF.—(1) The Director of National Intelligence shall take appropriate measures to ensure that the National Intelligence Council and its staff satisfy the needs of policymaking officials and other consumers of intelligence.

"(2) The Council shall be readily accessible to policymaking officials and other appropriate individuals not otherwise associated with the intelligence community.

"(h) SUPPORT.—The heads of the elements of the intelligence community shall, as appropriate, furnish such support to the National Intelligence Council, including the preparation of intelligence analyses, as may be required by the Director of National Intelligence.

"(i) NATIONAL INTELLIGENCE COUNCIL PRODUCT.—For purposes of this section, the term 'National Intelligence Council product' includes a National Intelligence Estimate and any other intelligence community assessment that sets forth the judgment of the intelligence community as a whole on a matter covered by such product.

"GENERAL COUNSEL

"SEC. 103C. (a) GENERAL COUNSEL.—There is a General Counsel of the Office of the Director of National Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) PROHIBITION ON DUAL SERVICE AS GENERAL COUNSEL OF ANOTHER AGENCY.—The individual serving in the position of General Counsel may not, while so serving, also serve as the General Counsel of any other department, agency, or element of the United States Government.

"(c) SCOPE OF POSITION.—The General Counsel is the chief legal officer of the Office of the Director of National Intelligence.

"(d) FUNCTIONS.—The General Counsel shall perform such functions as the Director of National Intelligence may prescribe.

"CIVIL LIBERTIES PROTECTION OFFICER

"SEC. 103D. (a) CIVIL LIBERTIES PROTECTION OFFICER.—(1) Within the Office of the Director of National Intelligence, there is a Civil Liberties Protection Officer who shall be appointed by the Director of National Intelligence.

"(2) The Civil Liberties Protection Officer shall report directly to the Director of National Intelligence.

"(b) DUTIES.—The Civil Liberties Protection Officer shall—

"(1) ensure that the protection of civil liberties and privacy is appropriately incorporated in the policies and procedures developed for and implemented by the Office of the Director of National Intelligence and the elements of the intelligence community within the National Intelligence Program;

"(2) oversee compliance by the Office and the Director of National Intelligence with requirements under the Constitution and all laws, regulations, Executive orders, and implementing guidelines relating to civil liberties and privacy;

"(3) review and assess complaints and other information indicating possible abuses of civil liberties and privacy in the administration of the programs and operations of the Office and the Director of National Intelligence and, as appropriate, investigate any such complaint or information;

"(4) ensure that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

"(5) ensure that personal information contained in a system of records subject to section 552a of title 5, United States Code (popularly referred to as the 'Privacy Act'), is handled in full compliance with fair information practices as set out in that section;

"(6) conduct privacy impact assessments when appropriate or as required by law; and

"(7) perform such other duties as may be prescribed by the Director of National Intelligence or specified by law.

"(c) USE OF AGENCY INSPECTORS GENERAL.—When appropriate, the Civil Liberties Protection Officer may refer complaints to the Office of Inspector General having responsibility for the affected element of the department or agency of the intelligence community to conduct an investigation under paragraph (3) of subsection (b).

"DIRECTOR OF SCIENCE AND TECHNOLOGY

"SEC. 103E. (a) DIRECTOR OF SCIENCE AND TECHNOLOGY.—There is a Director of Science and Technology within the Office of the Director of National Intelligence who shall be appointed by the Director of National Intelligence.

"(b) REQUIREMENT RELATING TO APPOINTMENT.—An individual appointed as Director of Science and Technology shall have a professional background and experience appropriate for the duties of the Director of Science and Technology.

"(c) DUTIES.—The Director of Science and Technology shall—

"(1) act as the chief representative of the Director of National Intelligence for science and technology;

"(2) chair the Director of National Intelligence Science and Technology Committee under subsection (d);

"(3) assist the Director in formulating a long-term strategy for scientific advances in the field of intelligence;

"(4) assist the Director on the science and technology elements of the budget of the Office of the Director of National Intelligence; and

"(5) perform other such duties as may be prescribed by the Director of National Intelligence or specified by law.

"(d) DIRECTOR OF NATIONAL INTELLIGENCE SCIENCE AND TECHNOLOGY COMMITTEE.—(1) There is within the Office of the Director of Science and Technology a Director of National Intelligence Science and Technology Committee.

"(2) The Committee shall be composed of the principal science officers of the National Intelligence Program.

"(3) The Committee shall—

"(A) coordinate advances in research and development related to intelligence; and

"(B) perform such other functions as the Director of Science and Technology shall prescribe.

"NATIONAL COUNTERINTELLIGENCE EXECUTIVE

"SEC. 103F. (a) NATIONAL COUNTERINTELLIGENCE EXECUTIVE.—The National Counterintelligence Executive under section 902 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402b et seq.) is a component of the Office of the Director of National Intelligence.

"(b) DUTIES.—The National Counterintelligence Executive shall perform the duties provided in the Counterintelligence Enhancement Act of 2002 and such other duties as may be prescribed by the Director of National Intelligence or specified by law.

"CENTRAL INTELLIGENCE AGENCY

"SEC. 104. (a) CENTRAL INTELLIGENCE AGENCY.—There is a Central Intelligence Agency.

"(b) FUNCTION.—The function of the Central Intelligence Agency is to assist the Director of the Central Intelligence Agency in carrying out the responsibilities specified in section 104A(c).

"DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

"SEC. 104A. (a) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—There is a Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) SUPERVISION.—The Director of the Central Intelligence Agency shall report to the Director of National Intelligence regarding the activities of the Central Intelligence Agency.

"(c) DUTIES.—The Director of the Central Intelligence Agency shall—

"(1) serve as the head of the Central Intelligence Agency; and

"(2) carry out the responsibilities specified in subsection (d).

"(d) RESPONSIBILITIES.—The Director of the Central Intelligence Agency shall—

"(1) collect intelligence through human sources and by other appropriate means, except that the Director of the Central Intelligence Agency shall have no police, subpoena, or law enforcement powers or internal security functions;

"(2) correlate and evaluate intelligence related to the national security and provide appropriate dissemination of such intelligence;

"(3) provide overall direction for and coordination of the collection of national intelligence outside the United States through human sources by elements of the intelligence community authorized to undertake such collection and, in coordination with other departments, agencies, or elements of the United States Government which are authorized to undertake such collection, ensure that the most effective use is made of resources and that appropriate account is taken of the risks to the United States and those involved in such collection; and

"(4) perform such other functions and duties related to intelligence affecting the national security as the President or the Director of National Intelligence may direct.

"(e) TERMINATION OF EMPLOYMENT OF CIA EMPLOYEES.—(1) Notwithstanding the provisions of any other law, the Director of the Central Intelligence Agency may, in the discretion of the Director, terminate the employment of any officer or employee of the Central Intelligence Agency whenever the Director deems the termination of employment of such officer or employee necessary or advisable in the interests of the United States.

"(2) Any termination of employment of an officer or employee under paragraph (1) shall not affect the right of the officer or employee to seek or accept employment in any other department, agency, or element of the United States Government if declared eligible for such employment by the Office of Personnel Management.

"(f) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the Director of National Intelligence and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director of the Central Intelligence Agency shall coordinate the relationships between elements of the intelligence community and the intelligence or security services of foreign governments or international organizations on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the human intelligence officers of the intelligence community have performed admirably and honorably in the face of great personal dangers;

(2) during an extended period of unprecedented investment and improvements in technical collection means, the human intelligence capabilities of the United States have not received the necessary and commensurate priorities;

(3) human intelligence is becoming an increasingly important capability to provide information on the asymmetric threats to the national security of the United States;

(4) the continued development and improvement of a robust and empowered and flexible human intelligence work force is critical to identifying, understanding, and countering the plans and intentions of the adversaries of the United States; and

(5) an increased emphasis on, and resources applied to, enhancing the depth and breadth of human intelligence capabilities of the United States intelligence community must be among the top priorities of the Director of National Intelligence.

(c) TRANSFORMATION OF CENTRAL INTELLIGENCE AGENCY.—The Director of the Central Intelligence Agency shall, in accordance with standards developed by the Director in consultation with the Director of National Intelligence—

(1) enhance the analytic, human intelligence, and other capabilities of the Central Intelligence Agency;

(2) develop and maintain an effective language program within the Agency;

(3) emphasize the hiring of personnel of diverse backgrounds for purposes of improving the capabilities of the Agency;

(4) establish and maintain effective relationships between human intelligence and signals intelligence within the Agency at the operational level; and

(5) achieve a more effective balance within the Agency with respect to unilateral operations and liaison operations.

(d) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the Director of National Intelligence and the congressional intelligence committees a report setting forth the following:

(A) A strategy for improving the conduct of analysis (including strategic analysis) by the Central Intelligence Agency, and the progress of the Agency in implementing that strategy.

(B) A strategy for improving the human intelligence and other capabilities of the Agency, and the progress of the Agency in implementing that strategy.

(2)(A) The information in the report under paragraph (1) on the strategy referred to in paragraph (1)(B) shall—

(i) identify the number and types of personnel required to implement that strategy;

(ii) include a plan for the recruitment, training, equipping, and deployment of such personnel; and

(iii) set forth an estimate of the costs of such activities.

(B) If as of the date of the report under paragraph (1), a proper balance does not exist between unilateral operations and liaison operations, such report shall set forth the steps to be taken to achieve such balance.

SEC. 1012. REVISED DEFINITION OF NATIONAL INTELLIGENCE.

Paragraph (5) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:

"(5) The terms 'national intelligence' and 'intelligence related to national security' refer to all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that—

"(A) pertains, as determined consistent with any guidance issued by the President, to more than one United States Government agency; and

"(B) that involves—

"(i) threats to the United States, its people, property, or interests;

"(ii) the development, proliferation, or use of weapons of mass destruction; or

"(iii) any other matter bearing on United States national or homeland security.".

SEC. 1013. JOINT PROCEDURES FOR OPERATIONAL COORDINATION BETWEEN DEPARTMENT OF DEFENSE AND CENTRAL INTELLIGENCE AGENCY.

(a) DEVELOPMENT OF PROCEDURES.—The Director of National Intelligence, in consultation with the Secretary of Defense and the Director of the Central Intelligence Agency, shall develop joint procedures to be used by the Department of Defense and the Central Intelligence Agency to improve the coordination and deconfliction of operations that involve elements of both the Armed Forces and the Central Intelligence Agency consistent with national security and the protection of human intelligence sources and methods. Those procedures shall, at a minimum, provide the following:

(1) Methods by which the Director of the Central Intelligence Agency and the Secretary of Defense can improve communication and coordination in the planning, execution, and sustainment of operations, including, as a minimum—

(A) information exchange between senior officials of the Central Intelligence Agency and senior officers and officials of the Department of Defense when planning for such an operation commences by either organization; and

(B) exchange of information between the Secretary and the Director of the Central Intelligence Agency to ensure that senior operational officials in both the Department of Defense and the Central Intelligence Agency have knowledge of the existence of the ongoing operations of the other.

(2) When appropriate, in cases where the Department of Defense and the Central Intelligence Agency are conducting separate missions in the same geographical area, a mutual agreement on the tactical and strategic objectives for the region and a clear delineation of operational responsibilities to prevent conflict and duplication of effort.

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of the Act, the Director of National Intelligence shall submit to the congressional defense committees (as defined in section 101 of title 10, United States Code) and the congressional intelligence committees (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7))) a report describing the procedures established pursuant to subsection (a) and the status of the implementation of those procedures.

SEC. 1014. ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE IN APPOINTMENT OF CERTAIN OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES.

Section 106 of the National Security Act of 1947 (50 U.S.C. 403-6) is amended by striking all after the heading and inserting the following:

"(a) RECOMMENDATION OF DNI IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the Director of National Intelligence shall recommend to the President an individual for nomination to fill the vacancy.

"(2) Paragraph (1) applies to the following positions:

"(A) The Principal Deputy Director of National Intelligence.

"(B) The Director of the Central Intelligence Agency.

"(b) CONCURRENCE OF DNI IN APPOINTMENTS TO POSITIONS IN THE INTELLIGENCE COMMUNITY.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall obtain the concurrence of the Director of National Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy. If the Director does not concur in the recommendation, the head of the department or agency concerned may not fill the vacancy or make the recommendation to the President (as the case may be). In the case in which the Director does not concur in such a recommendation, the Director and the head of the department or agency concerned may advise the President directly of the intention to withhold concurrence or to make a recommendation, as the case may be.

"(2) Paragraph (1) applies to the following positions:

"(A) The Director of the National Security Agency.

"(B) The Director of the National Reconnaissance Office.

"(C) The Director of the National Geospatial-Intelligence Agency.

"(D) The Assistant Secretary of State for Intelligence and Research.

"(E) The Director of the Office of Intelligence of the Department of Energy.

"(F) The Director of the Office of Counterintelligence of the Department of Energy.

"(G) The Assistant Secretary for Intelligence and Analysis of the Department of the Treasury.

"(H) The Executive Assistant Director for Intelligence of the Federal Bureau of Investigation or any successor to that position.

"(I) The Assistant Secretary of Homeland Security for Information Analysis.

"(c) CONSULTATION WITH DNI IN CERTAIN POSITIONS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall consult with the Director of National Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy.

"(2) Paragraph (1) applies to the following positions:

"(A) The Director of the Defense Intelligence Agency.

"(B) The Assistant Commandant of the Coast Guard for Intelligence.".

SEC. 1015. EXECUTIVE SCHEDULE MATTERS.

(a) EXECUTIVE SCHEDULE LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding the end the following new item:

"Director of National Intelligence.".

(b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following new items:

"Principal Deputy Director of National Intelligence.

"Director of the National Counterterrorism Center.

"Director of the National Counter Proliferation Center.".

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the item relating to the Assistant Directors of Central Intelligence; and

(2) by adding at the end the following new item:

"General Counsel of the Office of the National Intelligence Director.".

SEC. 1016. INFORMATION SHARING.

(a) DEFINITIONS.—In this section:

(1) INFORMATION SHARING COUNCIL.—The term "Information Sharing Council" means the Information Systems Council established by Executive Order 13356, or any successor body designated by the President, and referred to under subsection (g).

(2) INFORMATION SHARING ENVIRONMENT; ISE.—The terms "information sharing environment" and "ISE" mean an approach that facilitates the sharing of terrorism information, which approach may include any methods determined necessary and appropriate for carrying out this section.

(3) PROGRAM MANAGER.—The term "program manager" means the program manager designated under subsection (f).

(4) TERRORISM INFORMATION.—The term "terrorism information" means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to—

(A) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;

(B) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;

(C) communications of or by such groups or individuals; or

(D) groups or individuals reasonably believed to be assisting or associated with such groups or individuals.

(b) INFORMATION SHARING ENVIRONMENT.—

(1) ESTABLISHMENT.—The President shall—

(A) create an information sharing environment for the sharing of terrorism information in a manner consistent with national security and with applicable legal standards relating to privacy and civil liberties;

(B) designate the organizational and management structures that will be used to operate and manage the ISE; and

(C) determine and enforce the policies, directives, and rules that will govern the content and usage of the ISE.

(2) ATTRIBUTES.—The President shall, through the structures described in subparagraphs (B) and (C) of paragraph (1), ensure that the ISE provides and facilitates the means for sharing terrorism information among all appropriate Federal, State, local, and tribal entities, and the private sector through the use of policy guidelines and technologies. The President shall, to the greatest extent practicable, ensure that the ISE provides the functional equivalent of, or otherwise supports, a decentralized, distributed, and coordinated environment that—

(A) connects existing systems, where appropriate, provides no single points of failure, and allows users to share information among agencies, between levels of government, and, as appropriate, with the private sector;

(B) ensures direct and continuous online electronic access to information;

(C) facilitates the availability of information in a form and manner that facilitates its use in analysis, investigations and operations;

(D) builds upon existing systems capabilities currently in use across the Government;

(E) employs an information access management approach that controls access to data rather than just systems and networks, without sacrificing security;

(F) facilitates the sharing of information at and across all levels of security;

(G) provides directory services, or the functional equivalent, for locating people and information;

(H) incorporates protections for individuals' privacy and civil liberties; and

(I) incorporates strong mechanisms to enhance accountability and facilitate oversight, including audits, authentication, and access controls.

(c) PRELIMINARY REPORT.—Not later than 180 days after the date of the enactment of this Act, the program manager shall, in consultation with the Information Sharing Council—

(1) submit to the President and Congress a description of the technological, legal, and policy issues presented by the creation of the ISE, and the way in which these issues will be addressed;

(2) establish an initial capability to provide electronic directory services, or the functional equivalent, to assist in locating in the Federal Government intelligence and terrorism information and people with relevant knowledge about intelligence and terrorism information; and

(3) conduct a review of relevant current Federal agency capabilities, databases, and systems for sharing information.

(d) GUIDELINES AND REQUIREMENTS.—As soon as possible, but in no event later than 270 days after the date of the enactment of this Act, the President shall—

(1) leverage all ongoing efforts consistent with establishing the ISE and issue guidelines for acquiring, accessing, sharing, and using information, including guidelines to ensure that information is provided in its most shareable form, such as by using tearlines to separate out data from the sources and methods by which the data are obtained;

(2) in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061, issue guidelines that—

(A) protect privacy and civil liberties in the development and use of the ISE; and

(B) shall be made public, unless nondisclosure is clearly necessary to protect national security; and

(3) require the heads of Federal departments and agencies to promote a culture of information sharing by—

(A) reducing disincentives to information sharing, including over-classification of information and unnecessary requirements for originator approval, consistent with applicable laws and regulations; and

(B) providing affirmative incentives for information sharing.

(e) IMPLEMENTATION PLAN REPORT.—Not later than one year after the date of the enactment of this Act, the President shall, with the assistance of the program manager, submit to Congress a report containing an implementation plan for the ISE. The report shall include the following:

(1) A description of the functions, capabilities, resources, and conceptual design of the ISE, including standards.

(2) A description of the impact on enterprise architectures of participating agencies.

(3) A budget estimate that identifies the incremental costs associated with designing, testing, integrating, deploying, and operating the ISE.

(4) A project plan for designing, testing, integrating, deploying, and operating the ISE.

(5) The policies and directives referred to in subsection (b)(1)(C), as well as the metrics and enforcement mechanisms that will be utilized.

(6) Objective, systemwide performance measures to enable the assessment of progress toward achieving the full implementation of the ISE.

(7) A description of the training requirements needed to ensure that the ISE will be adequately implemented and properly utilized.

(8) A description of the means by which privacy and civil liberties will be protected in the design and operation of the ISE.

(9) The recommendations of the program manager, in consultation with the Information Sharing Council, regarding whether, and under what conditions, the ISE should be expanded to include other intelligence information.

(10) A delineation of the roles of the Federal departments and agencies that will participate in the ISE, including an identification of the agencies that will deliver the infrastructure needed to operate and manage the ISE (as distinct from individual department or agency components that are part of the ISE), with such delineation of roles to be consistent with—

(A) the authority of the Director of National Intelligence under this title, and the amendments made by this title, to set standards for information sharing throughout the intelligence community; and

(B) the authority of the Secretary of Homeland Security and the Attorney General, and the role of the Department of Homeland Security and the Attorney General, in coordinating with State, local, and tribal officials and the private sector.

(11) The recommendations of the program manager, in consultation with the Information Sharing Council, for a future management structure for the ISE, including whether the position of program manager should continue to remain in existence.

(f) PROGRAM MANAGER.—

(1) DESIGNATION.—Not later than 120 days after the date of the enactment of this Act, with notification to Congress, the President shall designate an individual as the program manager responsible for information sharing across the Federal Government. The individual designated as the program manager shall serve as program manager during the two-year period beginning on the date of designation under this paragraph unless sooner removed from service and replaced by the President (at the President's sole discretion). The program manager shall have and exercise governmentwide authority.

(2) DUTIES AND RESPONSIBILITIES.—

(A) IN GENERAL.—The program manager shall, in consultation with the Information Sharing Council—

(i) plan for and oversee the implementation of, and manage, the ISE;

(ii) assist in the development of policies, procedures, guidelines, rules, and standards as appropriate to foster the development and proper operation of the ISE; and

(iii) assist, monitor, and assess the implementation of the ISE by Federal departments and agencies to ensure adequate progress, technological consistency and policy compliance; and regularly report the findings to Congress.

(B) CONTENT OF POLICIES, PROCEDURES, GUIDELINES, RULES, AND STANDARDS.—The policies, procedures, guidelines, rules, and standards under subparagraph (A)(ii) shall—

(i) take into account the varying missions and security requirements of agencies participating in the ISE;

(ii) address development, implementation, and oversight of technical standards and requirements;

(iii) take into account ongoing and planned efforts that support development, implementation and management of the ISE;

(iv) address and facilitate information sharing between and among departments and agencies of the intelligence community, the Department of Defense, the homeland security community and the law enforcement community;

(v) address and facilitate information sharing between Federal departments and agencies and State, tribal, and local governments;

(vi) address and facilitate, as appropriate, information sharing between Federal departments and agencies and the private sector;

(vii) address and facilitate, as appropriate, information sharing between Federal departments and agencies with foreign partners and allies; and

(viii) ensure the protection of privacy and civil liberties.

(g) INFORMATION SHARING COUNCIL.—

(1) ESTABLISHMENT.—There is established an Information Sharing Council that shall assist the President and the program manager in their duties under this section. The Information Sharing Council shall serve during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner removed from service and replaced by the President (at the sole discretion of the President) with a successor body.

(2) SPECIFIC DUTIES.—In assisting the President and the program manager in their duties under this section, the Information Sharing Council shall—

(A) advise the President and the program manager in developing policies, procedures, guidelines, roles, and standards necessary to establish, implement, and maintain the ISE;

(B) work to ensure coordination among the Federal departments and agencies participating in the ISE in the establishment, implementation, and maintenance of the ISE;

(C) identify and, as appropriate, recommend the consolidation and elimination of current programs, systems, and processes used by Federal departments and agencies to share information, and recommend, as appropriate, the redirection of existing resources to support the ISE;

(D) identify gaps, if any, between existing technologies, programs and systems used by Federal departments and agencies to share information and the parameters of the proposed information sharing environment;

(E) recommend solutions to address any gaps identified under subparagraph (D);

(F) recommend means by which the ISE can be extended to allow interchange of information between Federal departments and agencies and appropriate authorities of State and local governments; and

(G) recommend whether or not, and by which means, the ISE should be expanded so as to allow future expansion encompassing other relevant categories of information.

(3) CONSULTATION.—In performing its duties, the Information Sharing Council shall consider input from persons and entities outside the Federal Government having significant experience and expertise in policy, technical matters, and operational matters relating to the ISE.

(4) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Information Sharing Council shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

(h) PERFORMANCE MANAGEMENT REPORTS.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report on the state of the ISE and of information sharing across the Federal Government.

(2) CONTENT.—Each report under this subsection shall include—

(A) a progress report on the extent to which the ISE has been implemented, including how the ISE has fared on the performance measures and whether the performance goals set in the preceding year have been met;

(B) objective system-wide performance goals for the following year;

(C) an accounting of how much was spent on the ISE in the preceding year;

(D) actions taken to ensure that procurement of and investments in systems and technology are consistent with the implementation plan for the ISE;

(E) the extent to which all terrorism watch lists are available for combined searching in real time through the ISE and whether there are consistent standards for placing individuals on, and removing individuals from, the watch lists, including the availability of processes for correcting errors;

(F) the extent to which State, tribal, and local officials are participating in the ISE;

(G) the extent to which private sector data, including information from owners and operators of critical infrastructure, is incorporated in the ISE, and the extent to which individuals and entities outside the government are receiving information through the ISE;

(H) the measures taken by the Federal government to ensure the accuracy of information in the ISE, in particular the accuracy of information about individuals;

(I) an assessment of the privacy and civil liberties protections of the ISE, including actions taken in the preceding year to implement or enforce privacy and civil liberties protections; and

(J) an assessment of the security protections used in the ISE.

(i) AGENCY RESPONSIBILITIES.—The head of each department or agency that possesses or uses intelligence or terrorism information, operates a system in the ISE, or otherwise participates (or expects to participate) in the ISE shall—

(1) ensure full department or agency compliance with information sharing policies, procedures, guidelines, rules, and standards established under subsections (b) and (f);

(2) ensure the provision of adequate resources for systems and activities supporting operation of and participation in the ISE;

(3) ensure full department or agency cooperation in the development of the ISE to implement governmentwide information sharing; and

(4) submit, at the request of the President or the program manager, any reports on the implementation of the requirements of the ISE within such department or agency.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2005 and 2006.

SEC. 1017. ALTERNATIVE ANALYSIS OF INTELLIGENCE BY THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Not later than 180 days after the effective date of this Act, the Director of National Intelligence shall establish a process and assign an individual or entity the responsibility for ensuring that, as appropriate, elements of the intelligence community conduct alternative analysis (commonly referred to as ''red-team analysis'') of the information and conclusions in intelligence products.

(b) REPORT.—Not later than 270 days after the effective date of this Act, the Director of National Intelligence shall provide a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of the House of Representatives on the implementation of subsection (a).

SEC. 1018. PRESIDENTIAL GUIDELINES ON IMPLEMENTATION AND PRESERVATION OF AUTHORITIES.

The President shall issue guidelines to ensure the effective implementation and execution within the executive branch of the authorities granted to the Director of National Intelligence by this title and the amendments made by this title, in a manner that respects and does not abrogate the statutory responsibilities of the heads of the departments of the United States Government concerning such departments, including, but not limited to:

(1) the authority of the Director of the Office of Management and Budget; and

(2) the authority of the principal officers of the executive departments as heads of their respective departments, including, but not limited to, under—

(A) section 199 of the Revised Statutes (22 U.S.C. 2651);

(B) title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.);

(C) the State Department Basic Authorities Act of 1956;

(D) section 102(a) of the Homeland Security Act of 2002 (6 U.S.C. 112(a)); and

(E) sections 301 of title 5, 113(b) and 162(b) of title 10, 503 of title 28, and 301(b) of title 31, United States Code.

SEC. 1019. ASSIGNMENT OF RESPONSIBILITIES RELATING TO ANALYTIC INTEGRITY.

(a) ASSIGNMENT OF RESPONSIBILITIES.—For purposes of carrying out section 102A(h) of the National Security Act of 1947 (as added by section 1011(a)), the Director of National Intelligence shall, not later than 180 days after the date of the enactment of this Act, assign an individual or entity to be responsible for ensuring that finished intelligence products produced by any element or elements of the intelligence community are timely, objective, independent of political considerations, based upon all sources of available intelligence, and employ the standards of proper analytic tradecraft.

(b) RESPONSIBILITIES.—(1) The individual or entity assigned responsibility under subsection (a)—

(A) may be responsible for general oversight and management of analysis and production, but may not be directly responsible for, or involved in, the specific production of any finished intelligence product;

(B) shall perform, on a regular basis, detailed reviews of finished intelligence product or other analytic products by an element or elements of the intelligence community covering a particular topic or subject matter;

(C) shall be responsible for identifying on an annual basis functional or topical areas of analysis for specific review under subparagraph (B); and

(D) upon completion of any review under subparagraph (B), may draft lessons learned, identify best practices, or make recommendations for improvement to the analytic tradecraft employed

in the production of the reviewed product or products.

(2) Each review under paragraph (1)(B) should—

(A) include whether the product or products concerned were based on all sources of available intelligence, properly describe the quality and reliability of underlying sources, properly caveat and express uncertainties or confidence in analytic judgments, properly distinguish between underlying intelligence and the assumptions and judgments of analysts, and incorporate, where appropriate, alternative analyses; and

(B) ensure that the analytic methodologies, tradecraft, and practices used by the element or elements concerned in the production of the product or products concerned meet the standards set forth in subsection (a).

(3) Information drafted under paragraph (1)(D) should, as appropriate, be included in analysis teaching modules and case studies for use throughout the intelligence community.

(c) Annual Reports.—Not later than December 1 each year, the Director of National Intelligence shall submit to the congressional intelligence committees, the heads of the relevant elements of the intelligence community, and the heads of analytic training departments a report containing a description, and the associated findings, of each review under subsection (b)(1)(B) during such year.

(d) Congressional Intelligence Committees Defined.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1020. SAFEGUARD OF OBJECTIVITY IN INTELLIGENCE ANALYSIS.

(a) In General.—Not later than 180 days after the effective date of this Act, the Director of National Intelligence shall identify an individual within the Office of the Director of National Intelligence who shall be available to analysts within the Office of the Director of National Intelligence to counsel, conduct arbitration, offer recommendations, and, as appropriate, initiate inquiries into real or perceived problems of analytic tradecraft or politicization, biased reporting, or lack of objectivity in intelligence analysis.

(b) Report.—Not later than 270 days after the effective date of this Act, the Director of National Intelligence shall provide a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on the implementation of subsection (a).

Subtitle B—National Counterterrorism Center, National Counter Proliferation Center, and National Intelligence Centers

SEC. 1021. NATIONAL COUNTERTERRORISM CENTER.

Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

"NATIONAL COUNTERTERRORISM CENTER

"Sec. 119. (a) Establishment of Center.—There is within the Office of the Director of National Intelligence a National Counterterrorism Center.

"(b) Director of National Counterterrorism Center.—(1) There is a Director of the National Counterterrorism Center, who shall be the head of the National Counterterrorism Center, and who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Director of the National Counterterrorism Center may not simultaneously serve in any other capacity in the executive branch.

"(c) Reporting.—(1) The Director of the National Counterterrorism Center shall report to the Director of National Intelligence with respect to matters described in paragraph (2) and the President with respect to matters described in paragraph (3).

"(2) The matters described in this paragraph are as follows:

"(A) The budget and programs of the National Counterterrorism Center.

"(B) The activities of the Directorate of Intelligence of the National Counterterrorism Center under subsection (h).

"(C) The conduct of intelligence operations implemented by other elements of the intelligence community; and

"(3) The matters described in this paragraph are the planning and progress of joint counterterrorism operations (other than intelligence operations).

"(d) Primary Missions.—The primary missions of the National Counterterrorism Center shall be as follows:

"(1) To serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism.

"(2) To conduct strategic operational planning for counterterrorism activities, integrating all instruments of national power, including diplomatic, financial, military, intelligence, homeland security, and law enforcement activities within and among agencies.

"(3) To assign roles and responsibilities as part of its strategic operational planning duties to lead Departments or agencies, as appropriate, for counterterrorism activities that are consistent with applicable law and that support counterterrorism strategic operational plans, but shall not direct the execution of any resulting operations.

"(4) To ensure that agencies, as appropriate, have access to and receive all-source intelligence support needed to execute their counterterrorism plans or perform independent, alternative analysis.

"(5) To ensure that such agencies have access to and receive intelligence needed to accomplish their assigned activities.

"(6) To serve as the central and shared knowledge bank on known and suspected terrorists and international terror groups, as well as their goals, strategies, capabilities, and networks of contacts and support.

"(e) Domestic Counterterrorism Intelligence.—(1) The Center may, consistent with applicable law, the direction of the President, and the guidelines referred to in section 102A(b), receive intelligence pertaining exclusively to domestic counterterrorism from any Federal, State, or local government or other source necessary to fulfill its responsibilities and retain and disseminate such intelligence.

"(2) Any agency authorized to conduct counterterrorism activities may request information from the Center to assist it in its responsibilities, consistent with applicable law and the guidelines referred to in section 102A(b).

"(f) Duties and Responsibilities of Director.—(1) The Director of the National Counterterrorism Center shall—

"(A) serve as the principal adviser to the Director of National Intelligence on intelligence operations relating to counterterrorism;

"(B) provide strategic operational plans for the civilian and military counterterrorism efforts of the United States Government and for the effective integration of counterterrorism intelligence and operations across agency boundaries, both inside and outside the United States;

"(C) advise the Director of National Intelligence on the extent to which the counterterrorism program recommendations and budget proposals of the departments, agencies, and elements of the United States Government conform to the priorities established by the President;

"(D) disseminate terrorism information, including current terrorism threat analysis, to the President, the Vice President, the Secretaries of State, Defense, and Homeland Security, the Attorney General, the Director of the Central Intelligence Agency, and other officials of the executive branch as appropriate, and to the appropriate committees of Congress;

"(E) support the Department of Justice and the Department of Homeland Security, and other appropriate agencies, in fulfillment of their responsibilities to disseminate terrorism information, consistent with applicable law, guidelines referred to in section 102A(b), Executive orders and other Presidential guidance, to State and local government officials, and other entities, and coordinate dissemination of terrorism information to foreign governments as approved by the Director of National Intelligence;

"(F) develop a strategy for combining terrorist travel intelligence operations and law enforcement planning and operations into a cohesive effort to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility;

"(G) have primary responsibility within the United States Government for conducting net assessments of terrorist threats;

"(H) consistent with priorities approved by the President, assist the Director of National Intelligence in establishing requirements for the intelligence community for the collection of terrorism information; and

"(I) perform such other duties as the Director of National Intelligence may prescribe or are prescribed by law.

"(2) Nothing in paragraph (1)(G) shall limit the authority of the departments and agencies of the United States to conduct net assessments.

"(g) Limitation.—The Director of the National Counterterrorism Center may not direct the execution of counterterrorism operations.

"(h) Resolution of Disputes.—The Director of National Intelligence shall resolve disagreements between the National Counterterrorism Center and the head of a department, agency, or element of the United States Government on designations, assignments, plans, or responsibilities under this section. The head of such a department, agency, or element may appeal the resolution of the disagreement by the Director of National Intelligence to the President.

"(i) Directorate of Intelligence.—The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Intelligence which shall have primary responsibility within the United States Government for analysis of terrorism and terrorist organizations (except for purely domestic terrorism and domestic terrorist organizations) from all sources of intelligence, whether collected inside or outside the United States.

"(j) Directorate of Strategic Operational Planning.—(1) The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Strategic Operational Planning which shall provide strategic operational plans for counterterrorism operations conducted by the United States Government.

"(2) Strategic operational planning shall include the mission, objectives to be achieved, tasks to be performed, interagency coordination of operational activities, and the assignment of roles and responsibilities.

"(3) The Director of the National Counterterrorism Center shall monitor the implementation of strategic operational plans, and shall obtain information from each element of *the intelligence community, and from each other department, agency, or element of the United States Government relevant for monitoring the progress of such entity in implementing such plans.*

SEC. 1022. NATIONAL COUNTER PROLIFERATION CENTER.

Title I of the National Security Act of 1947, as amended by section 1021 of this Act, is further amended by adding at the end the following new section:

“NATIONAL COUNTER PROLIFERATION CENTER

“SEC. 119A. (a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the President shall establish a National Counter Proliferation Center, taking into account all appropriate government tools to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

“(b) MISSIONS AND OBJECTIVES.—In establishing the National Counter Proliferation Center, the President shall address the following missions and objectives to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies:

“(1) Establishing a primary organization within the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States pertaining to proliferation.

“(2) Ensuring that appropriate agencies have full access to and receive all-source intelligence support needed to execute their counter proliferation plans or activities, and perform independent, alternative analyses.

“(3) Establishing a central repository on known and suspected proliferation activities, including the goals, strategies, capabilities, networks, and any individuals, groups, or entities engaged in proliferation.

“(4) Disseminating proliferation information, including proliferation threats and analyses, to the President, to the appropriate departments and agencies, and to the appropriate committees of Congress.

“(5) Conducting net assessments and warnings about the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

“(6) Coordinating counter proliferation plans and activities of the various departments and agencies of the United States Government to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

“(7) Conducting strategic operational counter proliferation planning for the United States Government to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

“(c) NATIONAL SECURITY WAIVER.—The President may waive the requirements of this section, and any parts thereof, if the President determines that such requirements do not materially improve the ability of the United States Government to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies. Such waiver shall be made in writing to Congress and shall include a description of how the missions and objectives in subsection (b) are being met.

“(d) REPORT TO CONGRESS.—(1) Not later than nine months after the implementation of this Act, the President shall submit to Congress, in classified form if necessary, the findings and recommendations of the President's Commission on Weapons of Mass Destruction established by Executive Order in February 2004, together with the views of the President regarding the establishment of a National Counter Proliferation Center.

“(2) If the President decides not to exercise the waiver authority granted by subsection (c), the President shall submit to Congress from time to time updates and plans regarding the establishment of a National Counter Proliferation Center.

“(e) SENSE OF CONGRESS.—It is the sense of Congress that a central feature of counter proliferation activities, consistent with the President's Proliferation Security Initiative, should include the physical interdiction, by air, sea, or land, of weapons of mass destruction, their delivery systems, and related materials and technologies, and enhanced law enforcement activities to identify and disrupt proliferation networks, activities, organizations, and persons.”.

SEC. 1023. NATIONAL INTELLIGENCE CENTERS.

Title I of the National Security Act of 1947, as amended by section 1022 of this Act, is further amended by adding at the end the following new section:

“NATIONAL INTELLIGENCE CENTERS

“SEC. 119B. (a) AUTHORITY TO ESTABLISH.—The Director of National Intelligence may establish one or more national intelligence centers to address intelligence priorities, including, but not limited to, regional issues.

“(b) RESOURCES OF DIRECTORS OF CENTERS.—(1) The Director of National Intelligence shall ensure that the head of each national intelligence center under subsection (a) has appropriate authority, direction, and control of such center, and of the personnel assigned to such center, to carry out the assigned mission of such center.

“(2) The Director of National Intelligence shall ensure that each national intelligence center has appropriate personnel to accomplish effectively the mission of such center.

“(c) INFORMATION SHARING.—The Director of National Intelligence shall, to the extent appropriate and practicable, ensure that each national intelligence center under subsection (a) and the other elements of the intelligence community share information in order to facilitate the mission of such center.

“(d) MISSION OF CENTERS.—Pursuant to the direction of the Director of National Intelligence, each national intelligence center under subsection (a) may, in the area of intelligence responsibility assigned to such center—

“(1) have primary responsibility for providing all-source analysis of intelligence based upon intelligence gathered both domestically and abroad;

“(2) have primary responsibility for identifying and proposing to the Director of National Intelligence intelligence collection and analysis and production requirements; and

“(3) perform such other duties as the Director of National Intelligence shall specify.

“(e) REVIEW AND MODIFICATION OF CENTERS.—The Director of National Intelligence shall determine on a regular basis whether—

“(1) the area of intelligence responsibility assigned to each national intelligence center under subsection (a) continues to meet appropriate intelligence priorities; and

“(2) the staffing and management of such center remains appropriate for the accomplishment of the mission of such center.

“(f) TERMINATION.—The Director of National Intelligence may terminate any national intelligence center under subsection (a).

“(g) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, as appropriate, include in the National Intelligence Program budget a separate line item for each national intelligence center under subsection (a).”.

Subtitle C—Joint Intelligence Community Council

SEC. 1031. JOINT INTELLIGENCE COMMUNITY COUNCIL.

Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 101 the following new section:

“JOINT INTELLIGENCE COMMUNITY COUNCIL

“SEC. 101A. (a) JOINT INTELLIGENCE COMMUNITY COUNCIL.—There is a Joint Intelligence Community Council.

“(b) MEMBERSHIP.—The Joint Intelligence Community Council shall consist of the following:

“(1) The Director of National Intelligence, who shall chair the Council.

“(2) The Secretary of State.

“(3) The Secretary of the Treasury.

“(4) The Secretary of Defense.

“(5) The Attorney General.

“(6) The Secretary of Energy.

“(7) The Secretary of Homeland Security.

“(8) Such other officers of the United States Government as the President may designate from time to time.

“(c) FUNCTIONS.—The Joint Intelligence Community Council shall assist the Director of National Intelligence to in developing and implementing a joint, unified national intelligence effort to protect national security by—

“(1) advising the Director on establishing requirements, developing budgets, financial management, and monitoring and evaluating the performance of the intelligence community, and on such other matters as the Director may request; and

“(2) ensuring the timely execution of programs, policies, and directives established or developed by the Director.

“(d) MEETINGS.—The Director of National Intelligence shall convene regular meetings of the Joint Intelligence Community Council.

“(e) ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.—(1) A member of the Joint Intelligence Community Council (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Director of National Intelligence to the President or the National Security Council, in the role of the Chairman as Chairman of the Joint Intelligence Community Council. If a member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time the Chairman presents the advice of the Chairman to the President or the National Security Council, as the case may be.

“(2) The Chairman shall establish procedures to ensure that the presentation of the advice of the Chairman to the President or the National Security Council is not unduly delayed by reason of the submission of the individual advice or opinion of another member of the Council.

“(f) RECOMMENDATIONS TO CONGRESS.—Any member of the Joint Intelligence Community Council may make such recommendations to Congress relating to the intelligence community as such member considers appropriate.”.

Subtitle D—Improvement of Education for the Intelligence Community

SEC. 1041. ADDITIONAL EDUCATION AND TRAINING REQUIREMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Foreign language education is essential for the development of a highly-skilled workforce for the intelligence community.

(2) Since September 11, 2001, the need for language proficiency levels to meet required national security functions has been raised, and the ability to comprehend and articulate technical and scientific information in foreign languages has become critical.

(b) LINGUISTIC REQUIREMENTS.—(1) The Director of National Intelligence shall—

(A) identify the linguistic requirements for the Office of the Director of National Intelligence;

(B) identify specific requirements for the range of linguistic skills necessary for the intelligence community, including proficiency in scientific and technical vocabularies of critical foreign languages; and

(C) develop a comprehensive plan for the Office to meet such requirements through the education, recruitment, and training of linguists.

(2) In carrying out activities under paragraph (1), the Director shall take into account education grant programs of the Department of Defense and the Department of Education that are in existence as of the date of the enactment of this Act.

(3) Not later than one year after the date of the enactment of this Act, and annually thereafter, the Director shall submit to Congress a report on the requirements identified under paragraph (1), including the success of the Office of the Director of National Intelligence in meeting such requirements. Each report shall notify Congress of any additional resources determined by the Director to be required to meet such requirements.

(4) Each report under paragraph (3) shall be in unclassified form, but may include a classified annex.

(c) PROFESSIONAL INTELLIGENCE TRAINING.—The Director of National Intelligence shall require the head of each element and component within the Office of the Director of National Intelligence who has responsibility for professional intelligence training to periodically review and revise the curriculum for the professional intelligence training of the senior and intermediate level personnel of such element or component in order to—

(1) strengthen the focus of such curriculum on the integration of intelligence collection and analysis throughout the Office; and

(2) prepare such personnel for duty with other departments, agencies, and element of the intelligence community.

SEC. 1042. CROSS-DISCIPLINARY EDUCATION AND TRAINING.

Title X of the National Security Act of 1947 (50 U.S.C. 441g) is amended by adding at the end the following new section:

"FRAMEWORK FOR CROSS-DISCIPLINARY
EDUCATION AND TRAINING

"SEC. 1002. The Director of National Intelligence shall establish an integrated framework that brings together the educational components of the intelligence community in order to promote a more effective and productive intelligence community through cross-disciplinary education and joint training.".

SEC. 1043. INTELLIGENCE COMMUNITY SCHOLARSHIP PROGRAM.

Title X of the National Security Act of 1947, as amended by section 1042 of this Act, is further amended by adding at the end the following new section:

"INTELLIGENCE COMMUNITY SCHOLARSHIP
PROGRAM

"SEC. 1003. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Director of National Intelligence, in consultation with the head of each agency of the intelligence community, shall establish a scholarship program (to be known as the 'Intelligence Community Scholarship Program') to award scholarships to individuals that is designed to recruit and prepare students for civilian careers in the intelligence community to meet the critical needs of the intelligence community agencies.

"(2) SELECTION OF RECIPIENTS.—

"(A) MERIT AND AGENCY NEEDS.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit and the needs of the agency.

"(B) DEMONSTRATED COMMITMENT.—Individuals selected under this section shall have a demonstrated commitment to the field of study for which the scholarship is awarded.

"(3) CONTRACTUAL AGREEMENTS.—To carry out the Program the head of each agency shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the agency, for the period described in subsection (g)(1), in positions needed by the agency and for which the individuals are qualified, in exchange for receiving a scholarship.

"(b) ELIGIBILITY.—In order to be eligible to participate in the Program, an individual shall—

"(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education and be pursuing or intend to pursue undergraduate or graduate education in an academic field or discipline described in the list made available under subsection (d);

"(2) be a United States citizen; and

"(3) at the time of the initial scholarship award, not be an employee (as defined under section 2105 of title 5, United States Code).

"(c) APPLICATION.— An individual seeking a scholarship under this section shall submit an application to the Director of National Intelligence at such time, in such manner, and containing such information, agreements, or assurances as the Director may require.

"(d) PROGRAMS AND FIELDS OF STUDY.—The Director of National Intelligence shall—

"(1) make publicly available a list of academic programs and fields of study for which scholarships under the Program may be used; and

"(2) update the list as necessary.

"(e) SCHOLARSHIPS.—

"(1) IN GENERAL.—The Director of National Intelligence may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Director, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

"(2) LIMITATION ON YEARS.—An individual may not receive a scholarship under this section for more than 4 academic years, unless the Director of National Intelligence grants a waiver.

"(3) STUDENT RESPONSIBILITIES.—Scholarship recipients shall maintain satisfactory academic progress.

"(4) AMOUNT.—The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Director of National Intelligence, but shall in no case exceed the cost of tuition, fees, and other authorized expenses as established by the Director.

"(5) USE OF SCHOLARSHIPS.—A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Director of National Intelligence by regulation.

"(6) PAYMENT TO INSTITUTION OF HIGHER EDUCATION.—The Director of National Intelligence may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

"(f) SPECIAL CONSIDERATION FOR CURRENT EMPLOYEES.—

"(1) SET ASIDE OF SCHOLARSHIPS.—Notwithstanding paragraphs (1) and (3) of subsection (b), 10 percent of the scholarships awarded under this section shall be set aside for individuals who are employees of agencies on the date of enactment of this section to enhance the education of such employees in areas of critical needs of agencies.

"(2) FULL- OR PART-TIME EDUCATION.—Employees who are awarded scholarships under paragraph (1) shall be permitted to pursue undergraduate or graduate education under the scholarship on a full-time or part-time basis.

"(g) EMPLOYEE SERVICE.—

"(1) PERIOD OF SERVICE.—Except as provided in subsection (i)(2), the period of service for which an individual shall be obligated to serve as an employee of the agency is 24 months for each academic year for which a scholarship under this section is provided. Under no circumstances shall the total period of obligated service be more than 8 years.

"(2) BEGINNING OF SERVICE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

"(B) DEFERRAL.—In accordance with regulations established by the Director of National Intelligence, the Director or designee may defer the obligation of an individual to provide a period of service under paragraph (1) if the Director or designee determines that such a deferral is appropriate.

"(h) REPAYMENT.—

"(1) IN GENERAL.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Director of National Intelligence, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (i)(2). The repayment period may be extended by the Director when determined to be necessary, as established by regulation.

"(2) LIABILITY.—Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Director of National Intelligence under subsection (i)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

"(A) the total amount of scholarships received by such individual under this section; and

"(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States, multiplied by 3.

"(i) CANCELLATION, WAIVER, OR SUSPENSION OF OBLIGATION.—

"(1) CANCELLATION.—Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

"(2) WAIVER OR SUSPENSION.—The Director of National Intelligence shall prescribe regulations to provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with

respect to the individual would be contrary to the best interests of the Government.

"(j) REGULATIONS.—The Director of National Intelligence shall prescribe regulations necessary to carry out this section.

"(k) DEFINITIONS.—In this section:

"(1) AGENCY.—The term 'agency' means each element of the intelligence community as determined by the Director of National Intelligence.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(3) PROGRAM.—The term 'Program' means the Intelligence Community Scholarship Program established under subsection (a).".

Subtitle E—Additional Improvements of Intelligence Activities

SEC. 1051. SERVICE AND NATIONAL LABORATORIES AND THE INTELLIGENCE COMMUNITY.

The Director of National Intelligence, in cooperation with the Secretary of Defense and the Secretary of Energy, should seek to ensure that each service laboratory of the Department of Defense and each national laboratory of the Department of Energy may, acting through the relevant Secretary and in a manner consistent with the missions and commitments of the laboratory—

(1) assist the Director of National Intelligence in all aspects of technical intelligence, including research, applied sciences, analysis, technology evaluation and assessment, and any other aspect that the relevant Secretary considers appropriate; and

(2) make available to the intelligence community, on a community-wide basis—

(A) the analysis and production services of the service and national laboratories, in a manner that maximizes the capacity and services of such laboratories; and

(B) the facilities and human resources of the service and national laboratories, in a manner that improves the technological capabilities of the intelligence community.

SEC. 1052. OPEN-SOURCE INTELLIGENCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Director of National Intelligence should establish an intelligence center for the purpose of coordinating the collection, analysis, production, and dissemination of open source intelligence to elements of the intelligence community;

(2) open source intelligence is a valuable source that must be integrated into the intelligence cycle to ensure that United States policymakers are fully and completely informed; and

(3) the intelligence center should ensure that each element of the intelligence community uses open source intelligence consistent with the mission of such element.

(b) REQUIREMENT FOR EFFICIENT USE BY INTELLIGENCE COMMUNITY OF OPEN-SOURCE INTELLIGENCE.—The Director of National Intelligence shall ensure that the intelligence community makes efficient and effective use of open-source information and analysis.

(c) REPORT.—Not later than June 30, 2005, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the decision of the Director as to whether an open source intelligence center will be established. If the Director decides not to establish an open source intelligence center, such report shall also contain a description of how the intelligence community will use open source intelligence and effectively integrate open source intelligence into the national intelligence cycle.

(d) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1053. NATIONAL INTELLIGENCE RESERVE CORPS.

(a) ESTABLISHMENT.—The Director of National Intelligence may provide for the establishment and training of a National Intelligence Reserve Corps (in this section referred to as "National Intelligence Reserve Corps") for the temporary reemployment on a voluntary basis of former employees of elements of the intelligence community during periods of emergency, as determined by the Director.

(b) ELIGIBLE INDIVIDUALS.—An individual may participate in the National Intelligence Reserve Corps only if the individual previously served as a full time employee of an element of the intelligence community.

(c) TERMS OF PARTICIPATION.—The Director of National Intelligence shall prescribe the terms and conditions under which eligible individuals may participate in the National Intelligence Reserve Corps.

(d) EXPENSES.—The Director of National Intelligence may provide members of the National Intelligence Reserve Corps transportation and per diem in lieu of subsistence for purposes of participating in any training that relates to service as a member of the Reserve Corps.

(e) TREATMENT OF ANNUITANTS.—(1) If an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby.

(2) An annuitant so reemployed shall not be considered an employee for the purposes of chapter 83 or 84 of title 5, United States Code.

(f) TREATMENT UNDER OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE PERSONNEL CEILING.—A member of the National Intelligence Reserve Corps who is reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the Office of the Director of National Intelligence.

Subtitle F—Privacy and Civil Liberties

SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) In conducting the war on terrorism, the Federal Government may need additional powers and may need to enhance the use of its existing powers.

(2) This potential shift of power and authority to the Federal Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life.

(b) ESTABLISHMENT OF BOARD.—There is established within the Executive Office of the President a Privacy and Civil Liberties Oversight Board (referred to in this section as the "Board").

(c) FUNCTIONS.—

(1) ADVICE AND COUNSEL ON DEVELOPMENT AND IMPLEMENTATION OF POLICY.—For the purpose of providing advice to the President or to the head of any department or agency of the executive branch, the Board shall—

(A) review proposed regulations and executive branch policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;

(B) review the implementation of laws, regulations, and executive branch policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;

(C) advise the President and the head of any department or agency of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such regulations and executive branch policies; and

(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the department, agency, or element of the executive branch concerned has explained—

(i) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties;

(ii) that there are adequate guidelines and oversight to properly confine the use of the power; and

(iii) that the need for the power, including the risk presented to the national security if the Federal Government does not take certain actions, is balanced with the need to protect privacy and civil liberties.

(2) OVERSIGHT.—The Board shall continually review—

(A) regulations, executive branch policies, and procedures (including the implementation of such regulations, policies, and procedures), related laws pertaining to efforts to protect the Nation from terrorism, and other actions by the executive branch related to efforts to protect the Nation from terrorism to ensure that privacy and civil liberties are protected; and

(B) the information sharing practices of the departments, agencies, and elements of the executive branch to determine whether or not such practices appropriately protect privacy and civil liberties and adhere to the information sharing guidelines under subsections (d) and (f) of section 1016 and to other applicable laws, regulations, and executive branch policies regarding the protection of privacy and civil liberties.

(3) SCOPE.—The Board shall ensure that concerns with respect to privacy and civil liberties are appropriately considered in the implementation of laws, regulations, and executive branch policies related to efforts to protect the Nation against terrorism.

(4) REPORTS TO CONGRESS.—Not less frequently than annually, the Board shall prepare a report to Congress, unclassified to the greatest extent possible (with a classified annex, if necessary), on the Board's major activities during the preceding period.

(d) ACCESS TO INFORMATION.—

(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized, to the extent permitted by law, to—

(A) have access from any department or agency of the executive branch, or any Federal officer or employee of any such department or agency, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

(B) interview or take statements from officers of any department or agency of the executive branch;

(C) request information or assistance from any State, tribal, or local government; and

(D)(i) request that persons (other than departments, agencies, and elements of the executive branch) produce for the Board relevant information, documents, reports, answers, records, accounts, papers, and other documentary and testimonial evidence; and

(ii) if the person to whom such a request is directed does not comply with the request within 45 days of receipt of such request, notify the Attorney General of such person's failure to comply with such request, which notice shall include all relevant information.

(2) PRODUCTION OF INFORMATION AND EVIDENCE.—

(A) EXPLANATION OF NONCOMPLIANCE.—Upon receiving notification under paragraph (1)(D)(ii) regarding a request, the Attorney General shall provide an opportunity for the person subject to the request to explain the reasons for not complying with the request.

(B) ACTION BY ATTORNEY GENERAL.—Upon receiving notification under paragraph (1)(D)(ii) regarding a request, the Attorney General shall review the request and may take such steps as appropriate to ensure compliance with the request for the information, documents, reports, answers, records, accounts, papers, and other documentary and testimonial evidence covered by the request.

(3) AGENCY COOPERATION.—Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department or agency concerned without delay. If the requested information or assistance may be provided to the Board in accordance with applicable law, the head of the department or agency concerned shall ensure compliance with such request.

(4) EXCEPTIONS FOR NATIONAL SECURITY.—

(A) IN GENERAL.—If the National Intelligence Director, in consultation with the Attorney General, determines that it is necessary to withhold information requested under paragraph (3) to protect the national security interests of the United States, the head of the department or agency concerned shall not furnish such information to the Board.

(B) CERTAIN INFORMATION.—If the Attorney General determines that it is necessary to withhold information requested under paragraph (3) from disclosure to protect sensitive law enforcement or counterterrorism information or ongoing operations, the head of the department or agency concerned shall not furnish such information to the Board.

(e) MEMBERSHIP.—

(1) MEMBERS.—

(A) IN GENERAL.—The Board shall be composed of a chairman, a vice chairman, and three additional members appointed by the President.

(B) CHAIRMAN AND VICE CHAIRMAN.—The chairman and vice chairman shall each be appointed by the President, by and with the advice and consent of the Senate.

(C) APPOINTMENT REQUIREMENTS.—Any individual appointed to the Board shall be appointed from among trustworthy and distinguished citizens outside the Federal Government who are qualified on the basis of achievement, experience, and independence.

(D) FULL-TIME SERVICE OF CHAIRMAN.—The chairman may serve on a full-time basis.

(E) SERVICE AT PLEASURE OF PRESIDENT.—The chairman, vice chairman, and other members of the Board shall each serve at the pleasure of the President.

(2) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

(3) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) CHAIRMAN ON FULL-TIME BASIS.—If the chairman serves on a full-time basis, the rate of pay for the chairman shall be the annual rate of basic pay in effect for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) CHAIRMAN AND VICE CHAIRMAN ON PART-TIME BASIS.—The chairman, if serving on a part-time basis, and the vice chairman shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day during which the such official is engaged in the actual performance of the duties of the Board.

(C) MEMBERS.—Each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Federal Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(g) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) DETAILEES.—Federal employees may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

(h) SECURITY CLEARANCES.—The appropriate departments and agencies of the executive branch shall cooperate with the Board to expeditiously provide Board members and staff with appropriate security clearances to the extent possible under applicable procedures and requirements. Promptly upon commencing its work, the Board shall adopt, after consultation with the Secretary of Defense, the Attorney General, and the National Intelligence Director, rules and procedures of the Board for physical, communications, computer, document, personnel, and other security in relation to the work of the Board.

(i) APPLICABILITY OF CERTAIN LAWS.—

(1) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board and its activities.

(2) FREEDOM OF INFORMATION ACT.—For purposes of the Freedom of Information Act, the Board shall be treated as an agency (as that term is defined in section 551(1) of title 5, United States Code).

(j) CONSTRUCTION.—Except as otherwise provided in this section, nothing in this section shall be construed to require any consultation with the Board by any department or agency of the executive branch or any Federal officer or employee, or any waiting period that must be observed by any department or agency of the executive branch or any Federal officer or employee, before developing, proposing, or implementing any legislation, law, regulation, policy, or guideline related to efforts to protect the Nation from terrorism.

(k) PRESIDENTIAL RESPONSIBILITY.—The Board shall perform its functions within the executive branch and under the general supervision of the President.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1062. SENSE OF CONGRESS ON DESIGNATION OF PRIVACY AND CIVIL LIBERTIES OFFICERS.

It is the sense of Congress that each executive department or agency with law enforcement or antiterrorism functions should designate a privacy and civil liberties officer.

Subtitle G—Conforming and Other Amendments

SEC. 1071. CONFORMING AMENDMENTS RELATING TO ROLES OF DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) NATIONAL SECURITY ACT OF 1947.—(1) The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of National Intelligence":

(A) Section 101(h)(2)(A) (50 U.S.C. 402(h)(2)(A)).

(B) Section 101(h)(5) (50 U.S.C. 402(h)(5)).

(C) Section 101(i)(2)(A) (50 U.S.C. 402(i)(2)(A)).

(D) Section 101(j) (50 U.S.C. 402(j)).

(E) Section 105(a) (50 U.S.C. 403–5(a)).

(F) Section 105(b)(6)(A) (50 U.S.C. 403–5(b)(6)(A)).

(G) Section 105B(a)(1) (50 U.S.C. 403–5b(a)(1)).

(H) Section 105B(b) (50 U.S.C. 403–5b(b)), the first place it appears.

(I) Section 110(b) (50 U.S.C. 404e(b)).

(J) Section 110(c) (50 U.S.C. 404e(c)).

(K) Section 112(a)(1) (50 U.S.C. 404g(a)(1)).

(L) Section 112(d)(1) (50 U.S.C. 404g(d)(1)).

(M) Section 113(b)(2)(A) (50 U.S.C. 404h(b)(2)(A)).

(N) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).

(O) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).

(P) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).

(Q) Section 115(b) (50 U.S.C. 404j(b)).

(R) Section 115(c)(1)(B) (50 U.S.C. 404j(c)(1)(B)).

(S) Section 116(a) (50 U.S.C. 404k(a)).

(T) Section 117(a)(1) (50 U.S.C. 404l(a)(1)).

(U) Section 303(a) (50 U.S.C. 405(a)), both places it appears.

(V) Section 501(d) (50 U.S.C. 413(d)).

(W) Section 502(a) (50 U.S.C. 413a(a)).

(X) Section 502(c) (50 U.S.C. 413a(c)).

(Y) Section 503(b) (50 U.S.C. 413b(b)).

(Z) Section 504(a)(3)(C) (50 U.S.C. 414(a)(3)(C)).

(AA) Section 504(d)(2) (50 U.S.C. 414(d)(2)).

(BB) Section 506A(a)(1) (50 U.S.C. 415a–1(a)(1)).

(CC) Section 603(a) (50 U.S.C. 423(a)).

(DD) Section 702(a)(1) (50 U.S.C. 432(a)(1)).

(EE) Section 702(a)(6)(B)(viii) (50 U.S.C. 432(a)(6)(B)(viii)).

(FF) Section 702(b)(1) (50 U.S.C. 432(b)(1)), both places it appears.

(GG) Section 703(a)(1) (50 U.S.C. 432a(a)(1)).

(HH) Section 703(a)(6)(B)(viii) (50 U.S.C. 432a(a)(6)(B)(viii)).

(II) Section 703(b)(1) (50 U.S.C. 432a(b)(1)), both places it appears.

(JJ) Section 704(a)(1) (50 U.S.C. 432b(a)(1)).

(KK) Section 704(f)(2)(H) (50 U.S.C. 432b(f)(2)(H)).

(LL) Section 704(g)(1)) (50 U.S.C. 432b(g)(1)), both places it appears.

(MM) Section 1001(a) (50 U.S.C. 441g(a)).

(NN) Section 1102(a)(1) (50 U.S.C. 442a(a)(1)).

(OO) Section 1102(b)(1) (50 U.S.C. 442a(b)(1)).

(PP) Section 1102(c)(1) (50 U.S.C. 442a(c)(1)).

(QQ) Section 1102(d) (50 U.S.C. 442a(d)).

(2) That Act is further amended by striking "of Central Intelligence" each place it appears in the following provisions:

(A) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

(B) Section 105B(a)(2) (50 U.S.C. 403–5b(a)(2)).

(C) Section 105B(b) (50 U.S.C. 403–5b(b)), the second place it appears.

(3) That Act is further amended by striking "Director" each place it appears in the following provisions and inserting "Director of National Intelligence":

(A) Section 114(c) (50 U.S.C. 404i(c)).

(B) Section 116(b) (50 U.S.C. 404k(b)).

(C) Section 1001(b) (50 U.S.C. 441g(b)).

(C) Section 1001(c) (50 U.S.C. 441g(c)), the first place it appears.

(D) Section 1001(d)(1)(B) (50 U.S.C. 441g(d)(1)(B)).

(E) Section 1001(e) (50 U.S.C. 441g(e)), the first place it appears.

(4) Section 114A of that Act (50 U.S.C. 404i–1) is amended by striking "Director of Central Intelligence" and inserting "Director of National Intelligence, the Director of the Central Intelligence Agency"

(5) Section 504(a)(2) of that Act (50 U.S.C. 414(a)(2)) is amended by striking "Director of Central Intelligence" and inserting "Director of the Central Intelligence Agency".

(6) Section 701 of that Act (50 U.S.C. 431) is amended—

(A) in subsection (a), by striking "Operational files of the Central Intelligence Agency may be exempted by the Director of Central Intelligence" and inserting "The Director of the Central Intelligence Agency, with the coordination of the Director of National Intelligence, may exempt operational files of the Central Intelligence Agency"; and

(B) in subsection (g)(1), by striking "Director of Central Intelligence" and inserting "Director of the Central Intelligence Agency and the Director of National Intelligence".

(7) The heading for section 114 of that Act (50 U.S.C. 404i) is amended to read as follows:

"ADDITIONAL ANNUAL REPORTS FROM THE DIRECTOR OF NATIONAL INTELLIGENCE".

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of National Intelligence":

(A) Section 6 (50 U.S.C. 403g).

(B) Section 17(f) (50 U.S.C. 403q(f)), both places it appears.

(2) That Act is further amended by striking "of Central Intelligence" in each of the following provisions:

(A) Section 2 (50 U.S.C. 403b).

(A) Section 16(c)(1)(B) (50 U.S.C. 403p(c)(1)(B)).

(B) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).

(C) Section 20(c) (50 U.S.C. 403t(c)).

(3) That Act is further amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of the Central Intelligence Agency":

(A) Section 14(b) (50 U.S.C. 403n(b)).

(B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).

(C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)), both places it appears.

(D) Section 21(g)(1) (50 U.S.C. 403u(g)(1)).

(E) Section 21(g)(2) (50 U.S.C. 403u(g)(2)).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 101 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2001) is amended by striking paragraph (2) and inserting the following new paragraph (2):

"(2) DIRECTOR.—The term 'Director' means the Director of the Central Intelligence Agency.".

(d) CIA VOLUNTARY SEPARATION PAY ACT.—Subsection (a)(1) of section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 2001 note) is amended to read as follows:

"(1) the term 'Director' means the Director of the Central Intelligence Agency;".

(e) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—(1) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of National Intelligence".

(f) CLASSIFIED INFORMATION PROCEDURES ACT.—Section 9(a) of the Classified Information Procedures Act (5 U.S.C. App.) is amended by striking "Director of Central Intelligence" and inserting "Director of National Intelligence".

(g) INTELLIGENCE AUTHORIZATION ACTS.—

(1) PUBLIC LAW 103–359.—Section 811(c)(6)(C) of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103–359) is amended by striking "Director of Central Intelligence" and inserting "Director of National Intelligence".

(2) PUBLIC LAW 107–306.—(A) The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306) is amended by striking "Director of Central Intelligence, acting as the head of the intelligence community," each place it appears in the following provisions and inserting "Director of National Intelligence":

(i) Section 313(a) (50 U.S.C. 404n(a)).

(ii) Section 343(a)(1) (50 U.S.C. 404n–2(a)(1))

(B) That Act is further amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of National Intelligence":

(i) Section 904(e)(4) (50 U.S.C. 402c(e)(4)).

(ii) Section 904(e)(5) (50 U.S.C. 402c(e)(5)).

(iii) Section 904(h) (50 U.S.C. 402c(h)), each place it appears.

(iv) Section 904(m) (50 U.S.C. 402c(m)).

(C) Section 341 of that Act (50 U.S.C. 404n–1) is amended by striking "Director of Central Intelligence, acting as the head of the intelligence community, shall establish in the Central Intelligence Agency" and inserting "Director of National Intelligence shall establish within the Central Intelligence Agency".

(D) Section 352(b) of that Act (50 U.S.C. 404–3 note) is amended by striking "Director" and inserting "Director of National Intelligence".

(3) PUBLIC LAW 108–177.—(A) The Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177) is amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of National Intelligence":

(i) Section 317(a) (50 U.S.C. 403–3 note).

(ii) Section 317(h)(1).

(iii) Section 318(a) (50 U.S.C. 441g note).

(iv) Section 319(b) (50 U.S.C. 403 note).

(v) Section 341(b) (28 U.S.C. 519 note).

(vi) Section 357(a) (50 U.S.C. 403 note).

(vii) Section 504(a) (117 Stat. 2634), both places it appears.

(B) Section 319(f)(2) of that Act (50 U.S.C. 403 note) is amended by striking "Director" the first place it appears and inserting "Director of National Intelligence".

(C) Section 404 of that Act (18 U.S.C. 4124 note) is amended by striking "Director of Central Intelligence" and inserting "Director of the Central Intelligence Agency".

SEC. 1072. OTHER CONFORMING AMENDMENTS

(a) NATIONAL SECURITY ACT OF 1947.—(1) Section 101(j) of the National Security Act of 1947 (50 U.S.C. 402(j)) is amended by striking "Deputy Director of Central Intelligence" and inserting "Principal Deputy Director of National Intelligence".

(2) Section 105(a) of that Act (50 U.S.C. 403–5(a)) is amended by striking "The Secretary" in the matter preceding paragraph (1) and inserting "Consistent with sections 102 and 102A, the Secretary".

(3) Section 105(b) of that Act (50 U.S.C. 403–5(b)) is amended by striking "103 and 104" in the matter preceding paragraph (1) and inserting "102 and 102A".

(4) Section 112(d)(1) of that Act (50 U.S.C. 404g(d)(1)) is amended by striking "section 103(c)(6) of this Act" and inserting "section 102A(i) of this Act".

(5) Section 116(b) of that Act (50 U.S.C. 404k(b)) is amended by striking "to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency, the Director may delegate such authority to the Deputy Director for Operations" and inserting "to the Principal Deputy Director of National Intelligence, or with respect to employees of the Central Intelligence Agency, to the Director of the Central Intelligence Agency".

(6) Section 506A(b)(1) of that Act (50 U.S.C. 415a–1(b)(1)) is amended by striking "Office of the Deputy Director of Central Intelligence" and inserting "Office of the Director of National Intelligence".

(7) Section 701(c)(3) of that Act (50 U.S.C. 431(c)(3)) is amended by striking "Office of the Director of Central Intelligence" and inserting "Office of the Director of National Intelligence".

(8) Section 1001(b) of that Act (50 U.S.C. 441g(b)) is amended by striking "Assistant Director of Central Intelligence for Administration" and inserting "Office of the Director of National Intelligence".

(b) CENTRAL INTELLIGENCE ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking "section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(7))" and inserting "section 102A(i) of the National Security Act of 1947".

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended by striking "paragraph (6) of section 103(c) of the National Security Act of 1947 (50 U.S.C. 403–3(c)) that the Director of Central Intelligence" and inserting "section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(1)) that the Director of National Intelligence".

(d) INTELLIGENCE AUTHORIZATION ACTS.—

(1) PUBLIC LAW 107–306.—(A) Section 343(c) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 404n–2(c)) is amended by striking "section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3((c)(6))" and inserting "section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(1))".

(B)(i) Section 902 of that Act (also known as the Counterintelligence Enhancements Act of 2002) (50 U.S.C. 402b) is amended by striking "President" each place it appears and inserting "Director of National Intelligence".

(ii) Section 902(a)(2) of that Act is amended by striking "Director of Central Intelligence" and inserting "Director of the Central Intelligence Agency".

(C) Section 904 of that Act (50 U.S.C. 402c) is amended—

(i) in subsection (c), by striking "Office of the Director of Central Intelligence" and inserting "Office of the Director of National Intelligence"; and

(ii) in subsection (l), by striking "Office of the Director of Central Intelligence" and inserting

"Office of the Director of National Intelligence".

(2) PUBLIC LAW 108–177.—(A) Section 317 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 403–3 note) is amended—

(i) in subsection (g), by striking "Assistant Director of Central Intelligence for Analysis and Production" and inserting "Deputy Director of National Intelligence"; and

(ii) in subsection (h)(2)(C), by striking "Assistant Director" and inserting "Deputy Director of National Intelligence".

(B) Section 318(e) of that Act (50 U.S.C. 441g note) is amended by striking "Assistant Director of Central Intelligence for Analysis and Production" and inserting "Deputy Director of National Intelligence".

SEC. 1073. ELEMENTS OF INTELLIGENCE COMMUNITY UNDER NATIONAL SECURITY ACT OF 1947.

Paragraph (4) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:

"(4) The term 'intelligence community' includes the following:

"(A) The Office of the Director of National Intelligence.

"(B) The Central Intelligence Agency.

"(C) The National Security Agency.

"(D) The Defense Intelligence Agency.

"(E) The National Geospatial-Intelligence Agency.

"(F) The National Reconnaissance Office.

"(G) Other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

"(H) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, and the Department of Energy.

"(I) The Bureau of Intelligence and Research of the Department of State.

"(J) The Office of Intelligence and Analysis of the Department of the Treasury.

"(K) The elements of the Department of Homeland Security concerned with the analysis of intelligence information, including the Office of Intelligence of the Coast Guard.

"(L) Such other elements of any other department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence and the head of the department or agency concerned, as an element of the intelligence community.".

SEC. 1074. REDESIGNATION OF NATIONAL FOREIGN INTELLIGENCE PROGRAM AS NATIONAL INTELLIGENCE PROGRAM.

(a) REDESIGNATION.—Paragraph (6) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended by striking "Foreign".

(b) CONFORMING AMENDMENTS.—(1)(A) Section 506 of the National Security Act of 1947 (50 U.S.C. 415a) is amended—

(i) in subsection (a), by striking "National Foreign Intelligence Program" and inserting "National Intelligence Program"; and

(ii) in the section heading, by striking "FOREIGN".

(B) Section 105 of that Act (50 U.S.C. 403-5) is amended—

(i) in paragraphs (2) and (3) of subsection (a), by striking "National Foreign Intelligence Program" and inserting "National Intelligence Program"; and

(ii) in the section heading, by striking "FOREIGN".

(2) Section 17(f) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(f)) is amended by striking "National Foreign Intelligence Program" and inserting "National Intelligence Program".

SEC. 1075. REPEAL OF SUPERSEDED AUTHORITY.

Section 111 of the National Security Act of 1947 (50 U.S.C. 404f) is repealed.

SEC. 1076. CLERICAL AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.

The table of contents in the first section of the National Security Act of 1947 is amended—

(1) by striking the items relating to sections 102 through 105 and inserting the following new items:

"Sec. 101A. Joint Intelligence Community Council.
"Sec. 102. Director of National Intelligence.
"Sec. 102A. Responsibilities and authorities of the Director of National Intelligence.
"Sec. 103. Office of the Director of National Intelligence.
"Sec. 103A. Deputy Directors of National Intelligence.
"Sec. 103B. National Intelligence Council.
"Sec. 103C. General Counsel.
"Sec. 103D. Civil Liberties Protection Officer.
"Sec. 103E. Director of Science and Technology.
"Sec. 103F. National Counterintelligence Executive.
"Sec. 104. Central Intelligence Agency..
"Sec. 104A. Director of the Central Intelligence Agency.
"Sec. 105. Responsibilities of the Secretary of Defense pertaining to the National Intelligence Program.";

(2) by striking the item relating to section 111;

(3) by striking the item relating to section 114 and inserting the following new item:

"Sec. 114. Additional annual reports from the Director of National Intelligence.";

(4) by inserting after the item relating to section 118 the following new items:

"Sec. 119. National Counterterrorism Center.
"Sec. 119A. National Counter Proliferation Center.
"Sec. 119B. National intelligence centers.

(5) by striking the item relating to section 506 and inserting the following new item:

"Sec. 506. Specificity of National Intelligence Program budget amounts for counterterrorism, counterproliferation, counternarcotics, and counterintelligence.";

and

(6) by inserting after the item relating to section 1001 the following new items:

"Sec. 1002. Framework for cross-disciplinary education and training.
"Sec. 1003. Intelligence Community Scholarship Program.".

SEC. 1077. CONFORMING AMENDMENTS RELATING TO PROHIBITING DUAL SERVICE OF THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

Section 1 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a) is amended—

(1) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively; and

(2) by striking paragraph (2), as so redesignated, and inserting the following new paragraph (2):

"(2) 'Director' means the Director of the Central Intelligence Agency; and".

SEC. 1078. AUTHORITY TO ESTABLISH INSPECTOR GENERAL FOR THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8J the following new section:

"AUTHORITY TO ESTABLISH INSPECTOR GENERAL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 8K. If the Director of National Intelligence determines that an Office of Inspector General would be beneficial to improving the operations and effectiveness of the Office of the Director of National Intelligence, the Director of National Intelligence is authorized to establish, with any of the duties, responsibilities, and authorities set forth in this Act, an Office of Inspector General.".

SEC. 1079. ETHICS MATTERS.

(a) POLITICAL SERVICE OF PERSONNEL.—Section 7323(b)(2)(B)(i) of title 5, United States Code, is amended—

(1) in subclause (XII), by striking "or" at the end; and

(2) by inserting after subclause (XIII) the following new subclause:

"(XIV) the Office of the Director of National Intelligence; or".

(b) DELETION OF INFORMATION ABOUT FOREIGN GIFTS.—Section 7342(f)(4) of title 5, United States Code, is amended—

(1) by inserting "(A)" after "(4)";

(2) in subparagraph (A), as so designated, by striking "the Director of Central Intelligence" and inserting "the Director of the Central Intelligence Agency"; and

(3) by adding at the end the following new subparagraph:

"(B) In transmitting such listings for the Office of the Director of National Intelligence, the Director of National Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.".

(c) EXEMPTION FROM FINANCIAL DISCLOSURES.—Section 105(a)(1) of the Ethics in Government Act (5 U.S.C. App.) is amended by inserting "the Office of the Director of National Intelligence," before "the Central Intelligence Agency".

SEC. 1080. CONSTRUCTION OF AUTHORITY OF DIRECTOR OF NATIONAL INTELLIGENCE TO ACQUIRE AND MANAGE PROPERTY AND SERVICES.

Section 113(e) of title 40, United States Code, is amended—

(1) in paragraph (18), by striking "or ' at the end;

(2) in paragraph (19), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(20) the Office of the Director of National Intelligence.".

SEC. 1081. GENERAL REFERENCES.

(a) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF INTELLIGENCE COMMUNITY.—Any reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of National Intelligence.

(b) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF CIA.—Any reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of the Central Intelligence Agency.

(c) COMMUNITY MANAGEMENT STAFF.—Any reference to the Community Management Staff in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the staff of the Office of the Director of National Intelligence.

Subtitle H—Transfer, Termination, Transition, and Other Provisions

SEC. 1091. TRANSFER OF COMMUNITY MANAGEMENT STAFF.

(a) TRANSFER.—There shall be transferred to the Office of the Director of National Intelligence such staff of the Community Management Staff as of the date of the enactment of this Act as the Director of National Intelligence determines to be appropriate, including all functions and activities discharged by the Community Management Staff as of that date.

(b) ADMINISTRATION.—The Director of National Intelligence shall administer the Community Management Staff after the date of the enactment of this Act as a component of the Office of the Director of National Intelligence under section 103 of the National Security Act of 1947, as amended by section 1011(a) of this Act.

SEC. 1092. TRANSFER OF TERRORIST THREAT INTEGRATION CENTER.

(a) TRANSFER.—There shall be transferred to the National Counterterrorism Center the Terrorist Threat Integration Center (TTIC) or its successor entity, including all functions and activities discharged by the Terrorist Threat Integration Center or its successor entity as of the date of the enactment of this Act.

(b) ADMINISTRATION.—The Director of the National Counterterrorism Center shall administer the Terrorist Threat Integration Center after the date of the enactment of this Act as a component of the Directorate of Intelligence of the National Counterterrorism Center under section 119(i) of the National Security Act of 1947, as added by section 1021(a) of this Act.

SEC. 1093. TERMINATION OF POSITIONS OF ASSISTANT DIRECTORS OF CENTRAL INTELLIGENCE.

(a) TERMINATION.—The positions referred to in subsection (b) are hereby abolished.

(b) COVERED POSITIONS.—The positions referred to in this subsection are as follows:

(1) The Assistant Director of Central Intelligence for Collection.

(2) The Assistant Director of Central Intelligence for Analysis and Production.

(3) The Assistant Director of Central Intelligence for Administration.

SEC. 1094. IMPLEMENTATION PLAN.

The President shall transmit to Congress a plan for the implementation of this title and the amendments made by this title. The plan shall address, at a minimum, the following:

(1) The transfer of personnel, assets, and obligations to the Director of National Intelligence pursuant to this title.

(2) Any consolidation, reorganization, or streamlining of activities transferred to the Director of National Intelligence pursuant to this title.

(3) The establishment of offices within the Office of the Director of National Intelligence to implement the duties and responsibilities of the Director of National Intelligence as described in this title.

(4) Specification of any proposed disposition of property, facilities, contracts, records, and other assets and obligations to be transferred to the Director of National Intelligence.

(5) Recommendations for additional legislative or administrative action as the President considers appropriate.

SEC. 1095. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON IMPLEMENTATION OF INTELLIGENCE COMMUNITY REFORM.

(a) REPORT.—Not later than one year after the effective date of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the progress made in the implementation of this title, including the amendments made by this title. The report shall include a comprehensive description of the progress made, and may include such recommendations for additional legislative or administrative action as the Director considers appropriate.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1096. TRANSITIONAL AUTHORITIES.

(a) IN GENERAL.—Upon the request of the Director of National Intelligence, the head of any executive agency may, on a reimbursable basis, provide services or detail personnel to the Director of National Intelligence.

(b) TRANSFER OF PERSONNEL.—In addition to any other authorities available under law for such purposes, in the fiscal year after the effective date of this Act, the Director of National Intelligence—

(1) is authorized within the Office of the Director of National Intelligence 500 new personnel billets; and

(2) with the approval of the Director of the Office of Management and Budget, may detail not more than 150 personnel funded within the National Intelligence Program to the Office of the Director of National Intelligence for a period of not more than 2 years.

SEC. 1097. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise expressly provided in this Act, this title and the amendments made by this title shall take effect not later than six months after the date of the enactment of this Act.

(b) SPECIFIC EFFECTIVE DATES.—(1)(A) Not later than 60 days after the date of the appointment of the first Director of National Intelligence, the Director of National Intelligence shall first appoint individuals to positions within the Office of the Director of National Intelligence.

(B) Subparagraph (A) shall not apply with respect to the Principal Deputy Director of National Intelligence.

(2) Not later than 180 days after the effective date of this Act, the President shall transmit to Congress the implementation plan required by section 1094.

(3) Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall prescribe regulations, policies, procedures, standards, and guidelines required under section 102A of the National Security Act of 1947, as amended by section 1011(a) of this Act.

Subtitle I—Other Matters

SEC. 1101. STUDY OF PROMOTION AND PROFESSIONAL MILITARY EDUCATION SCHOOL SELECTION RATES FOR MILITARY INTELLIGENCE OFFICERS.

(a) STUDY.—The Secretary of Defense shall conduct a study of the promotion selection rates, and the selection rates for attendance at professional military education schools, of intelligence officers of the Armed Forces, particularly in comparison to the rates for other officers of the same Armed Force who are in the same grade and competitive category.

(b) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing the Secretary's findings resulting from the study under subsection (a) and the Secretary's recommendations (if any) for such changes in law as the Secretary considers needed to ensure that intelligence officers, as a group, are selected for promotion, and for attendance at professional military education schools, at rates not less than the rates for all line (or the equivalent) officers of the same Armed Force (both in the zone and below the zone) in the same grade. The report shall be submitted not later than April 1, 2005.

SEC. 1102. EXTENSION AND IMPROVEMENT OF AUTHORITIES OF PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) DIRECTION.—Section 703(a) of the Public Interest Declassification Act of 2000 (title VII of Public Law 106–567; 114 Stat. 2856; 50 U.S.C. 435 note) is amended—

(1) by inserting "(1)" after "ESTABLISHMENT.—"; and

(2) by adding at the end the following new paragraph:

"(2) The Board shall report directly to the President or, upon designation by the President, the Vice President, the Attorney General, or other designee of the President. The other designee of the President under this paragraph may not be an agency head or official authorized to classify information under Executive Order 12958, or any successor order.".

(b) PURPOSES.—Section 703(b) of that Act (114 Stat. 2856) is amended by adding at the end the following new paragraph:

"(5) To review and make recommendations to the President in a timely manner with respect to any congressional request, made by the committee of jurisdiction, to declassify certain records or to reconsider a declination to declassify specific records.".

(c) RECOMMENDATIONS ON SPECIAL SEARCHES.—Section 704(c)(2)(A) of that Act (114 Stat. 2860) is amended by inserting before the period the following: ", and also including specific requests for the declassification of certain records or for the reconsideration of declinations to declassify specific records".

(d) DECLASSIFICATION REVIEWS.—Section 704 of that Act (114 Stat. 2859) is further amended by adding at the end the following new subsection:

"(e) DECLASSIFICATION REVIEWS.—If requested by the President, the Board shall review in a timely manner certain records or declinations to declassify specific records, the declassification of which has been the subject of specific congressional request described in section 703(b)(5).".

(e) NOTIFICATION OF REVIEW.—Section 706 of that Act (114 Stat. 2861) is amended by adding at the end the following new subsection:

"(f) NOTIFICATION OF REVIEW.—In response to a specific congressional request for declassification review described in section 703(b)(5), the Board shall advise the originators of the request in a timely manner whether the Board intends to conduct such review.".

(f) EXTENSION.—Section 710(b) of that Act (114 Stat. 2864) is amended by striking "4 years" and inserting "8 years".

SEC. 1103. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstance is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other those to which such provision is held invalid shall not be affected thereby.

TITLE II—FEDERAL BUREAU OF INVESTIGATION

SEC. 2001. IMPROVEMENT OF INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Commission on Terrorist Attacks Upon the United States in its final report stated that, under Director Robert Mueller, the Federal Bureau of Investigation has made significant progress in improving its intelligence capabilities.

(2) In the report, the members of the Commission also urged that the Federal Bureau of Investigation fully institutionalize the shift of the

Bureau to a preventive counterterrorism posture.

(b) IMPROVEMENT OF INTELLIGENCE CAPABILITIES.—The Director of the Federal Bureau of Investigation shall continue efforts to improve the intelligence capabilities of the Federal Bureau of Investigation and to develop and maintain within the Bureau a national intelligence workforce.

(c) NATIONAL INTELLIGENCE WORKFORCE.—(1) In developing and maintaining a national intelligence workforce under subsection (b), the Director of the Federal Bureau of Investigation shall, develop and maintain a specialized and integrated national intelligence workforce consisting of agents, analysts, linguists, and surveillance specialists who are recruited, trained, and rewarded in a manner which ensures the existence within the Federal Bureau of Investigation an institutional culture with substantial expertise in, and commitment to, the intelligence mission of the Bureau.

(2) Each agent employed by the Bureau after the date of the enactment of this Act shall receive basic training in both criminal justice matters and national intelligence matters.

(3) Each agent employed by the Bureau after the date of the enactment of this Act shall, to the maximum extent practicable, be given the opportunity to undergo, during such agent's early service with the Bureau, meaningful assignments in criminal justice matters and in national intelligence matters.

(4) The Director shall—

(A) establish career positions in national intelligence matters for agents, analysts, and related personnel of the Bureau; and

(B) in furtherance of the requirement under subparagraph (A) and to the maximum extent practicable, afford agents, analysts, and related personnel of the Bureau the opportunity to work in the career specialty selected by such agents, analysts, and related personnel over their entire career with the Bureau.

(5) The Director shall carry out a program to enhance the capacity of the Bureau to recruit and retain individuals with backgrounds in intelligence, international relations, language, technology, and other skills relevant to the intelligence mission of the Bureau.

(6) The Director shall, to the maximum extent practicable, afford the analysts of the Bureau training and career opportunities commensurate with the training and career opportunities afforded analysts in other elements of the intelligence community.

(7) Commencing as soon as practicable after the date of the enactment of this Act, each direct supervisor of a Field Intelligence Group, and each Bureau Operational Manager at the Section Chief and Assistant Special Agent in Charge (ASAC) level and above, shall be a certified intelligence officer.

(8) The Director shall, to the maximum extent practicable, ensure that the successful discharge of advanced training courses, and of one or more assignments to another element of the intelligence community, is a precondition to advancement to higher level intelligence assignments within the Bureau.

(d) FIELD OFFICE MATTERS.—(1) In improving the intelligence capabilities of the Federal Bureau of Investigation under subsection (b), the Director of the Federal Bureau of Investigation shall ensure that each Field Intelligence Group reports directly to a field office senior manager responsible for intelligence matters.

(2) The Director shall provide for such expansion of the secure facilities in the field offices of the Bureau as is necessary to ensure the discharge by the field offices of the intelligence mission of the Bureau.

(3) The Director shall require that each Field Intelligence Group manager ensures the integration of analysts, agents, linguists, and surveillance personnel in the field.

(e) DISCHARGE OF IMPROVEMENTS.—(1) The Director of the Federal Bureau of Investigation shall carry out subsections (b) through (d) through the head of the Directorate of Intelligence of the Federal Bureau of Investigation.

(2) The Director of the Federal Bureau of Investigation shall carry out subsections (b) through (d) under the joint guidance of the Attorney General and the National Intelligence Director in a manner consistent with section 112(e).

(f) BUDGET MATTERS.—The Director of the Federal Bureau of Investigation shall, establish a budget structure of the Federal Bureau of Investigation to reflect the four principal missions of the Bureau as follows:

(1) Intelligence.

(2) Counterterrorism and counterintelligence.

(3) Criminal Enterprises/Federal Crimes.

(4) Criminal justice services.

(g) REPORTS.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the progress made as of the date of such report in carrying out the requirements of this section.

(2) The Director shall include in each annual program review of the Federal Bureau of Investigation that is submitted to Congress a report on the progress made by each field office of the Bureau during the period covered by such review in addressing Bureau and national program priorities.

(3) Not later than 180 days after the date of the enactment of this Act, and every 12 months thereafter, the Director shall submit to Congress a report assessing the qualifications, status, and roles of analysts at Bureau headquarters and in the field offices of the Bureau.

(4) Not later than 180 days after the date of the enactment of this Act, and every 12 months thereafter, the Director shall submit to Congress a report on the progress of the Bureau in implementing information-sharing principles.

SEC. 2002. DIRECTORATE OF INTELLIGENCE OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) DIRECTORATE OF INTELLIGENCE OF FEDERAL BUREAU OF INVESTIGATION.—The element of the Federal Bureau of Investigation known as of the date of the enactment of this Act as the Office of Intelligence is hereby redesignated as the Directorate of Intelligence of the Federal Bureau of Investigation.

(b) HEAD OF DIRECTORATE.—The head of the Directorate of Intelligence shall be the Executive Assistant Director for Intelligence of the Federal Bureau of Investigation.

(c) RESPONSIBILITIES.—The Directorate of Intelligence shall be responsible for the following:

(1) Supervision of all national intelligence programs, projects, and activities of the Bureau.

(2) The discharge by the Bureau of the requirements in section 105B of the National Security Act of 1947 (50 U.S.C. 403–5b).

(3) The oversight of Bureau field intelligence operations.

(4) Coordinating human source development and management by the Bureau.

(5) Coordinating collection by the Bureau against nationally-determined intelligence requirements.

(6) Strategic analysis.

(7) Intelligence program and budget management.

(8) The intelligence workforce.

(9) Any other responsibilities specified by the Director of the Federal Bureau of Investigation or specified by law.

(d) STAFF.—The Directorate of Intelligence shall consist of such staff as the Director of the Federal Bureau of Investigation considers appropriate for the activities of the Directorate.

SEC. 2003. FEDERAL BUREAU OF INVESTIGATION INTELLIGENCE CAREER SERVICE.

(a) ESTABLISHMENT OF FEDERAL BUREAU OF INVESTIGATION INTELLIGENCE CAREER SERVICE.—The Director of the Federal Bureau of Investigation may—

(1) in consultation with the Director of the Office of Personnel Management—

(A) establish positions for intelligence analysts, and prescribe standards and procedures for establishing and classifying such positions, without regard to chapter 51 of title 5, United States Code; and

(B) fix the rate of basic pay for such positions, without regard to subchapter III of chapter 53 of title 5, United States Code, if the rate of pay is not greater than the rate of basic pay payable for level IV of the Executive Schedule;

(2) appoint individuals to such positions; and

(3) establish a performance management system for such individuals with at least one level of performance above a retention standard.

(b) REPORTING REQUIREMENT.—Not less than 60 days before the date of the implementation of authorities authorized under this section, the Director of the Federal Bureau of Investigation shall submit an operating plan describing the Director's intended use of the authorities under this section to the appropriate committees of Congress.

(c) ANNUAL REPORT.—Not later than December 31, 2005, and annually thereafter for 4 years, the Director of the Federal Bureau of Investigation shall submit an annual report of the use of the permanent authorities provided under this section during the preceding fiscal year to the appropriate committees of Congress.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress means"—

(1) the Committees on Appropriations, Homeland Security and Governmental Affairs, and the Judiciary and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Appropriations, Government Reform, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 2004. FEDERAL BUREAU OF INVESTIGATION RESERVE SERVICE.

(a) IN GENERAL.—Chapter 35 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

"§ 3598. Federal Bureau of Investigation Reserve Service

"(a) ESTABLISHMENT.—The Director of the Federal Bureau of Investigation may provide for the establishment and training of a Federal Bureau of Investigation Reserve Service (hereinafter in this section referred to as the 'FBI Reserve Service') for temporary reemployment of employees in the Bureau during periods of emergency, as determined by the Director.

"(b) MEMBERSHIP.—Membership in the FBI Reserve Service shall be limited to individuals who previously served as full-time employees of the Bureau.

"(c) ANNUITANTS.—If an individual receiving an annuity from the Civil Service Retirement and Disability Fund on the basis of such individual's service becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby. An individual so reemployed shall not be considered an employee for the purposes of chapter 83 or 84.

"(d) NO IMPACT ON BUREAU PERSONNEL CEILING.—FBI Reserve Service members reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the Bureau.

"(e) EXPENSES.—The Director may provide members of the FBI Reserve Service transportation and per diem in lieu of subsistence, in accordance with applicable provisions of this title, for the purpose of participating in any training that relates to service as a member of the FBI Reserve Service.

"(f) LIMITATION ON MEMBERSHIP.—Membership of the FBI Reserve Service is not to exceed 500 members at any given time.

"(g) LIMITATION ON DURATION OF SERVICE.—An individual may not be reemployed under this section for more than 180 days in connection with any particular emergency unless, in the judgment of the Director, the public interest so requires.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 35 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

"3598. Federal Bureau of Investigation Reserve Service.".

SEC. 2005. FEDERAL BUREAU OF INVESTIGATION MANDATORY SEPARATION AGE.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8335(b) of title 5, United States Code, is amended—

(1) by striking "(b)" and inserting "(b)(1)"; and

(2) by adding at the end the following:

"(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting '65 years of age' for '60 years of age'. The Federal Bureau of Investigation may not grant more than 50 exemptions in any fiscal year in accordance with the preceding sentence, and the authority to grant such exemptions shall cease to be available after September 30, 2007.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8425(b) of title 5, United States Code, is amended—

(1) by striking "(b)" and inserting "(b)(1)"; and

(2) by adding at the end the following:

"(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting '65 years of age' for '60 years of age'. The Federal Bureau of Investigation may not grant more than 50 exemptions in any fiscal year in accordance with the preceding sentence, and the authority to grant such exemptions shall cease to be available after September 30, 2007.".

SEC. 2006. FEDERAL BUREAU OF INVESTIGATION USE OF TRANSLATORS.

Not later than 30 days after the date of the enactment of this Act, and annually thereafter, the Attorney General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that contains, with respect to each preceding 12-month period—

(1) the number of translators employed, or contracted for, by the Federal Bureau of Investigation or other components of the Department of Justice;

(2) any legal or practical impediments to using translators employed by the Federal, State, or local agencies on a full-time, part-time, or shared basis;

(3) the needs of the Federal Bureau of Investigation for the specific translation services in certain languages, and recommendations for meeting those needs;

(4) the status of any automated statistical reporting system, including implementation and future viability;

(5) the storage capabilities of the digital collection system or systems utilized;

(6) a description of the establishment and compliance with audio retention policies that satisfy the investigative and intelligence goals of the Federal Bureau of Investigation; and

(7) a description of the implementation of quality control procedures and mechanisms for monitoring compliance with quality control procedures.

TITLE III—SECURITY CLEARANCES

SEC. 3001. SECURITY CLEARANCES.

(a) DEFINITIONS.—In this section:

(1) The term "agency" means—

(A) an executive agency (as that term is defined in section 105 of title 5, United States Code);

(B) a military department (as that term is defined in section 102 of title 5, United States Code); and

(C) an element of the intelligence community.

(2) The term "authorized investigative agency" means an agency designated by the head of the agency selected pursuant to subsection (b) to conduct a counterintelligence investigation or investigation of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

(3) The term "authorized adjudicative agency" means an agency authorized by law, regulation, or direction of the Director of National Intelligence to determine eligibility for access to classified information in accordance with Executive Order 12968.

(4) The term "highly sensitive program" means—

(A) a government program designated as a Special Access Program (as that term is defined in section 4.1(h) of Executive Order 12958 or any successor Executive order); or

(B) a government program that applies restrictions required for—

(i) restricted data (as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)); or

(ii) other information commonly referred to as "sensitive compartmented information".

(5) The term "current investigation file" means, with respect to a security clearance, a file on an investigation or adjudication that has been conducted during—

(A) the 5-year period beginning on the date the security clearance was granted, in the case of a Top Secret Clearance, or the date access was granted to a highly sensitive program;

(B) the 10-year period beginning on the date the security clearance was granted in the case of a Secret Clearance; and

(C) the 15-year period beginning on the date the security clearance was granted in the case of a Confidential Clearance.

(6) The term "personnel security investigation" means any investigation required for the purpose of determining the eligibility of any military, civilian, or government contractor personnel to access classified information.

(7) The term "periodic reinvestigations" means investigations conducted for the purpose of updating a previously completed background investigation—

(A) every 5 years in the case of a top secret clearance or access to a highly sensitive program;

(B) every 10 years in the case of a secret clearance; or

(C) every 15 years in the case of a Confidential Clearance.

(8) The term "appropriate committees of Congress" means—

(A) the Permanent Select Committee on Intelligence and the Committees on Armed Services, Homeland Security, Government Reform, and the Judiciary of the House of Representatives; and

(B) the Select Committee on Intelligence and the Committees on Armed Services, Homeland Security and Governmental Affairs, and the Judiciary of the Senate.

(b) SELECTION OF ENTITY.—Not later than 90 days after the date of the enactment of this Act, the President shall select a single department, agency, or element of the executive branch to be responsible for—

(1) directing day-to-day oversight of investigations and adjudications for personnel security clearances, including for highly sensitive programs, throughout the United States Government;

(2) developing and implementing uniform and consistent policies and procedures to ensure the effective, efficient, and timely completion of security clearances and determinations for access to highly sensitive programs, including the standardization of security questionnaires, financial disclosure requirements for security clearance applicants, and polygraph policies and procedures;

(3) serving as the final authority to designate an authorized investigative agency or authorized adjudicative agency;

(4) ensuring reciprocal recognition of access to classified information among the agencies of the United States Government, including acting as the final authority to arbitrate and resolve disputes involving the reciprocity of security clearances and access to highly sensitive programs pursuant to subsection (d);

(5) ensuring, to the maximum extent practicable, that sufficient resources are available in each agency to achieve clearance and investigative program goals; and

(6) reviewing and coordinating the development of tools and techniques for enhancing the conduct of investigations and granting of clearances.

(c) PERFORMANCE OF SECURITY CLEARANCE INVESTIGATIONS.—(1) Notwithstanding any other provision of law, not later than 180 days after the date of the enactment of this Act, the President shall, in consultation with the head of the entity selected pursuant to subsection (b), select a single agency of the executive branch to conduct, to the maximum extent practicable, security clearance investigations of employees and contractor personnel of the United States Government who require access to classified information and to provide and maintain all security clearances of such employees and contractor personnel. The head of the entity selected pursuant to subsection (b) may designate other agencies to conduct such investigations if the head of the entity selected pursuant to subsection (b) considers it appropriate for national security and efficiency purposes.

(2) The agency selected under paragraph (1) shall—

(A) take all necessary actions to carry out the requirements of this section, including entering into a memorandum of understanding with any agency carrying out responsibilities relating to security clearances or security clearance investigations before the date of the enactment of this Act;

(B) as soon as practicable, integrate reporting of security clearance applications, security clearance investigations, and determinations of eligibility for security clearances, with the database required by subsection (e); and

(C) ensure that security clearance investigations are conducted in accordance with uniform standards and requirements established under subsection (b), including uniform security questionnaires and financial disclosure requirements.

(d) RECIPROCITY OF SECURITY CLEARANCE AND ACCESS DETERMINATIONS.—(1) All security clearance background investigations and determinations completed by an authorized investigative agency or authorized adjudicative agency shall be accepted by all agencies.

(2) All security clearance background investigations initiated by an authorized investigative agency shall be transferable to any other authorized investigative agency.

(3)(A) An authorized investigative agency or authorized adjudicative agency may not establish additional investigative or adjudicative requirements (other than requirements for the conduct of a polygraph examination) that exceed requirements specified in Executive Orders establishing security requirements for access to classified information without the approval of the head of the entity selected pursuant to subsection (b).

(B) Notwithstanding subparagraph (A), the head of the entity selected pursuant to subsection (b) may establish such additional requirements as the head of such entity considers necessary for national security purposes.

(4) An authorized investigative agency or authorized adjudicative agency may not conduct an investigation for purposes of determining whether to grant a security clearance to an individual where a current investigation or clearance of equal level already exists or has been granted by another authorized adjudicative agency.

(5) The head of the entity selected pursuant to subsection (b) may disallow the reciprocal recognition of an individual security clearance by an agency under this section on a case-by-case basis if the head of the entity selected pursuant to subsection (b) determines that such action is necessary for national security purposes.

(6) The head of the entity selected pursuant to subsection (b) shall establish a review procedure by which agencies can seek review of actions required under this section.

(e) Database on Security Clearances.—(1) Not later than 12 months after the date of the enactment of this Act, the Director of the Office of Personnel Management shall, in cooperation with the heads of the entities selected pursuant to subsections (b) and (c), establish and commence operating and maintaining an integrated, secure, database into which appropriate data relevant to the granting, denial, or revocation of a security clearance or access pertaining to military, civilian, or government contractor personnel shall be entered from all authorized investigative and adjudicative agencies.

(2) The database under this subsection shall function to integrate information from existing Federal clearance tracking systems from other authorized investigative and adjudicative agencies into a single consolidated database.

(3) Each authorized investigative or adjudicative agency shall check the database under this subsection to determine whether an individual the agency has identified as requiring a security clearance has already been granted or denied a security clearance, or has had a security clearance revoked, by any other authorized investigative or adjudicative agency.

(4) The head of the entity selected pursuant to subsection (b) shall evaluate the extent to which an agency is submitting information to, and requesting information from, the database under this subsection as part of a determination of whether to certify the agency as an authorized investigative agency or authorized adjudicative agency.

(5) The head of the entity selected pursuant to subsection (b) may authorize an agency to withhold information about certain individuals from the database under this subsection if the head of the entity considers it necessary for national security purposes.

(f) Evaluation of Use of Available Technology in Clearance Investigations and Adjudications.—(1) The head of the entity selected pursuant to subsection (b) shall evaluate the use of available information technology and databases to expedite investigative and adjudicative processes for all and to verify standard information submitted as part of an application for a security clearance.

(2) The evaluation shall assess the application of the technologies described in paragraph (1) for—

(A) granting interim clearances to applicants at the secret, top secret, and special access program levels before the completion of the appropriate full investigation;

(B) expediting investigations and adjudications of security clearances, including verification of information submitted by the applicant;

(C) ongoing verification of suitability of personnel with security clearances in effect for continued access to classified information;

(D) use of such technologies to augment periodic reinvestigations;

(E) assessing the impact of the use of such technologies on the rights of applicants to the verify, correct, or challenge information obtained through such technologies; and

(F) such other purposes as the head of the entity selected pursuant to subsection (b) considers appropriate.

(3) An individual subject to verification utilizing the technology described in paragraph (1) shall be notified of such verification, shall provide consent to such use, and shall have access to data being verified in order to correct errors or challenge information the individual believes is incorrect.

(4) Not later than one year after the date of the enactment of this Act, the head of the entity selected pursuant to subsection (b) shall submit to the President and the appropriate committees of Congress a report on the results of the evaluation, including recommendations on the use of technologies described in paragraph (1).

(g) Reduction in Length of Personnel Security Clearance Process.—(1) The head of the entity selected pursuant to subsection (b) shall, within 90 days of selection under that subsection, develop, in consultation with the appropriate committees of congress and each authorized adjudicative agency, a plan to reduce the length of the personnel security clearance process.

(2)(A) To the extent practical the plan under paragraph (1) shall require that each authorized adjudicative agency make a determination on at least 90 percent of all applications for a personnel security clearance within an average of 60 days after the date of receipt of the completed application for a security clearance by an authorized investigative agency. Such 60-day average period shall include—

(i) a period of not longer than 40 days to complete the investigative phase of the clearance review; and

(ii) a period of not longer than 20 days to complete the adjudicative phase of the clearance review.

(B) Determinations on clearances not made within 60 days shall be made without delay.

(3)(A) The plan under paragraph (1) shall take effect 5 years after the date of the enactment of this Act.

(B) During the period beginning on a date not later than 2 years after the date after the enactment of this Act and ending on the date on which the plan under paragraph (1) takes effect, each authorized adjudicative agency shall make a determination on at least 80 percent of all applications for a personnel security clearance pursuant to this section within an average of 120 days after the date of receipt of the application for a security clearance by an authorized investigative agency. Such 120-day average period shall include—

(i) a period of not longer than 90 days to complete the investigative phase of the clearance review; and

(ii) a period of not longer than 30 days to complete the adjudicative phase of the clearance review.

(h) Reports.—(1) Not later than February 15, 2006, and annually thereafter through 2011, the head of the entity selected pursuant to subsection (b) shall submit to the appropriate committees of Congress a report on the progress made during the preceding year toward meeting the requirements of this section.

(2) Each report shall include, for the period covered by such report—

(A) the periods of time required by the authorized investigative agencies and authorized adjudicative agencies for conducting investigations, adjudicating cases, and granting clearances, from date of submission to ultimate disposition and notification to the subject and the subject's employer;

(B) a discussion of any impediments to the smooth and timely functioning of the requirements of this section; and

(C) such other information or recommendations as the head of the entity selected pursuant to subsection (b) considers appropriate.

(i) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2005 and each fiscal year thereafter for the implementation, maintenance, and operation of the database required by subsection (e).

TITLE IV—TRANSPORTATION SECURITY

Subtitle A—National Strategy for Transportation Security

SEC. 4001. NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.

(a) In General.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

"(t) Transportation Security Strategic Planning.—

"(1) In General.—The Secretary of Homeland Security shall develop, prepare, implement, and update, as needed—

"(A) a National Strategy for Transportation Security; and

"(B) transportation modal security plans.

"(2) Role of Secretary of Transportation.—The Secretary of Homeland Security shall work jointly with the Secretary of Transportation in developing, revising, and updating the documents required by paragraph (1).

"(3) Contents of National Strategy for Transportation Security.—The National Strategy for Transportation Security shall include the following:

"(A) An identification and evaluation of the transportation assets in the United States that, in the interests of national security and commerce, must be protected from attack or disruption by terrorist or other hostile forces, including modal security plans for aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets that could be at risk of such an attack or disruption.

"(B) The development of risk-based priorities across all transportation modes and realistic deadlines for addressing security needs associated with those assets referred to in subparagraph (A).

"(C) The most appropriate, practical, and cost-effective means of defending those assets against threats to their security.

"(D) A forward-looking strategic plan that sets forth the agreed upon roles and missions of Federal, state, regional, and local authorities and establishes mechanisms for encouraging private sector cooperation and participation in the implementation of such plan.

"(E) A comprehensive delineation of response and recovery responsibilities and issues regarding threatened and executed acts of terrorism within the United States.

"(F) A prioritization of research and development objectives that support transportation security needs, giving a higher priority to research and development directed toward protecting vital transportation assets.

"(4) SUBMISSIONS OF PLANS TO CONGRESS.—

"(A) INITIAL STRATEGY.—The Secretary of Homeland Security shall submit the National Strategy for Transportation Security, including the transportation modal security plans, developed under this subsection to the appropriate congressional committees not later than April 1, 2005.

"(B) SUBSEQUENT VERSIONS.—After December 31, 2005, the Secretary of Homeland Security shall submit the National Strategy for Transportation Security, including the transportation modal security plans and any revisions to the National Strategy for Transportation Security and the transportation modal security plans, to appropriate congressional committees not less frequently than April 1 of each even-numbered year.

"(C) PERIODIC PROGRESS REPORT.—

"(i) REQUIREMENT FOR REPORT.—Each year, in conjunction with the submission of the budget to Congress under section 1105(a) of title 31, United States Code, the Secretary of Homeland Security shall submit to the appropriate congressional committees an assessment of the progress made on implementing the National Strategy for Transportation Security.

"(ii) CONTENT.—Each progress report under this subparagraph shall include, at a minimum, recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal security plans that the Secretary, in consultation with the Secretary of Transportation, considers appropriate.

"(D) CLASSIFIED MATERIAL.—Any part of the National Strategy for Transportation Security or the transportation modal security plans that involve information that is properly classified under criteria established by Executive order shall be submitted to the appropriate congressional committees separately in a classified format.

"(E) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means the Committee on Transportation and Infrastructure and the Select Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate.

"(5) PRIORITY STATUS.—

"(A) IN GENERAL.—The National Strategy for Transportation Security shall be the governing document for Federal transportation security efforts. ,

"(B) OTHER PLANS AND REPORTS.—The National Strategy for Transportation Security shall include, as an integral part or as an appendix—

"(i) the current National Maritime Transportation Security Plan under section 70103 of title 46;

"(ii) the report required by section 44938 of this title;

"(iii) transportation modal security plans required under this section; and

"(iv) any other transportation security plan or report that the Secretary of Homeland Security determines appropriate for inclusion.".

(b) AVIATION SECURITY PLANNING; OPERATIONAL CRITERIA.—Section 44904 of title 49, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c) MODAL SECURITY PLAN FOR AVIATION.—In addition to the requirements set forth in subparagraphs (B) through (F) of section 114(t)(3), the modal security plan for aviation prepared under section 114(t) shall—

"(1) establish a damage mitigation and recovery plan for the aviation system in the event of a terrorist attack; and

"(2) include a threat matrix document that outlines each threat to the United States civil aviation system and the corresponding layers of security in place to address such threat.

"(d) OPERATIONAL CRITERIA.—Not later than 90 days after the date of the submission of the National Strategy for Transportation Security under section 114(t)(4)(A), the Assistant Secretary of Homeland Security (Transportation Security Administration) shall issue operational criteria to protect airport infrastructure and operations against the threats identified in the plans prepared under section 114(t)(1) and shall approve best practices guidelines for airport assets.".

Subtitle B—Aviation Security

SEC. 4011. PROVISION FOR THE USE OF BIOMETRIC OR OTHER TECHNOLOGY.

(a) USE OF BIOMETRIC IDENTIFIER TECHNOLOGY.—Section 44903(h) of title 49, United States Code, is amended—

(1) in paragraph (4)(E) by striking "may provide for" and inserting "shall issue, not later than March 31, 2005, guidance for"; and

(2) by adding at the end the following:

"(5) USE OF BIOMETRIC TECHNOLOGY IN AIRPORT ACCESS CONTROL SYSTEMS.—In issuing guidance under paragraph (4)(E), the Assistant Secretary of Homeland Security (Transportation Security Administration) in consultation with representatives of the aviation industry, the biometric identifier industry, and the National Institute of Standards and Technology, shall establish, at a minimum—

"(A) comprehensive technical and operational system requirements and performance standards for the use of biometric identifier technology in airport access control systems (including airport perimeter access control systems) to ensure that the biometric identifier systems are effective, reliable, and secure;

"(B) a list of products and vendors that meet the requirements and standards set forth in subparagraph (A);

"(C) procedures for implementing biometric identifier systems—

"(i) to ensure that individuals do not use an assumed identity to enroll in a biometric identifier system; and

"(ii) to resolve failures to enroll, false matches, and false non-matches; and

"(D) best practices for incorporating biometric identifier technology into airport access control systems in the most effective manner, including a process to best utilize existing airport access control systems, facilities, and equipment and existing data networks connecting airports.

"(6) USE OF BIOMETRIC TECHNOLOGY FOR LAW ENFORCEMENT OFFICER TRAVEL.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of this paragraph, the Assistant Secretary, in consultation with the Attorney General, shall—

"(i) establish a law enforcement officer travel credential that incorporates biometric identifier technology and is uniform across all Federal, State, local, tribal, and territorial government law enforcement agencies;

"(ii) establish a process by which the travel credential will be used to verify the identity of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board an aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer;

"(iii) establish procedures—

"(I) to ensure that only Federal, State, local, tribal, and territorial government law enforcement officers are issued a law enforcement travel credential;

"(II) to resolve failures to enroll, false matches, and false non-matches relating to use of the law enforcement travel credential; and

"(III) to invalidate any law enforcement travel credential that is lost, stolen, or no longer authorized for use;

"(iv) begin issuance of the travel credential to each Federal, State, local, tribal, or territorial government law enforcement officer authorized by the Assistant Secretary to carry a weapon on board an aircraft; and

"(v) take such other actions with respect to the travel credential as the Assistant Secretary considers appropriate.

"(B) FUNDING.—There is authorized to be appropriated such sums as may be necessary to carry out this paragraph.

"(7) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) BIOMETRIC IDENTIFIER INFORMATION.—The term 'biometric identifier information' means the distinct physical or behavioral characteristics of an individual that are used for unique identification, or verification of the identity, of an individual.

"(B) BIOMETRIC IDENTIFIER.—The term 'biometric identifier' means a technology that enables the automated identification, or verification of the identity, of an individual based on biometric information.

"(C) FAILURE TO ENROLL.—The term 'failure to enroll' means the inability of an individual to enroll in a biometric identifier system due to an insufficiently distinctive biometric sample, the lack of a body part necessary to provide the biometric sample, a system design that makes it difficult to provide consistent biometric identifier information, or other factors.

"(D) FALSE MATCH.—The term 'false match' means the incorrect matching of one individual's biometric identifier information to another individual's biometric identifier information by a biometric identifier system.

"(E) FALSE NON-MATCH.—The term 'false non-match' means the rejection of a valid identity by a biometric identifier system.

"(F) SECURE AREA OF AN AIRPORT.—The term 'secure area of an airport' means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).".

(b) AVIATION SECURITY RESEARCH AND DEVELOPMENT.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $20,000,000, in addition to any amounts otherwise authorized by law, for research and development of advanced biometric technology applications to aviation security, including mass identification technology.

(c) SENSE OF CONGRESS ON TRANSFER OF TECHNOLOGY.—It is the sense of Congress that the national intelligence community and the Department of Homeland Security should share information on and technological advancements to biometric systems, biometric technology, and biometric identifier systems obtained through research and development programs conducted by various Federal agencies.

(d) BIOMETRIC CENTER OF EXCELLENCE.—There is authorized to be appropriated $1,000,000, in addition to any amounts otherwise authorized by law, for the establishment of a competitive center of excellence that will develop and expedite the Federal Government's use of biometric identifiers.

SEC. 4012. ADVANCED AIRLINE PASSENGER PRESCREENING.

(a) IN GENERAL.—

(1) DOMESTIC FLIGHTS.—Section 44903(j)(2) of title 49, United States Code, is amended by adding at the end the following:

"(C) ADVANCED AIRLINE PASSENGER PRESCREENING.—

"(i) COMMENCEMENT OF TESTING.—Not later than January 1, 2005, the Assistant Secretary of Homeland Security (Transportation Security Administration), or the designee of the Assistant Secretary, shall commence testing of an advanced passenger prescreening system that will allow the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Assistant Secretary, to the automatic selectee and no fly lists, utilizing all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government.

"(ii) ASSUMPTION OF FUNCTION.—Not later than 180 days after completion of testing under clause (i), the Assistant Secretary, or the designee of the Assistant Secretary, shall begin to assume the performance of the passenger prescreening function of comparing passenger information to the automatic selectee and no fly lists and utilize all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government in performing that function.

"(iii) REQUIREMENTS.—In assuming performance of the function under clause (ii), the Assistant Secretary shall—

"(I) establish a procedure to enable airline passengers, who are delayed or prohibited from boarding a flight because the advanced passenger prescreening system determined that they might pose a security threat, to appeal such determination and correct information contained in the system;

"(II) ensure that Federal Government databases that will be used to establish the identity of a passenger under the system will not produce a large number of false positives;

"(III) establish an internal oversight board to oversee and monitor the manner in which the system is being implemented;

"(IV) establish sufficient operational safeguards to reduce the opportunities for abuse;

"(V) implement substantial security measures to protect the system from unauthorized access;

"(VI) adopt policies establishing effective oversight of the use and operation of the system; and

"(VII) ensure that there are no specific privacy concerns with the technological architecture of the system.

"(iv) PASSENGER INFORMATION.—Not later than 180 days after the completion of the testing of the advanced passenger prescreening system, the Assistant Secretary, by order or interim final rule—

"(I) shall require air carriers to supply to the Assistant Secretary the passenger information needed to begin implementing the advanced passenger prescreening system; and

"(II) shall require entities that provide systems and services to air carriers in the operation of air carrier reservations systems to provide to air carriers passenger information in possession of such entities, but only to the extent necessary to comply with subclause (I).

"(D) SCREENING OF EMPLOYEES AGAINST WATCHLIST.—The Assistant Secretary of Homeland Security (Transportation Security Administration), in coordination with the Secretary of Transportation and the Administrator of the Federal Aviation Administration, shall ensure that individuals are screened against all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government before—

"(i) being certificated by the Federal Aviation Administration;

"(ii) being granted unescorted access to the secure area of an airport; or

"(iii) being granted unescorted access to the air operations area (as defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section) of an airport.

"(E) AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING.—

"(i) IN GENERAL.—Not later than 90 days after the date on which the Assistant Secretary assumes the performance of the advanced passenger prescreening function under subparagraph (C)(ii), the Assistant Secretary shall establish a process by which operators of aircraft to be used in charter air transportation with a maximum takeoff weight greater than 12,500 pounds and lessors of aircraft with a maximum takeoff weight greater than 12,500 pounds may—

"(I) request the Department of Homeland Security to use the advanced passenger prescreening system to compare information about any individual seeking to charter an aircraft with a maximum takeoff weight greater than 12,500 pounds, any passenger proposed to be transported aboard such aircraft, and any individual seeking to lease an aircraft with a maximum takeoff weight greater than 12,500 pounds to the automatic selectee and no fly lists, utilizing all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government; and

"(II) refuse to charter or lease an aircraft with a maximum takeoff weight greater than 12,500 pounds to or transport aboard such aircraft any persons identified on such watch list.

"(ii) REQUIREMENTS.—The requirements of subparagraph (C)(iii) shall apply to this subparagraph.

"(iii) NO FLY AND AUTOMATIC SELECTEE LISTS.—The Secretary of Homeland Security, in consultation with the Terrorist Screening Center, shall design and review, as necessary, guidelines, policies, and operating procedures for the collection, removal, and updating of data maintained, or to be maintained, in the no fly and automatic selectee lists.

"(F) APPLICABILITY.—Section 607 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44903 note; 117 Stat. 2568) shall not apply to the advanced passenger prescreening system established under subparagraph (C).

"(G) APPEAL PROCEDURES.—

"(i) IN GENERAL.—The Assistant Secretary shall establish a timely and fair process for individuals identified as a threat under one or more of subparagraphs (C), (D), and (E) to appeal to the Transportation Security Administration the determination and correct any erroneous information.

"(ii) RECORDS.—The process shall include the establishment of a method by which the Assistant Secretary will be able to maintain a record of air passengers and other individuals who have been misidentified and have corrected erroneous information. To prevent repeated delays of misidentified passengers and other individuals, the Transportation Security Administration record shall contain information determined by the Assistant Secretary to authenticate the identity of such a passenger or individual.

"(H) DEFINITION.—In this paragraph, the term 'secure area of an airport' means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).".

(2) INTERNATIONAL FLIGHTS.—Section 44909(c) of title 49, United States Code, is amended—

(i) by striking "paragraph (5)," in paragraph (4) and inserting "paragraphs (5) and (6),"; and

(ii) by adding at the end the following:

"(6) PRESCREENING INTERNATIONAL PASSENGERS.—

"(A) IN GENERAL.—Not later than 60 days after date of enactment of this paragraph, the Secretary of Homeland Security, or the designee of the Secretary, shall issue a notice of proposed rulemaking that will allow the Department of Homeland Security to compare passenger information for any international flight to or from the United States against the consolidated and integrated terrorist watchlist maintained by the Federal Government before departure of the flight.

"(B) APPEAL PROCEDURES.—

"(i) IN GENERAL.—The Secretary of Homeland Security shall establish a timely and fair process for individuals identified as a threat under subparagraph (A) to appeal to the Department of Homeland Security the determination and correct any erroneous information.

"(ii) RECORDS.—The process shall include the establishment of a method by which the Secretary will be able to maintain a record of air passengers and other individuals who have been misidentified and have corrected erroneous information. To prevent repeated delays of misidentified passengers and other individuals, the Department of Homeland Security record shall contain information determined by the Secretary to authenticate the identity of such a passenger or individual.".

(b) REPORT ON EFFECTS ON PRIVACY AND CIVIL LIBERTIES.—

(1) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Security Privacy Officer of the Department of Homeland Security shall submit a report assessing the impact of the automatic selectee and no fly lists on privacy and civil liberties to the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs, and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on the Judiciary, the Committee on Government Reform, the Committee on Transportation and Infrastructure, and the Select Committee on Homeland Security of the House of Representatives.

(2) CONTENT.—The report submitted under paragraph (1) shall include—

(A) any recommendations for practices, procedures, regulations, or legislation that the Security Privacy Officer considers necessary to minimize adverse effects of automatic selectee and no fly lists on privacy, discrimination, due process, and other civil liberties;

(B) a discussion of the implications of applying those lists to other modes of transportation; and

(C) the effect that implementation of the recommendations would have on the effectiveness of the use of such lists to protect the United States against terrorist attacks.

(3) FORM.—To the greatest extent consistent with the protection of law enforcement-sensitive information and classified information, and the administration of applicable law, the report shall be submitted in unclassified form and shall be available to the public. The report may contain a classified annex if necessary.

(c) REPORT ON CRITERIA FOR CONSOLIDATED TERRORIST WATCH LIST.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Homeland Security, the Secretary of State, and the Attorney General, shall submit to Congress a report on the Terrorist Screening Center consolidated screening watch list.

(2) CONTENTS.—The report shall include—

(A) the criteria for placing the name of an individual on the watch list;

(B) the minimum standards for reliability and accuracy of identifying information;

(C) the degree of information certainty and the range of threat levels that are to be identified for an individual; and

(D) the range of applicable consequences that are to apply to an individual, if located.

(3) FORM.—To the greatest extent consistent with the protection of law enforcement-sensitive information and classified information and the administration of applicable law, the report shall be submitted in unclassified form and shall be available to the public. The report may contain a classified annex if necessary.

SEC. 4013. DEPLOYMENT AND USE OF DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS.

(a) IN GENERAL.—Subchapter I of chapter 449, of title 49, United States Code, is amended by adding at the end the following:

"§44925. Deployment and use of detection equipment at airport screening checkpoints.

"(a) WEAPONS AND EXPLOSIVES.—The Secretary of Homeland Security shall give a high priority to developing, testing, improving, and deploying, at airport screening checkpoints, equipment that detects nonmetallic, chemical, biological, and radiological weapons, and explosives, in all forms, on individuals and in their personal property. The Secretary shall ensure that the equipment alone, or as part of an integrated system, can detect under realistic operating conditions the types of weapons and explosives that terrorists would likely try to smuggle aboard an air carrier aircraft.

"(b) STRATEGIC PLAN FOR DEPLOYMENT AND USE OF EXPLOSIVE DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a strategic plan to promote the optimal utilization and deployment of explosive detection equipment at airports to screen individuals and their personal property. Such equipment includes walk-through explosive detection portals, document scanners, shoe scanners, and backscatter x-ray scanners. The plan may be submitted in a classified format.

"(2) CONTENT.—The strategic plan shall include, at minimum—

"(A) a description of current efforts to detect explosives in all forms on individuals and in their personal property;

"(B) a description of the operational applications of explosive detection equipment at airport screening checkpoints;

"(C) a deployment schedule and a description of the quantities of equipment needed to implement the plan;

"(D) a description of funding needs to implement the plan, including a financing plan that provides for leveraging of non-Federal funding;

"(E) a description of the measures taken and anticipated to be taken in carrying out subsection (d); and

"(F) a description of any recommended legislative actions.

"(c) PORTAL DETECTION SYSTEMS.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $250,000,000, in addition to any amounts otherwise authorized by law, for research, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

"(d) INTERIM ACTION.—Until measures are implemented that enable the screening of all passengers for explosives, the Assistant Secretary shall provide, by such means as the Assistant Secretary considers appropriate, explosives detection screening for all passengers identified for additional screening and their personal property that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 of title 49, United States Code, is amended by inserting after the item relating to section 44924 the following:

"44925. Deployment and use of detection equipment at airport screening checkpoints.".

SEC. 4014. ADVANCED AIRPORT CHECKPOINT SCREENING DEVICES.

(a) ADVANCED INTEGRATED AIRPORT CHECKPOINT SCREENING SYSTEM PILOT PROGRAM.—Not later than March 31, 2005, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop and initiate a pilot program to deploy and test advanced airport checkpoint screening devices and technology as an integrated system at not less than 5 airports in the United States.

(b) FUNDING.—Of the amounts appropriated pursuant to section 48301(a) of title 49, United States Code, for each of fiscal years 2005 and 2006, not more than $150,000,000 shall be available to carry out subsection (a).

SEC. 4015. IMPROVEMENT OF SCREENER JOB PERFORMANCE.

(a) REQUIRED ACTION.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall take such action as may be necessary to improve the job performance of airport screening personnel.

(b) HUMAN FACTORS STUDY.—In carrying out this section, the Assistant Secretary shall provide, not later than 180 days after the date of the enactment of this Act, to the appropriate congressional committees a report on the results of any human factors study conducted by the Department of Homeland Security to better understand problems in screener performance and to improve screener performance.

SEC. 4016. FEDERAL AIR MARSHALS.

(a) FEDERAL AIR MARSHAL ANONYMITY.—The Director of the Federal Air Marshal Service of the Department of Homeland Security shall continue operational initiatives to protect the anonymity of Federal air marshals.

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Bureau of Immigration and Customs Enforcement, in addition to any amounts otherwise authorized by law, for the deployment of Federal air marshals under section 44917 of title 49, United States Code, $83,000,000 for the 3 fiscal-year period beginning with fiscal year 2005. Such sums shall remain available until expended.

(c) FEDERAL LAW ENFORCEMENT COUNTERTERRORISM TRAINING.

(1) AVAILABILITY OF INFORMATION.—The Assistant Secretary for Immigration and Customs Enforcement and the Director of Federal Air Marshal Service of the Department of Homeland Security, shall make available, as practicable, appropriate information on in-flight counterterrorism and weapons handling procedures and tactics training to Federal law enforcement officers who fly while in possession of a firearm.

(2) IDENTIFICATION OF FRAUDULENT DOCUMENTS.—The Assistant Secretary for Immigration and Customs Enforcement and the Director of Federal Air Marshal Service of the Department of Homeland Security, in coordination with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall ensure that Transportation Security Administration screeners and Federal air marshals receive training in identifying fraudulent identification documents, including fraudulent or expired visas and passports. Such training shall also be made available to other Federal law enforcement agencies and local law enforcement agencies located in a State that borders Canada or Mexico.

SEC. 4017. INTERNATIONAL AGREEMENTS TO ALLOW MAXIMUM DEPLOYMENT OF FEDERAL AIR MARSHALS.

The President is encouraged to pursue aggressively international agreements with foreign governments to allow the maximum deployment of Federal air marshals on international flights.

SEC. 4018. FOREIGN AIR MARSHAL TRAINING.

Section 44917 of title 49, United States Code, is amended by adding at the end the following:

"(d) TRAINING FOR FOREIGN LAW ENFORCEMENT PERSONNEL.—

"(1) IN GENERAL.—The Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security, after consultation with the Secretary of State, may direct the Federal Air Marshal Service to provide appropriate air marshal training to law enforcement personnel of foreign countries.

"(2) WATCHLIST SCREENING.—The Federal Air Marshal Service may only provide appropriate air marshal training to law enforcement personnel of foreign countries after comparing the identifying information and records of law enforcement personnel of foreign countries against all appropriate records in the consolidated and integrated terrorist watchlists maintained by the Federal Government.

"(3) FEES.—The Assistant Secretary shall establish reasonable fees and charges to pay expenses incurred in carrying out this subsection. Funds collected under this subsection shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Assistant Secretary for purposes for which amounts in such account are available.".

SEC. 4019. IN-LINE CHECKED BAGGAGE SCREENING.

(a) IN-LINE BAGGAGE SCREENING EQUIPMENT.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall take such action as may be necessary to expedite the installation and use of in-line baggage screening equipment at airports at which screening is required by section 44901 of title 49, United States Code.

(b) SCHEDULE.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall submit to the appropriate congressional committees a schedule to expedite the installation and use of in-line baggage screening equipment at such airports, with an estimate of the impact that such equipment, facility modification, and baggage conveyor placement will have on staffing needs and levels related to aviation security.

(c) REPLACEMENT OF TRACE-DETECTION EQUIPMENT.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall establish and submit to the appropriate congressional committees a schedule for replacing trace-detection equipment, as soon as practicable and where appropriate, with explosive detection system equipment.

(d) COST-SHARING STUDY.—The Secretary of Homeland Security, in consultation with representatives of air carriers, airport operators, and other interested parties, shall submit to the appropriate congressional committees, in conjunction with the submission of the budget for fiscal year 2006 to Congress under section 1105(a) of title 31, United States Code—

(1) a proposed formula for cost-sharing among the Federal Government, State and local governments, and the private sector for projects to install in-line baggage screening equipment that reflects the benefits that each of such entities derive from such projects, including national security benefits and labor and other cost savings;

(2) recommendations, including recommended legislation, for an equitable, feasible, and expeditious system for defraying the costs of the in-line baggage screening equipment authorized by this title; and

(3) the results of a review of innovative financing approaches and possible cost savings associated with the installation of in-line baggage screening equipment at airports.

(e) AUTHORIZATION FOR EXPIRING AND NEW LOIS.—

(1) IN GENERAL.—Section 44923(i) of title 49, United States Code, is amended by striking "$250,000,000 for each of fiscal years 2004 through 2007." and inserting "$400,000,000 for each of fiscal years 2005, 2006, and 2007.".

(2) PERIOD OF REIMBURSEMENT.—Notwithstanding any other provision of law, the Secretary may provide that the period of reimbursement under any letter of intent may extend for a period not to exceed 10 years after the date that the Secretary issues such letter, subject to the availability of appropriations. This paragraph applies to letters of intent issued under section 44923 of title 49, United States Code, and letters of intent issued under section 367 of the Department of Transportation and Related Agencies Appropriation Act, 2003 (49 U.S.C. 47110 note).

SEC. 4020. CHECKED BAGGAGE SCREENING AREA MONITORING.

(a) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide, subject to the availability of funds, assistance to airports at which screening is required by section 44901 of title 49, United States Code, and that have checked baggage screening areas that are not open to public view in the acquisition and installation of security monitoring cameras for surveillance of such areas in order to deter theft from checked baggage and to aid in the speedy resolution of liability claims against the Transportation Security Administration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2005 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SEC. 4021. WIRELESS COMMUNICATION.

(a) STUDY.—The Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Administrator of the Federal Aviation Administration, shall conduct a study to determine the viability of providing devices or methods, including wireless methods, to enable a flight crew to discreetly notify the pilot in the case of a security breach or safety issue occurring in the cabin.

(b) MATTERS TO BE CONSIDERED.—In conducting the study, the Transportation Security Administration and the Federal Aviation Administration shall consider technology that is readily available and can be quickly integrated and customized for use aboard aircraft for flight crew communication.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Transportation Security Administration shall submit to the appropriate congressional committees a report on the results of the study.

SEC. 4022. IMPROVED PILOT LICENSES.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(b) REQUIREMENTS.—Improved pilots licenses issued under subsection (a) shall—

(1) be resistant to tampering, alteration, and counterfeiting;

(2) include a photograph of the individual to whom the license is issued; and

(3) be capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier that the Administrator considers necessary.

(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered, altered, or counterfeited.

(d) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.

SEC. 4023. AVIATION SECURITY STAFFING.

(a) AVIATION SECURITY STAFFING.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop and submit to the appropriate congressional committees standards for determining the aviation security staffing for all airports at which screening is required under section 44901 of title 49, United States Code, necessary to—

(1) provide necessary levels of aviation security; and

(2) ensure that the average aviation security-related delay experienced by airline passengers is minimized.

(b) GAO ANALYSIS.—As soon as practicable after the date on which the Assistant Secretary has developed standards under subsection (a), the Comptroller General shall conduct an expedited analysis of, and submit a report to the appropriate congressional committees on, the standards for effectiveness, administrability, ease of compliance, and consistency with the requirements of existing law.

(c) INTEGRATION OF FEDERAL AIRPORT WORKFORCE AND AVIATION SECURITY.—The Secretary of Homeland Security shall conduct a study of the feasibility of combining operations of Federal employees involved in screening at commercial airports and aviation security-related functions under the authority of the Department of Homeland Security in order to coordinate security-related activities, increase the efficiency and effectiveness of those activities, and increase commercial air transportation security.

SEC. 4024. IMPROVED EXPLOSIVE DETECTION SYSTEMS.

(a) PLAN AND GUIDELINES.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop a plan and guidelines for implementing improved explosive detection system equipment.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $100,000,000, in addition to any amounts otherwise authorized by law, for the purpose of research and development of improved explosive detection systems for aviation security under section 44913 of title 49, United States Code.

SEC. 4025. PROHIBITED ITEMS LIST.

Not later than 60 days after the date of enactment of this Act, the Assistant Secretary for Homeland Security (Transportation Security Administration) shall complete a review of the list of items prohibited from being carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation set forth in section 1540 of title 49, Code of Federal Regulations, and shall release a revised list that includes—

(1) butane lighters; and

(2) any other modification that the Assistant Secretary considers appropriate.

SEC. 4026. MAN-PORTABLE AIR DEFENSE SYSTEMS (MANPADS).

(a) UNITED STATES POLICY ON NONPROLIFERATION AND EXPORT CONTROL.—

(1) TO LIMIT AVAILABILITY AND TRANSFER OF MANPADS.—The President shall pursue, on an urgent basis, further strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties, in the appropriate forum to limit the availability, transfer, and proliferation of MANPADSs worldwide.

(2) TO LIMIT THE PROLIFERATION OF MANPADS.—The President is encouraged to seek to enter into agreements with the governments of foreign countries that, at a minimum, would—

(A) prohibit the entry into force of a MANPADS manufacturing license agreement and MANPADS co-production agreement, other than the entry into force of a manufacturing license or co-production agreement with a country that is party to such an agreement;

(B) prohibit, except pursuant to transfers between governments, the export of a MANPADS, including any component, part, accessory, or attachment thereof, without an individual validated license; and

(C) prohibit the reexport or retransfer of a MANPADS, including any component, part, accessory, or attachment thereof, to a third person, organization, or government unless the written consent of the government that approved the original export or transfer is first obtained.

(3) TO ACHIEVE DESTRUCTION OF MANPADS.—The President should continue to pursue further strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties, in the appropriate forum to assure the destruction of excess, obsolete, and illicit stocks of MANPADSs worldwide.

(4) REPORTING AND BRIEFING REQUIREMENT.—

(A) PRESIDENT'S REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains a detailed description of the status of diplomatic efforts under paragraphs (1), (2), and (3) and of efforts by the appropriate United States agencies to comply with the recommendations of the General Accounting Office set forth in its report GAO–04–519, entitled "Nonproliferation: Further Improvements Needed in U.S. Efforts to Counter Threats from Man-Portable Air Defense Systems".

(B) ANNUAL BRIEFINGS.—Annually after the date of submission of the report under subparagraph (A) and until completion of the diplomatic and compliance efforts referred to in subparagraph (A), the Secretary of State shall brief the appropriate congressional committees on the status of such efforts.

(b) FAA AIRWORTHINESS CERTIFICATION OF MISSILE DEFENSE SYSTEMS FOR COMMERCIAL AIRCRAFT.—

(1) IN GENERAL.—As soon as practicable, but not later than the date of completion of Phase II of the Department of Homeland Security's counter-man-portable air defense system (MANPADS) development and demonstration program, the Administrator of the Federal Aviation Administration shall establish a process for conducting airworthiness and safety certification of missile defense systems for commercial aircraft certified as effective and functional by the Department of Homeland Security. The process shall require a certification by the Administrator that such systems can be safely integrated into aircraft systems and ensure airworthiness and aircraft system integrity.

(2) CERTIFICATION ACCEPTANCE.—Under the process, the Administrator shall accept the certification of the Department of Homeland Security that a missile defense system is effective and functional to defend commercial aircraft against MANPADSs.

(3) EXPEDITIOUS CERTIFICATION.—Under the process, the Administrator shall expedite the

airworthiness and safety certification of missile defense systems for commercial aircraft certified by the Department of Homeland Security.

(4) Reports.—Not later than 90 days after the first airworthiness and safety certification for a missile defense system for commercial aircraft is issued by the Administrator, and annually thereafter until December 31, 2008, the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains a detailed description of each airworthiness and safety certification issued for a missile defense system for commercial aircraft.

(c) Programs to Reduce MANPADS.—

(1) In general.—The President is encouraged to pursue strong programs to reduce the number of MANPADSs worldwide so that fewer MANPADSs will be available for trade, proliferation, and sale.

(2) Reporting and briefing requirements.—Not later than 180 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains a detailed description of the status of the programs being pursued under subsection (a). Annually thereafter until the programs are no longer needed, the Secretary of State shall brief the appropriate congressional committees on the status of programs.

(3) Funding.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

(d) MANPADS Vulnerability Assessments Report.—

(1) In general.—Not later than one year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the Department of Homeland Security's plans to secure airports and the aircraft arriving and departing from airports against MANPADSs attacks.

(2) Matters to be addressed.—The Secretary's report shall address, at a minimum, the following:

(A) The status of the Department's efforts to conduct MANPADSs vulnerability assessments at United States airports at which the Department is conducting assessments.

(B) How intelligence is shared between the United States intelligence agencies and Federal, State, and local law enforcement to address the MANPADS threat and potential ways to improve such intelligence sharing.

(C) Contingency plans that the Department has developed in the event that it receives intelligence indicating a high threat of a MANPADS attack on aircraft at or near United States airports.

(D) The feasibility and effectiveness of implementing public education and neighborhood watch programs in areas surrounding United States airports in cases in which intelligence reports indicate there is a high risk of MANPADS attacks on aircraft.

(E) Any other issues that the Secretary deems relevant.

(3) Format.—The report required by this subsection may be submitted in a classified format.

(e) Definitions.—In this section, the following definitions apply:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on International Relations, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) MANPADS.—The term "MANPADS" means—

(A) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; and

(B) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

SEC. 4027. TECHNICAL CORRECTIONS.

(a) Administrative Imposition of Penalties.—Section 46301(d) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (2) by striking "46302, 46303," and inserting "46302 (for a violation relating to section 46504),";

(2) in the second sentence of paragraph (2)—

(A) by striking "Under Secretary of Transportation for Security" and inserting "Secretary of Homeland Security"; and

(B) by striking "44909)" and inserting "44909), 46302 (except for a violation relating to section 46504), 46303,";

(3) in paragraphs (2), (3), and (4) by striking "Under Secretary or" each place it occurs and inserting "Secretary of Homeland Security or"; and

(4) in paragraph (1)(A) by moving clauses (i), (ii), and (iii) 2 ems to the left.

(b) Compromise and Setoff for False Information.—Section 46302(b)(1) of title 49, United States Code, is amended by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security and, for a violation relating to section 46504, the Secretary of Transportation,".

(c) Carrying a Weapon.—Section 46303 of title 49, United States Code, is amended—

(1) in subsection (b)(1) by striking "Secretary of Transportation" and inserting "Secretary of Homeland Security"; and

(2) in subsection (c)(2) by striking "Under Secretary of Transportation for Security" and inserting "Secretary of Homeland Security".

SEC. 4028. REPORT ON SECONDARY FLIGHT DECK BARRIERS.

Not later than 6 months after the date of the enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the costs and benefits associated with the use of secondary flight deck barriers, including the recommendation of the Assistant Secretary whether or not the use of such barriers should be mandated for all air carriers. The report may be submitted in a classified form.

SEC. 4029. EXTENSION OF AUTHORIZATION OF AVIATION SECURITY FUNDING.

Section 48301(a) of title 49, United States Code, is amended by striking "and 2005" and inserting "2005, and 2006".

Subtitle C—Air Cargo Security

SEC. 4051. PILOT PROGRAM TO EVALUATE USE OF BLAST RESISTANT CARGO AND BAGGAGE CONTAINERS.

(a) In General.—Beginning not later than 180 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall carry out a pilot program to evaluate the use of blast-resistant containers for cargo and baggage on passenger aircraft to minimize the potential effects of detonation of an explosive device.

(b) Incentives for Participation in Pilot Program.—

(1) In general.—As part of the pilot program, the Assistant Secretary shall provide incentives to air carriers to volunteer to test the use of blast-resistant containers for cargo and baggage on passenger aircraft.

(2) Applications.—To volunteer to participate in the incentive program, an air carrier shall submit to the Assistant Secretary an application that is in such form and contains such information as the Assistant Secretary requires.

(3) Types of incentives.—Incentives provided by the Assistant Secretary to air carriers that volunteer to participate in the pilot program shall include the use of, and financial assistance to cover increased costs to the carriers associated with the use and maintenance of, blast-resistant containers, including increased fuel costs.

(c) Technological Improvements.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation, shall support efforts to explore alternative technologies for minimizing the potential effects of detonation of an explosive device on cargo and passenger aircraft.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsections (a) and (b) $2,000,000. Such sums shall remain available until expended.

SEC. 4052. AIR CARGO SECURITY.

(a) Air Cargo Screening Technology.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop technology to better identify, track, and screen air cargo.

(b) Improved Air Cargo and Airport Security.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration, in addition to any amounts otherwise authorized by law, for the purpose of improving aviation security related to the transportation of cargo on both passenger aircraft and all-cargo aircraft—

(1) $200,000,000 for fiscal year 2005;

(2) $200,000,000 for fiscal year 2006; and

(3) $200,000,000 for fiscal year 2007.

Such sums shall remain available until expended.

(c) Research, Development, and Deployment.—To carry out subsection (a), there is authorized to be appropriated to the Secretary, in addition to any amounts otherwise authorized by law, for research and development related to enhanced air cargo security technology as well as for deployment and installation of enhanced air cargo security technology—

(1) $100,000,000 for fiscal year 2005;

(2) $100,000,000 for fiscal year 2006; and

(3) $100,000,000 for fiscal year 2007.

Such sums shall remain available until expended.

(d) Advanced Cargo Security Grants.—

(1) In general.—The Secretary shall establish and carry out a program to issue competitive grants to encourage the development of advanced air cargo security technology, including use of innovative financing or other means of funding such activities. The Secretary may make available funding for this purpose from amounts appropriated pursuant to subsection (c).

(2) Eligibility criteria, etc.—The Secretary shall establish such eligibility criteria, establish such application and administrative procedures, and provide for such matching funding requirements, if any, as may be necessary and appropriate to ensure that the technology is deployed as fully and rapidly as possible.

SEC. 4053. AIR CARGO SECURITY REGULATIONS.

Not later than 240 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall issue a final rule in Docket Number TSA-2004-19515 to amend transportation security regulations to enhance and improve the security of air cargo transported in both passenger and all-cargo aircraft.

SEC. 1054. REPORT ON INTERNATIONAL AIR CARGO THREATS.

(a) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary of

Homeland Security, in coordination with the Secretary of Defense and the Administrator of the Federal Aviation Administration, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the following:

(1) A description of the current procedures in place to address the threat of an inbound all-cargo aircraft from outside the United States that intelligence sources indicate could carry explosive, incendiary, chemical, biological, or nuclear devices.

(2) An analysis of the potential for establishing secure facilities along established international aviation routes for the purposes of diverting and securing aircraft described in paragraph (1).

(b) REPORT FORMAT.—The Secretary may submit all, or part, of the report required by this section in such a classified and redacted format as the Secretary determines appropriate or necessary.

Subtitle D—Maritime Security

SEC. 4071. WATCH LISTS FOR PASSENGERS ABOARD VESSELS.

(a) WATCH LISTS.—

(1) IN GENERAL.—As soon as practicable but not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(A) implement a procedure under which the Department of Homeland Security compares information about passengers and crew who are to be carried aboard a cruise ship with a comprehensive, consolidated database containing information about known or suspected terrorists and their associates;

(B) use the information obtained by comparing the passenger and crew information with the information in the database to prevent known or suspected terrorists and their associates from boarding such ships or to subject them to specific additional security scrutiny, through the use of "no transport" and "automatic selectee" lists or other means.

(2) WAIVER.—The Secretary may waive the requirement in paragraph (1)(B) with respect to cruise ships embarking at foreign ports if the Secretary determines that the application of such requirement to such cruise ships is impracticable.

(b) COOPERATION FROM OPERATORS OF CRUISE SHIPS.—The Secretary of Homeland Security shall by rulemaking require operators of cruise ships to provide the passenger and crew information necessary to implement the procedure required by subsection (a).

(c) MAINTENANCE OF ACCURACY AND INTEGRITY OF "NO TRANSPORT" AND "AUTOMATIC SELECTEE" LISTS.—

(1) WATCH LIST DATABASE.—The Secretary of Homeland Security, in consultation with the Terrorist Screening Center, shall develop guidelines, policies, and operating procedures for the collection, removal, and updating of data maintained, or to be maintained, in the "no transport" and "automatic selectee" lists described in subsection (a)(1) that are designed to ensure the accuracy and integrity of the lists.

(2) ACCURACY OF ENTRIES.—In developing the "no transport" and "automatic selectee" lists under subsection (a)(1)(B), the Secretary shall establish a simple and timely method for correcting erroneous entries, for clarifying information known to cause false hits or misidentification errors, and for updating relevant information that is dispositive in the passenger and crew screening process. The Secretary shall also establish a process to provide an individual whose name is confused with, or similar to, a name in the watch list database with a means of demonstrating that such individual is not the person named in the database.

(d) CRUISE SHIP DEFINED.—In this section, the term "cruise ship" means a vessel on an international voyage that embarks or disembarks passengers at a port of United States jurisdiction to which subpart C of part 160 of title 33, Code of Federal Regulations, applies and that provides overnight accommodations.

SEC. 4072. DEADLINES FOR COMPLETION OF CERTAIN PLANS, REPORTS, AND ASSESSMENTS.

(a) NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.—Section 70103(a)(1) of title 46, United States Code, is amended by striking "The Secretary" and inserting "Not later than April 1, 2005, the Secretary".

(b) FACILITY AND VESSEL VULNERABILITY ASSESSMENTS.—Section 70102(b)(1) of title 46, United States Code, is amended by striking ", the Secretary" and inserting "and by not later than December 31, 2004, the Secretary".

(c) STRATEGIC PLAN REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) a comprehensive program management plan that identifies specific tasks to be completed, and deadlines for completion, for the transportation security card program under section 70105 of title 46, United States Code, that incorporates best practices for communicating, coordinating, and collaborating with the relevant stakeholders to resolve relevant issues, such as background checks;

(2) a report on the status of negotiations under section 103(a) of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70111);

(3) the report required by section 107(b) of the Maritime Transportation Security Act of 2002 (33 U.S.C. 1226 note); and

(4) a report on the status of the development of the system and standards required by section 111 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70116 note).

(d) OTHER REPORTS.—Not later than 90 days after the date of the enactment of this Act—

(1) the Secretary of Homeland Security shall submit to the appropriate congressional committees—

(A) a report on the establishment of the National Maritime Security Advisory Committee under section 70112 of title 46, United States Code; and

(B) a report on the status of the program required by section 70116 of title 46, United States Code, to evaluate and certify secure systems of international intermodal transportation;

(2) the Secretary of Transportation shall submit to the appropriate congressional committees the annual report required by section 905 of the International Maritime and Port Security Act (46 U.S.C. App. 1802) that includes information that should have been included in the last preceding annual report that was due under that section; and

(3) the Commandant of the United States Coast Guard shall submit to the appropriate congressional committees the report required by section 110(b) of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note).

Subtitle E—General Provisions

SEC. 4081. DEFINITIONS.

In this title (other than in sections 4001 and 4026), the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) AVIATION DEFINITIONS.—The terms "air carrier", "air transportation", "aircraft", "airport", "cargo", "foreign air carrier", and "intrastate air transportation" have the meanings given such terms in section 40102 of title 49, United States Code.

(3) SECURE AREA OF AN AIRPORT.—The term "secure area of an airport" means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulations).

SEC. 4082. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act.

TITLE V—BORDER PROTECTION, IMMIGRATION, AND VISA MATTERS

Subtitle A—Advanced Technology Northern Border Security Pilot Program

SEC. 5101. ESTABLISHMENT.

The Secretary of Homeland Security may carry out a pilot program to test various advanced technologies that will improve border security between ports of entry along the northern border of the United States.

SEC. 5102. PROGRAM REQUIREMENTS.

(a) REQUIRED FEATURES.—The Secretary of Homeland Security shall design the pilot program under this subtitle to have the following features:

(1) Use of advanced technological systems, including sensors, video, and unmanned aerial vehicles, for border surveillance.

(2) Use of advanced computing and decision integration software for—

(A) evaluation of data indicating border incursions;

(B) assessment of threat potential; and

(C) rapid real-time communication, monitoring, intelligence gathering, deployment, and response.

(3) Testing of advanced technology systems and software to determine best and most cost-effective uses of advanced technology to improve border security.

(4) Operation of the program in remote stretches of border lands with long distances between 24-hour ports of entry with a relatively small presence of United States border patrol officers.

(5) Capability to expand the program upon a determination by the Secretary that expansion would be an appropriate and cost-effective means of improving border security.

(b) COORDINATION WITH OTHER AGENCIES.—The Secretary of Homeland Security shall ensure that the operation of the pilot program under this subtitle—

(1) is coordinated among United States, State, local, and Canadian law enforcement and border security agencies; and

(2) includes ongoing communication among such agencies.

SEC. 5103. ADMINISTRATIVE PROVISIONS.

(a) PROCUREMENT OF ADVANCED TECHNOLOGY.—The Secretary of Homeland Security may enter into contracts for the procurement or use of such advanced technologies as the Secretary determines appropriate for the pilot program under this subtitle.

(b) PROGRAM PARTNERSHIPS.—In carrying out the pilot program under this subtitle, the Secretary of Homeland Security may provide for the establishment of cooperative arrangements for participation in the pilot program by such participants as law enforcement and border security agencies referred to in section 5102(b), institutions of higher education, and private sector entities.

SEC. 5104. REPORT.

(a) REQUIREMENT FOR REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the pilot program under this subtitle.

(b) CONTENT.—The report under subsection (a) shall include the following matters:

(1) A discussion of the implementation of the pilot program, including the experience under the pilot program.

(2) A recommendation regarding whether to expand the pilot program along the entire northern border of the United States and a timeline for the implementation of the expansion.

SEC. 5105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the pilot program under this subtitle.

Subtitle B—Border and Immigration Enforcement

SEC. 5201. BORDER SURVEILLANCE.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the President and the appropriate committees of Congress a comprehensive plan for the systematic surveillance of the southwest border of the United States by remotely piloted aircraft.

(b) CONTENTS.—The plan submitted under subsection (a) shall include—

(1) recommendations for establishing command and control centers, operations sites, infrastructure, maintenance, and procurement;

(2) cost estimates for the implementation of the plan and ongoing operations;

(3) recommendations for the appropriate agent within the Department of Homeland Security to be the executive agency for remotely piloted aircraft operations;

(4) the number of remotely piloted aircraft required for the plan;

(5) the types of missions the plan would undertake, including—

(A) protecting the lives of people seeking illegal entry into the United States;

(B) interdicting illegal movement of people, weapons, and other contraband across the border;

(C) providing investigative support to assist in the dismantling of smuggling and criminal networks along the border;

(D) using remotely piloted aircraft to serve as platforms for the collection of intelligence against smugglers and criminal networks along the border; and

(E) further validating and testing of remotely piloted aircraft for airspace security missions;

(6) the equipment necessary to carry out the plan; and

(7) a recommendation regarding whether to expand the pilot program along the entire southwest border.

(c) IMPLEMENTATION.—The Secretary of Homeland Security shall implement the plan submitted under subsection (a) as a pilot program as soon as sufficient funds are appropriated and available for this purpose.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

In each of the fiscal years 2006 through 2010, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 2,000 the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security above the number of such positions for which funds were allotted for the preceding fiscal year. In each of the fiscal years 2006 through 2010, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

SEC. 5203. INCREASE IN FULL-TIME IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.

In each of fiscal years 2006 through 2010, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 800 the number of positions for full-time active duty investigators within the Department of Homeland Security investigating violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) above the number of such positions for which funds were made available during the preceding fiscal year.

SEC. 5204. INCREASE IN DETENTION BED SPACE.

(a) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary of Homeland Security shall increase by not less than 8,000, in each of the fiscal years 2006 through 2010, the number of beds available for immigration detention and removal operations of the Department of Homeland Security above the number for which funds were allotted for the preceding fiscal year.

(b) PRIORITY.—The Secretary shall give priority for the use of these additional beds to the detention of individuals charged with removability under section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) or inadmissibility under section 212(a)(3) of that Act (8 U.S.C. 1182(a)(3)).

Subtitle C—Visa Requirements

SEC. 5301. IN PERSON INTERVIEWS OF VISA APPLICANTS.

(a) REQUIREMENT FOR INTERVIEWS.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

"(h) Notwithstanding any other provision of this Act, the Secretary of State shall require every alien applying for a nonimmigrant visa—

"(1) who is at least 14 years of age and not more than 79 years of age to submit to an in person interview with a consular officer unless the requirement for such interview is waived—

"(A) by a consular official and such alien is—

"(i) within that class of nonimmigrants enumerated in subparagraph (A) or (G) of section 101(a)(15);

"(ii) within the NATO visa category;

"(iii) within that class of nonimmigrants enumerated in section 101(a)(15)(C)(iii) (referred to as the 'C-3 visa' category); or

"(iv) granted a diplomatic or official visa on a diplomatic or official passport or on the equivalent thereof;

"(B) by a consular official and such alien is applying for a visa—

"(i) not more than 12 months after the date on which such alien's prior visa expired;

"(ii) for the visa classification for which such prior visa was issued;

"(iii) from the consular post located in the country of such alien's usual residence, unless otherwise prescribed in regulations that require an applicant to apply for a visa in the country of which such applicant is a national; and

"(iv) the consular officer has no indication that such alien has not complied with the immigration laws and regulations of the United States; or

"(C) by the Secretary of State if the Secretary determines that such waiver is—

"(i) in the national interest of the United States; or

"(ii) necessary as a result of unusual or emergent circumstances; and

"(2) notwithstanding paragraph (1), to submit to an in person interview with a consular officer if such alien—

"(A) is not a national or resident of the country in which such alien is applying for a visa;

"(B) was previously refused a visa, unless such refusal was overcome or a waiver of ineligibility has been obtained;

"(C) is listed in the Consular Lookout and Support System (or successor system at the Department of State);

"(D) is a national of a country officially designated by the Secretary of State as a state sponsor of terrorism, except such nationals who possess nationalities of countries that are not designated as state sponsors or terrorism;

"(E) requires a security advisory opinion or other Department of State clearance, unless such alien is—

"(i) within that class of nonimmigrants enumerated in subparagraph (A) or (G) of section 101(a)(15);

"(ii) within the NATO visa category;

"(iii) within that class of nonimmigrants enumerated in section 101(a)(15)(C)(iii) (referred to as the 'C-3 visa' category); or

"(iv) an alien who qualifies for a diplomatic or official visa, or its equivalent; or

"(F) is identified as a member of a group or sector that the Secretary of State determines—

"(i) poses a substantial risk of submitting inaccurate information in order to obtain a visa;

"(ii) has historically had visa applications denied at a rate that is higher than the average rate of such denials; or

"(iii) poses a security threat to the United States.".

SEC. 5302. VISA APPLICATION REQUIREMENTS.

Section 222(c) of the Immigration and Nationality Act (8 U.S.C. 1202(c)) is amended by inserting "The alien shall provide complete and accurate information in response to any request for information contained in the application." after the second sentence.

SEC. 5303. EFFECTIVE DATE.

Notwithstanding section 1086 or any other provision of this Act, sections 5301 and 5302 shall take effect 90 days after the date of enactment of this Act.

SEC. 5304. REVOCATION OF VISAS AND OTHER TRAVEL DOCUMENTATION.

(a) LIMITATION ON REVIEW.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by adding at the end the following: "There shall be no means of judicial review (including review pursuant to section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title) of a revocation under this subsection, except in the context of a removal proceeding if such revocation provides the sole ground for removal under section 237(a)(1)(B).".

(b) CLASSES OF DEPORTABLE ALIENS.—Section 237(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(B)) is amended by striking "United States is" and inserting the following: "United States, or whose nonimmigrant visa (or other documentation authorizing admission into the United States as a nonimmigrant) has been revoked under section 221(i), is".

(c) REVOCATION OF PETITIONS.—Section 205 of the Immigration and Nationality Act (8 U.S.C. 1155) is amended—

(1) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(2) by striking the final two sentences.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to revocations under sections 205 and 221(i) of the Immigration and Nationality Act (8 U.S.C. 1155, 1201(i)) made before, on, or after such date.

Subtitle D—Immigration Reform

SEC. 5401. BRINGING IN AND HARBORING CERTAIN ALIENS.

(a) CRIMINAL PENALTIES.—Section 274(a) of the Immigration and Nationality Act (8 U.S.C.

1324(a)) is amended by adding at the end the following:

"(4) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may be increased by up to 10 years if—

"(A) the offense was part of an ongoing commercial organization or enterprise;

"(B) aliens were transported in groups of 10 or more; and

"(C)(i) aliens were transported in a manner that endangered their lives; or

"(ii) the aliens presented a life-threatening health risk to people in the United States.".

(b) OUTREACH PROGRAM.—Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324), as amended by subsection (a), is further amended by adding at the end the following:

"(e) OUTREACH PROGRAM.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall develop and implement an outreach program to educate the public in the United States and abroad about the penalties for bringing in and harboring aliens in violation of this section.".

SEC. 5402. DEPORTATION OF ALIENS WHO HAVE RECEIVED MILITARY-TYPE TRAINING FROM TERRORIST ORGANIZATIONS.

Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

"(E) RECIPIENT OF MILITARY-TYPE TRAINING.—

"(i) IN GENERAL.—Any alien who has received military-type training from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in subclause (I) or (II) of section 212(a)(3)(B)(vi)), is deportable.

"(ii) DEFINITION.—As used in this subparagraph, the term 'military-type training' includes training in means or methods that can cause death or serious bodily injury, destroy or damage property, or disrupt services to critical infrastructure, or training on the use, storage, production, or assembly of any explosive, firearm, or other weapon, including any weapon of mass destruction (as defined in section 2332a(c)(2) of title 18, United States Code).".

SEC. 5403. STUDY AND REPORT ON TERRORISTS IN THE ASYLUM SYSTEM.

(a) STUDY.—Commencing not later than 30 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to evaluate the extent to which weaknesses in the United States asylum system and withholding of removal system have been or could be exploited by aliens connected to, charged in connection with, or tied to terrorist activity.

(b) ELEMENTS.—The study under subsection (a) shall address, but not be limited to, the following:

(1) The number of aliens connected to, tied to, charged in connection with, or who claim to have been accused of or charged in connection with terrorist activity who have applied for, been granted, or been denied asylum.

(2) The number of aliens connected to, tied to, charged in connection with, or who claim to have been accused of or charged in connection with terrorist activity who have applied for, been granted, or been denied release from detention.

(3) The number of aliens connected to, tied to, charged in connection with, or who claim to have been accused of or charged in connection with terrorist activity who have been denied asylum but who remain at large in the United States.

(4) The effect of the confidentiality provisions of section 208.6 of title 8, Code of Federal Regulations, on the ability of the United States Government to establish that an alien is connected to or tied to terrorist activity, such that the alien is barred from asylum or withholding of removal, is removable from the United States, or both.

(5) The effect that precedential decisions, if any, holding that the extrajudicial punishment of an individual connected to terrorism, or guerrilla or militant activity abroad, or threats of such punishment, constitute persecution on account of political opinion as defined in section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)), have had on the ability of the United States Government to remove aliens whom the United States Government believes are connected to or have ties to terrorism.

(6) The extent to which court precedents have affected the ability of the United States Government to determine or prove that an alien the United States Government believes to be connected to or tied to terrorism is in fact so connected or tied, including—

(A) so-called "imputed political opinion";

(B) judicial review, reversal, or both of the credibility determinations of immigration judges; and

(C) the need to use classified information in removal proceedings against aliens suspected of connections or ties to terrorism.

(7) The likelihood that an alien connected to or with ties to terrorism has been granted asylum or withholding of removal.

(8) The likelihood that an alien connected to or with ties to terrorism has used the United States asylum system to enter or remain in the United States in order to plan, conspire, or carry out, or attempt to plan, conspire, or carry out, an act of terrorism.

(c) CONSIDERATION AND ASSESSMENT.—Solely for purposes of conducting the study under subsection (a), the Comptroller General shall consider the possibility, and assess the likelihood, that an alien whom the United States Government accuses or has accused of having a connection to or ties to terrorism is in fact connected to or tied to terrorism, notwithstanding any administrative or judicial determination to the contrary.

(d) SCOPE.—In conducting the study under subsection (a), the Comptroller General shall seek information from the Department of Homeland Security, the Federal Bureau of Investigation, the Central Intelligence Agency, the Department of Justice, foreign governments, experts in the field of alien terrorists, and any other appropriate source.

(e) PRIVACY.—

(1) IN GENERAL.—Notwithstanding section 208.6 of title 8, Code of Federal Regulations, the Comptroller General shall, for purposes of the study under subsection (a), have access to the applications and administrative and judicial records of alien applicants for asylum and withholding of removal. Except for purposes of preparing the reports under subsection (f), such information shall not be further disclosed or disseminated, nor shall the names or personal identifying information of any applicant be released.

(2) SECURITY OF RECORDS.—The Comptroller General shall ensure that records received pursuant to this section are appropriately secured to prevent their inadvertent disclosure.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress and the Secretary of Homeland Security a report on the findings and recommendations of the Comptroller General under the study under subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) The assessment of the Comptroller General on each matter specified in subsection (b).

(B) Any recommendations of the Comptroller General for such administrative action on any matter specified in subsection (a) as the Comptroller General considers necessary to better protect the national security of the United States.

(C) Any recommendations of the Comptroller General for such legislative action on any matter specified in subsection (a) as the Comptroller General considers necessary to better protect the national security of the United States.

(3) FORM.—If necessary, the Comptroller General may submit a classified and unclassified version of the report under paragraph (1).

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle E—Treatment of Aliens Who Commit Acts of Torture, Extrajudicial Killings, or Other Atrocities Abroad

SEC. 5501. INADMISSIBILITY AND DEPORTABILITY OF ALIENS WHO HAVE COMMITTED ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS ABROAD.

(a) INADMISSIBILITY.—Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

(1) in clause (ii), by striking "has engaged in conduct that is defined as genocide for purposes of the International Convention on the Prevention and Punishment of Genocide is inadmissible" and inserting "ordered, incited, assisted, or otherwise participated in conduct outside the United States that would, if committed in the United States or by a United States national, be genocide, as defined in section 1091(a) of title 18, United States Code, is inadmissible";

(2) by adding at the end the following:

"(iii) COMMISSION OF ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS.—Any alien who, outside the United States, has committed, ordered, incited, assisted, or otherwise participated in the commission of—

"(I) any act of torture, as defined in section 2340 of title 18, United States Code; or

"(II) under color of law of any foreign nation, any extrajudicial killing, as defined in section 3(a) of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note),

is inadmissible."; and

(3) in the subparagraph heading, by striking "PARTICIPANTS IN NAZI PERSECUTION OR GENOCIDE" and inserting "PARTICIPANTS IN NAZI PERSECUTION, GENOCIDE, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING".

(b) DEPORTABILITY.—Section 237(a)(4)(D) of such Act (8 U.S.C. 1227(a)(4)(D)) is amended—

(1) by striking "clause (i) or (ii)" and inserting "clause (i), (ii), or (iii)"; and

(2) in the subparagraph heading, by striking "ASSISTED IN NAZI PERSECUTION OR ENGAGED IN GENOCIDE" and inserting "PARTICIPATED IN NAZI PERSECUTION, GENOCIDE, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offenses committed before, on, or after the date of enactment of this Act.

SEC. 5502. INADMISSIBILITY AND DEPORTABILITY OF FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

(a) GROUND OF INADMISSIBILITY.—Section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)) is amended to read as follows:

"(G) FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Any alien who, while serving as a foreign government official, was responsible for or directly carried out, at any time, particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402), is inadmissible.''.

(b) GROUND OF DEPORTABILITY.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

''(E) PARTICIPATED IN THE COMMISSION OF SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Any alien described in section 212(a)(2)(G) is deportable.''.

SEC. 5503. WAIVER OF INADMISSIBILITY.

Section 212(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)) is amended—

(1) in subparagraph (A), by striking ''and 3(E)'' and inserting ''and clauses (i) and (ii) of paragraph (3)(E)''; and

(2) in subparagraph (B), by striking ''and 3(E)'' and inserting ''and clauses (i) and (ii) of paragraph (3)(E)''.

SEC. 5504. BAR TO GOOD MORAL CHARACTER FOR ALIENS WHO HAVE COMMITTED ACTS OF TORTURE, EXTRAJUDICIAL KILLINGS, OR SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by striking the period at the end of paragraph (8) and inserting ''; or''; and

(2) by adding at the end the following:

''(9) one who at any time has engaged in conduct described in section 212(a)(3)(E) (relating to assistance in Nazi persecution, participation in genocide, or commission of acts of torture or extrajudicial killings) or 212(a)(2)(G) (relating to severe violations of religious freedom).''.

SEC. 5505. ESTABLISHMENT OF THE OFFICE OF SPECIAL INVESTIGATIONS.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

''(h)(1) The Attorney General shall establish within the Criminal Division of the Department of Justice an Office of Special Investigations with the authority to detect and investigate, and, where appropriate, to take legal action to denaturalize any alien described in section 212(a)(3)(E).

''(2) The Attorney General shall consult with the Secretary of Homeland Security in making determinations concerning the criminal prosecution or extradition of aliens described in section 212(a)(3)(E).

''(3) In determining the appropriate legal action to take against an alien described in section 212(a)(3)(E), consideration shall be given to—

''(A) the availability of criminal prosecution under the laws of the United States for any conduct that may form the basis for removal and denaturalization; or

''(B) the availability of extradition of the alien to a foreign jurisdiction that is prepared to undertake a prosecution for such conduct.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the additional duties established under section 103(h) of the Immigration and Nationality Act (as added by this subtitle) in order to ensure that the Office of Special Investigations fulfills its continuing obligations regarding Nazi war criminals.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 5506. REPORT ON IMPLEMENTATION.

Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Homeland Security, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on implementation of this subtitle that includes a description of—

(1) the procedures used to refer matters to the Office of Special Investigations and other components within the Department of Justice and the Department of Homeland Security in a manner consistent with the amendments made by this subtitle;

(2) the revisions, if any, made to immigration forms to reflect changes in the Immigration and Nationality Act made by the amendments contained in this subtitle; and

(3) the procedures developed, with adequate due process protection, to obtain sufficient evidence to determine whether an alien may be inadmissible under the terms of the amendments made by this subtitle.

TITLE VI—TERRORISM PREVENTION

Subtitle A—Individual Terrorists as Agents of Foreign Powers

SEC. 6001. INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

(a) IN GENERAL.—Section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)) is amended by adding at the end the following new subparagraph:

''(C) engages in international terrorism or activities in preparation therefore; or''.

(b) SUNSET.—The amendment made by subsection (a) shall be subject to the sunset provision in section 224 of Public Law 107–56 (115 Stat. 295), including the exception provided in subsection (b) of such section 224.

SEC. 6002. ADDITIONAL SEMIANNUAL REPORTING REQUIREMENTS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) ADDITIONAL REPORTING REQUIREMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by redesignating—

(A) title VI as title VII; and

(B) section 601 as section 701; and

(2) by inserting after title V the following new title:

''TITLE VI—REPORTING REQUIREMENT

''SEC. 601. SEMIANNUAL REPORT OF THE ATTORNEY GENERAL.

''(a) REPORT.—On a semiannual basis, the Attorney General shall submit to the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the committees on the Judiciary of the House of Representatives and the Senate, in a manner consistent with the protection of the national security, a report setting forth with respect to the preceding 6-month period—

''(1) the aggregate number of persons targeted for orders issued under this Act, including a breakdown of those targeted for—

''(A) electronic surveillance under section 105;

''(B) physical searches under section 304;

''(C) pen registers under section 402; and

''(D) access to records under section 501;

''(2) the number of individuals covered by an order issued pursuant to section 101(b)(1)(C);

''(3) the number of times that the Attorney General has authorized that information obtained under this Act may be used in a criminal proceeding or any information derived therefrom may be used in a criminal proceeding;

''(4) a summary of significant legal interpretations of this Act involving matters before the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review, including interpretations presented in applications or pleadings filed with the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review by the Department of Justice; and

''(5) copies of all decisions (not including orders) or opinions of the Foreign Intelligence Surveillance Court or Foreign Intelligence Surveillance Court of Review that include significant construction or interpretation of the provisions of this Act.

''(b) FREQUENCY.—The first report under this section shall be submitted not later than 6 months after the date of enactment of this section. Subsequent reports under this section shall be submitted semi-annually thereafter.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Foreign Intelligence Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to title VI and inserting the following new items:

''TITLE VI—REPORTING REQUIREMENT

''Sec. 601. Semiannual report of the Attorney General.

''TITLE VII—EFFECTIVE DATE

''Sec. 701. Effective date.''.

Subtitle B—Money Laundering and Terrorist Financing

SEC. 6101. ADDITIONAL AUTHORIZATION FOR FINCEN.

Subsection (d) of section 310 of title 31, United States Code, is amended—

(1) by striking ''APPROPRIATIONS.—There are authorized'' and inserting ''APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized''; and

(2) by adding at the end the following new paragraph:

''(2) AUTHORIZATION FOR FUNDING KEY TECHNOLOGICAL IMPROVEMENTS IN MISSION-CRITICAL FINCEN SYSTEMS.—There are authorized to be appropriated for fiscal year 2005 the following amounts, which are authorized to remain available until expended:

''(A) BSA DIRECT.—For technological improvements to provide authorized law enforcement and financial regulatory agencies with Web-based access to FinCEN data, to fully develop and implement the highly secure network required under section 362 of Public Law 107–56 to expedite the filing of, and reduce the filing costs for, financial institution reports, including suspicious activity reports, collected by FinCEN under chapter 53 and related provisions of law, and enable FinCEN to immediately alert financial institutions about suspicious activities that warrant immediate and enhanced scrutiny, and to provide and upgrade advanced information-sharing technologies to materially improve the Government's ability to exploit the information in the FinCEN data banks, $16,500,000.

''(B) ADVANCED ANALYTICAL TECHNOLOGIES.—To provide advanced analytical tools needed to ensure that the data collected by FinCEN under chapter 53 and related provisions of law are utilized fully and appropriately in safeguarding financial institutions and supporting the war on terrorism, $5,000,000.

''(C) DATA NETWORKING MODERNIZATION.—To improve the telecommunications infrastructure to support the improved capabilities of the FinCEN systems, $3,000,000.

''(D) ENHANCED COMPLIANCE CAPABILITY.—To improve the effectiveness of the Office of Compliance in FinCEN, $3,000,000.

''(E) DETECTION AND PREVENTION OF FINANCIAL CRIMES AND TERRORISM.—To provide development of, and training in the use of, technology to detect and prevent financial crimes and terrorism within and without the United States, $8,000,000.''.

SEC. 6102. MONEY LAUNDERING AND FINANCIAL CRIMES STRATEGY REAUTHORIZATION.

(a) PROGRAM.—Section 5341(a)(2) of title 31, United States Code, is amended—

(1) by striking ''February 1'' and inserting ''August 1''; and

(2) by striking "and 2003," and inserting "2003, 2005, and 2007,".

(b) REAUTHORIZATION OF APPROPRIATIONS.—Section 5355 of title 31, United States Code, is amended by adding at the end the following:

"2004 .... $15,000,000.
"2005 .... $15,000,000.".

Subtitle C—Money Laundering Abatement and Financial Antiterrorism Technical Corrections

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the "International Money Laundering Abatement and Financial Antiterrorism Technical Corrections Act of 2004".

SEC. 6202. TECHNICAL CORRECTIONS TO PUBLIC LAW 107–56.

(a) The heading of title III of Public Law 107–56 is amended to read as follows:

"TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND FINANCIAL ANTITERRORISM ACT OF 2001".

(b) The table of contents for Public Law 107–56 is amended by striking the item relating to title III and inserting the following:

"TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND FINANCIAL ANTITERRORISM ACT OF 2001".

(c) Section 302 of Public Law 107–56 is amended—

(1) in subsection (a)(4), by striking the comma after "movement of criminal funds";

(2) in subsection (b)(7), by inserting "or types of accounts" after "classes of international transactions"; and

(3) in subsection (b)(10), by striking "subchapters II and III" and inserting "subchapter II".

(d) Section 303(a) of Public Law 107–56 is amended by striking "Anti-Terrorist Financing Act" and inserting "Financial Antiterrorism Act".

(e) The heading for section 311 of Public Law 107–56 is amended by striking "**OR INTERNATIONAL TRANSACTIONS**" and inserting "**INTERNATIONAL TRANSACTIONS, OR TYPES OF ACCOUNTS**".

(f) Section 314 of Public Law 107–56 is amended—

(1) in paragraph (1)—

(A) by inserting a comma after "organizations engaged in"; and

(B) by inserting a comma after "credible evidence of engaging in";

(2) in paragraph (2)(A)—

(A) by striking "and" after "nongovernmental organizations,"; and

(B) by inserting a comma after "unwittingly involved in such finances";

(3) in paragraph (3)(A)—

(A) by striking "to monitor accounts of" and inserting "monitor accounts of,"; and

(B) by striking the comma after "organizations identified"; and

(4) in paragraph (3)(B), by inserting "financial" after "size, and nature of the".

(g) Section 321(a) of Public Law 107–56 is amended by striking "5312(2)" and inserting "5312(a)(2)".

(h) Section 325 of Public Law 107–56 is amended by striking "as amended by section 202 of this title," and inserting "as amended by section 352,".

(i) Subsections (a)(2) and (b)(2) of section 327 of Public Law 107–56 are each amended by striking "2001" and all that follows and inserting a period.

(j) Section 356(c)(4) of Public Law 107–56 is amended by striking "or business or other grantor trust" and inserting ", business trust, or other grantor trust".

(k) Section 358(e) of Public Law 107–56 is amended—

(1) by striking "Section 123(a)" and inserting "That portion of section 123(a)";

(2) by striking "is amended to read" and inserting "that precedes paragraph (1) of such section is amended to read"; and

(3) in the amendment made in that subsection (e), by striking "person." and inserting the following: "person—".

(l) Section 360 of Public Law 107–56 is amended—

(1) in subsection (a), by inserting "the" after "utilization of the funds of"; and

(2) in subsection (b), by striking "at such institutions" and inserting "at such institution".

(m) Section 362(a)(1) of Public Law 107–56 is amended by striking "subchapter II or III" and inserting "subchapter II".

(n) Section 365 of Public Law 107–56 is amended—

(1) by redesignating the second of the 2 subsections designated as subsection (c) (relating to a clerical amendment) as subsection (d); and

(2) by redesignating subsection (f) as subsection (e).

(o) Section 365(d) of Public Law 107–56 (as so redesignated by subsection (n) of this section) is amended by striking "section 5332 (as added by section 112 of this title)" and inserting "section 5330".

SEC. 6203. TECHNICAL CORRECTIONS TO OTHER PROVISIONS OF LAW.

(a) Section 310(c) of title 31, United States Code, is amended by striking "the Network" each place such term appears and inserting "FinCEN".

(b) Section 5312(a)(3)(C) of title 31, United States Code, is amended by striking "sections 5333 and 5316" and inserting "sections 5316 and 5331".

(c) Section 5318(i) of title 31, United States Code, is amended—

(1) in paragraph (3)(B), by inserting a comma after "foreign political figure" the second place such term appears; and

(2) in the heading of paragraph (4), by striking "DEFINITION" and inserting "DEFINITIONS".

(d) Section 5318(k)(1)(B) of title 31, United States Code, is amended by striking "section 5318A(f)(1)(B)" and inserting "section 5318A(e)(1)(B)".

(e) The heading for section 5318A of title 31, United States Code, is amended to read as follows:

"§5318A. Special measures for jurisdictions, financial institutions, international transactions, or types of accounts of primary money laundering concern".

(f) Section 5318A of title 31, United States Code, is amended—

(1) in subsection (a)(4)(A), by striking ", as defined in section 3 of the Federal Deposit Insurance Act," and inserting "(as defined in section 3 of the Federal Deposit Insurance Act)";

(2) in subsection (a)(4)(B)(iii), by striking "or class of transactions" and inserting "class of transactions, or type of account";

(3) in subsection (b)(1)(A), by striking "or class of transactions to be" and inserting "class of transactions, or type of account to be"; and

(4) in subsection (e)(3), by inserting "or subsection (i) or (j) of section 5318" after "identification of individuals under this section".

(g) Section 5324(b) of title 31, United States Code, is amended by striking "5333" each place such term appears and inserting "5331".

(h) Section 5332 of title 31, United States Code, is amended—

(1) in subsection (b)(2), by striking ", subject to subsection (d) of this section"; and

(2) in subsection (c)(1), by striking ", subject to subsection (d) of this section,".

(i) The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by striking the item relating to section 5318A and inserting the following:

"5318A. Special measures for jurisdictions, financial institutions, international transactions, or types of accounts of primary money laundering concern.".

(j) Section 18(w)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1828(w)(3)) is amended by inserting a comma after "agent of such institution".

(k) Section 21(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(a)(2)) is amended by striking "recognizes that" and inserting "recognizing that".

(l) Section 626(e) of the Fair Credit Reporting Act (15 U.S.C. 1681v(e)) is amended by striking "governmental agency" and inserting "government agency".

SEC. 6204. REPEAL OF REVIEW.

Title III of Public Law 107–56 is amended by striking section 303 (31 U.S.C. 5311 note).

SEC. 6205. EFFECTIVE DATE.

The amendments made by this subchapter to Public Law 107–56, the United States Code, the Federal Deposit Insurance Act, and any other provision of law shall take effect as if such amendments had been included in Public Law 107–56, as of the date of enactment of such Public Law, and no amendment made by such Public Law that is inconsistent with an amendment made by this subchapter shall be deemed to have taken effect.

Subtitle D—Additional Enforcement Tools

SEC. 6301. BUREAU OF ENGRAVING AND PRINTING SECURITY PRINTING.

(a) PRODUCTION OF DOCUMENTS.—Section 5114(a) of title 31, United States Code (relating to engraving and printing currency and security documents), is amended—

(1) by striking "(a) The Secretary of the Treasury" and inserting:

"(a) AUTHORITY TO ENGRAVE AND PRINT.—

"(1) IN GENERAL.—The Secretary of the Treasury"; and

(2) by adding at the end the following new paragraphs:

"(2) ENGRAVING AND PRINTING FOR OTHER GOVERNMENTS.—The Secretary of the Treasury may produce currency, postage stamps, and other security documents for foreign governments if—

"(A) the Secretary of the Treasury determines that such production will not interfere with engraving and printing needs of the United States; and

"(B) the Secretary of State determines that such production would be consistent with the foreign policy of the United States.

"(3) PROCUREMENT GUIDELINES.—Articles, material, and supplies procured for use in the production of currency, postage stamps, and other security documents for foreign governments pursuant to paragraph (2) shall be treated in the same manner as articles, material, and supplies procured for public use within the United States for purposes of title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.; commonly referred to as the Buy American Act).".

(b) REIMBURSEMENT.—Section 5143 of title 31, United States Code (relating to payment for services of the Bureau of Engraving and Printing), is amended—

(1) in the first sentence, by inserting "or to a foreign government under section 5114" after "agency";

(2) in the second sentence, by inserting "and other" after "including administrative"; and

(3) in the last sentence, by inserting ", and the Secretary shall take such action, in coordination with the Secretary of State, as may be appropriate to ensure prompt payment by a foreign government of any invoice or statement of account submitted by the Secretary with respect to services rendered under section 5114" before the period at the end.

SEC. 6302. REPORTING OF CERTAIN CROSS-BORDER TRANSMITTAL OF FUNDS.

Section 5318 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(n) REPORTING OF CERTAIN CROSS-BORDER TRANSMITTALS OF FUNDS.—

"(1) IN GENERAL.—Subject to paragraphs (3) and (4), the Secretary shall prescribe regulations requiring such financial institutions as the Secretary determines to be appropriate to report to the Financial Crimes Enforcement Network certain cross-border electronic transmittals of funds, if the Secretary determines that reporting of such transmittals is reasonably necessary to conduct the efforts of the Secretary against money laundering and terrorist financing.

"(2) LIMITATION ON REPORTING REQUIREMENTS.—Information required to be reported by the regulations prescribed under paragraph (1) shall not exceed the information required to be retained by the reporting financial institution pursuant to section 21 of the Federal Deposit Insurance Act and the regulations promulgated thereunder, unless—

"(A) the Board of Governors of the Federal Reserve System and the Secretary jointly determine that a particular item or items of information are not currently required to be retained under such section or such regulations; and

"(B) the Secretary determines, after consultation with the Board of Governors of the Federal Reserve System, that the reporting of such information is reasonably necessary to conduct the efforts of the Secretary to identify cross-border money laundering and terrorist financing.

"(3) FORM AND MANNER OF REPORTS.—In prescribing the regulations required under paragraph (1), the Secretary shall, subject to paragraph (2), determine the appropriate form, manner, content, and frequency of filing of the required reports.

"(4) FEASIBILITY REPORT.—

"(A) IN GENERAL.—Before prescribing the regulations required under paragraph (1), and as soon as is practicable after the date of enactment of the National Intelligence Reform Act of 2004, the Secretary shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that—

"(i) identifies the information in cross-border electronic transmittals of funds that may be found in particular cases to be reasonably necessary to conduct the efforts of the Secretary to identify money laundering and terrorist financing, and outlines the criteria to be used by the Secretary to select the situations in which reporting under this subsection may be required;

"(ii) outlines the appropriate form, manner, content, and frequency of filing of the reports that may be required under such regulations;

"(iii) identifies the technology necessary for the Financial Crimes Enforcement Network to receive, keep, exploit, protect the security of, and disseminate information from reports of cross-border electronic transmittals of funds to law enforcement and other entities engaged in efforts against money laundering and terrorist financing; and

"(iv) discusses the information security protections required by the exercise of the Secretary's authority under this subsection.

"(B) CONSULTATION.—In reporting the feasibility report under subparagraph (A), the Secretary may consult with the Bank Secrecy Act Advisory Group established by the Secretary, and any other group considered by the Secretary to be relevant.

"(5) REGULATIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the regulations required by paragraph (1) shall be prescribed in final form by the Secretary, in consultation with the Board of Governors of the Federal Reserve System, before the end of the 3-year period beginning on the date of enactment of the National Intelligence Reform Act of 2004.

"(B) TECHNOLOGICAL FEASIBILITY.—No regulations shall be prescribed under this subsection before the Secretary certifies to the Congress that the Financial Crimes Enforcement Network has the technological systems in place to effectively and efficiently receive, keep, exploit, protect the security of, and disseminate information from reports of cross-border electronic transmittals of funds to law enforcement and other entities engaged in efforts against money laundering and terrorist financing.".

SEC. 6303. TERRORISM FINANCING.

(a) REPORT ON TERRORIST FINANCING.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the President, acting through the Secretary of the Treasury, shall submit to Congress a report evaluating the current state of United States efforts to curtail the international financing of terrorism.

(2) CONTENTS.—The report required by paragraph (1) shall evaluate and make recommendations on—

(A) the effectiveness and efficiency of current United States governmental efforts and methods to detect, track, disrupt, and stop terrorist financing;

(B) the relationship between terrorist financing and money laundering, including how the laundering of proceeds related to illegal narcotics or foreign political corruption may contribute to terrorism or terrorist financing;

(C) the nature, effectiveness, and efficiency of current efforts to coordinate intelligence and agency operations within the United States Government to detect, track, disrupt, and stop terrorist financing, including identifying who, if anyone, has primary responsibility for developing priorities, assigning tasks to agencies, and monitoring the implementation of policy and operations;

(D) the effectiveness and efficiency of efforts to protect the critical infrastructure of the United States financial system, and ways to improve the effectiveness of financial institutions;

(E) ways to improve multilateral and international governmental cooperation on terrorist financing, including the adequacy of agency coordination within the United States related to participating in international cooperative efforts and implementing international treaties and compacts; and

(F) ways to improve the setting of priorities and coordination of United States efforts to detect, track, disrupt, and stop terrorist financing, including recommendations for changes in executive branch organization or procedures, legislative reforms, additional resources, or use of appropriated funds.

(b) POSTEMPLOYMENT RESTRICTION FOR CERTAIN BANK AND THRIFT EXAMINERS.—Section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820) is amended by adding at the end the following:

"(k) ONE-YEAR RESTRICTIONS ON FEDERAL EXAMINERS OF FINANCIAL INSTITUTIONS.—

"(1) IN GENERAL.—In addition to other applicable restrictions set forth in title 18, United States Code, the penalties set forth in paragraph (6) of this subsection shall apply to any person who—

"(A) was an officer or employee (including any special Government employee) of a Federal banking agency or a Federal reserve bank;

"(B) served 2 or more months during the final 12 months of his or her employment with such agency or entity as the senior examiner (or a functionally equivalent position) of a depository institution or depository institution holding company with continuing, broad responsibility for the examination (or inspection) of that depository institution or depository institution holding company on behalf of the relevant agency or Federal reserve bank; and

"(C) within 1 year after the termination date of his or her service or employment with such agency or entity, knowingly accepts compensation as an employee, officer, director, or consultant from—

"(i) such depository institution, any depository institution holding company that controls such depository institution, or any other company that controls such depository institution; or

"(ii) such depository institution holding company or any depository institution that is controlled by such depository institution holding company.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'depository institution' includes an uninsured branch or agency of a foreign bank, if such branch or agency is located in any State; and

"(B) the term 'depository institution holding company' includes any foreign bank or company described in section 8(a) of the International Banking Act of 1978.

"(3) RULES OF CONSTRUCTION.—For purposes of this subsection, a foreign bank shall be deemed to control any branch or agency of the foreign bank, and a person shall be deemed to act as a consultant for a depository institution, depository institution holding company, or other company, only if such person directly works on matters for, or on behalf of, such depository institution, depository institution holding company, or other company.

"(4) REGULATIONS.—

"(A) IN GENERAL.—Each Federal banking agency shall prescribe rules or regulations to administer and carry out this subsection, including rules, regulations, or guidelines to define the scope of persons referred to in paragraph (1)(B).

"(B) CONSULTATION REQUIRED.—The Federal banking agencies shall consult with each other for the purpose of assuring that the rules and regulations issued by the agencies under subparagraph (A) are, to the extent possible, consistent, comparable, and practicable, taking into account any differences in the supervisory programs utilized by the agencies for the supervision of depository institutions and depository institution holding companies.

"(5) WAIVER.—

"(A) AGENCY AUTHORITY.—A Federal banking agency may grant a waiver, on a case by case basis, of the restriction imposed by this subsection to any officer or employee (including any special Government employee) of that agency, and the Board of Governors of the Federal Reserve System may grant a waiver of the restriction imposed by this subsection to any officer or employee of a Federal reserve bank, if the head of such agency certifies in writing that granting the waiver would not affect the integrity of the supervisory program of the relevant Federal banking agency.

"(B) DEFINITION.—For purposes of this paragraph, the head of an agency is—

"(i) the Comptroller of the Currency, in the case of the Office of the Comptroller of the Currency;

"(ii) the Chairman of the Board of Governors of the Federal Reserve System, in the case of the Board of Governors of the Federal Reserve System;

"(iii) the Chairperson of the Board of Directors, in the case of the Corporation; and

"(iv) the Director of the Office of Thrift Supervision, in the case of the Office of Thrift Supervision.

"(6) PENALTIES.—

"(A) In General.—In addition to any other administrative, civil, or criminal remedy or penalty that may otherwise apply, whenever a Federal banking agency determines that a person subject to paragraph (1) has become associated, in the manner described in paragraph (1)(C), with a depository institution, depository institution holding company, or other company for which such agency serves as the appropriate Federal banking agency, the agency shall impose upon such person one or more of the following penalties:

"(i) Industry-wide Prohibition Order.—The Federal banking agency shall serve a written notice or order in accordance with and subject to the provisions of section 8(e)(4) for written notices or orders under paragraph (1) or (2) of section 8(e), upon such person of the intention of the agency—

"(I) to remove such person from office or to prohibit such person from further participation in the conduct of the affairs of the depository institution, depository institution holding company, or other company for a period of up to 5 years; and

"(II) to prohibit any further participation by such person, in any manner, in the conduct of the affairs of any insured depository institution for a period of up to 5 years.

"(ii) Civil Monetary Penalty.—The Federal banking agency may, in an administrative proceeding or civil action in an appropriate United States district court, impose on such person a civil monetary penalty of not more than $250,000. Any administrative proceeding under this clause shall be conducted in accordance with section 8(i). In lieu of an action by the Federal banking agency under this clause, the Attorney General of the United States may bring a civil action under this clause in the appropriate United States district court.

"(B) Scope of Prohibition Order.—Any person subject to an order issued under subparagraph (A)(i) shall be subject to paragraphs (6) and (7) of section 8(e) in the same manner and to the same extent as a person subject to an order issued under such section.

"(C) Definitions.—Solely for purposes of this paragraph, the 'appropriate Federal banking agency' for a company that is not a depository institution or depository institution holding company shall be the Federal banking agency on whose behalf the person described in paragraph (1) performed the functions described in paragraph (1)(B).".

(c) Postemployment Restriction for Certain Credit Union Examiners.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following:

"(w) One-Year Restrictions on Federal Examiners of Insured Credit Unions.—

"(1) In General.—In addition to other applicable restrictions set forth in title 18, United States Code, the penalties set forth in paragraph (5) of this subsection shall apply to any person who—

"(A) was an officer or employee (including any special Government employee) of the Administration;

"(B) served 2 or more months during the final 12 months of his or her employment with the Administration as the senior examiner (or a functionally equivalent position) of an insured credit union with continuing, broad responsibility for the examination (or inspection) of that insured credit union on behalf of the Administration; and

"(C) within 1 year after the termination date of his or her service or employment with the Administration, knowingly accepts compensation as an employee, officer, director, or consultant from such insured credit union.

"(2) Rule of Construction.—For purposes of this subsection, a person shall be deemed to act as a consultant for an insured credit union only if such person directly works on matters for, or on behalf of, such insured credit union.

"(3) Regulations.—

"(A) In General.—The Board shall prescribe rules or regulations to administer and carry out this subsection, including rules, regulations, or guidelines to define the scope of persons referred to in paragraph (1)(B).

"(B) Consultation.—In prescribing rules or regulations under this paragraph, the Board shall, to the extent it deems necessary, consult with the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) on regulations issued by such agencies in carrying out section 10(k) of the Federal Deposit Insurance Act.

"(4) Waiver.—The Board may grant a waiver, on a case by case basis, of the restriction imposed by this subsection to any officer or employee (including any special Government employee) of the Administration if the Chairman certifies in writing that granting the waiver would not affect the integrity of the supervisory program of the Administration.

"(5) Penalties.—

"(A) In General.—In addition to any other administrative, civil, or criminal remedy or penalty that may otherwise apply, whenever the Board determines that a person subject to paragraph (1) has become associated, in the manner described in paragraph (1)(C), with an insured credit union, the Board shall impose upon such person one or more of the following penalties:

"(i) Industry-wide Prohibition Order.—The Board shall serve a written notice or order in accordance with and subject to the provisions of subsection (g)(4) for written notices or orders under paragraph (1) or (2) of subsection (g), upon such person of the intention of the Board—

"(I) to remove such person from office or to prohibit such person from further participation in the conduct of the affairs of the insured credit union for a period of up to 5 years; and

"(II) to prohibit any further participation by such person, in any manner, in the conduct of the affairs of any insured credit union for a period of up to 5 years.

"(ii) Civil Monetary Penalty.—The Board may, in an administrative proceeding or civil action in an appropriate United States district court, impose on such person a civil monetary penalty of not more than $250,000. Any administrative proceeding under this clause shall be conducted in accordance with subsection (k). In lieu of an action by the Board under this clause, the Attorney General of the United States may bring a civil action under this clause in the appropriate United States district court.

"(B) Scope of Prohibition Order.—Any person subject to an order issued under this subparagraph (A)(i) shall be subject to paragraphs (5) and (7) of subsection (g) in the same manner and to the same extent as a person subject to an order issued under subsection (g).".

(d) Effective Date.—Notwithstanding any other effective date established pursuant to this Act, subsection (a) shall become effective on the date of enactment of this Act, and the amendments made by subsections (b) and (c) shall become effective at the end of the 12-month period beginning on the date of enactment of this Act, whether or not final regulations are issued in accordance with the amendments made by this section as of that date of enactment.

Subtitle E—Criminal History Background Checks

SEC. 6401. PROTECT ACT.

Public Law 108-21 is amended—

(1) in section 108(a)(2)(A) by striking "an 18 month" and inserting "a 30-month"; and

(2) in section 108(a)(3)(A) by striking "an 18-month" and inserting "a 30-month".

SEC. 6402. REVIEWS OF CRIMINAL RECORDS OF APPLICANTS FOR PRIVATE SECURITY OFFICER EMPLOYMENT.

(a) Short Title.—This section may be cited as the "Private Security Officer Employment Authorization Act of 2004".

(b) Findings.—Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) private security officers function as an adjunct to, but not a replacement for, public law enforcement by helping to reduce and prevent crime;

(3) such private security officers protect individuals, property, and proprietary information, and provide protection to such diverse operations as banks, hospitals, research and development centers, manufacturing facilities, defense and aerospace contractors, high technology businesses, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, office complexes, schools, residential properties, apartment complexes, gated communities, and others;

(4) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are supplemented by private security officers;

(5) the threat of additional terrorist attacks requires cooperation between public and private sectors and demands professional, reliable, and responsible security officers for the protection of people, facilities, and institutions;

(6) the trend in the Nation toward growth in such security services has accelerated rapidly;

(7) such growth makes available more public sector law enforcement officers to combat serious and violent crimes, including terrorism;

(8) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(9) private security officers and applicants for private security officer positions should be thoroughly screened and trained.

(c) Definitions.—In this section:

(1) Employee.—The term "employee" includes both a current employee and an applicant for employment as a private security officer.

(2) Authorized Employer.—The term "authorized employer" means any person that—

(A) employs private security officers; and

(B) is authorized by regulations promulgated by the Attorney General to request a criminal history record information search of an employee through a State identification bureau pursuant to this section.

(3) Private Security Officer.—The term "private security officer"—

(A) means an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full or part time, for consideration, whether armed or unarmed and in uniform or plain clothes (except for services excluded from coverage under this Act if the Attorney General determines by regulation that such exclusion would serve the public interest); but

(B) does not include—

(i) employees whose duties are primarily internal audit or credit functions;

(ii) employees of electronic security system companies acting as technicians or monitors; or

(iii) employees whose duties primarily involve the secure movement of prisoners.

(4) Security Services.—The term "security services" means acts to protect people or property as defined by regulations promulgated by the Attorney General.

(5) State Identification Bureau.—The term "State identification bureau" means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

(d) CRIMINAL HISTORY RECORD INFORMATION SEARCH.—

(1) IN GENERAL.—

(A) SUBMISSION OF FINGERPRINTS.—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this Act.

(B) EMPLOYEE RIGHTS.—

(i) PERMISSION.—An authorized employer shall obtain written consent from an employee to submit to the State identification bureau of the participating State the request to search the criminal history record information of the employee under this Act.

(ii) ACCESS.—An authorized employer shall provide to the employee confidential access to any information relating to the employee received by the authorized employer pursuant to this Act.

(C) PROVIDING INFORMATION TO THE STATE IDENTIFICATION BUREAU.—Upon receipt of a request for a criminal history record information search from an authorized employer pursuant to this Act, submitted through the State identification bureau of a participating State, the Attorney General shall—

(i) search the appropriate records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(ii) promptly provide any resulting identification and criminal history record information to the submitting State identification bureau requesting the information.

(D) USE OF INFORMATION.—

(i) IN GENERAL.—Upon receipt of the criminal history record information from the Attorney General by the State identification bureau, the information shall be used only as provided in clause (ii).

(ii) TERMS.—In the case of—

(I) a participating State that has no State standards for qualification to be a private security officer, the State shall notify an authorized employer as to the fact of whether an employee has been—

(aa) convicted of a felony, an offense involving dishonesty or a false statement if the conviction occurred during the previous 10 years, or an offense involving the use or attempted use of physical force against the person of another if the conviction occurred during the previous 10 years; or

(bb) charged with a criminal felony for which there has been no resolution during the preceding 365 days; or

(II) a participating State that has State standards for qualification to be a private security officer, the State shall use the information received pursuant to this Act in applying the State standards and shall only notify the employer of the results of the application of the State standards.

(E) FREQUENCY OF REQUESTS.—An authorized employer may request a criminal history record information search for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue such final or interim final regulations as may be necessary to carry out this Act, including—

(A) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and record keeping;

(B) standards for qualification as an authorized employer; and

(C) the imposition of reasonable fees necessary for conducting the background checks.

(3) CRIMINAL PENALTIES FOR USE OF INFORMATION.—Whoever knowingly and intentionally uses any information obtained pursuant to this Act other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

(4) USER FEES.—

(A) IN GENERAL.—The Director of the Federal Bureau of Investigation may—

(i) collect fees to process background checks provided for by this Act; and

(ii) establish such fees at a level to include an additional amount to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

(B) LIMITATIONS.—Any fee collected under this subsection—

(i) shall, consistent with Public Law 101-515 and Public Law 104-99, be credited to the appropriation to be used for salaries and other expenses incurred through providing the services described in such Public Laws and in subparagraph (A);

(ii) shall be available for expenditure only to pay the costs of such activities and services; and

(iii) shall remain available until expended.

(C) STATE COSTS.—Nothing in this Act shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this Act.

(5) STATE OPT OUT.—A State may decline to participate in the background check system authorized by this Act by enacting a law or issuing an order by the Governor (if consistent with State law) providing that the State is declining to participate pursuant to this subsection.

SEC. 6403. CRIMINAL HISTORY BACKGROUND CHECKS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall report to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives regarding all statutory requirements for criminal history record checks that are required to be conducted by the Department of Justice or any of its components.

(b) DEFINITIONS.—As used in this section—

(1) the terms "criminal history information" and "criminal history records" include—

(A) an identifying description of the individual to whom the information or records pertain;

(B) notations of arrests, detentions, indictments, or other formal criminal charges pertaining to such individual; and

(C) any disposition to a notation described in subparagraph (B), including acquittal, sentencing, correctional supervision, or release; and

(2) the term "IAFIS" means the Integrated Automated Fingerprint Identification System of the Federal Bureau of Allocation, which serves as the national depository for fingerprint, biometric, and criminal history information, through which fingerprints are processed electronically.

(c) IDENTIFICATION OF INFORMATION.—The Attorney General shall identify—

(1) the number of criminal history record checks requested, including the type of information requested;

(2) the usage of different terms and definitions regarding criminal history information; and

(3) the variation in fees charged for such information and who pays such fees.

(d) RECOMMENDATIONS.—The Attorney General shall make recommendations to Congress for improving, standardizing, and consolidating the existing statutory authorization, programs, and procedures for the conduct of criminal history record checks for non-criminal justice purposes. In making these recommendations to Congress, the Attorney General shall consider—

(1) the effectiveness and efficiency of utilizing commercially available databases as a supplement to IAFIS criminal history information checks;

(2) any security concerns created by the existence of these commercially available databases concerning their ability to provide sensitive information that is not readily available about law enforcement or intelligence officials, including their identity, residence, and financial status;

(3) the effectiveness of utilizing State databases;

(4) any feasibility studies by the Department of Justice of the resources and structure of the Federal Bureau of Investigation to establish a system to provide criminal history information;

(5) privacy rights and other employee protections, including—

(A) employee consent;

(B) access to the records used if employment was denied;

(C) the disposition of the fingerprint submissions after the records are searched;

(D) an appeal mechanism; and

(E) penalties for misuse of the information;

(6) the scope and means of processing background checks for private employers utilizing data maintained by the Federal Bureau of Investigation that the Attorney General should be allowed to authorize in cases where the authority for such checks is not available at the State level;

(7) any restrictions that should be placed on the ability of an employer to charge an employee or prospective employee for the cost associated with the background check;

(8) which requirements should apply to the handling of incomplete records;

(9) the circumstances under which the criminal history information should be disseminated to the employer;

(10) the type of restrictions that should be prescribed for the handling of criminal history information by an employer;

(11) the range of Federal and State fees that might apply to such background check requests;

(12) any requirements that should be imposed concerning the time for responding to such background check requests;

(13) any infrastructure that may need to be developed to support the processing of such checks, including—

(A) the means by which information is collected and submitted in support of the checks; and

(B) the system capacity needed to process such checks at the Federal and State level;

(14) the role that States should play; and

(15) any other factors that the Attorney General determines to be relevant to the subject of the report.

(e) CONSULTATION.—In developing the report under this section, the Attorney General shall consult with representatives of State criminal history record repositories, the National Crime Prevention and Privacy Compact Council, appropriate representatives of private industry, and representatives of labor, as determined appropriate by the Attorney General.

Subtitle F—Grand Jury Information Sharing

SEC. 6501. GRAND JURY INFORMATION SHARING.

(a) RULE AMENDMENTS.—Rule 6(e) of the Federal Rules of Criminal Procedure is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)(ii), by striking "or state subdivision or of an Indian tribe" and inserting ", state subdivision, Indian tribe, or foreign government";

(B) in subparagraph (D)—

(i) by inserting after the first sentence the following: "An attorney for the government may

also disclose any grand jury matter involving, within the United States or elsewhere, a threat of attack or other grave hostile acts of a foreign power or its agent, a threat of domestic or international sabotage or terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by its agent, to any appropriate Federal, State, State subdivision, Indian tribal, or foreign government official, for the purpose of preventing or responding to such threat or activities."; and

(ii) in clause (i)—

(I) by striking "federal"; and

(II) by adding at the end the following: "Any State, State subdivision, Indian tribal, or foreign government official who receives information under Rule 6(e)(3)(D) may use the information only consistent with such guidelines as the Attorney General and the Director of National Intelligence shall jointly issue."; and

(C) in subparagraph (E)—

(i) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(ii) by inserting after clause (ii) the following:

"(iii) at the request of the government, when sought by a foreign court or prosecutor for use in an official criminal investigation;"; and

(iii) in clause (iv), as redesignated—

(I) by striking "state or Indian tribal" and inserting "State, Indian tribal, or foreign"; and

(II) by striking "or Indian tribal official" and inserting "Indian tribal, or foreign government official"; and

(2) in paragraph (7), by inserting ", or of guidelines jointly issued by the Attorney General and the Director of National Intelligence pursuant to Rule 6," after "Rule 6".

(b) Conforming Amendment.—Section 203(c) of Public Law 107 56 (18 U.S.C. 2517 note) is amended by striking "Rule 6(e)(3)(C)(i)(V) and (VI)" and inserting "Rule 6(e)(3)(D)".

Subtitle G—Providing Material Support to Terrorism

SEC. 6601. SHORT TITLE.

This subtitle may be cited as the "Material Support to Terrorism Prohibition Enhancement Act of 2004".

SEC. 6602. RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.

Chapter 113B of title 18, United States Code, is amended by adding after section 2339C the following new section:

"§2339D. Receiving military-type training from a foreign terrorist organization

"(a) Offense.—Whoever knowingly receives military-type training from or on behalf of any organization designated at the time of the training by the Secretary of State under section 219(a)(1) of the Immigration and Nationality Act as a foreign terrorist organization shall be fined under this title or imprisoned for ten years, or both. To violate this subsection, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (c)(4)), that the organization has engaged or engages in terrorist activity (as defined in section 212 of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

"(b) Extraterritorial Jurisdiction.—There is extraterritorial Federal jurisdiction over an offense under this section. There is jurisdiction over an offense under subsection (a) if—

"(1) an offender is a national of the United States (as defined in 101(a)(22) of the Immigration and Nationality Act) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act);

"(2) an offender is a stateless person whose habitual residence is in the United States;

"(3) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States;

"(4) the offense occurs in whole or in part within the United States;

"(5) the offense occurs in or affects interstate or foreign commerce; or

"(6) an offender aids or abets any person over whom jurisdiction exists under this paragraph in committing an offense under subsection (a) or conspires with any person over whom jurisdiction exists under this paragraph to commit an offense under subsection (a).

"(c) Definitions.—As used in this section—

"(1) the term 'military-type training' includes training in means or methods that can cause death or serious bodily injury, destroy or damage property, or disrupt services to critical infrastructure, or training on the use, storage, production, or assembly of any explosive, firearm or other weapon, including any weapon of mass destruction (as defined in section 2232a(c)(2));

"(2) the term 'serious bodily injury' has the meaning given that term in section 1365(h)(3);

"(3) the term 'critical infrastructure' means systems and assets vital to national defense, national security, economic security, public health or safety including both regional and national infrastructure. Critical infrastructure may be publicly or privately owned; examples of critical infrastructure include gas and oil production, storage, or delivery systems, water supply systems, telecommunications networks, electrical power generation or delivery systems, financing and banking systems, emergency services (including medical, police, fire, and rescue services), and transportation systems and services (including highways, mass transit, airlines, and airports); and

"(4) the term 'foreign terrorist organization' means an organization designated as a terrorist organization under section 219(a)(1) of the Immigration and Nationality Act.".

SEC. 6603. ADDITIONS TO OFFENSE OF PROVIDING MATERIAL SUPPORT TO TERRORISM.

(a) In General.—Chapter 113B of title 18, United States Code, is amended—

(1) in section 2332b(g)(5)(B)(i)—

(A) by inserting "1361 (relating to government property or contracts)," before "1362"; and

(B) by inserting "2156 (relating to national defense material, premises, or utilities)," before "2280"; and

(2) in section 2339A—

(A) by striking "or" before "section 46502"; and

(B) by inserting "or any offense listed in section 2332b(g)(5)(B) (except for sections 2339A and 2339B)" after "section 60123(b) of title 49,".

(b) Definitions.—Section 2339A(b) of title 18, United States Code, is amended to read as follows:

"(b) Definitions.—As used in this section—

"(1) the term 'material support or resources' means any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), and transportation, except medicine or religious materials;

"(2) the term 'training' means instruction or teaching designed to impart a specific skill, as opposed to general knowledge; and

"(3) the term 'expert advice or assistance' means advice or assistance derived from scientific, technical or other specialized knowledge.".

(c) Addition to Offense of Providing Material Support to Terrorist Organizations.—Section 2339B(a)(1) of title 18, United States Code, is amended—

(1) by striking ", within the United States or subject to the jurisdiction of the United States,"; and

(2) by adding at the end the following: "To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (g)(6)), that the organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).".

(d) Federal Authority.—Section 2339B(d) of title 18 is amended by striking "There" and inserting the following:

"(1) In General.—There is jurisdiction over an offense under subsection (a) if—

"(A) an offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)));

"(B) an offender is a stateless person whose habitual residence is in the United States;

"(C) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States;

"(D) the offense occurs in whole or in part within the United States;

"(E) the offense occurs in or affects interstate or foreign commerce; or

"(F) an offender aids or abets any person over whom jurisdiction exists under this paragraph in committing an offense under subsection (a) or conspires with any person over whom jurisdiction exists under this paragraph to commit an offense under subsection (a).".

"(2) Extraterritorial Jurisdiction.—There".

(e) Definition.—Section 2339B(g)(4) of title 18, United States Code, is amended to read as follows:

"(4) the term 'material support or resources' has the same meaning given that term in section 2339A (including the definitions of 'training' and 'expert advice or assistance' in that section);".

(f) Additional Provisions.—Section 2339B of title 18, United States Code, is amended by adding at the end the following:

"(h) Provision of Personnel.—No person may be prosecuted under this section in connection with the term 'personnel' unless that person has knowingly provided, attempted to provide, or conspired to provide a foreign terrorist organization with 1 or more individuals (who may be or include himself) to work under that terrorist organization's direction or control or to organize, manage, supervise, or otherwise direct the operation of that organization. Individuals who act entirely independently of the foreign terrorist organization to advance its goals or objectives shall not be considered to be working under the foreign terrorist organization's direction and control.

"(i) Rule of Construction.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.

"(j) Exception.—No person may be prosecuted under this section in connection with the term 'personnel', 'training', or 'expert advice or assistance' if the provision of that material support or resources to a foreign terrorist organization was approved by the Secretary of State

with the concurrence of the Attorney General. The Secretary of State may not approve the provision of any material support that may be used to carry out terrorist activity (as defined in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act).".

(g) SUNSET PROVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall cease to be effective on December 31, 2006.

(2) EXCEPTION.—This section and the amendments made by this section shall continue in effect with respect to any particular offense that—

(A) is prohibited by this section or amendments made by this section; and

(B) began or occurred before December 31, 2006.

SEC. 6604. FINANCING OF TERRORISM.

(a) FINANCING TERRORISM.—Section 2339c(c)(2) of title 18, United States Code, is amended—

(1) by striking ", resources, or funds" and inserting "or resources, or any funds or proceeds of such funds";

(2) in subparagraph (A), by striking "were provided" and inserting "are to be provided, or knowing that the support or resources were provided,"; and

(3) in subparagraph (B)—

(A) by striking "or any proceeds of such funds"; and

(B) by striking "were provided or collected" and inserting "are to be provided or collected, or knowing that the funds were provided or collected,".

(b) DEFINITIONS.—Section 2339c(e) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (12);

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following:

"(13) the term 'material support or resources' has the same meaning given that term in section 2339B(g)(4) of this title; and".

Subtitle H—Stop Terrorist and Military Hoaxes Act of 2004

SEC. 6701. SHORT TITLE.

This subtitle may be cited as the "Stop Terrorist and Military Hoaxes Act of 2004".

SEC. 6702. HOAXES AND RECOVERY COSTS.

(a) PROHIBITION ON HOAXES.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1037 the following:

"§1038. False information and hoaxes

"(a) CRIMINAL VIOLATION.—

"(1) IN GENERAL.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute a violation of chapter 2, 10, 11B, 39, 40, 44, 111, or 113B of this title, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), or section 46502, the second sentence of section 46504, section 46505 (b)(3) or (c), section 46506 if homicide or attempted homicide is involved, or section 60123(b) of title 49, shall—

"(A) be fined under this title or imprisoned not more than 5 years, or both;

"(B) if serious bodily injury results, be fined under this title or imprisoned not more than 20 years, or both; and

"(C) if death results, be fined under this title or imprisoned for any number of years up to life, or both.

"(2) ARMED FORCES.—Any person who makes a false statement, with intent to convey false or misleading information, about the death, injury, capture, or disappearance of a member of the Armed Forces of the United States during a war or armed conflict in which the United States is engaged—

"(A) shall be fined under this title, imprisoned not more than 5 years, or both;

"(B) if serious bodily injury results, shall be fined under this title, imprisoned not more than 20 years, or both; and

"(C) if death results, shall be fined under this title, imprisoned for any number of years or for life, or both.

"(b) CIVIL ACTION.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute a violation of chapter 2, 10, 11B, 39, 40, 44, 111, or 113B of this title, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), or section 46502, the second sentence of section 46504, section 46505 (b)(3) or (c), section 46506 if homicide or attempted homicide is involved, or section 60123(b) of title 49 is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

"(c) REIMBURSEMENT.—

"(1) IN GENERAL.—The court, in imposing a sentence on a defendant who has been convicted of an offense under subsection (a), shall order the defendant to reimburse any state or local government, or private not-for-profit organization that provides fire or rescue service incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

"(2) LIABILITY.—A person ordered to make reimbursement under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered to make reimbursement under this subsection for the same expenses.

"(3) CIVIL JUDGMENT.—An order of reimbursement under this subsection shall, for the purposes of enforcement, be treated as a civil judgment.

"(d) ACTIVITIES OF LAW ENFORCEMENT.—This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or political subdivision of a State, or of an intelligence agency of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections as the beginning of chapter 47 of title 18, United States Code, is amended by adding after the item for section 1037 the following:

"1038. False information and hoaxes.".

SEC. 6703. OBSTRUCTION OF JUSTICE AND FALSE STATEMENTS IN TERRORISM CASES.

(a) ENHANCED PENALTY.—Section 1001(a) and the third undesignated paragraph of section 1505 of title 18, United States Code, are amended by striking "be fined under this title or imprisoned not more than 5 years, or both" and inserting "be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both".

(b) SENTENCING GUIDELINES.—Not later than 30 days of the enactment of this section, the United States Sentencing Commission shall amend the Sentencing Guidelines to provide for an increased offense level for an offense under sections 1001(a) and 1505 of title 18, United States Code, if the offense involves international or domestic terrorism, as defined in section 2331 of such title.

SEC. 6704. CLARIFICATION OF DEFINITION.

Section 1958 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "facility in" and inserting "facility of"; and

(2) in subsection (b)(2), by inserting "or foreign" after "interstate".

Subtitle I—Weapons of Mass Destruction Prohibition Improvement Act of 2004

SEC. 6801. SHORT TITLE.

This subtitle may be cited as the "Weapons of Mass Destruction Prohibition Improvement Act of 2004".

SEC. 6802. WEAPONS OF MASS DESTRUCTION.

(a) EXPANSION OF JURISDICTIONAL BASES AND SCOPE.—Section 2332a of title 18, United States Code, is amended—

(1) so that paragraph (2) of subsection (a) reads as follows:

"(2) against any person or property within the United States, and

"(A) the mail or any facility of interstate or foreign commerce is used in furtherance of the offense;

"(B) such property is used in interstate or foreign commerce or in an activity that affects interstate or foreign commerce;

"(C) any perpetrator travels in or causes another to travel in interstate or foreign commerce in furtherance of the offense; or

"(D) the offense, or the results of the offense, affect interstate or foreign commerce, or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce;";

(2) in paragraph (3) of subsection (a), by striking the comma at the end and inserting "; or";

(3) in subsection (a), by adding the following at the end:

"(4) against any property within the United States that is owned, leased, or used by a foreign government,";

(4) at the end of subsection (c)(1), by striking "and";

(5) in subsection (c)(2), by striking the period at the end and inserting "; and"; and

(6) in subsection (c), by adding at the end the following:

"(3) the term 'property' includes all real and personal property.".

(b) RESTORATION OF THE COVERAGE OF CHEMICAL WEAPONS.—Section 2332a of title 18, United States Code, as amended by subsection (a), is further amended—

(1) in the section heading, by striking "certain";

(2) in subsection (a), by striking "(other than a chemical weapon as that term is defined in section 229F)"; and

(3) in subsection (b), by striking "(other than a chemical weapon (as that term is defined in section 229F))".

(c) EXPANSION OF CATEGORIES OF RESTRICTED PERSONS SUBJECT TO PROHIBITIONS RELATING TO SELECT AGENTS.—Section 175b(d)(2) of title 18, United States Code, is amended—

(1) in subparagraph (G) by—

(A) inserting "(i)" after "(G)";

(B) inserting ", or (ii) acts for or on behalf of, or operates subject to the direction or control of, a government or official of a country described in this subparagraph" after "terrorism"; and

(C) striking "or" after the semicolon.

(2) in subparagraph (H) by striking the period and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(I) is a member of, acts for or on behalf of, or operates subject to the direction or control of, a terrorist organization as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)).".

(d) CONFORMING AMENDMENT TO REGULATIONS.—

(1) Section 175b(a)(1) of title 18, United States Code, is amended by striking "as a select agent in Appendix A" and all that follows and inserting the following: "as a non-overlap or overlap

select biological agent or toxin in sections 73.4 and 73.5 of title 42, Code of Federal Regulations, pursuant to section 351A of the Public Health Service Act, and is not excluded under sections 73.4 and 73.5 or exempted under section 73.6 of title 42, Code of Federal Regulations.".

(2) The amendment made by paragraph (1) shall take effect at the same time that sections 73.4, 73.5, and 73.6 of title 42, Code of Federal Regulations, become effective.

(e) ENHANCING PROSECUTION OF WEAPONS OF MASS DESTRUCTION OFFENSES.—Section 1961(1)(B) of title 18, United States Code, is amended by adding at the end the following: "sections 175–178 (relating to biological weapons), sections 229–229F (relating to chemical weapons), section 831 (relating to nuclear materials).".

SEC. 6803. PARTICIPATION IN NUCLEAR AND WEAPONS OF MASS DESTRUCTION THREATS TO THE UNITED STATES.

(a) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)) is amended by striking "in the production of any special nuclear material" and inserting "or participate in the development or production of any special nuclear material".

(b) Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122) is amended—

(1) by inserting ", inside or outside of the United States," after "for any person"; and

(2) by inserting "participate in the development of," after "interstate or foreign commerce,".

(c) Title 18, United States Code, is amended—

(1) in the table of sections at the beginning of chapter 39, by inserting after the item relating to section 831 the following:

"832. Participation in nuclear and weapons of mass destruction threats to the United States.";

(2) by inserting after section 831 the following:

"§832. Participation in nuclear and weapons of mass destruction threats to the United States

"(a) Whoever, within the United States or subject to the jurisdiction of the United States, willfully participates in or knowingly provides material support or resources (as defined in section 2339A) to a nuclear weapons program or other weapons of mass destruction program of a foreign terrorist power, or attempts or conspires to do so, shall be imprisoned for not more than 20 years.

"(b) There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) Whoever without lawful authority develops, possesses, or attempts or conspires to develop or possess a radiological weapon, or threatens to use or uses a radiological weapon against any person within the United States, or a national of the United States while such national is outside of the United States or against any property that is owned, leased, funded, or used by the United States, whether that property is within or outside of the United States, shall be imprisoned for any term of years or for life.

"(d) As used in this section—

"(1) 'nuclear weapons program' means a program or plan for the development, acquisition, or production of any nuclear weapon or weapons;

"(2) 'weapons of mass destruction program' means a program or plan for the development, acquisition, or production of any weapon or weapons of mass destruction (as defined in section 2332a(c));

"(3) 'foreign terrorist power' means a terrorist organization designated under section 219 of the Immigration and Nationality Act, or a state sponsor of terrorism designated under section 6(j) of the Export Administration Act of 1979 or section 620A of the Foreign Assistance Act of 1961; and

"(4) 'nuclear weapon' means any weapon that contains or uses nuclear material as defined in section 831(f)(1).''; and

(3) in section 2332b(g)(5)(B)(i), by inserting after "nuclear materials)," the following: "832 (relating to participation in nuclear and weapons of mass destruction threats to the United States)".

Subtitle J—Prevention of Terrorist Access to Destructive Weapons Act of 2004

SEC. 6901. SHORT TITLE.

This subtitle may be cited as the "Prevention of Terrorist Access to Destructive Weapons Act of 2004".

SEC. 6902. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The criminal use of man-portable air defense systems (referred to in this section as "MANPADS") presents a serious threat to civil aviation worldwide, especially in the hands of terrorists or foreign states that harbor them.

(2) Atomic weapons or weapons designed to release radiation (commonly known as "dirty bombs") could be used by terrorists to inflict enormous loss of life and damage to property and the environment.

(3) Variola virus is the causative agent of smallpox, an extremely serious, contagious, and sometimes fatal disease. Variola virus is classified as a Category A agent by the Centers for Disease Control and Prevention, meaning that it is believed to pose the greatest potential threat for adverse public health impact and has a moderate to high potential for large-scale dissemination. The last case of smallpox in the United States was in 1949. The last naturally occurring case in the world was in Somalia in 1977. Although smallpox has been officially eradicated after a successful worldwide vaccination program, there remain two official repositories of the variola virus for research purposes. Because it is so dangerous, the variola virus may appeal to terrorists.

(4) The use, or even the threatened use, of MANPADS, atomic or radiological weapons, or the variola virus, against the United States, its allies, or its people, poses a grave risk to the security, foreign policy, economy, and environment of the United States. Accordingly, the United States has a compelling national security interest in preventing unlawful activities that lead to the proliferation or spread of such items, including their unauthorized production, construction, acquisition, transfer, possession, import, or export. All of these activities markedly increase the chances that such items will be obtained by terrorist organizations or rogue states, which could use them to attack the United States, its allies, or United States nationals or corporations.

(5) There is no legitimate reason for a private individual or company, absent explicit government authorization, to produce, construct, otherwise acquire, transfer, receive, possess, import, export, or use MANPADS, atomic or radiological weapons, or the variola virus.

(b) PURPOSE.—The purpose of this subtitle is to combat the potential use of weapons that have the ability to cause widespread harm to United States persons and the United States economy (and that have no legitimate private use) and to threaten or harm the national security or foreign relations of the United States.

SEC. 6903. MISSILE SYSTEMS DESIGNED TO DESTROY AIRCRAFT.

Chapter 113B of title 18, United States Code, is amended by adding after section 2332f the following:

"§2332g. Missile systems designed to destroy aircraft

"(a) UNLAWFUL CONDUCT.—

"(1) IN GENERAL.—Except as provided in paragraph (3), it shall be unlawful for any person to knowingly produce, construct, otherwise acquire, transfer directly or indirectly, receive, possess, import, export, or use, or possess and threaten to use—

"(A) an explosive or incendiary rocket or missile that is guided by any system designed to enable the rocket or missile to—

"(i) seek or proceed toward energy radiated or reflected from an aircraft or toward an image locating an aircraft; or

"(ii) otherwise direct or guide the rocket or missile to an aircraft;

"(B) any device designed or intended to launch or guide a rocket or missile described in subparagraph (A); or

"(C) any part or combination of parts designed or redesigned for use in assembling or fabricating a rocket, missile, or device described in subparagraph (A) or (B).

"(2) NONWEAPON.—Paragraph (1)(A) does not apply to any device that is neither designed nor redesigned for use as a weapon.

"(3) EXCLUDED CONDUCT.—This subsection does not apply with respect to—

"(A) conduct by or under the authority of the United States or any department or agency thereof or of a State or any department or agency thereof; or

"(B) conduct pursuant to the terms of a contract with the United States or any department or agency thereof or with a State or any department or agency thereof.

"(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

"(1) the offense occurs in or affects interstate or foreign commerce;

"(2) the offense occurs outside of the United States and is committed by a national of the United States;

"(3) the offense is committed against a national of the United States while the national is outside the United States;

"(4) the offense is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States; or

"(5) an offender aids or abets any person over whom jurisdiction exists under this subsection in committing an offense under this section or conspires with any person over whom jurisdiction exists under this subsection to commit an offense under this section.

"(c) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—Any person who violates, or attempts or conspires to violate, subsection (a) shall be fined not more than $2,000,000 and shall be sentenced to a term of imprisonment not less than 25 years or to imprisonment for life.

"(2) OTHER CIRCUMSTANCES.—Any person who, in the course of a violation of subsection (a), uses, attempts or conspires to use, or possesses and threatens to use, any item or items described in subsection (a), shall be fined not more than $2,000,000 and imprisoned for not less than 30 years or imprisoned for life.

"(3) SPECIAL CIRCUMSTANCES.—If the death of another results from a person's violation of subsection (a), the person shall be fined not more than $2,000,000 and punished by imprisonment for life.

"(d) DEFINITION.—As used in this section, the term 'aircraft' has the definition set forth in section 40102(a)(6) of title 49, United States Code.".

SEC. 6904. ATOMIC WEAPONS.

(a) PROHIBITIONS.—Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122) is amended—

(1) by inserting at the beginning "a." before "It";

(2) by inserting "knowingly" after "for any person to";

(3) by striking "or" before "export";

(4) by striking "transfer or receive in interstate or foreign commerce," before "manufacture";

(5) by inserting "receive," after "acquire,";

(6) by inserting ", or use, or possess and threaten to use," before "any atomic weapon"; and

(7) by inserting at the end the following:

"b. Conduct prohibited by subsection a. is within the jurisdiction of the United States if—

"(1) the offense occurs in or affects interstate or foreign commerce; the offense occurs outside of the United States and is committed by a national of the United States;

"(2) the offense is committed against a national of the United States while the national is outside the United States;

"(3) the offense is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States; or

"(4) an offender aids or abets any person over whom jurisdiction exists under this subsection in committing an offense under this section or conspires with any person over whom jurisdiction exists under this subsection to commit an offense under this section.".

(b) VIOLATIONS.—Section 222 of the Atomic Energy Act of 1954 (42 U.S.C. 2272) is amended by—

(1) inserting at the beginning "a." before "Whoever";

(2) striking ", 92,"; and

(3) inserting at the end the following:

"b. Any person who violates, or attempts or conspires to violate, section 92 shall be fined not more than $2,000,000 and sentenced to a term of imprisonment not less than 25 years or to imprisonment for life. Any person who, in the course of a violation of section 92, uses, attempts or conspires to use, or possesses and threatens to use, any atomic weapon shall be fined not more than $2,000,000 and imprisoned for not less than 30 years or imprisoned for life. If the death of another results from a person's violation of section 92, the person shall be fined not more than $2,000,000 and punished by imprisonment for life.".

SEC. 6905. RADIOLOGICAL DISPERSAL DEVICES.

Chapter 113B of title 18, United States Code, is amended by adding after section 2332g the following:

"§2332h. Radiological dispersal devices

"(a) UNLAWFUL CONDUCT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly produce, construct, otherwise acquire, transfer directly or indirectly, receive, possess, import, export, or use, or possess and threaten to use—

"(A) any weapon that is designed or intended to release radiation or radioactivity at a level dangerous to human life; or

"(B) or any device or other object that is capable of and designed or intended to endanger human life through the release of radiation or radioactivity.

"(2) EXCEPTION.—This subsection does not apply with respect to—

"(A) conduct by or under the authority of the United States or any department or agency thereof; or

"(B) conduct pursuant to the terms of a contract with the United States or any department or agency thereof.

"(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

"(1) the offense occurs in or affects interstate or foreign commerce;

"(2) the offense occurs outside of the United States and is committed by a national of the United States;

"(3) the offense is committed against a national of the United States while the national is outside the United States;

"(4) the offense is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States; or

"(5) an offender aids or abets any person over whom jurisdiction exists under this subsection in committing an offense under this section or conspires with any person over whom jurisdiction exists under this subsection to commit an offense under this section.

"(c) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—Any person who violates, or attempts or conspires to violate, subsection (a) shall be fined not more than $2,000,000 and shall sentenced to a term of imprisonment not less than 25 years or to imprisonment for life.

"(2) OTHER CIRCUMSTANCES.—Any person who, in the course of a violation of subsection (a), uses, attempts or conspires to use, or possesses and threatens to use, any item or items described in subsection (a), shall be fined not more than $2,000,000 and imprisoned for not less than 30 years or imprisoned for life.

"(3) SPECIAL CIRCUMSTANCES.—If the death of another results from a person's violation of subsection (a), the person shall be fined not more than $2,000,000 and punished by imprisonment for life.".

SEC. 6906. VARIOLA VIRUS.

Chapter 10 of title 18, United States Code, is amended by inserting after section 175b the following:

"§175c. Variola virus

"(a) UNLAWFUL CONDUCT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly produce, engineer, synthesize, acquire, transfer directly or indirectly, receive, possess, import, export, or use, or possess and threaten to use, variola virus.

"(2) EXCEPTION.—This subsection does not apply to conduct by, or under the authority of, the Secretary of Health and Human Services.

"(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

"(1) the offense occurs in or affects interstate or foreign commerce;

"(2) the offense occurs outside of the United States and is committed by a national of the United States;

"(3) the offense is committed against a national of the United States while the national is outside the United States;

"(4) the offense is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States; or

"(5) an offender aids or abets any person over whom jurisdiction exists under this subsection in committing an offense under this section or conspires with any person over whom jurisdiction exists under this subsection to commit an offense under this section.

"(c) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—Any person who violates, or attempts or conspires to violate, subsection (a) shall be fined not more than $2,000,000 and shall be sentenced to a term of imprisonment not less than 25 years or to imprisonment for life.

"(2) OTHER CIRCUMSTANCES.—Any person who, in the course of a violation of subsection (a), uses, attempts or conspires to use, or possesses and threatens to use, any item or items described in subsection (a), shall be fined not more than $2,000,000 and imprisoned for not less than 30 years or imprisoned for life.

"(3) SPECIAL CIRCUMSTANCES.—If the death of another results from a person's violation of subsection (a), the person shall be fined not more than $2,000,000 and punished by imprisonment for life.

"(d) DEFINITION.—As used in this section, the term 'variola virus' means a virus that can cause human smallpox or any derivative of the variola major virus that contains more than 85 percent of the gene sequence of the variola major virus or the variola minor virus.".

SEC. 6907. INTERCEPTION OF COMMUNICATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (a), by inserting "2122 and" after "sections";

(2) in paragraph (c), by inserting "section 175c (relating to variola virus)," after "section 175 (relating to biological weapons),"; and

(3) in paragraph (q), by inserting "2332g, 2332h," after "2332f,".

SEC. 6908. AMENDMENTS TO SECTION 2332b(g)(5)(B) OF TITLE 18, UNITED STATES CODE.

Section 2332b(g)(5)(B) of title 18, United States Code, is amended—

(1) in clause (i)—

(A) by inserting before "2339 (relating to harboring terrorists)" the following: "2332g (relating to missile systems designed to destroy aircraft), 2332h (relating to radiological dispersal devices),"; and

(B) by inserting "175c (relating to variola virus)," after "175 or 175b (relating to biological weapons),"; and

(2) in clause (ii)—

(A) by striking "section" and inserting "sections 92 (relating to prohibitions governing atomic weapons) or"; and

(B) by inserting "2122 or" before "2284".

SEC. 6909. AMENDMENTS TO SECTION 1956(c)(7)(D) OF TITLE 18, UNITED STATES CODE.

Section 1956(c)(7)(D), title 18, United States Code, is amended—

(1) by inserting after "section 152 (relating to concealment of assets; false oaths and claims; bribery)," the following: "section 175c (relating to the variola virus),";

(2) by inserting after "section 2332(b) (relating to international terrorist acts transcending national boundaries)," the following: "section 2332g (relating to missile systems designed to destroy aircraft), section 2332h (relating to radiological dispersal devices),"; and

(3) striking "or" after "any felony violation of the Foreign Agents Registration Act of 1938," and after "any felony violation of the Foreign Corrupt Practices Act", striking ";" and inserting ", or section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122) (relating to prohibitions governing atomic weapons)".

SEC. 6910. EXPORT LICENSING PROCESS.

Section 38(g)(1)(A) of the Arms Export Control Act (22 U.S.C. 2778) is amended—

(1) by striking "or" before "(xi)"; and

(2) by inserting after clause (xi) the following: "or (xii) section 3, 4, 5, and 6 of the Prevention of Terrorist Access to Destructive Weapons Act of 2004, relating to missile systems designed to destroy aircraft (18 U.S.C. 2332g), prohibitions governing atomic weapons (42 U.S.C. 2122), radiological dispersal devices (18 U.S.C. 2332h), and variola virus (18 U.S.C. 175b);".

SEC. 6911. CLERICAL AMENDMENTS.

(a) CHAPTER 113B.—The table of sections for chapter 113B of title 18, United States Code, is amended by inserting the following after the item for section 2332f:

"2332g. Missile systems designed to destroy aircraft.
"2332h. Radiological dispersal devices.".

(b) CHAPTER 10.—The table of sections for chapter 10 of title 18, United States Code, is amended by inserting the following item after the item for section 175b:

"175c. Variola virus.".

Subtitle K—Pretrial Detention of Terrorists

SEC. 6951. SHORT TITLE.

This subtitle may be cited as the "Pretrial Detention of Terrorists Act of 2004".

SEC. 6952. PRESUMPTION FOR PRETRIAL DETENTION IN CASES INVOLVING TERRORISM.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "or" before "the Maritime"; and

(B) by inserting "or an offense listed in section 2332b(g)(5)(B) of title 18, United States Code, for which a maximum term of imprisonment of 10 years or more is prescribed" after "or 2332b of this title,"; and

(2) in subsections (f)(1)(A) and (g)(1), by inserting ", or an offense listed in section 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed" after "violence" each place such term appears.

TITLE VII—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

SEC. 7001. SHORT TITLE.

This title may be cited as the "9/11 Commission Implementation Act of 2004".

Subtitle A—Diplomacy, Foreign Aid, and the Military in the War on Terrorism

SEC. 7101. FINDINGS.

Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Long-term success in the war on terrorism demands the use of all elements of national power, including diplomacy, military action, intelligence, covert action, law enforcement, economic policy, foreign aid, public diplomacy, and homeland defense.

(2) To win the war on terrorism, the United States must assign to economic and diplomatic capabilities the same strategic priority that is assigned to military capabilities.

(3) The legislative and executive branches of the Government of the United States must commit to robust, long-term investments in all of the tools necessary for the foreign policy of the United States to successfully accomplish the goals of the United States.

(4) The investments referred to in paragraph (3) will require increased funding to United States foreign affairs programs in general, and to priority areas as described in this title in particular.

SEC. 7102. TERRORIST SANCTUARIES.

(a) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Complex terrorist operations require locations that provide such operations sanctuary from interference by Government or law enforcement personnel.

(2) A terrorist sanctuary existed in Afghanistan before September 11, 2001.

(3) The terrorist sanctuary in Afghanistan provided direct and indirect value to members of al Qaeda who participated in the terrorist attacks on the United States on September 11, 2001, and in other terrorist operations.

(4) Terrorist organizations have fled to some of the least governed and most lawless places in the world to find sanctuary.

(5) During the 21st century, terrorists are often focusing on remote regions and failing states as locations to seek sanctuary.

(b) Sense of Congress on United States Policy on Terrorist Sanctuaries.—It is the sense of Congress that it should be the policy of the United States—

(1) to identify foreign countries that are being used as terrorist sanctuaries;

(2) to assess current United States resources and tools being used to assist foreign governments to eliminate such sanctuaries;

(3) to develop and implement a coordinated strategy to prevent terrorists from using such foreign countries as sanctuaries; and

(4) to work in bilateral and multilateral fora to elicit the cooperation needed to identify and address terrorist sanctuaries that may exist today, but, so far, remain unknown to governments.

(c) Amendments to Existing Law To Include Terrorist Sanctuaries.—

(1) In general.—Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following:

"(5)(A) As used in paragraph (1), the term 'repeatedly provided support for acts of international terrorism' shall include the recurring use of any part of the territory of the country as a sanctuary for terrorists or terrorist organizations.

"(B) In this paragraph—

"(i) the term 'territory of a country' means the land, waters, and airspace of the country; and

"(ii) the term 'sanctuary' means an area in the territory of a country—

"(I) that is used by a terrorist or terrorist organization—

"(aa) to carry out terrorist activities, including training, financing, and recruitment; or

"(bb) as a transit point; and

"(II) the government of which expressly consents to, or with knowledge, allows, tolerates, or disregards such use of its territory.".

(2) Rule of construction.—Nothing in this subsection or the amendments made by this subsection shall be construed as affecting any determination made by the Secretary of State pursuant to section 6(j) of the Export Administration Act of 1979 with respect to a country prior to the date of enactment of this Act.

(3) Implementation.—The President shall implement the amendments made by paragraph (1) by exercising the authorities of the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(d) Amendments to Global Patterns of Terrorism Report.—

(1) In general.—Section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)(1)) is amended—

(A) by striking "(1)" and inserting "(1)(A)";

(B) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

(C) in subparagraph (A)(iii) (as redesignated), by adding "and" at the end; and

(D) by adding at the end the following:

"(B) detailed assessments with respect to each foreign country whose territory is being used as a sanctuary for terrorists or terrorist organizations;".

(2) Contents.—Section 140(b) of such Act (22 U.S.C. 2656f(b)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "subsection (a)(1)" and inserting "subsection (a)(1)(A)"; and

(ii) by striking "and" at the end;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) with respect to subsection (a)(1)(B)—

"(A) the extent of knowledge by the government of the country with respect to terrorist activities in the territory of the country; and

"(B) the actions by the country—

"(i) to eliminate each terrorist sanctuary in the territory of the country;

"(ii) to cooperate with United States antiterrorism efforts; and

"(iii) to prevent the proliferation of and trafficking in weapons of mass destruction in and through the territory of the country;";

(D) in paragraph (3), as redesignated, by striking the period at the end and inserting a semicolon; and

(E) by inserting after paragraph (3) the following:

"(4) a strategy for addressing, and where possible eliminating, terrorist sanctuaries that shall include—

"(A) a description of terrorist sanctuaries, together with an assessment of the priorities of addressing and eliminating such sanctuaries;

"(B) an outline of strategies for disrupting or eliminating the security provided to terrorists by such sanctuaries;

"(C) a description of efforts by the United States to work with other countries in bilateral and multilateral fora to address or eliminate terrorist sanctuaries and disrupt or eliminate the security provided to terrorists by such sanctuaries; and

"(D) a description of long-term goals and actions designed to reduce the conditions that allow the formation of terrorist sanctuaries; and

"(5) an update of the information contained in the report required to be transmitted to Congress under 7119(b) of the 9/11 Commission Implementation Act of 2004.".

(3) Definitions.—Section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)) is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(4) the terms 'territory' and 'territory of the country' mean the land, waters, and airspace of the country; and

"(5) the terms 'terrorist sanctuary' and 'sanctuary' mean an area in the territory of the country—

"(A) that is used by a terrorist or terrorist organization—

"(i) to carry out terrorist activities, including training, fundraising, financing, and recruitment; or

"(ii) as a transit point; and

"(B) the government of which expressly consents to, or with knowledge, allows, tolerates, or disregards such use of its territory and is not subject to a determination under—

"(i) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A));

"(ii) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); or

"(iii) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).".

(4) Effective date.—The amendments made by this subsection apply with respect to the report required to be transmitted under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), by April 30, 2006, and by April 30 of each subsequent year.

SEC. 7103. UNITED STATES COMMITMENT TO THE FUTURE OF PAKISTAN.

(a) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The Government of Pakistan has a critical role to perform in the struggle against terrorism.

(2) Due to its location, topography, social conditions, and other factors, Pakistan can be attractive to extremists seeking refuge or opportunities to recruit or train, or a place from which

to operate against Coalition Forces in Afghanistan.

(3) A stable Pakistan, with a moderate, responsible government that serves as a voice of tolerance in the Muslim world, is critical to stability in the region.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) help to ensure a promising, stable, and secure future for Pakistan over the long term;

(2) provide a comprehensive program of assistance to encourage and enable Pakistan—

(A) to continue and improve upon its commitment to combating extremists;

(B) to seek to resolve any outstanding difficulties with its neighbors and other countries in its region;

(C) to continue to make efforts to fully control its territory and borders;

(D) to progress toward becoming a more effective and participatory democracy;

(E) to participate more vigorously in the global marketplace and to continue to modernize its economy;

(F) to take all necessary steps to halt the spread of weapons of mass destruction;

(G) to improve and expand access to education for all citizens; and

(H) to increase the number and level of exchanges between the Pakistani people and the American people; and

(3) continue to provide assistance to Pakistan at not less than the overall levels requested by the President for fiscal year 2005.

(c) EXTENSION OF PAKISTAN WAIVERS.—The Act entitled "An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes", approved October 27, 2001 (Public Law 107–57; 115 Stat. 403), as amended by section 2213 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1232), is further amended—

(1) in section 1(b)—

(A) in the heading, by striking "FISCAL YEAR 2004" and inserting "FISCAL YEARS 2005 and 2006"; and

(B) in paragraph (1), by striking "2004" and inserting "2005 or 2006";

(2) in section 3(2), by striking "and 2004," and inserting "2004, 2005, and 2006"; and

(3) in section 6, by striking "2004" and inserting "2006".

SEC. 7104. ASSISTANCE FOR AFGHANISTAN.

(a) SHORT TITLE.—This section may be cited as the "Afghanistan Freedom Support Act Amendments of 2004".

(b) COORDINATION OF ASSISTANCE.—

(1) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(A) The United States and its allies in the international community have made progress in promoting economic and political reform within Afghanistan, including the establishment of a central government with a democratic constitution, a new currency, and a new army, the increase of personal freedom, and the elevation of the standard of living of many Afghans.

(B) A number of significant obstacles must be overcome if Afghanistan is to become a secure and prosperous democracy, and such a transition depends in particular upon—

(i) improving security throughout the country;

(ii) disarming and demobilizing militias;

(iii) curtailing the rule of the warlords;

(iv) promoting equitable economic development;

(v) protecting the human rights of the people of Afghanistan;

(vi) continuing to hold elections for public officials; and

(vii) ending the cultivation, production, and trafficking of narcotics.

(C) The United States and the international community must make a long-term commitment to addressing the unstable security situation in Afghanistan and the burgeoning narcotics trade, endemic poverty, and other serious problems in Afghanistan in order to prevent that country from relapsing into a sanctuary for international terrorism.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should take, with respect to Afghanistan, the following actions:

(A) Work with other nations to obtain long-term security, political, and financial commitments and fulfillment of pledges to the Government of Afghanistan to accomplish the objectives of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.), especially to ensure a secure, democratic, and prosperous Afghanistan that respects the rights of its citizens and is free of international terrorist organizations.

(B) Use the voice and vote of the United States in relevant international organizations, including the North Atlantic Treaty Organization and the United Nations Security Council, to strengthen international commitments to assist the Government of Afghanistan in enhancing security, building national police and military forces, increasing counter-narcotics efforts, and expanding infrastructure and public services throughout the country.

(C) Take appropriate steps to increase the assistance provided under programs of the Department of State and the United States Agency for International Development throughout Afghanistan and to increase the number of personnel of those agencies in Afghanistan as necessary to support the increased assistance.

(c) COORDINATOR FOR ASSISTANCE.—

(1) FINDINGS.—Congress makes the following findings:

(A) The Final Report of the National Commission on Terrorist Attacks Upon the United States criticized the provision of United States assistance to Afghanistan for being too inflexible.

(B) The Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) contains provisions that provide for flexibility in the provision of assistance for Afghanistan and are not subject to the requirements of typical foreign assistance programs and provide for the designation of a coordinator to oversee United States assistance for Afghanistan.

(2) DESIGNATION OF COORDINATOR.—Section 104(a) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7514(a)) is amended in the matter preceding paragraph (1) by striking "is strongly urged to" and inserting "shall".

(d) ASSISTANCE PLAN; INTERNATIONAL COORDINATION.—Section 104 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7514) is amended by adding at the end the following:

"(c) ASSISTANCE PLAN.—

"(1) SUBMISSION TO CONGRESS.—The coordinator designated under subsection (a) shall annually submit the Afghanistan assistance plan of the Administration to—

"(A) the Committee on Foreign Relations of the Senate;

"(B) the Committee on International Relations of the House of Representatives;

"(C) the Committee on Appropriations of the Senate; and

"(D) the Committee on Appropriations of the House of Representatives.

"(2) CONTENTS.—The assistance plan submitted under paragraph (1) shall describe—

"(A) how the plan relates to the strategy provided pursuant to section 304; and

"(B) how the plan builds upon United States assistance provided to Afghanistan since 2001.

"(d) COORDINATION WITH INTERNATIONAL COMMUNITY.—

"(1) IN GENERAL.—The coordinator designated under subsection (a) shall work with the international community and the Government of Afghanistan to ensure that assistance to Afghanistan is implemented in a coherent, consistent, and efficient manner to prevent duplication and waste.

"(2) INTERNATIONAL FINANCIAL INSTITUTIONS.—The coordinator designated under subsection (a), under the direction of the Secretary of State, shall work through the Secretary of the Treasury and the United States Executive Directors at the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2))) to coordinate United States assistance for Afghanistan with international financial institutions.

(e) GENERAL PROVISIONS RELATING TO THE AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.—

(1) ASSISTANCE TO PROMOTE ECONOMIC, POLITICAL AND SOCIAL DEVELOPMENT.—

(A) DECLARATION OF POLICY.—Congress reaffirms the authorities contained in title I of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.), relating to economic and democratic development assistance for Afghanistan.

(B) PROVISION OF ASSISTANCE.—Section 103(a) of such Act (22 U.S.C. 7513(a)) is amended in the matter preceding paragraph (1) by striking "section 512 of Public Law 107–115 or any other similar" and inserting "any other".

(2) DECLARATIONS OF GENERAL POLICY.—Congress makes the following declarations:

(A) The United States reaffirms the support that it and other countries expressed for the report entitled "Securing Afghanistan's Future" in their Berlin Declaration of April 2004. The United States should help enable the growth needed to create an economically sustainable Afghanistan capable of the poverty reduction and social development foreseen in the report.

(B) The United States supports the parliamentary elections to be held in Afghanistan by April 2005 and will help ensure that such elections are not undermined, including by warlords or narcotics traffickers.

(C) The United States continues to urge North Atlantic Treaty Organization members and other friendly countries to make much greater military contributions toward securing the peace in Afghanistan.

(3) FORM OF REPORTS.—Section 304 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7554) is amended—

(A) by striking "The Secretary" and inserting the following:

"(a) IN GENERAL.—The Secretary";

(B) by striking "The first report" and inserting the following:

"(b) DEADLINE FOR SUBMISSION.—The first report"; and

(C) by adding at the end the following:

"(c) FORM OF REPORTS.—Any report or other matter that is required to be submitted to Congress (including a committee of Congress) by this Act may contain a classified annex.".

(4) LONG-TERM STRATEGY.—

(A) STRATEGY.—Title III of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7551 et seq.) is amended by adding at the end the following:

"SEC. 305. FORMULATION OF LONG-TERM STRATEGY FOR AFGHANISTAN.

"(a) STRATEGY.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the President shall formulate a 5-year strategy for Afghanistan and submit such strategy to—

"(A) the Committee on Foreign Relations of the Senate;

"(B) the Committee on International Relations of the House of Representatives;

"(C) the Committee on Appropriations of the Senate; and

"(D) the Committee on Appropriations of the House of Representatives.

"(2) CONTENTS.—The strategy formulated under paragraph (1) shall include specific and measurable goals for addressing the long-term development and security needs of Afghanistan, including sectors such as agriculture and irrigation, parliamentary and democratic development, the judicial system and rule of law, human rights, education, health, telecommunications, electricity, women's rights, counternarcotics, police, border security, anti-corruption, and other law-enforcement activities, as well as the anticipated costs and time frames associated with achieving those goals.

"(b) MONITORING.—

"(1) ANNUAL REPORT.—The President shall transmit on an annual basis through 2010 a report describing the progress made toward the implementation of the strategy required by subsection (a) and any changes to the strategy since the date of the submission of the last report to—

"(A) the Committee on Foreign Relations of the Senate;

"(B) the Committee on International Relations of the House of Representatives;

"(C) the Committee on Appropriations of the Senate; and

"(D) the Committee on Appropriations of the House of Representatives.".

(B) CLERICAL AMENDMENT.—The table of contents for such Act (22 U.S.C. 7501 note) is amended by adding after the item relating to section 303 the following new item:

"Sec. 305. Formulation of long-term strategy for Afghanistan.".

(f) EDUCATION, THE RULE OF LAW, AND RELATED ISSUES.—

(1) DECLARATION OF POLICY.—Congress declares that, although Afghanistan has adopted a new constitution and made progress on primary education, the United States must invest in a concerted effort in Afghanistan to improve the rule of law, good governance, and effective policing, to accelerate work on secondary and university education systems, and to establish new initiatives to increase the capacity of civil society.

(2) AMENDMENT.—Section 103(a)(5) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513(a)(5)) is amended to read as follows:

"(5) EDUCATION, THE RULE OF LAW, AND RELATED ISSUES.—

"(A) EDUCATION.—To assist in the development of the capacity of the Government of Afghanistan to provide education to the people of Afghanistan, including assistance such as—

"(i) support for an educated citizenry through improved access to basic education, with particular emphasis on basic education for children, especially orphans;

"(ii) programs to enable the Government of Afghanistan to recruit and train teachers, with special focus on the recruitment and training of female teachers;

"(iii) programs to enable the Government of Afghanistan to develop school curricula that incorporate relevant information such as landmine awareness, food security and agricultural education, civic education, and human rights education, including education relating to religious freedom;

"(iv) programs to construct, renovate, or rebuild, and to equip and provide teacher training, for primary schools, secondary schools, and universities; and

"(v) programs to increase educational exchanges and partnerships between the United States and Afghanistan.

"(B) RULE OF LAW.—To assist in the development of the rule of law and good governance and reduced corruption in Afghanistan, including assistance such as—

"(i) support for the activities of the Government of Afghanistan to implement its constitution, to develop modern legal codes and court rules, to provide for the creation of legal assistance programs, and other initiatives to promote the rule of law in Afghanistan;

"(ii) support for improvements in the capacity and physical infrastructure of the justice system in Afghanistan, such as for professional training (including for women) to improve the administration of justice, for programs to enhance prosecutorial and judicial capabilities and to protect participants in judicial cases, for improvements in the instruction of law enforcement personnel (including human rights training), and for the promotion of civilian police roles that support democracy;

"(iii) support for rehabilitation and rebuilding of courthouses and detention facilities;

"(iv) support for the effective administration of justice at the national, regional, and local levels, including programs to improve penal institutions and the rehabilitation of prisoners, and to establish a responsible and community-based police force;

"(v) support to increase the transparency, accountability, and participatory nature of governmental institutions, including programs designed to combat corruption and other programs for the promotion of good governance, such as the development of regulations relating to financial disclosure for public officials, political parties, and candidates for public office, and transparent budgeting processes and financial management systems;

"(vi) support for establishment of a central bank and central budgeting authority;

"(vii) support for international organizations that provide civil advisers to the Government of Afghanistan; and

"(viii) support for Afghan and international efforts to investigate human rights atrocities committed in Afghanistan by the Taliban regime, opponents of such regime, and terrorist groups operating in Afghanistan, including the collection of forensic evidence relating to such atrocities.

"(C) CIVIL SOCIETY AND DEMOCRACY.—To support the development of democratic institutions in Afghanistan, including assistance for—

"(i) international monitoring and observing of, and the promotion of, free and fair elections;

"(ii) strengthening democratic political parties;

"(iii) international exchanges and professional training for members or officials of government, political, and civic or other nongovernmental entities;

"(iv) national, regional, and local elections and political party development;

"(v) an independent media;

"(vi) programs that support the expanded participation of women and members of all ethnic groups in government at national, regional, and local levels; and

"(vii) programs to strengthen civil society organizations that promote human rights, including religious freedom, freedom of expression, and freedom of association, and support human rights monitoring.

"(D) PROTECTION OF SITES.—To provide for the protection of Afghanistan's culture, history, and national identity, including the rehabilitation of Afghanistan's museums and sites of cultural significance.".

(3) CONFORMING AMENDMENT.—Section 103(a)(4) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513(a)(4)) is amended—

(A) in subparagraph (K), by striking "and" at the end;

(B) in subparagraph (L), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(M) assistance in identifying and surveying key road and rail routes that are essential for economic renewal in Afghanistan and the region and support for the establishment of a customs service and training for customs officers.".

(g) MONITORING OF ASSISTANCE FOR AFGHANISTAN.—Section 103 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513), is amended by adding at the end the following:

"(d) MONITORING OF ASSISTANCE FOR AFGHANISTAN.—

"(1) REPORT.—

"(A) IN GENERAL.—The Secretary of State, in consultation with the Administrator for the United States Agency for International Development, shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the obligations of United States assistance for Afghanistan from all United States Government departments and agencies.

"(B) CONTENTS.—Each such report shall set forth, for the preceding annual period and cumulatively, a description of—

"(i) the activities and the purposes for which funds were obligated;

"(ii) the source of the funds stated specifically by fiscal year, agency, and program;

"(iii) the participation of each United States Government department or agency; and

"(iv) such other information as the Secretary considers appropriate to fully inform Congress on such matters.

"(C) ADDITIONAL REQUIREMENTS.—The first report submitted under this paragraph shall include a cumulative account of information described in subparagraph (B) from all prior periods beginning with fiscal year 2001. The first report under this paragraph shall be submitted not later than March 15, 2005. Subsequent reports shall be submitted every 12 months thereafter and may be included in the report required under section 206(c)(2).

"(2) SUBMISSION OF INFORMATION FOR REPORT.—The head of each United States Government agency referred to in paragraph (1) shall provide on a timely basis to the Secretary of State such information as the Secretary may reasonably require to allow the Secretary to prepare and submit the report required under paragraph (1).".

(h) UNITED STATES POLICY TO SUPPORT DISARMAMENT OF PRIVATE MILITIAS AND EXPANSION OF INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS IN AFGHANISTAN.—

(1) UNITED STATES POLICY RELATING TO DISARMAMENT OF PRIVATE MILITIAS.—

(A) IN GENERAL.—It shall be the policy of the United States to take immediate steps to provide active support for the disarmament, demobilization, and reintegration of armed soldiers, particularly child soldiers, in Afghanistan, in close consultation with the President of Afghanistan.

(B) REPORT.—The report required under section 206(c)(2) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7536(c)(2)) shall include a description of the progress to implement paragraph (1).

(2) INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS.—Section 206 of such Act (22 U.S.C. 7536) is amended by adding at the end the following:

"(e) UNITED STATES POLICY RELATING TO INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS.—It shall be the policy of the United States to make every effort to support the expansion of international peacekeeping and security operations in Afghanistan in order to—

"(1) increase the area in which security is provided and undertake vital tasks related to

promoting security, such as disarming warlords, militias, and irregulars, and disrupting opium production; and

"(2) safeguard highways in order to allow the free flow of commerce and to allow material assistance to the people of Afghanistan, and aid personnel in Afghanistan, to move more freely.".

(i) EFFORTS TO EXPAND INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS IN AFGHANISTAN.—Section 206(d)(1) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7536(d)(1)) is amended to read as follows:

"(1) EFFORTS TO EXPAND INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS IN AFGHANISTAN.—

"(A) EFFORTS.—The President shall encourage, and, as authorized by law, enable other countries to actively participate in expanded international peacekeeping and security operations in Afghanistan, especially through the provision of military personnel for extended periods of time.

"(B) REPORTS.—The President shall prepare and transmit a report on the efforts carried out pursuant to subparagraph (A) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives. The first report under this subparagraph shall be transmitted not later than 60 days after the date of the enactment of the Afghanistan Freedom Support Act Amendments of 2004 and subsequent reports shall be transmitted every 6 months thereafter and may be included in the report required by subsection (c)(2).".

(j) PROVISIONS RELATING TO COUNTERNARCOTICS EFFORTS IN AFGHANISTAN.

(1) AUTHORIZATION OF ASSISTANCE.—Section 103(a)(3)(A) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513(a)(3)(A)) is amended—

(A) in clause (i), by striking "establish crop substitution programs," and inserting "promote alternatives to poppy cultivation, including the introduction of high value crops that are suitable for export and the provision of appropriate technical assistance and credit mechanisms for farmers,";

(B) in clause (ii), by inserting before the semicolon at the end the following: ", and to create special counternarcotics courts, prosecutors, and places of incarceration";

(C) in clause (iii), by inserting before the semicolon at the end the following: ", in particular, notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), by providing non-lethal equipment, training (including training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy), and payments, during fiscal years 2005 through 2008, for salaries for special counternarcotics police and supporting units";

(D) in clause (iv), by striking "and" at the end;

(E) in clause (v), by striking the period at the end and inserting "; and"; and

(F) by adding after clause (v) the following:

"(vi) assist the Afghan National Army with respect to any of the activities under this paragraph.".

(2) SENSE OF CONGRESS AND REPORT.—Title II of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7531 et seq.) is amended—

(A) by redesignating sections 207 and 208 as sections 208 and 209, respectively; and

(B) by inserting after section 206 the following:

"SEC. 207. SENSE OF CONGRESS AND REPORT REGARDING COUNTER-DRUG EFFORTS IN AFGHANISTAN.

"(a) SENSE OF CONGRESS.—It is the sense of Congress that—

"(1) the President should make the substantial reduction of illegal drug production and trafficking in Afghanistan a priority in the Global War on Terrorism;

"(2) the Secretary of Defense, in coordination with the Secretary of State and the heads of other appropriate Federal agencies, should expand cooperation with the Government of Afghanistan and international organizations involved in counter-drug activities to assist in providing a secure environment for counter-drug personnel in Afghanistan; and

"(3) the United States, in conjunction with the Government of Afghanistan and coalition partners, should undertake additional efforts to reduce illegal drug trafficking and related activities that provide financial support for terrorist organizations in Afghanistan and neighboring countries.

"(b) REPORT REQUIRED.—(1) The Secretary of Defense and the Secretary of State shall jointly prepare a report that describes—

"(A) the progress made toward substantially reducing poppy cultivation and heroin production capabilities in Afghanistan; and

"(B) the extent to which profits from illegal drug activity in Afghanistan are used to financially support terrorist organizations and groups seeking to undermine the Government of Afghanistan.

"(2) The report required by this subsection shall be submitted to Congress not later than 120 days after the date of the enactment of the 9/11 Recommendations Implementation Act.".

(3) CLERICAL AMENDMENT.—The table of contents for such Act (22 U.S.C. 7501 note) is amended by striking the items relating to sections 207 and 208 and inserting the following:

"Sec. 207. Sense of Congress and report regarding counter-drug efforts in Afghanistan.
"Sec. 208. Relationship to other authority.
"Sec. 209. Authorization of appropriations.".

(k) ADDITIONAL AMENDMENTS TO AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.—

(1) EXTENSION OF REPORTS ON IMPLEMENTATION OF STRATEGY.—Section 206(c)(2) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7536(c)(2)) is amended in the matter preceding subparagraph (A) by striking "2007" and inserting "2010".

(2) TECHNICAL AMENDMENT.—Section 103(a)(7)(A)(xii) of such Act (22 U.S.C. 7513(a)(7)(A)(xii)) is amended by striking "National" and inserting "Afghan Independent".

(l) REPEAL OF PROHIBITION ON ASSISTANCE.—Section 620D of the Foreign Assistance Act of 1961 (22 U.S.C. 2374; relating to prohibition on assistance to Afghanistan) is repealed.

(m) AUTHORIZATION OF APPROPRIATIONS.—Section 108(a) of the Afghanistan Freedom Assistance Act of 2002 (22 U.S.C. 7518(a)) is amended by striking "$1,825,000,000 for fiscal year 2004" and all that follows and inserting "such sums as may be necessary for each of the fiscal years 2005 and 2006.".

SEC. 7105. THE RELATIONSHIP BETWEEN THE UNITED STATES AND SAUDI ARABIA.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Despite a long history of friendly relations with the United States, there have been problems in cooperation between the United States and Saudi Arabia.

(2) The Government of Saudi Arabia has not always responded promptly or fully to United States requests for assistance in the global war on Islamist terrorism.

(3) The Government of Saudi Arabia has not done all it can to prevent financial or other support from being provided to, or reaching, extremist organizations in Saudi Arabia or other countries.

(4) Counterterrorism cooperation between the Governments of the United States and Saudi Arabia has improved significantly since the terrorist bombing attacks in Riyadh, Saudi Arabia, on May 12, 2003, and the Government of Saudi Arabia is now pursuing al Qaeda and other terror groups operating inside Saudi Arabia.

(5) The United States must enhance its cooperation and strong relationship with Saudi Arabia based upon a shared and public commitment to political and economic reform, greater tolerance and respect for religious and cultural diversity and joint efforts to prevent funding for and support of extremist organizations in Saudi Arabia and elsewhere.

(b) SENSE OF CONGRESS.—It is the sense of Congress that there should be a more robust dialogue between the people and Government of the United States and the people and Government of Saudi Arabia in order to improve the relationship between the United States and Saudi Arabia.

SEC. 7106. EFFORTS TO COMBAT ISLAMIST TERRORISM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) While support for the United States has plummeted in the Islamic world, many negative views are uninformed, at best, and, at worst, are informed by coarse stereotypes and caricatures.

(2) Local newspapers in countries with predominantly Muslim populations and influential broadcasters who reach Muslim audiences through satellite television often reinforce the idea that the people and Government of the United States are anti-Muslim.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of the United States should offer an example of moral leadership in the world that includes a commitment to treat all people humanely, abide by the rule of law, and be generous to the people and governments of other countries;

(2) the United States should cooperate with governments of countries with predominantly Muslim populations to foster agreement on respect for human dignity and opportunity, and to offer a vision of a better future that includes stressing life over death, individual educational and economic opportunity, widespread political participation, contempt for violence, respect for the rule of law, openness in discussing differences, and tolerance for opposing points of view;

(3) the United States should encourage reform, freedom, democracy, and opportunity for Muslims; and

(4) the United States should work to defeat extremism in all its form, especially in nations with predominantly Muslim populations by providing assistance to governments, non-governmental organizations, and individuals who promote modernization.

SEC. 7107. UNITED STATES POLICY TOWARD DICTATORSHIPS.

(a) FINDING.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that short-term gains enjoyed by the United States through cooperation with repressive dictatorships have often been outweighed by long-term setbacks for the stature and interests of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States foreign policy should promote the importance of individual educational and economic opportunity, encourage widespread political participation, condemn violence,

and promote respect for the rule of law, openness in discussing differences among people, and tolerance for opposing points of view; and

(2) the United States Government must encourage the governments of all countries with predominantly Muslim populations, including those that are friends and allies of the United States, to promote the value of life and the importance of individual education and economic opportunity, encourage widespread political participation, condemn violence and promote the rule of law, openness in discussing differences among people, and tolerance for opposing points of view.

SEC. 7108. PROMOTION OF FREE MEDIA AND OTHER AMERICAN VALUES.

(a) Promotion of United States Values Through Broadcast Media.—

(1) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(A) Although the United States has demonstrated and promoted its values in defending Muslims against tyrants and criminals in Somalia, Bosnia, Kosovo, Afghanistan, and Iraq, this message is neither convincingly presented nor widely understood.

(B) If the United States does not act to vigorously define its message in countries with predominantly Muslim populations, the image of the United States will be defined by Islamic extremists who seek to demonize the United States.

(C) Recognizing that many Muslim audiences rely on satellite television and radio, the United States Government has launched promising initiatives in television and radio broadcasting to the Islamic world, including Iran and Afghanistan.

(2) Sense of Congress.—It is the sense of Congress that—

(A) the United States must do more to defend and promote its values and ideals to the broadest possible audience in countries with predominantly Muslim populations;

(B) United States efforts to defend and promote these values and ideals are beginning to ensure that accurate expressions of these values reach large Muslim audiences and should be robustly supported;

(C) the United States Government could and should do more to engage Muslim audiences in the struggle of ideas; and

(D) the United States Government should more intensively employ existing broadcast media in the Islamic world as part of this engagement.

(b) Enhancing Free and Independent Media.—

(1) Findings.—Congress makes the following findings:

(A) Freedom of speech and freedom of the press are fundamental human rights.

(B) The United States has a national interest in promoting these freedoms by supporting free media abroad, which is essential to the development of free and democratic societies consistent with our own.

(C) Free media is undermined, endangered, or nonexistent in many repressive and transitional societies around the world, including in Eurasia, Africa, and the Middle East.

(D) Individuals lacking access to a plurality of free media are vulnerable to misinformation and propaganda and are potentially more likely to adopt anti-United States views.

(E) Foreign governments have a responsibility to actively and publicly discourage and rebut unprofessional and unethical media while respecting journalistic integrity and editorial independence.

(2) Statement of Policy.—It shall be the policy of the United States, acting through the Secretary of State, to—

(A) ensure that the promotion of freedom of the press and freedom of media worldwide is a priority of United States foreign policy and an integral component of United States public diplomacy;

(B) respect the journalistic integrity and editorial independence of free media worldwide; and

(C) ensure that widely accepted standards for professional and ethical journalistic and editorial practices are employed when assessing international media.

(c) Establishment of Media Network.—

(1) Grants for Establishment of Network.—The Secretary of State shall, utilizing amounts authorized to be appropriated by subsection (e)(2), make grants to the National Endowment for Democracy (NED) under the National Endowment for Democracy Act (22 U.S.C. 4411 et seq.) for utilization by the Endowment to provide funding to a private sector group to establish and manage a free and independent media network as specified in paragraph (2).

(2) Media Network.—The media network established using funds under paragraph (1) shall provide an effective forum to convene a broad range of individuals, organizations, and governmental participants involved in journalistic activities and the development of free and independent media in order to—

(A) fund a clearinghouse to collect and share information concerning international media development and training;

(B) improve research in the field of media assistance and program evaluation to better inform decisions regarding funding and program design for government and private donors;

(C) explore the most appropriate use of existing means to more effectively encourage the involvement of the private sector in the field of media assistance; and

(D) identify effective methods for the development of a free and independent media in societies in transition.

(d) Authorizations of Appropriations.—

(1) In general.—There are authorized to be appropriated for each of fiscal years 2005 and 2006, unless otherwise authorized by Congress, such sums as may be necessary to carry out United States Government broadcasting activities consistent with this section under the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), and the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6501 et seq.), and to carry out other activities under this section consistent with the purposes of such Acts, unless otherwise authorized by Congress.

(2) Grants for media network.—In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated for each of fiscal years 2005 and 2006, unless otherwise authorized by Congress, such sums as may be necessary for grants under subsection (c)(1) for the establishment of the media network described in subsection (c)(2).

SEC. 7109. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE.

(a) In General.—The State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting after section 59 the following new section:

"SEC. 60. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE.

"(a) Integral Component.—The Secretary of State shall make public diplomacy an integral component in the planning and execution of United States foreign policy.

"(b) Coordination and Development of Strategy.—The Secretary shall make every effort to—

"(1) coordinate, subject to the direction of the President, the public diplomacy activities of Federal agencies; and

"(2) coordinate with the Broadcasting Board of Governors to—

"(A) develop a comprehensive and coherent strategy for the use of public diplomacy resources; and

"(B) develop and articulate long-term measurable objectives for United States public diplomacy.

"(c) Objectives.—The strategy developed pursuant to subsection (b) shall include public diplomacy efforts targeting developed and developing countries and select and general audiences, using appropriate media to properly explain the foreign policy of the United States to the governments and populations of such countries, with the objectives of increasing support for United States policies and providing news and information. The Secretary shall, through the most effective mechanisms, counter misinformation and propaganda concerning the United States. The Secretary shall continue to articulate the importance of freedom, democracy, and human rights as fundamental principles underlying United States foreign policy goals.

"(d) Identification of United States Foreign Assistance.—In cooperation with the United States Agency for International Development (USAID) and other public and private assistance organizations and agencies, the Secretary should ensure that information relating to foreign assistance provided by the United States, nongovernmental organizations, and private entities of the United States is disseminated widely, and particularly, to the extent practicable, within countries and regions that receive such assistance. The Secretary should ensure that, to the extent practicable, projects funded by USAID not involving commodities, including projects implemented by private voluntary organizations, are identified as provided by the people of the United States.".

(b) Functions of the Under Secretary of State for Public Diplomacy.—

(1) Amendment.—Section 1(b)(3) of such Act (22 U.S.C. 2651a(b)(3)) is amended by adding at the end the following new sentence: "The Under Secretary for Public Diplomacy shall—

"(A) prepare an annual strategic plan for public diplomacy in collaboration with overseas posts and in consultation with the regional and functional bureaus of the Department;

"(B) ensure the design and implementation of appropriate program evaluation methodologies;

"(C) provide guidance to Department personnel in the United States and overseas who conduct or implement public diplomacy policies, programs, and activities;

"(D) assist the United States Agency for International Development and the Broadcasting Board of Governors to present the policies of the United States clearly and effectively; and

"(E) submit statements of United States policy and editorial material to the Broadcasting Board of Governors for broadcast consideration.".

(2) Consultation.—The Under Secretary of State for Public Diplomacy, in carrying out the responsibilities described in section 1(b)(3) of such Act (as amended by paragraph (1)), shall consult with public diplomacy officers operating at United States overseas posts and in the regional bureaus of the Department of State.

SEC. 7110. PUBLIC DIPLOMACY TRAINING.

(a) Statement of Policy.—The following should be the policy of the United States:

(1) The Foreign Service should recruit individuals with expertise and professional experience in public diplomacy.

(2) United States chiefs of mission should have a prominent role in the formulation of public diplomacy strategies for the countries and regions

to which they are assigned and should be accountable for the operation and success of public diplomacy efforts at their posts.

(3) Initial and subsequent training of Foreign Service officers should be enhanced to include information and training on public diplomacy and the tools and technology of mass communication.

(b) PERSONNEL.—

(1) QUALIFICATIONS.—In the recruitment, training, and assignment of members of the Foreign Service, the Secretary of State—

(A) should emphasize the importance of public diplomacy and applicable skills and techniques;

(B) should consider the priority recruitment into the Foreign Service, including at middle-level entry, of individuals with expertise and professional experience in public diplomacy, mass communications, or journalism; and

(C) shall give special consideration to individuals with language facility and experience in particular countries and regions.

(2) LANGUAGES OF SPECIAL INTEREST.—The Secretary of State shall seek to increase the number of Foreign Service officers proficient in languages spoken in countries with predominantly Muslim populations. Such increase should be accomplished through the recruitment of new officers and incentives for officers in service.

(c) PUBLIC DIPLOMACY SUGGESTED FOR PROMOTION IN FOREIGN SERVICE.—Section 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 4003(b)) is amended by adding at the end the following: "The precepts for selection boards shall include, whether the member of the Service or the member of the Senior Foreign Service, as the case may be, has demonstrated—

(1) a willingness and ability to explain United States policies in person and through the media when occupying positions for which such willingness and ability is, to any degree, an element of the member's duties, or

(2) other experience in public diplomacy.

SEC. 7111. PROMOTING DEMOCRACY AND HUMAN RIGHTS AT INTERNATIONAL ORGANIZATIONS.

(a) SUPPORT AND EXPANSION OF DEMOCRACY CAUCUS.—

(1) IN GENERAL.—The President, acting through the Secretary of State and the relevant United States chiefs of mission, should—

(A) continue to strongly support and seek to expand the work of the democracy caucus at the United Nations General Assembly and the United Nations Human Rights Commission; and

(B) seek to establish a democracy caucus at the United Nations Conference on Disarmament and at other broad-based international organizations.

(2) PURPOSES OF THE CAUCUS.—A democracy caucus at an international organization should—

(A) forge common positions, including, as appropriate, at the ministerial level, on matters of concern before the organization and work within and across regional lines to promote agreed positions;

(B) work to revise an increasingly outmoded system of membership selection, regional voting, and decisionmaking; and

(C) establish a rotational leadership agreement to provide member countries an opportunity, for a set period of time, to serve as the designated president of the caucus, responsible for serving as its voice in each organization.

(b) LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.—The President, acting through the Secretary of State, the relevant United States chiefs of mission, and, where appropriate, the Secretary of the Treasury, should use the voice, vote, and influence of the United States to—

(1) where appropriate, reform the criteria for leadership and, in appropriate cases, for membership, at all United Nations bodies and at other international organizations and multilateral institutions to which the United States is a member so as to exclude countries that violate the principles of the specific organization;

(2) make it a policy of the United Nations and other international organizations and multilateral institutions of which the United States is a member that a member country may not stand in nomination for membership or in nomination or in rotation for a significant leadership position in such bodies if the member country is subject to sanctions imposed by the United Nations Security Council; and

(3) work to ensure that no member country stand in nomination for membership, or in nomination or in rotation for a significant leadership position in such organizations, or for membership on the United Nations Security Council, if the government of the member country has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism.

(c) INCREASED TRAINING IN MULTILATERAL DIPLOMACY.—

(1) STATEMENT OF POLICY.—It shall be the policy of the United States that training courses should be established for Foreign Service Officers and civil service employees of the State Department, including appropriate chiefs of mission, on the conduct of multilateral diplomacy, including the conduct of negotiations at international organizations and multilateral institutions, negotiating skills that are required at multilateral settings, coalition-building techniques, and lessons learned from previous United States multilateral negotiations.

(2) PERSONNEL.—

(A) IN GENERAL.—The Secretary shall ensure that the training described in paragraph (1) is provided at various stages of the career of members of the Service.

(B) ACTIONS OF THE SECRETARY.—The Secretary shall ensure that—

(i) officers of the Service receive training on the conduct of diplomacy at international organizations and other multilateral institutions and at broad-based multilateral negotiations of international instruments as part of their training upon entry into the Service; and

(ii) officers of the Service, including chiefs of mission, who are assigned to United States missions representing the United States to international organizations and other multilateral institutions or who are assigned in Washington, D.C., to positions that have as their primary responsibility formulation of policy toward such organizations and institutions or toward participation in broad-based multilateral negotiations of international instruments, receive specialized training in the areas described in paragraph (1) prior to beginning of service for such assignment or, if receiving such training at that time is not practical, within the first year of beginning such assignment.

(3) TRAINING FOR CIVIL SERVICE EMPLOYEES.—The Secretary shall ensure that employees of the Department of State who are members of the civil service and who are assigned to positions described in paragraph (2) receive training described in paragraph (1) prior to the beginning of service for such assignment or, if receiving such training at such time is not practical, within the first year of beginning such assignment.

SEC. 7112. EXPANSION OF UNITED STATES SCHOLARSHIP AND EXCHANGE PROGRAMS IN THE ISLAMIC WORLD.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Exchange, scholarship, and library programs are effective ways for the United States Government to promote internationally the values and ideals of the United States.

(2) Exchange, scholarship, and library programs can expose young people from other countries to United States values and offer them knowledge and hope.

(b) DECLARATION OF POLICY.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress declares that—

(1) the United States should commit to a long-term and sustainable investment in promoting engagement with people of all levels of society in countries with predominantly Muslim populations, particularly with youth and those who influence youth;

(2) such an investment should make use of the talents and resources in the private sector and should include programs to increase the number of people who can be exposed to the United States and its fundamental ideas and values in order to dispel misconceptions; and

(3) such programs should include youth exchange programs, young ambassadors programs, international visitor programs, academic and cultural exchange programs, American Corner programs, library programs, journalist exchange programs, sister city programs, and other programs related to people-to-people diplomacy.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should significantly increase its investment in the people-to-people programs described in subsection (b).

(d) AUTHORITY TO EXPAND EDUCATIONAL AND CULTURAL EXCHANGES.—The President is authorized to substantially expand the exchange, scholarship, and library programs of the United States, especially such programs that benefit people in the Muslim world.

(e) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated in each of the fiscal years 2005 and 2006 for educational and cultural exchange programs, there shall be available to the Secretary of State such sums as may be necessary to carry out programs under this section, unless otherwise authorized by Congress.

SEC. 7112. PILOT PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS.

(a) FINDINGS.—Congress makes the following findings:

(1) During the 2003–2004 school year, the Office of Overseas Schools of the Department of State is financially assisting 189 elementary and secondary schools in foreign countries.

(2) United States-sponsored elementary and secondary schools are located in more than 20 countries with predominantly Muslim populations in the Near East, Africa, South Asia, Central Asia, and East Asia.

(3) United States-sponsored elementary and secondary schools provide an American-style education in English, with curricula that typically include an emphasis on the development of critical thinking and analytical skills.

(b) STATEMENT OF POLICY.—The United States has an interest in increasing the level of financial support provided to United States-sponsored elementary and secondary schools in countries with predominantly Muslim populations in order to—

(1) increase the number of students in such countries who attend such schools;

(2) increase the number of young people who may thereby gain at any early age an appreciation for the culture, society, and history of the United States; and

(3) increase the number of young people who may thereby improve their proficiency in the English language.

(c) PILOT PROGRAM.—The Secretary of State, acting through the Director of the Office of Overseas Schools of the Department of State, may conduct a pilot program to make grants to United States-sponsored elementary and secondary schools in countries with predominantly

Muslim populations for the purpose of providing full or partial merit-based scholarships to students from lower-income and middle-income families of such countries to attend such schools.

(d) DETERMINATION OF ELIGIBLE STUDENTS.—For purposes of the pilot program, a United States-sponsored elementary and secondary school that receives a grant under the pilot program may establish criteria to be implemented by such school to determine what constitutes lower-income and middle-income families in the country (or region of the country, if regional variations in income levels in the country are significant) in which such school is located.

(e) RESTRICTION ON USE OF FUNDS.—Amounts appropriated to the Secretary of State pursuant to the authorization of appropriations in subsection (h) shall be used for the sole purpose of making grants under this section, and may not be used for the administration of the Office of Overseas Schools of the Department of State or for any other activity of the Office.

(f) VOLUNTARY PARTICIPATION.—Nothing in this section shall be construed to require participation in the pilot program by a United States-sponsored elementary or secondary school in a predominantly Muslim country.

(g) REPORT.—Not later than April 15, 2006, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the pilot program. The report shall assess the success of the program, examine any obstacles encountered in its implementation, and address whether it should be continued, and if so, provide recommendations to increase its effectiveness.

(h) FUNDING.—There are authorized to be appropriated to the Secretary of State for each of the fiscal years 2005 and 2006, unless otherwise authorized by Congress, such sums as necessary to implement the pilot program under this section.

SEC. 7113. INTERNATIONAL YOUTH OPPORTUNITY FUND.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Education that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate terrorism.

(2) Education in the Middle East about the world outside that region is weak.

(3) The United Nations has rightly equated literacy with freedom.

(4) The international community is moving toward setting a concrete goal of reducing by half the illiteracy rate in the Middle East by 2010, through the implementation of education programs targeting women and girls and programs for adult literacy, and by other means.

(5) To be effective, efforts to improve education in the Middle East must also include—

(A) support for the provision of basic education tools, such as textbooks that translate more of the world's knowledge into local languages and local libraries to house such materials; and

(B) more vocational education in trades and business skills.

(6) The Middle East can benefit from some of the same programs to bridge the digital divide that already have been developed for other regions of the world.

(b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—

(1) ESTABLISHMENT.—The Secretary of State is authorized to establish through an existing international organization, such as the United Nations Educational, Science and Cultural Organization (UNESCO) or other similar body, an International Youth Opportunity Fund to provide financial assistance for the improvement of public education in the Middle East and other countries of strategic interest with predominantly Muslim populations.

(2) INTERNATIONAL PARTICIPATION.—The Secretary should seek the cooperation of the international community in establishing and generously supporting the Fund.

SEC. 7114. THE USE OF ECONOMIC POLICIES TO COMBAT TERRORISM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) While terrorism is not caused by poverty, breeding grounds for terrorism are created by backward economic policies and repressive political regimes.

(2) Policies that support economic development and reform also have political implications, as economic and political liberties are often linked.

(3) The United States is working toward creating a Middle East Free Trade Area by 2013 and implementing a free trade agreement with Bahrain, and free trade agreements exist between the United States and Israel and the United States and Jordan.

(4) Existing and proposed free trade agreements between the United States and countries with predominantly Muslim populations are drawing interest from other countries in the Middle East region, and countries with predominantly Muslim populations can become full participants in the rules-based global trading system, as the United States considers lowering its barriers to trade.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a comprehensive United States strategy to counter terrorism should include economic policies that encourage development, open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children's future;

(2) one element of such a strategy should encompass the lowering of trade barriers with the poorest countries that have a significant population of Muslim individuals;

(3) another element of such a strategy should encompass United States efforts to promote economic reform in countries that have a significant population of Muslim individuals, including efforts to integrate such countries into the global trading system; and

(4) given the importance of the rule of law in promoting economic development and attracting investment, the United States should devote an increased proportion of its assistance to countries in the Middle East to the promotion of the rule of law.

SEC. 7115. MIDDLE EAST PARTNERSHIP INITIATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2005 and 2006, (unless otherwise authorized by Congress) such sums as may be necessary for the Middle East Partnership Initiative.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, given the importance of the rule of law and economic reform to development in the Middle East, a significant portion of the funds authorized to be appropriated under subsection (a) should be made available to promote the rule of law in the Middle East.

SEC. 7116. COMPREHENSIVE COALITION STRATEGY FOR FIGHTING TERRORISM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Almost every aspect of the counterterrorism strategy of the United States relies on international cooperation.

(2) Since September 11, 2001, the number and scope of United States Government contacts with foreign governments concerning counterterrorism have expanded significantly, but such contacts have often been ad hoc and not integrated as a comprehensive and unified approach to counterterrorism.

(b) IN GENERAL.—The Secretary of State is authorized in consultation with relevant United States Government agencies, to negotiate on a bilateral or multilateral basis, as appropriate, international agreements under which parties to an agreement work in partnership to address and interdict acts of international terrorism.

(c) INTERNATIONAL CONTACT GROUP ON COUNTERTERRORISM.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President—

(A) should seek to engage the leaders of the governments of other countries in a process of advancing beyond separate and uncoordinated national counterterrorism strategies to develop with those other governments a comprehensive multilateral strategy to fight terrorism; and

(B) to that end, should seek to establish an international counterterrorism policy contact group with the leaders of governments providing leadership in global counterterrorism efforts and governments of countries with sizable Muslim populations, to be used as a ready and flexible international means for discussing and coordinating the development of important counterterrorism policies by the participating governments.

(2) AUTHORITY.—The President is authorized to establish an international counterterrorism policy contact group with the leaders of governments referred to in paragraph (1) for the following purposes:

(A) To meet annually, or more frequently as the President determines appropriate, to develop in common with such other governments important policies and a strategy that address the various components of international prosecution of the war on terrorism, including policies and a strategy that address military issues, law enforcement, the collection, analysis, and dissemination of intelligence, issues relating to interdiction of travel by terrorists, counterterrorism-related customs issues, financial issues, and issues relating to terrorist sanctuaries.

(B) To address, to the extent (if any) that the President and leaders of other participating governments determine appropriate, long-term issues that can contribute to strengthening stability and security in the Middle East.

SEC. 7117. FINANCING OF TERRORISM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The death or capture of several important financial facilitators has decreased the amount of money available to al Qaeda, and has made it more difficult for al Qaeda to raise and move money.

(2) The capture of al Qaeda financial facilitators has provided a windfall of intelligence that can be used to continue the cycle of disruption.

(3) The United States Government has rightly recognized that information about terrorist money helps in understanding terror networks, searching them out, and disrupting their operations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a critical weapon in the effort to stop terrorist financing should be the targeting of terrorist financial facilitators by intelligence and law enforcement agencies; and

(2) efforts to track terrorist financing must be paramount in United States counterterrorism efforts.

SEC. 7118. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "Subject to paragraphs (5) and (6), a" and inserting "A"; and

(B) by striking "for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)" and inserting "until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)";

(2) by striking subparagraph (B) and inserting the following:

"(B) REVIEW OF DESIGNATION UPON PETITION.—

"(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

"(ii) PETITION PERIOD.—For purposes of clause (i)—

"(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

"(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

"(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation such that a revocation with respect to the organization is warranted.

"(iv) DETERMINATION.—

"(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

"(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

"(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

"(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6)."; and

(3) by adding at the end the following:

"(C) OTHER REVIEW OF DESIGNATION.—

"(i) IN GENERAL.—If in a 5-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

"(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

"(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.".

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) AMENDMENTS TO A DESIGNATION.—

"(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

"(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

"(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

"(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking "subsection (b)" and inserting "subsection (c)";

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking "or a redesignation made under paragraph (4)(B)" and inserting "at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)"; and

(ii) in clause (i), by striking "or redesignation";

(C) in paragraph (7), by striking ", or the revocation of a redesignation under paragraph (6),"; and

(D) in paragraph (8)—

(i) by striking ", or if a redesignation under this subsection has become effective under paragraph (4)(B),"; and

(ii) by striking "or redesignation"; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking "of the designation in the Federal Register," and all that follows through "review of the designation" and inserting "in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review";

(B) in paragraph (2), by inserting ", amended designation, or determination in response to a petition for revocation" after "designation";

(C) in paragraph (3), by inserting ", amended designation, or determination in response to a petition for revocation" after "designation"; and

(D) in paragraph (4), by inserting ", amended designation, or determination in response to a petition for revocation" after "designation" each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term "designation", as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

SEC. 7119. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall submit to Congress a report on the activities of the Government of the United States to carry out the provisions of this subtitle.

(b) CONTENTS.—The report required under this section shall include the following:

(1) TERRORIST SANCTUARIES.—A description of the strategy of the United States to address and, where possible, eliminate terrorist sanctuaries, including—

(A) a description of the terrorist sanctuaries that exist;

(B) an outline of strategies, tactics, and tools for disrupting or eliminating the security provided to terrorists by such sanctuaries;

(C) a description of efforts by the United States Government to work with other countries in bilateral and multilateral fora to elicit the cooperation needed to identify and address terrorist sanctuaries that may exist unknown to governments; and

(D) a description of long-term goals and actions designed to reduce the conditions that allow the formation of terrorist sanctuaries, such as supporting and strengthening host governments, reducing poverty, increasing economic development, strengthening civil society, securing borders, strengthening internal security forces, and disrupting logistics and communications networks of terrorist groups.

(2) SUPPORT FOR PAKISTAN.—A description of a United States strategy to engage with Pakistan and to support it over the long term, including—

(A) recommendations on the composition and levels of assistance required in future years, with special consideration of the proper balance between security assistance and other forms of assistance;

(B) a description of the composition and levels of assistance, other than security assistance, at present and in the recent past, structured to permit a comparison of current and past practice with that recommended for the future;

(C) measures that could be taken to ensure that all forms of foreign assistance to Pakistan have the greatest possible long-term positive impact on the welfare of the Pakistani people and on the ability of Pakistan to cooperate in global efforts against terror; and

(D) measures that could be taken to alleviate difficulties, misunderstandings, and complications in the relationship between the United States and Pakistan.

(3) COLLABORATION WITH SAUDI ARABIA.—A description of the strategy of the United States for expanding collaboration with the Government of Saudi Arabia on subjects of mutual interest and of importance, including a description of—

(A) steps that could usefully be taken to institutionalize and make more transparent government to government relationships between the United States and Saudi Arabia, including the utility of undertaking periodic, formal, and visible high-level dialogues between government officials of both countries to address challenges in the relationship between the 2 governments and to identify areas and mechanisms for cooperation;

(B) intelligence and security cooperation between the United States and Saudi Arabia in the fight against Islamist terrorism;

(C) ways to increase the contribution of Saudi Arabia to the stability of the Middle East and

the Islamic world, particularly to the Middle East peace process, by eliminating support from or within Saudi Arabia for extremist groups or tendencies;

(D) political and economic reform in Saudi Arabia and throughout the Islamic world;

(E) ways to promote greater tolerance and respect for cultural and religious diversity in Saudi Arabia and throughout the Islamic world; and

(F) ways to assist the Government of Saudi Arabia in reversing the impact of any financial, moral, intellectual, or other support provided in the past from Saudi sources to extremist groups in Saudi Arabia and other countries, and to prevent this support from continuing in the future.

(4) STRUGGLE OF IDEAS IN THE ISLAMIC WORLD.—A description of a cohesive, long-term strategy of the United States to help win the struggle of ideas in the Islamic world, including the following:

(A) A description of specific goals related to winning this struggle of ideas.

(B) A description of the range of tools available to the United States Government to accomplish such goals and the manner in which such tools will be employed.

(C) A list of benchmarks for measuring success and a plan for linking resources to the accomplishment of such goals.

(D) A description of any additional resources that may be necessary to help win this struggle of ideas.

(E) Any recommendations for the creation of, and United States participation in, international institutions for the promotion of democracy and economic diversification in the Islamic world, and intraregional trade in the Middle East.

(F) An estimate of the level of United States financial assistance that would be sufficient to convince United States allies and people in the Islamic world that engaging in the struggle of ideas in the Islamic world is a top priority of the United States and that the United States intends to make a substantial and sustained commitment toward winning this struggle.

(5) OUTREACH THROUGH BROADCAST MEDIA.—A description of a cohesive, long-term strategy of the United States to expand its outreach to foreign Muslim audiences through broadcast media, including the following:

(A) The initiatives of the Broadcasting Board of Governors with respect to outreach to foreign Muslim audiences.

(B) An outline of recommended actions that the United States Government should take to more regularly and comprehensively present a United States point of view through indigenous broadcast media in countries with predominantly Muslim populations, including increasing appearances by United States Government officials, experts, and citizens.

(C) An assessment of the major themes of biased or false media coverage of the United States in foreign countries and the actions taken to address this type of media coverage.

(D) An assessment of potential incentives for, and costs associated with, encouraging United States broadcasters to dub or subtitle into Arabic and other relevant languages their news and public affairs programs broadcast in the Muslim world in order to present those programs to a much broader Muslim audience than is currently reached.

(E) Any recommendations the President may have for additional funding and legislation necessary to achieve the objectives of the strategy.

(6) VISAS FOR PARTICIPANTS IN UNITED STATES PROGRAMS.—A description of—

(A) any recommendations for expediting the issuance of visas to individuals who are entering the United States for the purpose of participating in a scholarship, exchange, or visitor program described in section 7111(b) without compromising the security of the United States; and

(B) a proposed schedule for implementing any recommendations described in subparagraph (A).

(7) BASIC EDUCATION IN MUSLIM COUNTRIES.—A description of a strategy, that was developed after consultation with nongovernmental organizations and individuals involved in education assistance programs in developing countries, to promote free universal basic education in the countries of the Middle East and in other countries with predominantly Muslim populations designated by the President. The strategy shall include the following elements:

(A) A description of the manner in which the resources of the United States and the international community shall be used to help achieve free universal basic education in such countries, including—

(i) efforts of the United States to coordinate an international effort;

(ii) activities of the United States to leverage contributions from members of the Group of Eight or other donors; and

(iii) assistance provided by the United States to leverage contributions from the private sector and civil society organizations.

(B) A description of the efforts of the United States to coordinate with other donors to reduce duplication and waste at the global and country levels and to ensure efficient coordination among all relevant departments and agencies of the Government of the United States.

(C) A description of the strategy of the United States to assist efforts to overcome challenges to achieving free universal basic education in such countries, including strategies to target hard to reach populations to promote education.

(D) A listing of countries that the President determines might be eligible for assistance under the International Youth Opportunity Fund described in section 7113(b) and related programs.

(E) A description of the efforts of the United States to encourage countries in the Middle East and other countries with predominantly Muslim populations designated by the President to develop and implement a national education plan.

(F) A description of activities that could be carried out as part of the International Youth Opportunity Fund to help close the digital divide and expand vocational and business skills in such countries.

(G) An estimate of the funds needed to achieve free universal basic education by 2015 in each country described in subparagraph (D), and an estimate of the amount that has been expended by the United States and by each such country during the previous fiscal year.

(H) A description of the United States strategy for garnering programmatic and financial support from countries in the Middle East and other countries with predominantly Muslim populations designated by the President, international organizations, and other countries that share the objectives of the International Youth Opportunity Fund.

(8) ECONOMIC REFORM.—A description of the efforts of the United States Government to encourage development and promote economic reform in countries that have a predominantly Muslim population, including a description of—

(A) efforts to integrate countries with predominantly Muslim populations into the global trading system; and

(B) actions that the United States Government, acting alone and in partnership with governments in the Middle East, can take to promote intraregional trade and the rule of law in the region.

(c) FORM OF REPORT.—Any report or other matter that is required to be submitted to Congress (including a committee of Congress) under this section may contain a classified annex.

SEC. 7120. CASE-ZABLOCKI ACT REQUIREMENTS

(a) AVAILABILITY OF TREATIES AND INTERNATIONAL AGREEMENTS.—Section 112a of title 1, United States Code, is amended by adding at the end the following:

"(d) The Secretary of State shall make publicly available through the Internet website of the Department of State each treaty or international agreement proposed to be published in the compilation entitled 'United States Treaties and Other International Agreements' not later than 180 days after the date on which the treaty or agreement enters into force."

(b) TRANSMISSION TO CONGRESS.—Section 112b(a) of title 1, United States Code, is amended by striking "Committee on Foreign Affairs" and inserting "Committee on International Relations".

(c) REPORT.—Section 112b of title 1, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

"(d)(1) The Secretary of State shall annually submit to Congress a report that contains an index of all international agreements, listed by country, date, title, and summary of each such agreement (including a description of the duration of activities under the agreement and the agreement itself), that the United States—

"(A) has signed, proclaimed, or with reference to which any other final formality has been executed, or that has been extended or otherwise modified, during the preceding calendar year; and

"(B) has not been published, or is not proposed to be published, in the compilation entitled 'United States Treaties and Other International Agreements'.

"(2) The report described in paragraph (1) may be submitted in classified form.".

(d) DETERMINATION OF INTERNATIONAL AGREEMENT.—Subsection (e) of section 112b of title 1, United States Code, as redesignated, is amended—

(1) by striking "(e) The Secretary of State" and inserting the following:

"(e)(1) Subject to paragraph (2), the Secretary of State"; and

(2) by adding at the end the following:

"(2)(A) An arrangement shall constitute an international agreement within the meaning of this section (other than subsection (c)) irrespective of the duration of activities under the arrangement or the arrangement itself.

"(B) Arrangements that constitute an international agreement within the meaning of this section (other than subsection (c)) include the following:

"(i) A bilateral or multilateral counterterrorism agreement.

"(ii) A bilateral agreement with a country that is subject to a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).".

(e) ENFORCEMENT OF REQUIREMENTS.—Section 139(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 is amended to read as follows:

"(b) EFFECTIVE DATE.—Subsection (a) shall take effect 60 days after the date of enactment of the 911 Commission Implementation Act of 2004 and shall apply during fiscal years 2005, 2006, and 2007.".

SEC. 7121. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, this subtitle shall take effect on the date of enactment of this Act.

Subtitle B—Terrorist Travel and Effective Screening

SEC. 7201. COUNTERTERRORIST TRAVEL INTELLIGENCE.

(a) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Travel documents are as important to terrorists as weapons since terrorists must travel clandestinely to meet, train, plan, case targets, and gain access to attack sites.

(2) International travel is dangerous for terrorists because they must surface to pass through regulated channels, present themselves to border security officials, or attempt to circumvent inspection points.

(3) Terrorists use evasive, but detectable, methods to travel, such as altered and counterfeit passports and visas, specific travel methods and routes, liaisons with corrupt government officials, human smuggling networks, supportive travel agencies, and immigration and identity fraud.

(4) Before September 11, 2001, no Federal agency systematically analyzed terrorist travel strategies. If an agency had done so, the agency could have discovered the ways in which the terrorist predecessors to al Qaeda had been systematically, but detectably, exploiting weaknesses in our border security since the early 1990s.

(5) Many of the hijackers were potentially vulnerable to interception by border authorities. Analyzing their characteristic travel documents and travel patterns could have allowed authorities to intercept some of the hijackers and a more effective use of information available in government databases could have identified some of the hijackers.

(6) The routine operations of our immigration laws and the aspects of those laws not specifically aimed at protecting against terrorism inevitably shaped al Qaeda's planning and opportunities.

(7) New insights into terrorist travel gained since September 11, 2001, have not been adequately integrated into the front lines of border security.

(8) The small classified terrorist travel intelligence collection and analysis program currently in place has produced useful results and should be expanded.

(b) Strategy.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Director of the National Counterterrorism Center shall submit to Congress unclassified and classified versions of a strategy for combining terrorist travel intelligence, operations, and law enforcement into a cohesive effort to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility domestically and internationally. The report to Congress should include a description of the actions taken to implement the strategy and an assessment regarding vulnerabilities within the United States and foreign travel systems that may be exploited by international terrorists, human smugglers and traffickers, and their facilitators.

(2) Coordination.—The strategy shall be developed in coordination with all relevant Federal agencies.

(3) Contents.—The strategy may address—

(A) a program for collecting, analyzing, disseminating, and utilizing information and intelligence regarding terrorist travel tactics and methods, and outline which Federal intelligence, diplomatic, and law enforcement agencies will be held accountable for implementing each element of the strategy;

(B) the intelligence and law enforcement collection, analysis, operations, and reporting required to identify and disrupt terrorist travel tactics, practices, patterns, and trends, and the terrorist travel facilitators, document forgers, human smugglers, travel agencies, and corrupt border and transportation officials who assist terrorists;

(C) the training and training materials required by consular, border, and immigration officials to effectively detect and disrupt terrorist travel described under subsection (c)(3);

(D) the new technology and procedures required and actions to be taken to integrate existing counterterrorist travel document and mobility intelligence into border security processes, including consular, port of entry, border patrol, maritime, immigration benefits, and related law enforcement activities;

(E) the actions required to integrate current terrorist mobility intelligence into military force protection measures;

(F) the additional assistance to be given to the interagency Human Smuggling and Trafficking Center for purposes of combatting terrorist travel, including further developing and expanding enforcement and operational capabilities that address terrorist travel;

(G) the actions to be taken to aid in the sharing of information between the frontline border agencies of the Department of Homeland Security, the Department of State, and classified and unclassified sources of counterterrorist travel intelligence and information elsewhere in the Federal Government, including the Human Smuggling and Trafficking Center;

(H) the development and implementation of procedures to enable the National Counterterrorism Center, or its designee, to timely receive terrorist travel intelligence and documentation obtained at consulates and ports of entry, and by law enforcement officers and military personnel;

(I) the use of foreign and technical assistance to advance border security measures and law enforcement operations against terrorist travel facilitators;

(J) the feasibility of developing a program to provide each consular, port of entry, and immigration benefits office with a counterterrorist travel expert trained and authorized to use the relevant authentication technologies and cleared to access all appropriate immigration, law enforcement, and intelligence databases;

(K) the feasibility of digitally transmitting suspect passport information to a central cadre of specialists, either as an interim measure until such time as experts described under subparagraph (J) are available at consular, port of entry, and immigration benefits offices, or otherwise;

(L) the development of a mechanism to ensure the coordination and dissemination of terrorist travel intelligence and operational information among the Department of Homeland Security, the Department of State, the National Counterterrorism Center, and other appropriate agencies;

(M) granting consular officers and immigration adjudicators, as appropriate, the security clearances necessary to access law enforcement sensitive and intelligence databases; and

(N) how to integrate travel document screening for terrorism indicators into border screening, and how to integrate the intelligence community into a robust travel document screening process to intercept terrorists.

(c) Frontline Counterterrorist Travel Technology and Training.—

(1) Technology acquisition and dissemination plan.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of State, shall submit to Congress a plan describing how the Department of Homeland Security and the Department of State can acquire and deploy, to the maximum extent feasible, to all consulates, ports of entry, and immigration benefits offices, technologies that facilitate document authentication and the detection of potential terrorist indicators on travel documents. To the extent possible, technologies acquired and deployed under this plan shall be compatible with systems used by the Department of Homeland Security to detect fraudulent documents and identify genuine documents.

(2) Contents of plan.—The plan submitted under paragraph (1) shall—

(A) outline the timetable needed to acquire and deploy the authentication technologies;

(B) identify the resources required to—

(i) fully disseminate these technologies; and

(ii) train personnel on use of these technologies; and

(C) address the feasibility of using these technologies to screen every passport or other documentation described in section 7209(b) submitted for identification purposes to a United States consular, border, or immigration official.

(d) Training Program.—

(1) Review, evaluation, and revision of existing training programs.—The Secretary of Homeland Security shall—

(A) review and evaluate the training regarding travel and identity documents, and techniques, patterns, and trends associated with terrorist travel that is provided to personnel of the Department of Homeland Security;

(B) in coordination with the Secretary of State, review and evaluate the training described in subparagraph (A) that is provided to relevant personnel of the Department of State; and

(C) in coordination with the Secretary of State, develop and implement an initial training and periodic retraining program—

(i) to teach border, immigration, and consular officials (who inspect or review travel or identity documents as part of their official duties) how to effectively detect, intercept, and disrupt terrorist travel; and

(ii) to ensure that the officials described in clause (i) regularly receive the most current information on such matters and are periodically retrained on the matters described in paragraph (2).

(2) Required topics of revised programs.—The training program developed under paragraph (1)(C) shall include training in—

(A) methods for identifying fraudulent and genuine travel documents;

(B) methods for detecting terrorist indicators on travel documents and other relevant identity documents;

(C) recognition of travel patterns, tactics, and behaviors exhibited by terrorists;

(D) effective utilization of information contained in databases and data systems available to the Department of Homeland Security; and

(E) other topics determined to be appropriate by the Secretary of Homeland Security, in consultation with the Secretary of State or the Director of National Intelligence.

(3) Implementation.—

(A) Department of Homeland Security.—

(i) In general.—The Secretary of Homeland Security shall provide all border and immigration officials who inspect or review travel or identity documents as part of their official duties with the training described in paragraph (1)(C).

(ii) Report to Congress.—Not later than 12 months after the date of enactment of this Act, and annually thereafter for a period of 3 years, the Secretary of Homeland Security shall submit a report to Congress that—

(I) describes the number of border and immigration officials who inspect or review identity documents as part of their official duties, and the proportion of whom have received the revised training program described in paragraph (1)(C)(i);

(II) explains the reasons, if any, for not completing the requisite training described in paragraph (1)(C)(i);

(III) provides a timetable for completion of the training described in paragraph (1)(C)(i) for those who have not received such training; and

(IV) describes the status of periodic retraining of appropriate personnel described in paragraph (1)(C)(ii).

(B) Department of State.—

(i) In General.—The Secretary of State shall provide all consular officers who inspect or review travel or identity documents as part of their official duties with the training described in paragraph (1)(C).

(ii) Report to Congress.—Not later than 12 months after the date of enactment of this Act, and annually thereafter for a period of 3 years, the Secretary of State shall submit a report to Congress that—

(I) describes the number of consular officers who inspect or review travel or identity documents as part of their official duties, and the proportion of whom have received the revised training program described in paragraph (1)(C)(i);

(II) explains the reasons, if any, for not completing the requisite training described in paragraph (1)(C)(i);

(III) provides a timetable for completion of the training described in paragraph (1)(C)(i) for those who have not received such training; and

(IV) describes the status of periodic retraining of appropriate personnel described in paragraph (1)(C)(ii).

(4) Assistance to Others.—The Secretary of Homeland Security may assist States, Indian tribes, local governments, and private organizations to establish training programs related to terrorist travel intelligence.

(5) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2005 through 2009 to carry out the provisions of this subsection.

(e) Enhancing Classified Counterterrorist Travel Efforts.—

(1) In General.—The Director of National Intelligence shall significantly increase resources and personnel to the small classified program that collects and analyzes intelligence on terrorist travel.

(2) Authorization of Appropriations.—There are authorized to be appropriated for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this subsection.

SEC. 7202. ESTABLISHMENT OF HUMAN SMUGGLING AND TRAFFICKING CENTER.

(a) Establishment.—There is established a Human Smuggling and Trafficking Center (referred to in this section as the "Center").

(b) Operation.—The Secretary of State, the Secretary of Homeland Security, and the Attorney General shall operate the Center in accordance with the Memorandum of Understanding entitled, "Human Smuggling and Trafficking Center (HSTC), Charter".

(c) Functions.—In addition to such other responsibilities as the President may assign, the Center shall—

(1) serve as the focal point for interagency efforts to address terrorist travel;

(2) serve as a clearinghouse with respect to all relevant information from all Federal Government agencies in support of the United States strategy to prevent separate, but related, issues of clandestine terrorist travel and facilitation of migrant smuggling and trafficking of persons;

(3) ensure cooperation among all relevant policy, law enforcement, diplomatic, and intelligence agencies of the Federal Government to improve effectiveness and to convert all information available to the Federal Government relating to clandestine terrorist travel and facilitation, migrant smuggling, and trafficking of persons into tactical, operational, and strategic intelligence that can be used to combat such illegal activities; and

(4) prepare and submit to Congress, on an annual basis, a strategic assessment regarding vulnerabilities in the United States and foreign travel system that may be exploited by international terrorists, human smugglers and traffickers, and their facilitators.

(d) Report.—Not later than 180 days after the date of enactment of this Act, the President shall transmit to Congress a report regarding the implementation of this section, including a description of the staffing and resource needs of the Center.

(e) Relationship to the NCTC.—As part of its mission to combat terrorist travel, the Center shall work to support the efforts of the National Counterterrorism Center.

SEC. 7203. RESPONSIBILITIES AND FUNCTIONS OF CONSULAR OFFICERS.

(a) Increased Number of Consular Officers.—The Secretary of State, in each of fiscal years 2006 through 2009, may increase by 150 the number of positions for consular officers above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) Limitation on Use of Foreign Nationals for Visa Screening.—

(1) Immigrant Visas.—Section 222(b) of the Immigration and Nationality Act (8 U.S.C. 1202(b)) is amended by adding at the end the following: "All immigrant visa applications shall be reviewed and adjudicated by a consular officer.".

(2) Nonimmigrant Visas.—Section 222(d) of the Immigration and Nationality Act (8 U.S.C. 1202(d)) is amended by adding at the end the following: "All nonimmigrant visa applications shall be reviewed and adjudicated by a consular officer.".

(c) Training for Consular Officers in Detection of Fraudulent Documents.—Section 305(a) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1734(a)) is amended by adding at the end the following: "In accordance with section 7201(d) of the 9/11 Commission Implementation Act of 2004, and as part of the consular training provided to such officers by the Secretary of State, such officers shall also receive training in detecting fraudulent documents and general document forensics and shall be required as part of such training to work with immigration officers conducting inspections of applicants for admission into the United States at ports of entry.".

(d) Assignment of Anti-Fraud Specialists.—

(1) Survey Regarding Document Fraud.—The Secretary of State, in coordination with the Secretary of Homeland Security, shall conduct a survey of each diplomatic and consular post at which visas are issued to assess the extent to which fraudulent documents are presented by visa applicants to consular officers at such posts.

(2) Requirement for Specialist.—

(A) In General.—Not later than July 31, 2005, the Secretary of State, in coordination with the Secretary of Homeland Security, shall identify the diplomatic and consular posts at which visas are issued that experience the greatest frequency of presentation of fraudulent documents by visa applicants. The Secretary of State shall assign or designate at each such post at least 1 full-time anti-fraud specialist employed by the Department of State to assist the consular officers at each such post in the detection of such fraud.

(B) Exceptions.—The Secretary of State is not required to assign or designate a specialist under subparagraph (A) at a diplomatic or consular post if an employee of the Department of Homeland Security, who has sufficient training and experience in the detection of fraudulent documents, is assigned on a full-time basis to such post under section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236).

SEC. 7204. INTERNATIONAL AGREEMENTS TO TRACK AND CURTAIL TERRORIST TRAVEL THROUGH THE USE OF FRAUDULENTLY OBTAINED DOCUMENTS.

(a) Findings.—Congress makes the following findings:

(1) International terrorists travel across international borders to raise funds, recruit members, train for operations, escape capture, communicate, and plan and carry out attacks.

(2) The international terrorists who planned and carried out the attack on the World Trade Center on February 26, 1993, the attack on the embassies of the United States in Kenya and Tanzania on August 7, 1998, the attack on the USS Cole on October 12, 2000, and the attack on the World Trade Center and the Pentagon on September 11, 2001, traveled across international borders to plan and carry out these attacks.

(3) The international terrorists who planned other attacks on the United States, including the plot to bomb New York City landmarks in 1993, the plot to bomb the New York City subway in 1997, and the millennium plot to bomb Los Angeles International Airport on December 31, 1999, traveled across international borders to plan and carry out these attacks.

(4) Many of the international terrorists who planned and carried out large-scale attacks against foreign targets, including the attack in Bali, Indonesia, on October 11, 2002, and the attack in Madrid, Spain, on March 11, 2004, traveled across international borders to plan and carry out these attacks.

(5) Throughout the 1990s, international terrorists, including those involved in the attack on the World Trade Center on February 26, 1993, the plot to bomb New York City landmarks in 1993, and the millennium plot to bomb Los Angeles International Airport on December 31, 1999, traveled on fraudulent passports and often had more than 1 passport.

(6) Two of the September 11, 2001, hijackers were carrying passports that had been manipulated in a fraudulent manner.

(7) The National Commission on Terrorist Attacks Upon the United States, (commonly referred to as the 9/11 Commission), stated that "Targeting travel is at least as powerful a weapon against terrorists as targeting their money.".

(b) International Agreements To Track and Curtail Terrorist Travel.—

(1) International Agreement on Lost, Stolen, or Falsified Documents.—The President should lead efforts to track and curtail the travel of terrorists by supporting the drafting, adoption, and implementation of international agreements, and relevant United Nations Security Council resolutions to track and stop international travel by terrorists and other criminals through the use of lost, stolen, or falsified documents to augment United Nations and other international anti-terrorism efforts.

(2) Contents of International Agreement.—The President should seek, as appropriate, the adoption or full implementation of effective international measures to—

(A) share information on lost, stolen, and fraudulent passports and other travel documents for the purposes of preventing the undetected travel of persons using such passports and other travel documents that were obtained improperly;

(B) establish and implement a real-time verification system of passports and other travel documents with issuing authorities;

(C) share with officials at ports of entry in any such country information relating to lost, stolen, and fraudulent passports and other travel documents;

(D) encourage countries—

(i) to criminalize—

(I) the falsification or counterfeiting of travel documents or breeder documents for any purpose;

(II) the use or attempted use of false documents to obtain a visa or cross a border for any purpose;

(III) the possession of tools or implements used to falsify or counterfeit such documents;

(IV) the trafficking in false or stolen travel documents and breeder documents for any purpose;

(V) the facilitation of travel by a terrorist; and

(VI) attempts to commit, including conspiracies to commit, the crimes specified in subclauses (I) through (V);

(ii) to impose significant penalties to appropriately punish violations and effectively deter the crimes specified in clause (i); and

(iii) to limit the issuance of citizenship papers, passports, identification documents, and similar documents to persons—

(I) whose identity is proven to the issuing authority;

(II) who have a bona fide entitlement to or need for such documents; and

(III) who are not issued such documents principally on account of a disproportional payment made by them or on their behalf to the issuing authority;

(E) provide technical assistance to countries to help them fully implement such measures; and

(F) permit immigration and border officials—

(i) to confiscate a lost, stolen, or falsified passport at ports of entry;

(ii) to permit the traveler to return to the sending country without being in possession of the lost, stolen, or falsified passport; and

(iii) to detain and investigate such traveler upon the return of the traveler to the sending country.

(3) International Civil Aviation Organization.—The United States shall lead efforts to track and curtail the travel of terrorists by supporting efforts at the International Civil Aviation Organization to continue to strengthen the security features of passports and other travel documents.

(c) Report.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, and at least annually thereafter, the President shall submit to the appropriate congressional committees a report on progress toward achieving the goals described in subsection (b).

(2) Termination.—Paragraph (1) shall cease to be effective when the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the goals described in subsection (b) have been fully achieved.

SEC. 7205. INTERNATIONAL STANDARDS FOR TRANSLITERATION OF NAMES INTO THE ROMAN ALPHABET FOR INTERNATIONAL TRAVEL DOCUMENTS AND NAME-BASED WATCHLIST SYSTEMS.

(a) Findings.—Congress makes the following findings:

(1) The current lack of a single convention for translating Arabic names enabled some of the 19 hijackers of aircraft used in the terrorist attacks against the United States that occurred on September 11, 2001, to vary the spelling of their names to defeat name-based terrorist watchlist systems and to make more difficult any potential efforts to locate them.

(2) Although the development and utilization of terrorist watchlist systems using biometric identifiers will be helpful, the full development and utilization of such systems will take several years, and name-based terrorist watchlist systems will always be useful.

(b) Sense of Congress.—It is the sense of Congress that the President should seek to enter into an international agreement to modernize and improve standards for the transliteration of names into the Roman alphabet in order to ensure 1 common spelling for such names for international travel documents and name-based watchlist systems.

SEC. 7206. IMMIGRATION SECURITY INITIATIVE.

(a) In General.—Section 235A(b) of the Immigration and Nationality Act (8 U.S.C. 1225a(b)) is amended—

(1) in the subsection heading, by inserting "and Immigration Security Initiative" after "Program";

(2) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(3) by adding at the end the following: "Beginning not later than December 31, 2006, the number of airports selected for an assignment under this subsection shall be at least 50.".

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out the amendments made by subsection (a)—

(1) $25,000,000 for fiscal year 2005;

(2) $40,000,000 for fiscal year 2006; and

(3) $40,000,000 for fiscal year 2007.

SEC. 7207. CERTIFICATION REGARDING TECHNOLOGY FOR VISA WAIVER PARTICIPANTS.

Not later than October 26, 2006, the Secretary of State shall certify to Congress which of the countries designated to participate in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) are developing a program to issue to individuals seeking to enter that country pursuant to a visa issued by that country, a machine readable visa document that is tamper-resistant and incorporates biometric identification information that is verifiable at its port of entry.

SEC. 7208. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.

(a) Finding.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that completing a biometric entry and exit data system as expeditiously as possible is an essential investment in efforts to protect the United States by preventing the entry of terrorists.

(b) Definition.—In this section, the term "entry and exit data system" means the entry and exit system required by applicable sections of—

(1) the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208);

(2) the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–205);

(3) the Visa Waiver Permanent Program Act (Public Law 106–396);

(4) the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107–173); and

(5) the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107–56).

(c) Plan and Report.—

(1) Development of plan.—The Secretary of Homeland Security shall develop a plan to accelerate the full implementation of an automated biometric entry and exit data system.

(2) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress on the plan developed under paragraph (1), which shall contain—

(A) a description of the current functionality of the entry and exit data system, including—

(i) a listing of ports of entry and other Department of Homeland Security and Department of State locations with biometric entry data systems in use and whether such screening systems are located at primary or secondary inspection areas;

(ii) a listing of ports of entry and other Department of Homeland Security and Department of State locations with biometric exit data systems in use;

(iii) a listing of databases and data systems with which the entry and exit data system are interoperable;

(iv) a description of—

(I) identified deficiencies concerning the accuracy or integrity of the information contained in the entry and exit data system;

(II) identified deficiencies concerning technology associated with processing individuals through the system; and

(III) programs or policies planned or implemented to correct problems identified in subclause (I) or (II); and

(v) an assessment of the effectiveness of the entry and exit data system in fulfilling its intended purposes, including preventing terrorists from entering the United States;

(B) a description of factors relevant to the accelerated implementation of the biometric entry and exit data system, including—

(i) the earliest date on which the Secretary estimates that full implementation of the biometric entry and exit data system can be completed;

(ii) the actions the Secretary will take to accelerate the full implementation of the biometric entry and exit data system at all ports of entry through which all aliens must pass that are legally required to do so; and

(iii) the resources and authorities required to enable the Secretary to meet the implementation date described in clause (i);

(C) a description of any improvements needed in the information technology employed for the biometric entry and exit data system;

(D) a description of plans for improved or added interoperability with any other databases or data systems; and

(E) a description of the manner in which the Department of Homeland Security's US-VISIT program—

(i) meets the goals of a comprehensive entry and exit screening system, including both entry and exit biometric; and

(ii) fulfills the statutory obligations under subsection (b).

(d) Collection of Biometric Exit Data.—The entry and exit data system shall include a requirement for the collection of biometric exit data for all categories of individuals who are required to provide biometric entry data, regardless of the port of entry where such categories of individuals entered the United States.

(e) Integration and Interoperability.—

(1) Integration of data system.—Not later than 2 years after the date of enactment of this Act, the Secretary shall fully integrate all databases and data systems that process or contain information on aliens, which are maintained by—

(A) the Department of Homeland Security, at—

(i) the United States Immigration and Customs Enforcement;

(ii) the United States Customs and Border Protection; and

(iii) the United States Citizenship and Immigration Services;

(B) the Department of Justice, at the Executive Office for Immigration Review; and

(C) the Department of State, at the Bureau of Consular Affairs.

(2) Interoperable component.—The fully integrated data system under paragraph (1) shall be an interoperable component of the entry and exit data system.

(3) Interoperable Data System.—Not later than 2 years after the date of enactment of this Act, the Secretary shall fully implement an interoperable electronic data system, as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act (8 U.S.C. 1722) to provide current and immediate access to information in the databases of Federal law enforcement agencies and the intelligence community that is relevant to determine—

(A) whether to issue a visa; or

(B) the admissibility or deportability of an alien.

(f) Maintaining Accuracy and Integrity of Entry and Exit Data System.—

(1) Policies and procedures.—

(A) Establishment.—The Secretary of Homeland Security shall establish rules, guidelines, policies, and operating and auditing procedures for collecting, removing, and updating data maintained in, and adding information to, the entry and exit data system that ensure the accuracy and integrity of the data.

(B) Training.—The Secretary shall develop training on the rules, guidelines, policies, and procedures established under subparagraph (A), and on immigration law and procedure. All personnel authorized to access information maintained in the databases and data system shall receive such training.

(2) Data collected from foreign nationals.—The Secretary of Homeland Security, the Secretary of State, and the Attorney General, after consultation with directors of the relevant intelligence agencies, shall standardize the information and data collected from foreign nationals, and the procedures utilized to collect such data, to ensure that the information is consistent and valuable to officials accessing that data across multiple agencies.

(3) Data maintenance procedures.—Heads of agencies that have databases or data systems linked to the entry and exit data system shall establish rules, guidelines, policies, and operating and auditing procedures for collecting, removing, and updating data maintained in, and adding information to, such databases or data systems that ensure the accuracy and integrity of the data and for limiting access to the information in the databases or data systems to authorized personnel.

(4) Requirements.—The rules, guidelines, policies, and procedures established under this subsection shall—

(A) incorporate a simple and timely method for—

(i) correcting errors in a timely and effective manner;

(ii) determining which government officer provided data so that the accuracy of the data can be ascertained; and

(iii) clarifying information known to cause false hits or misidentification errors;

(B) include procedures for individuals to—

(i) seek corrections of data contained in the databases or data systems; and

(ii) appeal decisions concerning data contained in the databases or data systems;

(C) strictly limit the agency personnel authorized to enter data into the system;

(D) identify classes of information to be designated as temporary or permanent entries, with corresponding expiration dates for temporary entries; and

(E) identify classes of prejudicial information requiring additional authority of supervisory personnel before entry.

(5) Centralizing and streamlining correction process.—

(A) In general.—The President, or agency director designated by the President, shall establish a clearinghouse bureau in the Department of Homeland Security, to centralize and streamline the process through which members of the public can seek corrections to erroneous or inaccurate information contained in agency databases, which is related to immigration status, or which otherwise impedes lawful admission to the United States.

(B) Time schedules.—The process described in subparagraph (A) shall include specific time schedules for reviewing data correction requests, rendering decisions on such requests, and implementing appropriate corrective action in a timely manner.

(g) Integrated Biometric Entry-Exit Screening System.—The biometric entry and exit data system shall facilitate efficient immigration benefits processing by—

(1) ensuring that the system's tracking capabilities encompass data related to all immigration benefits processing, including—

(A) visa applications with the Department of State;

(B) immigration related filings with the Department of Labor;

(C) cases pending before the Executive Office for Immigration Review; and

(D) matters pending or under investigation before the Department of Homeland Security;

(2) utilizing a biometric based identity number tied to an applicant's biometric algorithm established under the entry and exit data system to track all immigration related matters concerning the applicant;

(3) providing that—

(A) all information about an applicant's immigration related history, including entry and exit history, can be queried through electronic means; and

(B) database access and usage guidelines include stringent safeguards to prevent misuse of data;

(4) providing real-time updates to the information described in paragraph (3)(A), including pertinent data from all agencies referred to in paragraph (1); and

(5) providing continuing education in counterterrorism techniques, tools, and methods for all Federal personnel employed in the evaluation of immigration documents and immigration-related policy.

(h) Entry-Exit System Goals.—The Department of Homeland Security shall operate the biometric entry and exit system so that it—

(1) serves as a vital counterterrorism tool;

(2) screens travelers efficiently and in a welcoming manner;

(3) provides inspectors and related personnel with adequate real-time information;

(4) ensures flexibility of training and security protocols to most effectively comply with security mandates;

(5) integrates relevant databases and plans for database modifications to address volume increase and database usage; and

(6) improves database search capacities by utilizing language algorithms to detect alternate names.

(i) Dedicated Specialists and Front Line Personnel Training.—In implementing the provisions of subsections (g) and (h), the Department of Homeland Security and the Department of State shall—

(1) develop cross-training programs that focus on the scope and procedures of the entry and exit data system;

(2) provide extensive community outreach and education on the entry and exit data system's procedures;

(3) provide clear and consistent eligibility guidelines for applicants in low-risk traveler programs; and

(4) establish ongoing training modules on immigration law to improve adjudications at our ports of entry, consulates, and embassies.

(j) Compliance Status Reports.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of State, the Attorney General, and the head of any other department or agency subject to the requirements of this section, shall issue individual status reports and a joint status report detailing the compliance of the department or agency with each requirement under this section.

(k) Expediting Registered Travelers Across International Borders.—

(1) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(A) Expediting the travel of previously screened and known travelers across the borders of the United States should be a high priority.

(B) The process of expediting known travelers across the borders of the United States can permit inspectors to better focus on identifying terrorists attempting to enter the United States.

(2) Definition.—In this subsection, the term "registered traveler program" means any program designed to expedite the travel of previously screened and known travelers across the borders of the United States.

(3) Registered travel program.—

(A) In general.—As soon as is practicable, the Secretary shall develop and implement a registered traveler program to expedite the processing of registered travelers who enter and exit the United States.

(B) Participation.—The registered traveler program shall include as many participants as practicable by—

(i) minimizing the cost of enrollment;

(ii) making program enrollment convenient and easily accessible; and

(iii) providing applicants with clear and consistent eligibility guidelines.

(C) Integration.—The registered traveler program shall be integrated into the automated biometric entry and exit data system described in this section.

(D) Review and evaluation.—In developing the registered traveler program, the Secretary shall—

(i) review existing programs or pilot projects designed to expedite the travel of registered travelers across the borders of the United States;

(ii) evaluate the effectiveness of the programs described in clause (i), the costs associated with such programs, and the costs to travelers to join such programs;

(iii) increase research and development efforts to accelerate the development and implementation of a single registered traveler program; and

(iv) review the feasibility of allowing participants to enroll in the registered traveler program at consular offices.

(4) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the Department's progress on the development and implementation of the registered traveler program.

(l) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary, for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out the provisions of this section.

SEC. 7209. TRAVEL DOCUMENTS.

(a) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Existing procedures allow many individuals to enter the United States by showing minimal identification or without showing any identification.

(2) The planning for the terrorist attacks of September 11, 2001, demonstrates that terrorists study and exploit United States vulnerabilities.

(3) Additional safeguards are needed to ensure that terrorists cannot enter the United States.

(b) PASSPORTS.—

(1) DEVELOPMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a plan as expeditiously as possible to require a passport or other document, or combination of documents, deemed by the Secretary of Homeland Security to be sufficient to denote identity and citizenship, for all travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)). This plan shall be implemented not later than January 1, 2008, and shall seek to expedite the travel of frequent travelers, including those who reside in border communities, and in doing so, shall make readily available a registered traveler program (as described in section 7208(k)).

(2) REQUIREMENT TO PRODUCE DOCUMENTATION.—The plan developed under paragraph (1) shall require all United States citizens, and categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of such Act, to carry and produce the documentation described in paragraph (1) when traveling from foreign countries into the United States.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—After the complete implementation of the plan described in subsection (b)—

(1) neither the Secretary of State nor the Secretary of Homeland Security may exercise discretion under section 212(d)(4)(B) of such Act to waive documentary requirements for travel into the United States; and

(2) the President may not exercise discretion under section 215(b) of such Act (8 U.S.C. 1185(b)) to waive documentary requirements for United States citizens departing from or entering, or attempting to depart from or enter, the United States except—

(A) where the Secretary of Homeland Security determines that the alternative documentation that is the basis for the waiver of the documentary requirement is sufficient to denote identity and citizenship;

(B) in the case of an unforeseen emergency in individual cases; or

(C) in the case of humanitarian or national interest reasons in individual cases.

(d) TRANSIT WITHOUT VISA PROGRAM.—The Secretary of State shall not use any authorities granted under section 212(d)(4)(C) of such Act until the Secretary, in conjunction with the Secretary of Homeland Security, completely implements a security plan to fully ensure secure transit passage areas to prevent aliens proceeding in immediate and continuous transit through the United States from illegally entering the United States.

SEC. 7210. EXCHANGE OF TERRORIST INFORMATION AND INCREASED PREINSPECTION AT FOREIGN AIRPORTS.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The exchange of terrorist information with other countries, consistent with privacy requirements, along with listings of lost and stolen passports, will have immediate security benefits.

(2) The further away from the borders of the United States that screening occurs, the more security benefits the United States will gain.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Federal Government should exchange terrorist information with trusted allies;

(2) the Federal Government should move toward real-time verification of passports with issuing authorities;

(3) where practicable, the Federal Government should conduct screening before a passenger departs on a flight destined for the United States;

(4) the Federal Government should work with other countries to ensure effective inspection regimes at all airports;

(5) the Federal Government should work with other countries to improve passport standards and provide foreign assistance to countries that need help making the transition to the global standard for identification; and

(6) the Department of Homeland Security, in coordination with the Department of State and other Federal agencies, should implement the initiatives called for in this subsection.

(c) REPORT REGARDING THE EXCHANGE OF TERRORIST INFORMATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of State and the Secretary of Homeland Security, working with other Federal agencies, shall submit to the appropriate committees of Congress a report on Federal efforts to collaborate with allies of the United States in the exchange of terrorist information.

(2) CONTENTS.—The report shall outline—

(A) strategies for increasing such collaboration and cooperation;

(B) progress made in screening passengers before their departure to the United States; and

(C) efforts to work with other countries to accomplish the goals described under this section.

(d) PREINSPECTION AT FOREIGN AIRPORTS.—

(1) IN GENERAL.—Section 235A(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225a(a)(4)) is amended to read as follows:

"(4) Subject to paragraph (5), not later than January 1, 2008, the Secretary of Homeland Security, in consultation with the Secretary of State, shall establish preinspection stations in at least 25 additional foreign airports, which the Secretary of Homeland Security, in consultation with the Secretary of State, determines, based on the data compiled under paragraph (3) and such other information as may be available, would most effectively facilitate the travel of admissible aliens and reduce the number of inadmissible aliens, especially aliens who are potential terrorists, who arrive from abroad by air at points of entry within the United States. Such preinspection stations shall be in addition to those established before September 30, 1996, or pursuant to paragraph (1).".

(2) REPORT.—Not later than June 30, 2006, the Secretary of Homeland Security and the Secretary of State shall submit a report on the progress being made in implementing the amendment made by paragraph (1) to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives;

(C) the Committee on Foreign Relations of the Senate;

(D) the Committee on International Relations of the House of Representatives;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(F) the Select Committee on Homeland Security of the House of Representatives (or any successor committee).

SEC. 7211. MINIMUM STANDARDS FOR BIRTH CERTIFICATES.

(a) DEFINITION.—In this section, the term "birth certificate" means a certificate of birth—

(1) for an individual (regardless of where born)—

(A) who is a citizen or national of the United States at birth; and

(B) whose birth is registered in the United States; and

(2) that—

(A) is issued by a Federal, State, or local government agency or authorized custodian of record and produced from birth records maintained by such agency or custodian of record; or

(B) is an authenticated copy, issued by a Federal, State, or local government agency or authorized custodian of record, of an original certificate of birth issued by such agency or custodian of record.

(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

(1) IN GENERAL.—Beginning 2 years after the promulgation of minimum standards under paragraph (3), no Federal agency may accept a birth certificate for any official purpose unless the certificate conforms to such standards.

(2) STATE CERTIFICATION.—

(A) IN GENERAL.—Each State shall certify to the Secretary of Health and Human Services that the State is in compliance with the requirements of this section.

(B) FREQUENCY.—Certifications under subparagraph (A) shall be made at such intervals and in such a manner as the Secretary of Health and Human Services, with the concurrence of the Secretary of Homeland Security and the Commissioner of Social Security, may prescribe by regulation.

(C) COMPLIANCE.—Each State shall ensure that units of local government and other authorized custodians of records in the State comply with this section.

(D) AUDITS.—The Secretary of Health and Human Services may conduct periodic audits of each State's compliance with the requirements of this section.

(3) MINIMUM STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall by regulation establish minimum standards for birth certificates for use by Federal agencies for official purposes that—

(A) at a minimum, shall require certification of the birth certificate by the State or local government custodian of record that issued the certificate, and shall require the use of safety paper or an alternative, equally secure medium, the seal of the issuing custodian of record, and other features designed to prevent tampering, counterfeiting, or otherwise duplicating the birth certificate for fraudulent purposes;

(B) shall establish requirements for proof and verification of identity as a condition of issuance of a birth certificate, with additional security measures for the issuance of a birth certificate for a person who is not the applicant;

(C) shall establish standards for the processing of birth certificate applications to prevent fraud;

(D) may not require a single design to which birth certificates issued by all States must conform; and

(E) shall accommodate the differences between the States in the manner and form in which birth records are stored and birth certificates are produced from such records.

(4) CONSULTATION WITH GOVERNMENT AGENCIES.—In promulgating the standards required under paragraph (3), the Secretary of Health and Human Services shall consult with—

(A) the Secretary of Homeland Security;

(B) the Commissioner of Social Security;

(C) State vital statistics offices; and

(D) other appropriate Federal agencies.

(5) EXTENSION OF EFFECTIVE DATE.—The Secretary of Health and Human Services may extend the date specified under paragraph (1) for up to 2 years for birth certificates issued by a State if the Secretary determines that the State made reasonable efforts to comply with the date under paragraph (1) but was unable to do so.

(c) GRANTS TO STATES.—

(1) ASSISTANCE IN MEETING FEDERAL STANDARDS.—

(A) IN GENERAL.—Beginning on the date a final regulation is promulgated under subsection (b)(3), the Secretary of Health and Human Services shall award grants to States to assist them in conforming to the minimum standards for birth certificates set forth in the regulation.

(B) ALLOCATION OF GRANTS.—The Secretary shall award grants to States under this paragraph based on the proportion that the estimated average annual number of birth certificates issued by a State applying for a grant bears to the estimated average annual number of birth certificates issued by all States.

(C) MINIMUM ALLOCATION.—Notwithstanding subparagraph (B), each State shall receive not less than 0.5 percent of the grant funds made available under this paragraph.

(2) ASSISTANCE IN MATCHING BIRTH AND DEATH RECORDS.—

(A) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Commissioner of Social Security and other appropriate Federal agencies, shall award grants to States, under criteria established by the Secretary, to assist States in—

(i) computerizing their birth and death records;

(ii) developing the capability to match birth and death records within each State and among the States; and

(iii) noting the fact of death on the birth certificates of deceased persons.

(B) ALLOCATION OF GRANTS.—The Secretary shall award grants to qualifying States under this paragraph based on the proportion that the estimated annual average number of birth and death records created by a State applying for a grant bears to the estimated annual average number of birth and death records originated by all States.

(C) MINIMUM ALLOCATION.—Notwithstanding subparagraph (B), each State shall receive not less than 0.5 percent of the grant funds made available under this paragraph.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this section.

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (5 U.S.C. 301 note) is repealed.

SEC. 7212. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CARDS.

(a) DEFINITIONS.—In this section:

(1) DRIVER'S LICENSE.—The term 'driver's license' means a motor vehicle operator's license as defined in section 30301(5) of title 49, United States Code.

(2) PERSONAL IDENTIFICATION CARD.—The term 'personal identification card' means an identification document (as defined in section 1028(d)(3) of title 18, United States Code) issued by a State.

(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

(1) IN GENERAL.—

(A) LIMITATION ON ACCEPTANCE.—No Federal agency may accept, for any official purpose, a driver's license or personal identification card newly issued by a State more than 2 years after the promulgation of the minimum standards under paragraph (2) unless the driver's license or personal identification card conforms to such minimum standards.

(B) DATE FOR CONFORMANCE.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall establish a date after which no driver's license or personal identification card shall be accepted by a Federal agency for any official purpose unless such driver's license or personal identification card conforms to the minimum standards established under paragraph (2). The date shall be as early as the Secretary determines it is practicable for the States to comply with such date with reasonable efforts.

(C) STATE CERTIFICATION.—

(i) IN GENERAL.—Each State shall certify to the Secretary of Transportation that the State is in compliance with the requirements of this section.

(ii) FREQUENCY.—Certifications under clause (i) shall be made at such intervals and in such a manner as the Secretary of Transportation, with the concurrence of the Secretary of Homeland Security, may prescribe by regulation.

(iii) AUDITS.—The Secretary of Transportation may conduct periodic audits of each State's compliance with the requirements of this section.

(2) MINIMUM STANDARDS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall by regulation, establish minimum standards for driver's licenses or personal identification cards issued by a State for use by Federal agencies for identification purposes that shall include—

(A) standards for documentation required as proof of identity of an applicant for a driver's license or personal identification card;

(B) standards for the verifiability of documents used to obtain a driver's license or personal identification card;

(C) standards for the processing of applications for driver's licenses and personal identification cards to prevent fraud;

(D) standards for information to be included on each driver's license or personal identification card, including—

(i) the person's full legal name;

(ii) the person's date of birth;

(iii) the person's gender;

(iv) the person's driver's license or personal identification card number;

(v) a digital photograph of the person;

(vi) the person's address of principal residence; and

(vii) the person's signature;

(E) standards for common machine-readable identity information to be included on each driver's license or personal identification card, including defined minimum data elements;

(F) security standards to ensure that driver's licenses and personal identification cards are—

(i) resistant to tampering, alteration, or counterfeiting; and

(ii) capable of accommodating and ensuring the security of a digital photograph or other unique identifier; and

(G) a requirement that a State confiscate a driver's license or personal identification card if any component or security feature of the license or identification card is compromised.

(3) CONTENT OF REGULATIONS.—The regulations required by paragraph (2)—

(A) shall facilitate communication between the chief driver licensing official of a State, an appropriate official of a Federal agency and other relevant officials, to verify the authenticity of documents, as appropriate, issued by such Federal agency or entity and presented to prove the identity of an individual;

(B) may not infringe on a State's power to set criteria concerning what categories of individuals are eligible to obtain a driver's license or personal identification card from that State;

(C) may not require a State to comply with any such regulation that conflicts with or otherwise interferes with the full enforcement of State criteria concerning the categories of individuals that are eligible to obtain a driver's license or personal identification card from that State;

(D) may not require a single design to which driver's licenses or personal identification cards issued by all States must conform; and

(E) shall include procedures and requirements to protect the privacy rights of individuals who apply for and hold driver's licenses and personal identification cards.

(4) NEGOTIATED RULEMAKING.—

(A) IN GENERAL.—Before publishing the proposed regulations required by paragraph (2) to carry out this title, the Secretary of Transportation shall establish a negotiated rulemaking process pursuant to subchapter IV of chapter 5 of title 5, United States Code (5 U.S.C. 561 et seq.).

(B) REPRESENTATION ON NEGOTIATED RULEMAKING COMMITTEE.—Any negotiated rulemaking committee established by the Secretary of Transportation pursuant to subparagraph (A) shall include representatives from—

(i) among State offices that issue driver's licenses or personal identification cards;

(ii) among State elected officials;

(iii) the Department of Homeland Security; and

(iv) among interested parties.

(C) TIME REQUIREMENT.—The process described in subparagraph (A) shall be conducted in a timely manner to ensure that—

(i) any recommendation for a proposed rule or report is provided to the Secretary of Transportation not later than 9 months after the date of enactment of this Act and shall include an assessment of the benefits and costs of the recommendation; and

(ii) a final rule is promulgated not later than 18 months after the date of enactment of this Act.

(c) GRANTS TO STATES.—

(1) ASSISTANCE IN MEETING FEDERAL STANDARDS.—Beginning on the date a final regulation is promulgated under subsection (b)(2), the Secretary of Transportation shall award grants to States to assist them in conforming to the minimum standards for driver's licenses and personal identification cards set forth in the regulation.

(2) ALLOCATION OF GRANTS.—The Secretary of Transportation shall award grants to States under this subsection based on the proportion that the estimated average annual number of driver's licenses and personal identification cards issued by a State applying for a grant bears to the average annual number of such documents issued by all States.

(3) MINIMUM ALLOCATION.—Notwithstanding paragraph (2), each State shall receive not less than 0.5 percent of the grant funds made available under this subsection.

(d) EXTENSION OF EFFECTIVE DATE.—The Secretary of Transportation may extend the date specified under subsection (b)(1)(A) for up to 2 years for driver's licenses issued by a State if the Secretary determines that the State made reasonable efforts to comply with the date under such subsection but was unable to do so.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out this section.

SEC. 7213. SOCIAL SECURITY CARDS AND NUMBERS.

(a) SECURITY ENHANCEMENTS.—The Commissioner of Social Security shall—

(1) not later than 1 year after the date of enactment of this Act—

(A) restrict the issuance of multiple replacement social security cards to any individual to 3 per year and 10 for the life of the individual, except that the Commissioner may allow for reasonable exceptions from the limits under this paragraph on a case-by-case basis in compelling circumstances;

(B) establish minimum standards for the verification of documents or records submitted by an individual to establish eligibility for an original or replacement social security card, other than for purposes of enumeration at birth; and

(C) require independent verification of any birth record submitted by an individual to establish eligibility for a social security account number, other than for purposes of enumeration at birth, except that the Commissioner may allow for reasonable exceptions from the requirement for independent verification under this subparagraph on a case by case basis in compelling circumstances; and

(2) notwithstanding section 205(r) of the Social Security Act (42 U.S.C. 405(r)) and any agreement entered into thereunder, not later than 18 months after the date of enactment of this Act with respect to death indicators and not later than 36 months after the date of enactment of this Act with respect to fraud indicators, add death and fraud indicators to the social security number verification systems for employers, State agencies issuing driver's licenses and identity cards, and other verification routines that the Commissioner determines to be appropriate.

(b) Interagency Security Task Force.—The Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall form an interagency task force for the purpose of further improving the security of social security cards and numbers. Not later than 18 months after the date of enactment of this Act, the task force shall establish, and the Commissioner shall provide for the implementation of, security requirements, including—

(1) standards for safeguarding social security cards from counterfeiting, tampering, alteration, and theft;

(2) requirements for verifying documents submitted for the issuance of replacement cards; and

(3) actions to increase enforcement against the fraudulent use or issuance of social security numbers and cards.

(c) Enumeration at Birth.

(1) Improvement of application process.—As soon as practicable after the date of enactment of this Act, the Commissioner of Social Security shall undertake to make improvements to the enumeration at birth program for the issuance of social security account numbers to newborns. Such improvements shall be designed to prevent—

(A) the assignment of social security account numbers to unnamed children;

(B) the issuance of more than 1 social security account number to the same child; and

(C) other opportunities for fraudulently obtaining a social security account number.

(2) Report to Congress.—Not later than 1 year after the date of enactment of this Act, the Commissioner shall transmit to each House of Congress a report specifying in detail the extent to which the improvements required under paragraph (1) have been made.

(d) Study Regarding Process for Enumeration at Birth.—

(1) In general.—As soon as practicable after the date of enactment of this Act, the Commissioner of Social Security shall conduct a study to determine the most efficient options for ensuring the integrity of the process for enumeration at birth. This study shall include an examination of available methods for reconciling hospital birth records with birth registrations submitted to agencies of States and political subdivisions thereof and with information provided to the Commissioner as part of the process for enumeration at birth.

(2) Report.—

(A) In general.—Not later than 18 months after the date of enactment of this Act, the Commissioner shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the results of the study conducted under paragraph (1).

(B) Contents.—The report submitted under subparagraph (A) shall contain such recommendations for legislative changes as the Commissioner considers necessary to implement needed improvements in the process for enumeration at birth.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Commissioner of Social Security for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out this section.

SEC. 7214. PROHIBITION OF THE DISPLAY OF SOCIAL SECURITY ACCOUNT NUMBERS ON DRIVER'S LICENSES OR MOTOR VEHICLE REGISTRATIONS.

(a) In General.—Section 205(c)(2)(C)(vi) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(vi)) is amended—

(1) by inserting "(I)" after "(vi)"; and

(2) by adding at the end the following new subclause:

"(II) Any State or political subdivision thereof (and any person acting as an agent of such an agency or instrumentality), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, may not display a social security account number issued by the Commissioner of Social Security (or any derivative of such number) on any driver's license, motor vehicle registration, or personal identification card (as defined in section 7212(a)(2) of the 9/11 Commission Implementation Act of 2004), or include, on any such license, registration, or personal identification card, a magnetic strip, bar code, or other means of communication which conveys such number (or derivative thereof).".

(b) Effective Date.—The amendment made by subsection (a)(2) shall apply with respect to licenses, registrations, and identification cards issued or reissued 1 year after the date of enactment of this Act.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Commissioner of Social Security for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out this section.

SEC. 7215. TERRORIST TRAVEL PROGRAM.

The Secretary of Homeland Security, in consultation with the Director of the National Counterterrorism Center, and consistent with the strategy developed under section 7201, shall establish a program to oversee the implementation of the Department's responsibilities with respect to terrorist travel, including the analysis, coordination, and dissemination of terrorist travel intelligence and operational information—

(1) among appropriate subdivisions of the Department of Homeland Security, including—

(A) the Bureau of Customs and Border Protection;

(B) United States Immigration and Customs Enforcement;

(C) United States Citizenship and Immigration Services;

(D) the Transportation Security Administration; and

(E) any other subdivision, as determined by the Secretary; and

(2) between the Department of Homeland Security and other appropriate Federal agencies.

SEC. 7216. INCREASE IN PENALTIES FOR FRAUD AND RELATED ACTIVITY.

Section 1028(b)(4) of title 18, United States Code, is amended by striking "25 years" and inserting "30 years".

SEC. 7217. STUDY ON ALLEGEDLY LOST OR STOLEN PASSPORTS.

(a) In General.—Not later than May 31, 2005, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report, containing the results of a study on the subjects described in subsection (b), to—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on the Judiciary of the House of Representatives;

(3) the Committee on Foreign Relations of the Senate;

(4) the Committee on International Relations of the House of Representatives;

(5) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(6) the Select Committee on Homeland Security of the House of Representatives (or any successor committee).

(b) Contents.—The study referred to in subsection (a) shall examine the feasibility, cost, potential benefits, and relative importance to the objectives of tracking suspected terrorists' travel, and apprehending suspected terrorists, of establishing a system, in coordination with other countries, through which border and visa issuance officials have access in real-time to information on newly issued passports to persons whose previous passports were allegedly lost or stolen.

(c) Incentives.—The study described in subsection (b) shall make recommendations on incentives that might be offered to encourage foreign nations to participate in the initiatives described in subsection (b).

SEC. 7218. ESTABLISHMENT OF VISA AND PASSPORT SECURITY PROGRAM IN THE DEPARTMENT OF STATE.

(a) Establishment.—There is established, within the Bureau of Diplomatic Security of the Department of State, the Visa and Passport Security Program (in this section referred to as the "Program").

(b) Preparation of Strategic Plan.—

(1) In general.—The Assistant Secretary for Diplomatic Security, in coordination with the appropriate officials of the Bureau of Consular Affairs, the coordinator for counterterrorism, the National Counterterrorism Center, and the Department of Homeland Security, and consistent with the strategy mandated by section 7201, shall ensure the preparation of a strategic plan to target and disrupt individuals and organizations, within the United States and in foreign countries, that are involved in the fraudulent production, distribution, use, or other similar activity—

(A) of a United States visa or United States passport;

(B) of documents intended to help fraudulently procure a United States visa or United States passport, or other documents intended to gain unlawful entry into the United States; or

(C) of passports and visas issued by foreign countries intended to gain unlawful entry into the United States.

(2) Emphasis.—The strategic plan shall—

(A) focus particular emphasis on individuals and organizations that may have links to domestic terrorist organizations or foreign terrorist organizations (as such term is defined in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189));

(B) require the development of a strategic training course under the Antiterrorism Assistance Training (ATA) program of the Department of State (or any successor or related program) under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.) (or other relevant provisions of law) to train participants in the identification of fraudulent documents and the forensic detection of such documents which may be used to obtain unlawful entry into the United States; and

(C) determine the benefits and costs of providing technical assistance to foreign governments to ensure the security of passports, visas, and related documents and to investigate, arrest, and prosecute individuals who facilitate travel by the creation of false passports and visas, documents to obtain such passports and visas, and other types of travel documents.

(c) PROGRAM.—

(1) INDIVIDUAL IN CHARGE.—

(A) DESIGNATION.—The Assistant Secretary for Diplomatic Security shall designate an individual to be in charge of the Program.

(B) QUALIFICATION.—The individual designated under subparagraph (A) shall have expertise and experience in the investigation and prosecution of visa and passport fraud.

(2) PROGRAM COMPONENTS.—The Program shall include the following:

(A) ANALYSIS OF METHODS.—Analyze, in coordination with other appropriate government agencies, methods used by terrorists to travel internationally, particularly the use of false or altered travel documents to illegally enter foreign countries and the United States, and consult with the Bureau of Consular Affairs and the Secretary of Homeland Security on recommended changes to the visa issuance process that could combat such methods, including the introduction of new technologies into such process.

(B) IDENTIFICATION OF INDIVIDUALS AND DOCUMENTS.—Identify, in cooperation with the Human Trafficking and Smuggling Center, individuals who facilitate travel by the creation of false passports and visas, documents used to obtain such passports and visas, and other types of travel documents, and ensure that the appropriate agency is notified for further investigation and prosecution or, in the case of such individuals abroad for which no further investigation or prosecution is initiated, ensure that all appropriate information is shared with foreign governments in order to facilitate investigation, arrest, and prosecution of such individuals.

(C) IDENTIFICATION OF FOREIGN COUNTRIES NEEDING ASSISTANCE.—Identify foreign countries that need technical assistance, such as law reform, administrative reform, prosecutorial training, or assistance to police and other investigative services, to ensure passport, visa, and related document security and to investigate, arrest, and prosecute individuals who facilitate travel by the creation of false passports and visas, documents used to obtain such passports and visas, and other types of travel documents.

(D) INSPECTION OF APPLICATIONS.—Randomly inspect visa and passport applications for accuracy, efficiency, and fraud, especially at high terrorist threat posts, in order to prevent a recurrence of the issuance of visas to those who submit incomplete, fraudulent, or otherwise irregular or incomplete applications.

(d) REPORT.—Not later than 90 days after the date on which the strategy required under section 7201 is submitted to Congress, the Assistant Secretary for Diplomatic Security shall submit to Congress a report containing—

(1) a description of the strategic plan prepared under subsection (b); and

(2) an evaluation of the feasibility of establishing civil service positions in field offices of the Bureau of Diplomatic Security to investigate visa and passport fraud, including an evaluation of whether to allow diplomatic security agents to convert to civil service officers to fill such positions.

SEC. 7219. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, this subtitle shall take effect on the date of enactment of this Act.

SEC. 7220. IDENTIFICATION STANDARDS.

(a) PROPOSED STANDARDS.—

(1) IN GENERAL.—The Secretary of Homeland Security—

(A) shall propose minimum standards for identification documents required of domestic commercial airline passengers for boarding an aircraft; and

(B) may, from time to time, propose minimum standards amending or replacing standards previously proposed and transmitted to Congress and approved under this section.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit the standards under paragraph (1)(A) to the Senate and the House of Representatives on the same day while each House is in session.

(3) EFFECTIVE DATE.—Any proposed standards submitted to Congress under this subsection shall take effect when an approval resolution is passed by the House and the Senate under the procedures described in subsection (b) and becomes law.

(b) CONGRESSIONAL APPROVAL PROCEDURES.—

(1) RULEMAKING POWER.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of such approval resolutions; and it supersedes other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2) APPROVAL RESOLUTION.—For the purpose of this subsection, the term "approval resolution" means a joint resolution of Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the proposed standards issued under section 7220 of the 9/11 Commission Implementation Act of 2004, transmitted by the President to the Congress on __________", the blank space being filled in with the appropriate date.

(3) INTRODUCTION.—Not later than the first day of session following the day on which proposed standards are transmitted to the House of Representatives and the Senate under subsection (a), an approval resolution—

(A) shall be introduced (by request) in the House by the Majority Leader of the House of Representatives, for himself or herself and the minority leader of the House of Representatives, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader of the House; and

(B) shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself or herself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

(4) PROHIBITIONS.—

(A) AMENDMENTS.—No amendment to an approval resolution shall be in order in either the House of Representative of the Senate.

(B) MOTIONS TO SUSPEND.—No motion to suspend the application of this paragraph shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this paragraph by unanimous consent.

(5) REFERRAL.—

(A) IN GENERAL.—An approval resolution shall be referred to the committees of the House of Representatives and of the Senate with jurisdiction. Each committee shall make its recommendations to the House of Representatives or the Senate, as the case may be, within 45 days after its introduction. Except as provided in subparagraph (B), if a committee to which an approval resolution has been referred has not reported it at the close of the 45th day after its introduction, such committee shall be automatically discharged from further consideration of the resolution and it shall be placed on the appropriate calendar.

(B) FINAL PASSAGE.—A vote on final passage of the resolution shall be taken in each House on or before the close of the 15th day after the resolution is reported by the committee or committees of that House to which it was referred, or after such committee or committees have been discharge from further consideration of the resolution.

(C) COMPUTATION OF DAYS.—For purposes of this paragraph, in computing a number of days in either House, there shall be excluded any day on which that House is not in session.

(6) COORDINATION WITH ACTION OF OTHER HOUSE.—If prior to the passage by one House of an approval resolution of that House, that House receives the same approval resolution from the other House, then the procedure in that House shall be the same as if no approval resolution has been received from the other House, but the vote on final passage shall be on the approval resolution of the other House.

(7) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) MOTION TO PROCEED.—A motion in the House of Representatives to proceed to the consideration of an approval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, not shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) DEBATE.—Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 4 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate shall not be debatable. It shall not be in order to move to recommit an approval resolution or to move to reconsider the vote by which an approval resolution is agree to or disagreed to.

(C) MOTION TO POSTPONE.—Motions to postpone made in the House of Representatives with respect to the consideration of an approval resolution and motions to proceed to the consideration of other business shall be decided without debate.

(D) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to an approval resolution shall be decided without debate.

(E) RULES OF THE HOUSE OF REPRESENTATIVES.—Except to the extent specifically provided in subparagraphs (A) through (D), consideration of an approval resolution shall be governed by the Rules of the House of Representatives applicable to other resolutions in similar circumstances.

(8) FLOOR CONSIDERATION IN THE SENATE.—

(A) MOTION TO PROCEED.—A motion in the Senate to proceed to the consideration of an approval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, not shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) DEBATE ON RESOLUTION.—Debate in the Senate on an approval resolution, and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader, or their designees.

(C) DEBATE ON MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with an approval resolution shall be limited to not more than 1 hour, which shall be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the Minority Leader or designee. Such leaders, or either of them, may, from time under their control on the passage of an

approval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) LIMIT ON DEBATE.—A motion in the Senate to further limit debate is not debatable. A motion to recommit an approval resolution is not in order.

(c) DEFAULT STANDARDS.—

(1) IN GENERAL.—If the standards proposed under subsection (a)(1)(A) are not approved pursuant to the procedures described in subsection (b), then not later than 1 year after rejection by a vote of either House of Congress, domestic commercial airline passengers seeking to board an aircraft shall present, for identification purposes—

(A) a valid, unexpired passport;

(B) domestically issued documents that the Secretary of Homeland Security designates as reliable for identification purposes;

(C) any document issued by the Attorney General or the Secretary of Homeland Security under the authority of 1 of the immigration laws (as defined under section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)); or

(D) a document issued by the country of nationality of any alien not required to possess a passport for admission to the United States that the Secretary designates as reliable for identifications purposes

(2) EXCEPTION.—The documentary requirements described in paragraph (1)—

(A) shall not apply to individuals below the age of 17, or such other age as determined by the Secretary of Homeland Security;

(B) may be waived by the Secretary of Homeland Security in the case of an unforeseen medical emergency.

(d) RECOMMENDATION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall recommend to Congress—

(1) categories of Federal facilities that the Secretary determines to be at risk for terrorist attack and requiring minimum identification standards for access to such facilities; and

(2) appropriate minimum identification standards to gain access to those facilities.

Subtitle C—National Preparedness

SEC. 7301. THE INCIDENT COMMAND SYSTEM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The attacks on September 11, 2001, demonstrated that even the most robust emergency response capabilities can be overwhelmed if an attack is large enough.

(2) Teamwork, collaboration, and cooperation at an incident site are critical to a successful response to a terrorist attack.

(3) Key decisionmakers who are represented at the incident command level help to ensure an effective response, the efficient use of resources, and responder safety.

(4) The incident command system also enables emergency managers and first responders to manage, generate, receive, evaluate, share, and use information.

(5) Regular joint training at all levels is essential to ensuring close coordination during an actual incident.

(6) In Homeland Security Presidential Directive 5, the President directed the Secretary of Homeland Security to develop an incident command system, to be known as the National Incident Management System (NIMS), and directed all Federal agencies to make the adoption of NIMS a condition for the receipt of Federal emergency preparedness assistance by States, territories, tribes, and local governments beginning in fiscal year 2005.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States needs to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States by adopting a unified incident command system and significantly enhancing communications connectivity between and among all levels of government agencies, emergency response providers (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), and other organizations with emergency response capabilities;

(2) the unified incident command system should enable emergency managers and first responders to manage, generate, receive, evaluate, share, and use information in the event of a terrorist attack or a significant national disaster;

(3) emergency response agencies nationwide should adopt the Incident Command System known as NIMS;

(4) when multiple agencies or multiple jurisdictions are involved, they should follow a unified command system based on NIMS;

(5) the regular use of, and training in, NIMS by States and, to the extent practicable, territories, tribes, and local governments, should be a condition for receiving Federal preparedness assistance; and

(6) the Secretary of Homeland Security should require, as a further condition of receiving homeland security preparedness funds from the Office of State and Local Government Coordination and Preparedness, that grant applicants document measures taken to fully and aggressively implement the Incident Command System and unified command procedures.

SEC. 7302. NATIONAL CAPITAL REGION MUTUAL AID.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED REPRESENTATIVE OF THE FEDERAL GOVERNMENT.—The term "authorized representative of the Federal Government" means any individual or individuals designated by the President with respect to the executive branch, the Chief Justice with respect to the Federal judiciary, or the President of the Senate and Speaker of the House of Representatives with respect to Congress, or their designees, to request assistance under a mutual aid agreement for an emergency or public service event.

(2) CHIEF OPERATING OFFICER.—The term "chief operating officer" means the official designated by law to declare an emergency in and for the locality of that chief operating officer.

(3) EMERGENCY.—The term "emergency" means a major disaster or emergency declared by the President, or a state of emergency declared by the mayor of the District of Columbia, the Governor of the State of Maryland or the Commonwealth of Virginia, or the declaration of a local emergency by the chief operating officer of a locality, or their designees, that triggers mutual aid under the terms of a mutual aid agreement.

(4) EMPLOYEE.—The term "employee" means the employees of the party, including its agents or authorized volunteers, who are committed in a mutual aid agreement to prepare for or who respond to an emergency or public service event.

(5) LOCALITY.—The term "locality" means a county, city, or town within the State of Maryland or the Commonwealth of Virginia and within the National Capital Region.

(6) MUTUAL AID AGREEMENT.—The term "mutual aid agreement" means an agreement, authorized under subsection (b), for the provision of police, fire, rescue and other public safety and health or medical services to any party to the agreement during a public service event, an emergency, or pre-planned training event.

(7) NATIONAL CAPITAL REGION OR REGION.—The term "National Capital Region" or "Region" means the area defined under section 2674(f)(2) of title 10, United States Code, and those counties with a border abutting that area and any municipalities therein.

(8) PARTY.—The term "party" means the State of Maryland, the Commonwealth of Virginia, the District of Columbia, and any of the localities duly executing a Mutual Aid Agreement under this section.

(9) PUBLIC SERVICE EVENT.—The term "public service event"—

(A) means any undeclared emergency, incident or situation in preparation for or response to which the mayor of the District of Columbia, an authorized representative of the Federal Government, the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, or the chief operating officer of a locality in the National Capital Region, or their designees, requests or provides assistance under a Mutual Aid Agreement within the National Capital Region; and

(B) includes Presidential inaugurations, public gatherings, demonstrations and protests, and law enforcement, fire, rescue, emergency health and medical services, transportation, communications, public works and engineering, mass care, and other support that require human resources, equipment, facilities or services supplemental to or greater than the requesting jurisdiction can provide.

(10) STATE.—The term "State" means the State of Maryland, the Commonwealth of Virginia, and the District of Columbia.

(11) TRAINING.—The term "training" means emergency and public service event-related exercises, testing, or other activities using equipment and personnel to simulate performance of any aspect of the giving or receiving of aid by National Capital Region jurisdictions during emergencies or public service events, such actions occurring outside actual emergency or public service event periods.

(b) MUTUAL AID AUTHORIZED.—

(1) IN GENERAL.—The mayor of the District of Columbia, any authorized representative of the Federal Government, the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, or the chief operating officer of a locality, or their designees, acting within his or her jurisdictional purview, may, in accordance with State law, enter into, request or provide assistance under mutual aid agreements with localities, the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Airports Authority, and any other governmental agency or authority for—

(A) law enforcement, fire, rescue, emergency health and medical services, transportation, communications, public works and engineering, mass care, and resource support in an emergency or public service event;

(B) preparing for, mitigating, managing, responding to or recovering from any emergency or public service event; and

(C) training for any of the activities described under subparagraphs (A) and (B).

(2) FACILITATING LOCALITIES.—The State of Maryland and the Commonwealth of Virginia are encouraged to facilitate the ability of localities to enter into interstate mutual aid agreements in the National Capital Region under this section.

(3) APPLICATION AND EFFECT.—This section—

(A) does not apply to law enforcement security operations at special events of national significance under section 3056(e) of title 18, United States Code, or other law enforcement functions of the United States Secret Service;

(B) does not diminish any authorities, express or implied, of Federal agencies to enter into mutual aid agreements in furtherance of their Federal missions; and

(C) does not—

(i) preclude any party from entering into supplementary Mutual Aid Agreements with fewer than all the parties, or with another party; or

(ii) affect any other agreement in effect before the date of enactment of this Act among the

States and localities, including the Emergency Management Assistance Compact.

(4) Rights Described.—Other than as described in this section, the rights and responsibilities of the parties to a mutual aid agreement entered into under this section shall be as described in the mutual aid agreement.

(c) District of Columbia.—

(1) In General.—The District of Columbia may purchase liability and indemnification insurance or become self insured against claims arising under a mutual aid agreement authorized under this section.

(2) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (1).

(d) Liability and Actions at Law.—

(1) In General.—Any responding party or its officers or employees rendering aid or failing to render aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, under a mutual aid agreement authorized under this section, and any party or its officers or employees engaged in training activities with another party under such a mutual aid agreement, shall be liable on account of any act or omission of its officers or employees while so engaged or on account of the maintenance or use of any related equipment, facilities, or supplies, but only to the extent permitted under the laws and procedures of the State of the party rendering aid.

(2) Actions.—Any action brought against a party or its officers or employees on account of an act or omission in the rendering of aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, or failure to render such aid or on account of the maintenance or use of any related equipment, facilities, or supplies may be brought only under the laws and procedures of the State of the party rendering aid and only in the Federal or State courts located therein. Actions against the United States under this section may be brought only in Federal courts.

(3) Immunities.—This section shall not abrogate any other immunities from liability that any party has under any other Federal or State law.

(e) Workers Compensation.—

(1) Compensation.—Each party shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that party and representatives of deceased members of such forces if such members sustain injuries or are killed while rendering aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, under a mutual aid agreement, or engaged in training activities under a mutual aid agreement, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

(2) Other State Law.—No party shall be liable under the law of any State other than its own for providing for the payment of compensation and death benefits to injured members of the emergency forces of that party and representatives of deceased members of such forces if such members sustain injuries or are killed while rendering aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, under a mutual aid agreement or engaged in training activities under a mutual aid agreement.

(f) Licenses and Permits.—If any person holds a license, certificate, or other permit issued by any responding party evidencing the meeting of qualifications for professional, mechanical, or other skills and assistance is requested by a receiving jurisdiction, such person will be deemed licensed, certified, or permitted by the receiving jurisdiction to render aid involving such skill to meet a public service event, emergency or training for any such events.

SEC. 7303. ENHANCEMENT OF PUBLIC SAFETY COMMUNICATIONS INTEROPERABILITY.

(a) Coordination of Public Safety Interoperable Communications Programs.—

(1) Program.—The Secretary of Homeland Security, in consultation with the Secretary of Commerce and the Chairman of the Federal Communications Commission, shall establish a program to enhance public safety interoperable communications at all levels of government. Such program shall—

(A) establish a comprehensive national approach to achieving public safety interoperable communications;

(B) coordinate with other Federal agencies in carrying out subparagraph (A);

(C) develop, in consultation with other appropriate Federal agencies and State and local authorities, appropriate minimum capabilities for communications interoperability for Federal, State, and local public safety agencies;

(D) accelerate, in consultation with other Federal agencies, including the National Institute of Standards and Technology, the private sector, and nationally recognized standards organizations as appropriate, the development of national voluntary consensus standards for public safety interoperable communications, recognizing—

(i) the value, life cycle, and technical capabilities of existing communications infrastructure;

(ii) the need for cross-border interoperability between States and nations;

(iii) the unique needs of small, rural communities; and

(iv) the interoperability needs for daily operations and catastrophic events;

(E) encourage the development and implementation of flexible and open architectures incorporating, where possible, technologies that currently are commercially available, with appropriate levels of security, for short-term and long-term solutions to public safety communications interoperability;

(F) assist other Federal agencies in identifying priorities for research, development, and testing and evaluation with regard to public safety interoperable communications;

(G) identify priorities within the Department of Homeland Security for research, development, and testing and evaluation with regard to public safety interoperable communications;

(H) establish coordinated guidance for Federal grant programs for public safety interoperable communications;

(I) provide technical assistance to State and local public safety agencies regarding planning, acquisition strategies, interoperability architectures, training, and other functions necessary to achieve public safety communications interoperability;

(J) develop and disseminate best practices to improve public safety communications interoperability; and

(K) develop appropriate performance measures and milestones to systematically measure the Nation's progress toward achieving public safety communications interoperability, including the development of national voluntary consensus standards.

(2) Office for Interoperability and Compatibility.—

(A) Establishment of Office.—The Secretary may establish an Office for Interoperability and Compatibility within the Directorate of Science and Technology to carry out this subsection.

(B) Functions.—If the Secretary establishes such office, the Secretary shall, through such office—

(i) carry out Department of Homeland Security responsibilities and authorities relating to the SAFECOM Program; and

(ii) carry out section 510 of the Homeland Security Act of 2002, as added by subsection (d).

(3) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this subsection—

(A) $22,105,000 for fiscal year 2005;

(B) $22,768,000 for fiscal year 2006;

(C) $23,451,000 for fiscal year 2007;

(D) $24,155,000 for fiscal year 2008; and

(E) $24,879,000 for fiscal year 2009.

(b) Report.—Not later than 120 days after the date of enactment of this Act, the Secretary shall report to the Congress on Department of Homeland Security plans for accelerating the development of national voluntary consensus standards for public safety interoperable communications, a schedule of milestones for such development, and achievements of such development.

(c) International Interoperability.—Not later than 18 months after the date of enactment of this Act, the President shall establish a mechanism for coordinating cross-border interoperability issues between—

(1) the United States and Canada; and

(2) the United States and Mexico.

(d) High Risk Area Communications Capabilities.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 510. URBAN AND OTHER HIGH RISK AREA COMMUNICATIONS CAPABILITIES.

"(a) In General.—The Secretary, in consultation with the Federal Communications Commission and the Secretary of Defense, and with appropriate governors, mayors, and other State and local government officials, shall provide technical guidance, training, and other assistance, as appropriate, to support the rapid establishment of consistent, secure, and effective interoperable communications capabilities in the event of an emergency in urban and other areas determined by the Secretary to be at consistently high levels of risk from terrorist attack.

"(b) Minimum Capabilities.—The interoperable communications capabilities established under subsection (a) shall ensure the ability of all levels of government agencies, emergency response providers (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), and other organizations with emergency response capabilities—

"(1) to communicate with each other in the event of an emergency; and

"(2) to have appropriate and timely access to the Information Sharing Environment described in section 1016 of the National Security Intelligence Reform Act of 2004.".

(e) Multiyear Interoperability Grants.—

(1) Multiyear Commitments.—In awarding grants to any State, region, local government, or Indian tribe for the purposes of enhancing interoperable communications capabilities for emergency response providers, the Secretary may commit to obligate Federal assistance beyond the current fiscal year, subject to the limitations and restrictions in this subsection.

(2) Restrictions.—

(A) Time Limit.—No multiyear interoperability commitment may exceed 3 years in duration.

(B) Amount of Committed Funds.—The total amount of assistance the Secretary has committed to obligate for any future fiscal year under paragraph (1) may not exceed $150,000,000.

(3) Letters of Intent.—

(A) Issuance.—Pursuant to paragraph (1), the Secretary may issue a letter of intent to an

applicant committing to obligate from future budget authority an amount, not more than the Federal Government's share of the project's cost, for an interoperability communications project (including interest costs and costs of formulating the project).

(B) SCHEDULE.—A letter of intent under this paragraph shall establish a schedule under which the Secretary will reimburse the applicant for the Federal Government's share of the project's costs, as amounts become available, if the applicant, after the Secretary issues the letter, carries out the project before receiving amounts under a grant issued by the Secretary.

(C) NOTICE TO SECRETARY.—An applicant that is issued a letter of intent under this subsection shall notify the Secretary of the applicant's intent to carry out a project pursuant to the letter before the project begins.

(D) NOTICE TO CONGRESS.—The Secretary shall transmit a written notification to the Congress no later than 3 days before the issuance of a letter of intent under this section.

(E) LIMITATIONS.—A letter of intent issued under this section is not an obligation of the Government under section 1501 of title 31, United States Code, and is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

(F) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed—

(i) to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued; or

(ii) to apply to, or replace, Federal assistance intended for interoperable communications that is not provided pursuant to a commitment under this subsection.

(f) INTEROPERABLE COMMUNICATIONS PLANS.—Any applicant requesting funding assistance from the Secretary for interoperable communications for emergency response providers shall submit an Interoperable Communications Plan to the Secretary for approval. Such a plan shall—

(1) describe the current state of communications interoperability in the applicable jurisdictions among Federal, State, and local emergency response providers and other relevant private resources;

(2) describe the available and planned use of public safety frequency spectrum and resources for interoperable communications within such jurisdictions;

(3) describe how the planned use of spectrum and resources for interoperable communications is compatible with surrounding capabilities and interoperable communications plans of Federal, State, and local governmental entities, military installations, foreign governments, critical infrastructure, and other relevant entities;

(4) include a 5-year plan for the dedication of Federal, State, and local government and private resources to achieve a consistent, secure, and effective interoperable communications system, including planning, system design and engineering, testing and technology development, procurement and installation, training, and operations and maintenance; and

(5) describe how such 5-year plan meets or exceeds any applicable standards and grant requirements established by the Secretary.

(g) DEFINITIONS.—In this section:

(1) INTEROPERABLE COMMUNICATIONS.—The term "interoperable communications" means the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, through a dedicated public safety network utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

(2) EMERGENCY RESPONSE PROVIDERS.—The term "emergency response providers" has the meaning that term has under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(h) CLARIFICATION OF RESPONSIBILITY FOR INTEROPERABLE COMMUNICATIONS.—

(1) UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE.—Section 502(7) of the Homeland Security Act of 2002 (6 U.S.C. 312(7)) is amended—

(A) by striking "developing comprehensive programs for developing interoperative communications technology, and"; and

(B) by striking "such" and inserting "interoperable communications".

(2) OFFICE FOR DOMESTIC PREPAREDNESS.—Section 430(c) of such Act (6 U.S.C. 238(c)) is amended—

(A) in paragraph (7) by striking "and" after the semicolon;

(B) in paragraph (8) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(9) helping to ensure the acquisition of interoperable communication technology by State and local governments and emergency response providers.".

(i) SENSE OF CONGRESS REGARDING INTEROPERABLE COMMUNICATIONS.—

(1) FINDING.—The Congress finds that—

(A) many first responders working in the same jurisdiction or in different jurisdictions cannot effectively and efficiently communicate with one another; and

(B) their inability to do so threatens the public's safety and may result in unnecessary loss of lives and property.

(2) SENSE OF CONGRESS.—It is the sense of Congress that interoperable emergency communications systems and radios should continue to be deployed as soon as practicable for use by the first responder community, and that upgraded and new digital communications systems and new digital radios must meet prevailing national, voluntary consensus standards for interoperability.

SEC. 7304. REGIONAL MODEL STRATEGIC PLAN PILOT PROJECTS.

(a) PILOT PROJECTS.—Consistent with sections 302 and 430 of the Homeland Security Act of 2002 (6 U.S.C. 182, 238), not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish not fewer than 2 pilot projects in high threat urban areas or regions that are likely to implement a national model strategic plan.

(b) PURPOSES.—The purposes of the pilot projects required by this section shall be to develop a regional strategic plan to foster interagency communication in the area in which it is established and coordinate the gathering of all Federal, State, and local first responders in that area, consistent with the national strategic plan developed by the Department of Homeland Security.

(c) SELECTION CRITERIA.—In selecting urban areas for the location of pilot projects under this section, the Secretary shall consider—

(1) the level of risk to the area, as determined by the Department of Homeland Security;

(2) the number of Federal, State, and local law enforcement agencies located in the area;

(3) the number of potential victims from a large scale terrorist attack in the area; and

(4) such other criteria reflecting a community's risk and vulnerability as the Secretary determines is appropriate.

(d) INTERAGENCY ASSISTANCE.—The Secretary of Homeland Security shall consult with the Secretary of Defense as necessary for the development of the pilot projects required by this section, including examining relevant standards, equipment, and protocols in order to improve interagency communication among first responders.

(e) REPORTS TO CONGRESS.—The Secretary of Homeland Security shall submit to Congress—

(1) an interim report regarding the progress of the interagency communications pilot projects required by this section 6 months after the date of enactment of this Act; and

(2) a final report 18 months after that date of enactment.

(f) FUNDING.—There are authorized to be made available to the Secretary of Homeland Security, such sums as may be necessary to carry out this section.

SEC. 7305. PRIVATE SECTOR PREPAREDNESS.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Private sector organizations own 85 percent of the Nation's critical infrastructure and employ the vast majority of the Nation's workers.

(2) Preparedness in the private sector and public sector for rescue, restart and recovery of operations should include, as appropriate—

(A) a plan for evacuation;

(B) adequate communications capabilities; and

(C) a plan for continuity of operations.

(3) The American National Standards Institute recommends a voluntary national preparedness standard for the private sector based on the existing American National Standard on Disaster/Emergency Management and Business Continuity Programs (NFPA 1600), with appropriate modifications. This standard establishes a common set of criteria and terminology for preparedness, disaster management, emergency management, and business continuity programs.

(4) The mandate of the Department of Homeland Security extends to working with the private sector, as well as government entities.

(b) SENSE OF CONGRESS ON PRIVATE SECTOR PREPAREDNESS.—It is the sense of Congress that the Secretary of Homeland Security should promote, where appropriate, the adoption of voluntary national preparedness standards such as the private sector preparedness standard developed by the American National Standards Institute and based on the National Fire Protection Association 1600 Standard on Disaster/Emergency Management and Business Continuity Programs.

SEC. 7306. CRITICAL INFRASTRUCTURE AND READINESS ASSESSMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Under section 201 of the Homeland Security Act of 2002 (6 U.S.C 121), the Department of Homeland Security, through the Under Secretary for Information Analysis and Infrastructure Protection, has the responsibility—

(A) to carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States;

(B) to identify priorities for protective and supportive measures; and

(C) to develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States.

(2) Under Homeland Security Presidential Directive 7, issued on December 17, 2003, the Secretary of Homeland Security was given 1 year to develop a comprehensive plan to identify, prioritize, and coordinate the protection of critical infrastructure and key resources.

(3) The report of the National Commission on Terrorist Attacks Upon the United States recommended that the Secretary of Homeland Security should—

(A) identify those elements of the United States' transportation, energy, communications, financial, and other institutions that need to be protected;

(B) develop plans to protect that infrastructure; and

(C) exercise mechanisms to enhance preparedness.

(b) REPORTS ON RISK ASSESSMENT AND READINESS.—Not later than 180 days after the date of enactment of this Act, and in conjunction with the reporting requirements of Public Law 108-330, the Secretary of Homeland Security shall submit a report to Congress on—

(1) the Department of Homeland Security's progress in completing vulnerability and risk assessments of the Nation's critical infrastructure;

(2) the adequacy of the Government's plans to protect such infrastructure; and

(3) the readiness of the Government to respond to threats against the United States.

SEC. 7307. NORTHERN COMMAND AND DEFENSE OF THE UNITED STATES HOMELAND.

It is the sense of Congress that the Secretary of Defense should regularly assess the adequacy of the plans and strategies of the United States Northern Command with a view to ensuring that the United States Northern Command is prepared to respond effectively to all military and paramilitary threats within the United States, should it be called upon to do so by the President.

SEC. 7308. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, this subtitle shall take effect on the date of enactment of this Act.

Subtitle D—Homeland Security

SEC. 7401. SENSE OF CONGRESS ON FIRST RESPONDER FUNDING.

It is the sense of Congress that Congress must pass legislation in the first session of the 109th Congress to reform the system for distributing grants to enhance State and local government prevention of, preparedness for, and response to acts of terrorism.

SEC. 7402. COORDINATION OF INDUSTRY EFFORTS.

Section 102(f) of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 112(f)) is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(8) coordinating industry efforts, with respect to functions of the Department of Homeland Security, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack;

"(9) coordinating with the Directorate of Border and Transportation Security and the Assistant Secretary for Trade Development of the Department of Commerce on issues related to the travel and tourism industries; and

"(10) consulting with the Office of State and Local Government Coordination and Preparedness on all matters of concern to the private sector, including the tourism industry.".

SEC. 7403. STUDY REGARDING NATIONWIDE EMERGENCY NOTIFICATION SYSTEM.

(a) STUDY.—The Secretary of Homeland Security, in cooordination with the Chairman of the Federal Communications Commission, and in consultation with the heads of other appropriate Federal agencies and representatives of providers and participants in the telecommunications industry, shall conduct a study to determine whether it is cost-effective, efficient, and feasible to establish and implement an emergency telephonic alert notification system that will—

(1) alert persons in the United States of imminent or current hazardous events caused by acts of terrorism; and

(2) provide information to individuals regarding appropriate measures that may be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(b) TECHNOLOGIES TO CONSIDER.—In conducting the study, the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(c) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress a report regarding the conclusions of the study.

SEC. 7404. PILOT STUDY TO MOVE WARNING SYSTEMS INTO THE MODERN DIGITAL AGE.

(a) PILOT STUDY.—The Secretary of Homeland Security, from funds made available for improving the national system to notify the general public in the event of a terrorist attack, and in consultation with the Attorney General, the Secretary of Transportation, the heads of other appropriate Federal agencies, the National Association of State Chief Information Officers, and other stakeholders with respect to public warning systems, shall conduct a pilot study under which the Secretary of Homeland Security may issue public warnings regarding threats to homeland security using a warning system that is similar to the AMBER Alert communications network.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report regarding the findings, conclusions, and recommendations of the pilot study.

(c) PROHIBITION ON USE OF HIGHWAY TRUST FUND.—No funds derived from the Highway Trust Fund may be transferred to, made available to, or obligated by the Secretary of Homeland Security to carry out this section

SEC. 7405. REQUIRED COORDINATION.

The Secretary of Homeland Security shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts of terrorism and other major disasters and emergencies among the divisions of the Department of Homeland Security, including the Directorate of Emergency Preparedness and Response and the Office for State and Local Government Coordination and Preparedness.

SEC. 7406. EMERGENCY PREPAREDNESS COMPACTS.

Section 611(h) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(h)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(2) by indenting paragraph (2) (as so redesignated); and

(3) by striking the subsection designation and heading and inserting the following:

"(h) EMERGENCY PREPAREDNESS COMPACTS.—(1) The Director shall establish a program supporting the development of emergency preparedness compacts for acts of terrorism, disasters, and emergencies throughout the Nation, by—

"(A) identifying and cataloging existing emergency preparedness compacts for acts of terrorism, disasters, and emergencies at the State and local levels of government;

"(B) disseminating to State and local governments examples of best practices in the development of emergency preparedness compacts and models of existing emergency preparedness compacts, including agreements involving interstate jurisdictions; and

"(C) completing an inventory of Federal response capabilities for acts of terrorism, disasters, and emergencies, making such inventory available to appropriate Federal, State, and local government officials, and ensuring that such inventory is as current and accurate as practicable.".

SEC. 7407. RESPONSIBILITIES OF COUNTERNARCOTICS OFFICE.

(a) AMENDMENT.—Section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458) is amended to read as follows:

"SEC. 878. OFFICE OF COUNTERNARCOTICS ENFORCEMENT.

"(a) OFFICE.—There is established in the Department an Office of Counternarcotics Enforcement, which shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate.

"(b) ASSIGNMENT OF PERSONNEL.—

"(1) IN GENERAL.—The Secretary shall assign permanent staff to the Office, consistent with effective management of Department resources.

"(2) LIAISONS.—The Secretary shall designate senior employees from each appropriate subdivision of the Department that has significant counternarcotics responsibilities to act as a liaison between that subdivision and the Office of Counternarcotics Enforcement.

"(c) LIMITATION ON CONCURRENT EMPLOYMENT.—Except as provided in subsection (d), the Director of the Office of Counternarcotics Enforcement shall not be employed by, assigned to, or serve as the head of, any other branch of the Federal Government, any State or local government, or any subdivision of the Department other than the Office of Counternarcotics Enforcement.

"(d) ELIGIBILITY TO SERVE AS THE UNITED STATES INTERDICTION COORDINATOR.—The Director of the Office of Counternarcotics Enforcement may be appointed as the United States Interdiction Coordinator by the Director of the Office of National Drug Control Policy, and shall be the only person at the Department eligible to be so appointed.

"(e) RESPONSIBILITIES.—The Secretary shall direct the Director of the Office of Counternarcotics Enforcement—

"(1) to coordinate policy and operations within the Department, between the Department and other Federal departments and agencies, and between the Department and State and local agencies with respect to stopping the entry of illegal drugs into the United States;

"(2) to ensure the adequacy of resources within the Department for stopping the entry of illegal drugs into the United States;

"(3) to recommend the appropriate financial and personnel resources necessary to help the Department better fulfill its responsibility to stop the entry of illegal drugs into the United States;

"(4) within the Joint Terrorism Task Force construct to track and sever connections between illegal drug trafficking and terrorism; and

"(5) to be a representative of the Department on all task forces, committees, or other entities whose purpose is to coordinate the counternarcotics enforcement activities of the Department and other Federal, State or local agencies.

"(f) SAVINGS CLAUSE.—Nothing in this section shall be construed to authorize direct control of the operations conducted by the Directorate of Border and Transportation Security, the Coast Guard, or joint terrorism task forces.

"(g) REPORTS TO CONGRESS.—

"(1) ANNUAL BUDGET REVIEW.—The Director of the Office of Counternarcotics Enforcement shall, not later than 30 days after the submission by the President to Congress of any request for expenditures for the Department, submit to the Committees on Appropriations and the authorizing committees of jurisdiction of the House of Representatives and the Senate a review and evaluation of such request. The review and evaluation shall—

"(A) identify any request or subpart of any request that affects or may affect the counternarcotics activities of the Department or any of its subdivisions, or that affects the ability of the Department or any subdivision of the Department to meet its responsibility to stop the entry of illegal drugs into the United States;

"(B) describe with particularity how such requested funds would be or could be expended in furtherance of counternarcotics activities; and

"(C) compare such requests with requests for expenditures and amounts appropriated by Congress in the previous fiscal year.

"(2) EVALUATION OF COUNTERNARCOTICS ACTIVITIES.—The Director of the Office of Counternarcotics Enforcement shall, not later than February 1 of each year, submit to the Committees on Appropriations and the authorizing committees of jurisdiction of the House of Representatives and the Senate a review and evaluation of the counternarcotics activities of the Department for the previous fiscal year. The review and evaluation shall—

"(A) describe the counternarcotics activities of the Department and each subdivision of the Department (whether individually or in cooperation with other subdivisions of the Department, or in cooperation with other branches of the Federal Government or with State or local agencies), including the methods, procedures, and systems (including computer systems) for collecting, analyzing, sharing, and disseminating information concerning narcotics activity within the Department and between the Department and other Federal, State, and local agencies;

"(B) describe the results of those activities, using quantifiable data whenever possible;

"(C) state whether those activities were sufficient to meet the responsibility of the Department to stop the entry of illegal drugs into the United States, including a description of the performance measures of effectiveness that were used in making that determination; and

"(D) recommend, where appropriate, changes to those activities to improve the performance of the Department in meeting its responsibility to stop the entry of illegal drugs into the United States.

"(3) CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of a review and evaluation described in the reports required in this subsection that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Secretary, would be detrimental to the law enforcement or national security activities of the Department or any other Federal, State, or local agency, shall be presented to Congress separately from the rest of the review and evaluation.".

(b) CONFORMING AMENDMENTS.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) A Director of the Office of Counternarcotics Enforcement.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts appropriated for the Department of Homeland Security for Departmental management and operations for fiscal year 2005, there is authorized up to $6,000,000 to carry out section 878 of the Department of Homeland Security Act of 2002.

SEC. 7408. USE OF COUNTERNARCOTICS ENFORCEMENT ACTIVITIES IN CERTAIN EMPLOYEE PERFORMANCE APPRAISALS.

(a) IN GENERAL.—Subtitle E of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 411 et seq.) is amended by adding at the end the following:

"SEC. 843. USE OF COUNTERNARCOTICS ENFORCEMENT ACTIVITIES IN CERTAIN EMPLOYEE PERFORMANCE APPRAISALS.

"(a) IN GENERAL.—Each subdivision of the Department that is a National Drug Control Program Agency shall include as one of the criteria in its performance appraisal system, for each employee directly or indirectly involved in the enforcement of Federal, State, or local narcotics laws, the performance of that employee with respect to the enforcement of Federal, State, or local narcotics laws, relying to the greatest extent practicable on objective performance measures, including—

"(1) the contribution of that employee to seizures of narcotics and arrests of violators of Federal, State, or local narcotics laws; and

"(2) the degree to which that employee cooperated with or contributed to the efforts of other employees, either within the Department or other Federal, State, or local agencies, in counternarcotics enforcement.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'National Drug Control Program Agency' means—

"(A) a National Drug Control Program Agency, as defined in section 702(7) of the Office of National Drug Control Policy Reauthorization Act of 1998 (as last in effect); and

"(B) any subdivision of the Department that has a significant counternarcotics responsibility, as determined by—

"(i) the counternarcotics officer, appointed under section 878; or

"(ii) if applicable, the counternarcotics officer's successor in function (as determined by the Secretary); and

"(2) the term 'performance appraisal system' means a system under which periodic appraisals of job performance of employees are made, whether under chapter 43 of title 5, United States Code, or otherwise.".

(b) CLERICAL AMENDMENT.—The table of contents for the Homeland Security Act of 2002 is amended by inserting after the item relating to section 842 the following:

"Sec. 843. Use of counternarcotics enforcement activities in certain employee performance appraisals.".

Subtitle E—Public Safety Spectrum

SEC. 7501. DIGITAL TELEVISION CONVERSION DEADLINE.

(a) FINDINGS.—Congress finds the following:

(1) Congress granted television broadcasters additional 6 megahertz blocks of spectrum to transmit digital broadcasts simultaneously with the analog broadcasts they submit on their original 6 megahertz blocks of spectrum.

(2) Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) requires each television broadcaster to cease analog transmissions and return 6 megahertz of spectrum not later than—

(A) December 31, 2006; or

(B) the date on which more than 85 percent of the television households in the market of such broadcaster can view digital broadcast television channels using a digital television, a digital-to-analog converter box, cable service, or satellite service.

(3) Twenty-four megahertz of spectrum occupied by television broadcasters has been earmarked for use by first responders as soon as the television broadcasters return the spectrum broadcasters being used to provide analog transmissions. This spectrum would be ideal to provide first responders with interoperable communications channels.

(4) Large parts of the vacated spectrum could be auctioned for advanced commercial services, such as wireless broadband.

(5) The 85 percent penetration test described in paragraph (2)(B) could delay the termination of analog television broadcasts and the return of spectrum well beyond 2007, hindering the use of that spectrum for these important public safety and advanced commercial uses.

(6) While proposals to require broadcasters to return, on a date certain, the spectrum earmarked for future public safety use may improve the ability of public safety entities to begin planning for use of this spectrum, such proposals have certain deficiencies. The proposals would require the dislocation of up to 75 broadcast stations, which also serve a critical public safety function by broadcasting weather, traffic, disaster, and other safety alerts. Such disparate treatment of broadcasters would be unfair to the broadcasters and their respective viewers. Requiring the return of all analog broadcast spectrum by a date certain would have the benefit of addressing the digital television transition in a comprehensive fashion that treats all broadcasters and viewers equally, while freeing spectrum for advanced commercial services.

(7) The Federal Communications Commission should consider all regulatory means available to expedite the return of the analog spectrum.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress must act to pass legislation in the first session of the 109th Congress that establishes a comprehensive approach to the timely return of analog broadcast spectrum as early as December 31, 2006; and

(2) any delay in the adoption of the legislation described in paragraph (1) will delay the ability of public safety entities to begin planning to use this needed spectrum.

SEC. 7502. STUDIES ON TELECOMMUNICATIONS CAPABILITIES AND REQUIREMENTS.

(a) ALLOCATIONS OF SPECTRUM FOR EMERGENCY RESPONSE PROVIDERS.—The Federal Communications Commission shall, in consultation with the Secretary of Homeland Security and the National Telecommunications and Information Administration, conduct a study to assess short-term and long-term needs for allocations of additional portions of the electromagnetic spectrum for Federal, State, and local emergency response providers, including whether or not an additional allocation of spectrum in the 700 megahertz band should be granted by Congress to such emergency response providers.

(b) STRATEGIES TO MEET PUBLIC SAFETY TELECOMMUNICATIONS REQUIREMENTS.—The Secretary of Homeland Security shall, in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration, conduct a study to assess strategies that may be used to meet public safety telecommunications needs, including—

(1) the need and efficacy of deploying nationwide interoperable communications networks (including the potential technical and operational standards and protocols for nationwide interoperable broadband mobile communications networks that may be used by Federal, State, regional, and local governmental and nongovernmental public safety, homeland security, and other emergency response personnel);

(2) the capacity of public safety entities to utilize wireless broadband applications; and

(3) the communications capabilities of all emergency response providers, including hospitals and health care workers, and current efforts to promote communications coordination and training among emergency response providers.

(c) STUDY REQUIREMENTS.—In conducting the studies required by subsections (a) and (b), the Secretary of Homeland Security and the Federal Communications Commission shall—

(1) seek input from Federal, State, local, and regional emergency response providers regarding

the operation and administration of a potential nationwide interoperable broadband mobile communications network; and

(2) consider the use of commercial wireless technologies to the greatest extent practicable.

(d) Reports.—(1) Not later than one year after the date of enactment of this Act, the Federal Communications Commission (in the case of the study required by subsection (a)) and the Secretary of Homeland Security (in the case of the study required by subsection (b)) shall submit to the appropriate committees of Congress a report on such study, including the findings of such study.

(2) In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Energy and Commerce and the Select Committee on Homeland Security of the House of Representatives.

Subtitle F—Presidential Transition

SEC. 7601. PRESIDENTIAL TRANSITION.

(a) Services Provided President-Elect.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) by adding after subsection (a)(8)(A)(iv) the following:

"(v) Activities under this paragraph shall include the preparation of a detailed classified, compartmented summary by the relevant outgoing executive branch officials of specific operational threats to national security; major military or covert operations; and pending decisions on possible uses of military force. This summary shall be provided to the President-elect as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.";

(2) by redesignating subsection (f) as subsection (g); and

(3) by adding after subsection (e) the following:

"(f)(1) The President-elect should submit to the Federal Bureau of Investigation or other appropriate agency and then, upon taking effect and designation, to the agency designated by the President under section 115(b) of the National Intelligence Reform Act of 2004, the names of candidates for high level national security positions through the level of undersecretary of cabinet departments as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.

"(2) The responsible agency or agencies shall undertake and complete as expeditiously as possible the background investigations necessary to provide appropriate security clearances to the individuals who are candidates described under paragraph (1) before the date of the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President.".

(b) Sense of the Senate Regarding Expedited Consideration of National Security Nominees.—It is the sense of the Senate that—

(1) the President-elect should submit the nominations of candidates for high-level national security positions, through the level of undersecretary of cabinet departments, to the Senate by the date of the inauguration of the President-elect as President; and

(2) for all such national security nominees received by the date of inauguration, the Senate committees to which these nominations are referred should, to the fullest extent possible, complete their consideration of these nominations, and, if such nominations are reported by the committees, the full Senate should vote to confirm or reject these nominations, within 30 days of their submission.

(c) Security Clearances for Transition Team Members.—

(1) Definition.—In this section, the term "major party" shall have the meaning given under section 9002(6) of the Internal Revenue Code of 1986.

(2) In general.—Each major party candidate for President may submit, before the date of the general election, requests for security clearances for prospective transition team members who will have a need for access to classified information to carry out their responsibilities as members of the President-elect's transition team.

(3) Completion date.—Necessary background investigations and eligibility determinations to permit appropriate prospective transition team members to have access to classified information shall be completed, to the fullest extent practicable, by the day after the date of the general election.

(d) Effective Date.—Notwithstanding section 351, this section and the amendments made by this section shall take effect on the date of enactment of this Act.

Subtitle G—Improving International Standards and Cooperation to Fight Terrorist Financing

SEC. 7701. IMPROVING INTERNATIONAL STANDARDS AND COOPERATION TO FIGHT TERRORIST FINANCING.

(a) Findings.—Congress makes the following findings:

(1) The global war on terrorism and cutting off terrorist financing is a policy priority for the United States and its partners, working bilaterally and multilaterally through the United Nations, the United Nations Security Council and its committees, such as the 1267 and 1373 Committees, the Financial Action Task Force (FATF), and various international financial institutions, including the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (IBRD), and the regional multilateral development banks, and other multilateral fora.

(2) The international financial community has become engaged in the global fight against terrorist financing. The Financial Action Task Force has focused on the new threat posed by terrorist financing to the international financial system, resulting in the establishment of the FATF's Eight Special Recommendations on Terrorist Financing as the international standard on combating terrorist financing. The Group of Seven and the Group of Twenty Finance Ministers are developing action plans to curb the financing of terror. In addition, other economic and regional fora, such as the Asia-Pacific Economic Cooperation (APEC) Forum, and the Western Hemisphere Financial Ministers, have been used to marshal political will and actions in support of combating the financing of terrorism (CFT) standards.

(3) FATF's Forty Recommendations on Money Laundering and the Eight Special Recommendations on Terrorist Financing are the recognized global standards for fighting money laundering and terrorist financing. The FATF has engaged in an assessment process for jurisdictions based on their compliance with these standards.

(4) In March 2004, the IMF and IBRD Boards agreed to make permanent a pilot program of collaboration with the FATF to assess global compliance with the FATF Forty Recommendations on Money Laundering and the Eight Special Recommendations on Terrorist Financing. As a result, anti-money laundering (AML) and combating the financing of terrorism (CFT) assessments are now a regular part of their Financial Sector Assessment Program (FSAP) and Offshore Financial Center assessments, which provide for a comprehensive analysis of the strength of a jurisdiction's financial system. These reviews assess potential systemic vulnerabilities, consider sectoral development needs and priorities, and review the state of implementation of and compliance with key financial codes and regulatory standards, among them the AML and CFT standards.

(5) To date, 70 FSAPs have been conducted, with over 24 of those incorporating AML and CFT assessments. The international financial institutions (IFIs), the FATF, and the FATF-style regional bodies together are expected to assess AML and CFT regimes in up to 40 countries or jurisdictions per year. This will help countries and jurisdictions identify deficiencies in their AML and CFT regimes and help focus technical assistance efforts.

(6) Technical assistance programs from the United States and other nations, coordinated with the Department of State and other departments and agencies, are playing an important role in helping countries and jurisdictions address shortcomings in their AML and CFT regimes and bringing their regimes into conformity with international standards. Training is coordinated within the United States Government, which leverages multilateral organizations and bodies and international financial institutions to internationalize the conveyance of technical assistance.

(7) In fulfilling its duties in advancing incorporation of AML and CFT standards into the IFIs as part of the IFIs' work on protecting the integrity of the international monetary system, the Department of the Treasury, under the guidance of the Secretary of the Treasury, has effectively brought together all of the key United States Government agencies. In particular, United States Government agencies continue to work together to foster broad support for this important undertaking in various multilateral fora, and United States Government agencies recognize the need for close coordination and communication within our own Government.

(b) Sense of Congress Regarding Success in Multilateral Organizations.—It is the sense of Congress that the Secretary of the Treasury should continue to promote the dissemination of international AML and CFT standards, and to press for full implementation of the FATF 40 + 8 Recommendations by all countries in order to curb financial risks and hinder terrorist financing around the globe. The efforts of the Secretary in this regard should include, where necessary or appropriate, multilateral action against countries whose counter-money laundering regimes and efforts against the financing of terrorism fall below recognized international standards.

SEC. 7702. DEFINITIONS.

In this subtitle—

(1) the term "international financial institutions" has the same meaning as in section 1701(c)(2) of the International Financial Institutions Act;

(2) the term "Financial Action Task Force" means the international policy-making and standard-setting body dedicated to combating money laundering and terrorist financing that was created by the Group of Seven in 1989; and

(3) the terms "Interagency Paper on Sound Practices to Strengthen the Resilience of the U.S. Financial System" and "Interagency Paper" mean the interagency paper prepared by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Securities and Exchange Commission that was announced in the Federal Register on April 8, 2003.

SEC. 7703. EXPANDED REPORTING AND TESTIMONY REQUIREMENTS FOR THE SECRETARY OF THE TREASURY.

(a) Reporting Requirements.—Section 1503(a) of the International Financial Institutions Act (22 U.S.C. 262o-2(a)) is amended by adding at the end the following:

"(15) Work with the International Monetary Fund to—

"(A) foster strong global anti-money laundering (AML) and combat the financing of terrorism (CFT) regimes;

"(B) ensure that country performance under the Financial Action Task Force anti-money laundering and counterterrorist financing standards is effectively and comprehensively monitored;

"(C) ensure note is taken of AML and CFT issues in Article IV reports, International Monetary Fund programs, and other regular reviews of country progress;

"(D) ensure that effective AML and CFT regimes are considered to be indispensable elements of sound financial systems; and

"(E) emphasize the importance of sound AML and CFT regimes to global growth and development.".

(b) Testimony.—Section 1705(b) of the International Financial Institutions Act (22 U.S.C. 262r-4(b)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) the status of implementation of international anti-money laundering and counterterrorist financing standards by the International Monetary Fund, the multilateral development banks, and other multilateral financial policymaking bodies.".

SEC. 7704. COORDINATION OF UNITED STATES GOVERNMENT EFFORTS.

The Secretary of the Treasury, or the designee of the Secretary, as the lead United States Government official to the Financial Action Task Force (FATF), shall continue to convene the interagency United States Government FATF working group. This group, which includes representatives from all relevant Federal agencies, shall meet at least once a year to advise the Secretary on policies to be pursued by the United States regarding the development of common international AML and CFT standards, to assess the adequacy and implementation of such standards, and to recommend to the Secretary improved or new standards, as necessary.

Subtitle H—Emergency Financial Preparedness

SEC. 7801. DELEGATION AUTHORITY OF THE SECRETARY OF THE TREASURY.

Section 306(d) of title 31, United States Code, is amended by inserting "or employee" after "another officer".

SEC. 7802. TREASURY SUPPORT FOR FINANCIAL SERVICES INDUSTRY PREPAREDNESS AND RESPONSE AND CONSUMER EDUCATION.

(a) Findings.—Congress finds that the Secretary of the Treasury—

(1) has successfully communicated and coordinated with the private-sector financial services industry about financial infrastructure preparedness and response issues;

(2) has successfully reached out to State and local governments and regional public-private partnerships, such as ChicagoFIRST, that protect employees and critical infrastructure by enhancing communication and coordinating plans for disaster preparedness and business continuity; and

(3) has set an example for the Department of Homeland Security and other Federal agency partners, whose active participation is vital to the overall success of the activities described in paragraphs (1) and (2).

(b) Sense of Congress.—It is the sense of Congress that the Secretary of the Treasury, in consultation with the Secretary of Homeland Security, other Federal agency partners, and private-sector financial organization partners, should—

(1) furnish sufficient personnel and technological and financial resources to educate consumers and employees of the financial services industry about domestic counterterrorist financing activities, particularly about—

(A) how the public and private sector organizations involved in such activities can combat terrorism while protecting and preserving the lives and civil liberties of consumers and employees of the financial services industry; and

(B) how the consumers and employees of the financial services industry can assist the public and private sector organizations involved in such activities; and

(2) submit annual reports to Congress on efforts to accomplish subparagraphs (A) and (B) of paragraph (1).

(c) Report on Public-Private Partnerships.—Before the end of the 6-month period beginning on the date of enactment of this Act, the Secretary of the Treasury shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing—

(1) information on the efforts that the Department of the Treasury has made to encourage the formation of public-private partnerships to protect critical financial infrastructure and the type of support that the Department has provided to such partnerships; and

(2) recommendations for administrative or legislative action regarding such partnerships, as the Secretary may determine to be appropriate.

SEC. 7803. EMERGENCY SECURITIES RESPONSE ACT OF 2004.

(a) Short Title.—This section may be cited as the "Emergency Securities Response Act of 2004".

(b) Extension of Emergency Order Authority of the Securities and Exchange Commission.—

(1) Extension of Authority.—Section 12(k)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(k)(2)) is amended to read as follows:

"(2) Emergency Orders.—

"(A) In General.—The Commission, in an emergency, may by order summarily take such action to alter, supplement, suspend, or impose requirements or restrictions with respect to any matter or action subject to regulation by the Commission or a self-regulatory organization under the securities laws, as the Commission determines is necessary in the public interest and for the protection of investors—

"(i) to maintain or restore fair and orderly securities markets (other than markets in exempted securities);

"(ii) to ensure prompt, accurate, and safe clearance and settlement of transactions in securities (other than exempted securities); or

"(iii) to reduce, eliminate, or prevent the substantial disruption by the emergency of—

"(I) securities markets (other than markets in exempted securities), investment companies, or any other significant portion or segment of such markets; or

"(II) the transmission or processing of securities transactions (other than transactions in exempted securities).

"(B) Effective Period.—An order of the Commission under this paragraph shall continue in effect for the period specified by the Commission, and may be extended. Except as provided in subparagraph (C), an order of the Commission under this paragraph may not continue in effect for more than 10 business days, including extensions.

"(C) Extension.—An order of the Commission under this paragraph may be extended to continue in effect for more than 10 business days if, at the time of the extension, the Commission finds that the emergency still exists and determines that the continuation of the order beyond 10 business days is necessary in the public interest and for the protection of investors to attain an objective described in clause (i), (ii), or (iii) of subparagraph (A). In no event shall an order of the Commission under this paragraph continue in effect for more than 30 calendar days.

"(D) Security Futures.—If the actions described in subparagraph (A) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission.

"(E) Exemption.—In exercising its authority under this paragraph, the Commission shall not be required to comply with the provisions of—

"(i) section 19(c); or

"(ii) section 553 of title 5, United States Code.".

(c) Consultation; Definition of Emergency.—Section 12(k)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(k)(6)) is amended to read as follows:

"(6) Consultation.—Prior to taking any action described in paragraph (1)(B), the Commission shall consult with and consider the views of the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the Commodity Futures Trading Commission, unless such consultation is impracticable in light of the emergency.

"(7) Definitions.—For purposes of this subsection—

"(A) the term 'emergency' means—

"(i) a major market disturbance characterized by or constituting—

"(I) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets, or

"(II) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof; or

"(ii) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

"(I) the functioning of securities markets, investment companies, or any other significant portion or segment of the securities markets; or

"(II) the transmission or processing of securities transactions; and

"(B) notwithstanding section 3(a)(47), the term 'securities laws' does not include the Public Utility Holding Company Act of 1935.".

(d) Parallel Authority of the Secretary of the Treasury With Respect to Government Securities.—Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5) is amended by adding at the end the following:

"(h) Emergency Authority.—The Secretary may, by order, take any action with respect to a matter or action subject to regulation by the Secretary under this section, or the rules of the Secretary under this section, involving a government security or a market therein (or significant portion or segment of that market), that the Commission may take under section 12(k)(2) with respect to transactions in securities (other than exempted securities) or a market therein (or significant portion or segment of that market).".

(e) Joint Report on Implementation of Financial System Resilience Recommendations.—

(1) Report Required.—Not later than April 30, 2006, the Board of Governors of the Federal

Reserve System, the Comptroller of the Currency, and the Securities and Exchange Commission shall prepare and submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a joint report on the efforts of the private sector to implement the Interagency Paper on Sound Practices to Strengthen the Resilience of the U.S. Financial System.

(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall—

(A) examine the efforts to date of private sector financial services firms covered by the Interagency Paper to implement enhanced business continuity plans;

(B) examine the extent to which the implementation of such business continuity plans has been done in a geographically dispersed manner, including an analysis of the extent to which such firms have located their main and backup facilities in separate electrical networks, in different watersheds, in independent transportation systems, and using separate telecommunications centers, and the cost and technological implications of further dispersal;

(C) examine the need to cover a larger range of private sector financial services firms that play significant roles in critical financial markets than those covered by the Interagency Paper; and

(D) recommend legislative and regulatory changes that will—

(i) expedite the effective implementation of the Interagency Paper by all covered financial services entities; and

(ii) optimize the effective implementation of business continuity planning by the financial services industry.

(3) CONFIDENTIALITY.—Any information provided to the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, or the Securities and Exchange Commission for the purposes of the preparation and submission of the report required by paragraph (1) shall be treated as privileged and confidential. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of that section 552.

(4) DEFINITION.—As used in this subsection, the terms "Interagency Paper on Sound Practices to Strengthen the Resilience of the U.S. Financial System" and "Interagency Paper" mean the interagency paper prepared by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Securities and Exchange Commission that was announced in the Federal Register on April 8, 2003.

SEC. 7804. PRIVATE SECTOR PREPAREDNESS.

It is the sense of Congress that the insurance industry and credit-rating agencies, where relevant, should carefully consider a company's compliance with standards for private sector disaster and emergency preparedness in assessing insurability and creditworthiness, to ensure that private sector investment in disaster and emergency preparedness is appropriately encouraged.

TITLE VIII—OTHER MATTERS

Subtitle A—Intelligence Matters

SEC. 8101. INTELLIGENCE COMMUNITY USE OF NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.

(a) IN GENERAL.—The Director of National Intelligence shall establish a formal relationship, including information sharing, between the elements of the intelligence community and the National Infrastructure Simulation and Analysis Center.

(b) PURPOSE.—The purpose of the relationship under subsection (a) shall be to permit the intelligence community to take full advantage of the capabilities of the National Infrastructure Simulation and Analysis Center, particularly vulnerability and consequence analysis, for real time response to reported threats and long term planning for projected threats.

Subtitle B—Department of Homeland Security Matters

SEC. 8201. HOMELAND SECURITY GEOSPATIAL INFORMATION.

(a) FINDINGS.—Congress makes the following findings:

(1) Geospatial technologies and geospatial data improve government capabilities to detect, plan for, prepare for, and respond to disasters in order to save lives and protect property.

(2) Geospatial data improves the ability of information technology applications and systems to enhance public security in a cost-effective manner.

(3) Geospatial information preparedness in the United States, and specifically in the Department of Homeland Security, is insufficient because of—

(A) inadequate geospatial data compatibility;

(B) insufficient geospatial data sharing; and

(C) technology interoperability barriers.

(b) HOMELAND SECURITY GEOSPATIAL INFORMATION.—Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Chief Information"; and

(2) by adding at the end the following:

"(b) GEOSPATIAL INFORMATION FUNCTIONS.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) GEOSPATIAL INFORMATION.—The term 'geospatial information' means graphical or digital data depicting natural or manmade physical features, phenomena, or boundaries of the earth and any information related thereto, including surveys, maps, charts, remote sensing data, and images.

"(B) GEOSPATIAL TECHNOLOGY.—The term 'geospatial technology' means any technology utilized by analysts, specialists, surveyors, photogrammetrists, hydrographers, geodesists, cartographers, architects, or engineers for the collection, storage, retrieval, or dissemination of geospatial information, including—

"(i) global satellite surveillance systems;

"(ii) global position systems;

"(iii) geographic information systems;

"(iv) mapping equipment;

"(v) geocoding technology; and

"(vi) remote sensing devices.

"(2) OFFICE OF GEOSPATIAL MANAGEMENT.—

"(A) ESTABLISHMENT.—The Office of Geospatial Management is established within the Office of the Chief Information Officer.

"(B) GEOSPATIAL INFORMATION OFFICER.—

"(i) APPOINTMENT.—The Office of Geospatial Management shall be administered by the Geospatial Information Officer, who shall be appointed by the Secretary and serve under the direction of the Chief Information Officer.

"(ii) FUNCTIONS.—The Geospatial Information Officer shall assist the Chief Information Officer in carrying out all functions under this section and in coordinating the geospatial information needs of the Department.

"(C) COORDINATION OF GEOSPATIAL INFORMATION.—The Chief Information Officer shall establish and carry out a program to provide for the efficient use of geospatial information, which shall include—

"(i) providing such geospatial information as may be necessary to implement the critical infrastructure protection programs;

"(ii) providing leadership and coordination in meeting the geospatial information requirements of those responsible for planning, prevention, mitigation, assessment and response to emergencies, critical infrastructure protection, and other functions of the Department; and

"(iii) coordinating with users of geospatial information within the Department to assure interoperability and prevent unnecessary duplication.

"(D) RESPONSIBILITIES.—In carrying out this subsection, the responsibilities of the Chief Information Officer shall include—

"(i) coordinating the geospatial information needs and activities of the Department;

"(ii) implementing standards, as adopted by the Director of the Office of Management and Budget under the processes established under section 216 of the E-Government Act of 2002 (44 U.S.C. 3501 note), to facilitate the interoperability of geospatial information pertaining to homeland security among all users of such information within—

"(I) the Department;

"(II) State and local government; and

"(III) the private sector;

"(iii) coordinating with the Federal Geographic Data Committee and carrying out the responsibilities of the Department pursuant to Office of Management and Budget Circular A-16 and Executive Order 12906; and

"(iv) making recommendations to the Secretary and the Executive Director of the Office for State and Local Government Coordination and Preparedness on awarding grants to—

"(I) fund the creation of geospatial data; and

"(II) execute information sharing agreements regarding geospatial data with State, local, and tribal governments.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection for each fiscal year.".

Subtitle C—HOMELAND SECURITY CIVIL RIGHTS AND CIVIL LIBERTIES PROTECTION

SEC. 8301. SHORT TITLE.

This subtitle may be cited as the "Homeland Security Civil Rights and Civil Liberties Protection Act of 2004".

SEC. 8302. MISSION OF DEPARTMENT OF HOMELAND SECURITY.

Section 101(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 111(b)(1)) is amended—

(1) in subparagraph (F), by striking "and" after the semicolon;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following:

"(G) ensure that the civil rights and civil liberties of persons are not diminished by efforts, activities, and programs aimed at securing the homeland; and".

SEC. 8303. OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES.

Section 705(a) of the Homeland Security Act of 2002 (6 U.S.C. 345(a)) is amended—

(1) by amending the matter preceding paragraph (1) to read as follows:

"(a) IN GENERAL.—The Officer for Civil Rights and Civil Liberties, who shall report directly to the Secretary, shall—";

(2) by amending paragraph (1) to read as follows:

"(1) review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department;";

(3) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(3) assist the Secretary, directorates, and offices of the Department to develop, implement, and periodically review Department policies and procedures to ensure that the protection of civil rights and civil liberties is appropriately incorporated into Department programs and activities;

"(4) oversee compliance with constitutional, statutory, regulatory, policy, and other requirements relating to the civil rights and civil liberties of individuals affected by the programs and activities of the Department;

"(5) coordinate with the Privacy Officer to ensure that—

"(A) programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner; and

"(B) Congress receives appropriate reports regarding such programs, policies, and procedures; and

"(6) investigate complaints and information indicating possible abuses of civil rights or civil liberties, unless the Inspector General of the Department determines that any such complaint or information should be investigated by the Inspector General.".

SEC. 8304. PROTECTION OF CIVIL RIGHTS AND CIVIL LIBERTIES BY OFFICE OF INSPECTOR GENERAL.

Section 8I of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(f)(1) The Inspector General of the Department of Homeland Security shall designate a senior official within the Office of Inspector General, who shall be a career member of the civil service at the equivalent to the GS–15 level or a career member of the Senior Executive Service, to perform the functions described in paragraph (2).

"(2) The senior official designated under paragraph (1) shall—

"(A) coordinate the activities of the Office of Inspector General with respect to investigations of abuses of civil rights or civil liberties;

"(B) receive and review complaints and information from any source alleging abuses of civil rights and civil liberties by employees or officials of the Department and employees or officials of independent contractors or grantees of the Department;

"(C) initiate investigations of alleged abuses of civil rights or civil liberties by employees or officials of the Department and employees or officials of independent contractors or grantees of the Department;

"(D) ensure that personnel within the Office of Inspector General receive sufficient training to conduct effective civil rights and civil liberties investigations;

"(E) consult with the Officer for Civil Rights and Civil Liberties regarding—

"(i) alleged abuses of civil rights or civil liberties; and

"(ii) any policy recommendations regarding civil rights and civil liberties that may be founded upon an investigation by the Office of Inspector General;

"(F) provide the Officer for Civil Rights and Civil Liberties with information regarding the outcome of investigations of alleged abuses of civil rights and civil liberties;

"(G) refer civil rights and civil liberties matters that the Inspector General decides not to investigate to the Officer for Civil Rights and Civil Liberties;

"(H) ensure that the Office of the Inspector General publicizes and provides convenient public access to information regarding—

"(i) the procedure to file complaints or comments concerning civil rights and civil liberties matters; and

"(ii) the status of corrective actions taken by the Department in response to Office of the Inspector General reports; and

"(I) inform the Officer for Civil Rights and Civil Liberties of any weaknesses, problems, and deficiencies within the Department relating to civil rights or civil liberties.".

SEC. 8305. PRIVACY OFFICER.

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) in the matter preceding paragraph (1), by inserting ", who shall report directly to the Secretary," after "in the Department";

(2) in paragraph (4), by striking "and" at the end;

(3) by redesignating paragraph (5) as paragraph (6); and

(4) by inserting after paragraph (4) the following:

"(5) coordinating with the Officer for Civil Rights and Civil Liberties to ensure that—

"(A) programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner; and

"(B) Congress receives appropriate reports on such programs, policies, and procedures; and".

SEC. 8306. PROTECTIONS FOR HUMAN RESEARCH SUBJECTS OF THE DEPARTMENT OF HOMELAND SECURITY.

The Secretary of Homeland Security shall ensure that the Department of Homeland Security complies with the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by the Department.

Subtitle D—Other Matters

SEC. 8401. AMENDMENTS TO CLINGER-COHEN ACT PROVISIONS TO ENHANCE AGENCY PLANNING FOR INFORMATION SECURITY NEEDS.

Chapter 113 of title 40, United States Code, is amended—

(1) in section 11302(b), by inserting "security," after "use,";

(2) in section 11302(c), by inserting ", including information security risks," after "risks" both places it appears;

(3) in section 11312(b)(1), by striking "information technology investments" and inserting "investments in information technology (including information security needs)"; and

(4) in section 11315(b)(2), by inserting ", secure," after "sound".

SEC. 8402. ENTERPRISE ARCHITECTURE.

(a) ENTERPRISE ARCHITECTURE DEFINED.—In this section, the term "enterprise architecture" means a detailed outline or blueprint of the information technology of the Federal Bureau of Investigation that will satisfy the ongoing mission and goals of the Federal Bureau of Investigation and that sets forth specific and identifiable benchmarks.

(b) ENTERPRISE ARCHITECTURE.—The Federal Bureau of Investigation shall—

(1) continually maintain and update an enterprise architecture; and

(2) maintain a state of the art and up to date information technology infrastructure that is in compliance with the enterprise architecture of the Federal Bureau of Investigation.

(c) REPORT.—Subject to subsection (d), the Director of the Federal Bureau of Investigation shall, on an annual basis, submit to the Committees on the Judiciary of the Senate and House of Representatives a report on whether the major information technology investments of the Federal Bureau of Investigation are in compliance with the enterprise architecture of the Federal Bureau of Investigation and identify any inability or expectation of inability to meet the terms set forth in the enterprise architecture.

(d) FAILURE TO MEET TERMS.—If the Director of the Federal Bureau of Investigation identifies any inability or expectation of inability to meet the terms set forth in the enterprise architecture in a report under subsection (c), the report under subsection (c) shall—

(1) be twice a year until the inability is corrected;

(2) include a statement as to whether the inability or expectation of inability to meet the terms set forth in the enterprise architecture is substantially related to resources; and

(3) if the inability or expectation of inability is substantially related to resources, include a request for additional funding that would resolve the problem or a request to reprogram funds that would resolve the problem.

(e) ENTERPRISE ARCHITECTURE, AGENCY PLANS AND REPORTS.—This section shall be carried out in compliance with the requirements set forth in section 1016 (e) and (h).

SEC. 8403. FINANCIAL DISCLOSURE AND RECORDS.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Office of Government Ethics shall submit to Congress a report—

(1) evaluating the financial disclosure process for employees of the executive branch of Government; and

(2) making recommendations for improving that process.

(b) TRANSMITTAL OF RECORD RELATING TO PRESIDENTIALLY APPOINTED POSITIONS TO PRESIDENTIAL CANDIDATES.—

(1) DEFINITION.—In this section, the term "major party" has the meaning given that term under section 9002(6) of the Internal Revenue Code of 1986.

(2) TRANSMITTAL.—

(A) IN GENERAL.—Not later than 15 days after the date on which a major party nominates a candidate for President, the Office of Personnel Management shall transmit an electronic record to that candidate on Presidentially appointed positions.

(B) OTHER CANDIDATES.—After making transmittals under subparagraph (A), the Office of Personnel Management may transmit an electronic record on Presidentially appointed positions to any other candidate for President.

(3) CONTENT.—The record transmitted under this subsection shall provide—

(A) all positions which are appointed by the President, including the title and description of the duties of each position;

(B) the name of each person holding a position described under subparagraph (A);

(C) any vacancy in the positions described under subparagraph (A), and the period of time any such position has been vacant;

(D) the date on which an appointment made after the applicable Presidential election for any position described under subparagraph (A) is necessary to ensure effective operation of the Government; and

(E) any other information that the Office of Personnel Management determines is useful in making appointments.

(c) REDUCTION OF POSITIONS REQUIRING APPOINTMENT WITH SENATE CONFIRMATION.—

(1) DEFINITION.—In this subsection, the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code.

(2) REDUCTION PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the head of each agency shall submit a Presidential appointment reduction plan to—

(i) the President;

(ii) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(iii) the Committee on Government Reform of the House of Representatives.

(B) CONTENT.—The plan under this paragraph shall provide for the reduction of—

(i) the number of positions within that agency that require an appointment by the President, by and with the advice and consent of the Senate; and

(ii) the number of levels of such positions within that agency.

(d) OFFICE OF GOVERNMENT ETHICS REVIEW OF CONFLICT OF INTEREST LAW.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Government Ethics, in consultation with the Attorney General of the United States, shall conduct a comprehensive review of conflict of interest laws relating to executive branch employment and submit a report to—

(A) the President;

(B) the Committees on Homeland Security and Governmental Affairs and the Judiciary of the Senate;

(C) the Committees on Government Reform and the Judiciary of the House of Representatives.

(2) Contents.—The report under this subsection shall examine sections 203, 205, 207, and 208 of title 18, United States Code.

SEC. 8404. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking "more than" and all that follows and inserting "after November 19, 2005.".

And the House agree to the same.

PETER HOEKSTRA,
DAVID DREIER,
HENRY HYDE,
DUNCAN HUNTER,
JANE HARMAN,
ROBERT MENENDEZ,
IKE SKELTON,
Managers on the Part of the House.

SUSAN M. COLLINS,
JOE LIEBERMAN,
TRENT LOTT,
RICHARD J. DURBIN,
MIKE DEWINE,
PAT ROBERTS,
JOHN D. ROCKEFELLER IV,
GEORGE V. VOINOVICH,
JOHN E. SUNUNU,
BOB GRAHAM,
FRANK LAUTENBERG,
NORM COLEMAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF THE CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2845), to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text. The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment.

A summary of the substitute agreed to in conference is set forth below:

This legislation in part implements the recommendations of the National Commission on Terrorist Attacks Upon the United States (the "9/11 Commission") but also responds to other studies and related commissions which focused on intelligence reform for protecting the United State against acts of terrorism. In July 2004, the 9/11 Commission released a comprehensive report chronicling the circumstances leading up to the terrorist attacks of September 11, 2001. The Commission made over forty recommendations to strengthen the United States's ability to prevent future terrorist attacks. These recommendations included reorganization of the U.S. Intelligence Community by creating an empowered Director of National Intelligence (DNI) and a National Counterterrorism Center (NCTC). The recommendations also spanned a variety of other areas such as foreign policy and transportation security. This conference report makes a number of necessary changes in government structure, law enforcement, and security arrangements to protect the American people better.

Intelligence

DNI. A number of past studies have found that the current Director of Central Intelligence lacks sufficient authority to steward the Intelligence Community and transform it into an agile network to fight terrorist networks. In response, and as envisioned by the Senate bill and the House amendment, the conference report creates a DNI appointed by the President, confirmed by the Senate, and without the responsibility of directing the Central Intelligence Agency. Also as envisioned by the Senate bill and the House amendment, the DNI would head the Intelligence Community; serve as the principal intelligence adviser to the President; and oversee and direct the implementation of the National Intelligence Program.

The conference report's formulation of the DNI's authorities is a composite of the authorities in the Senate bill and the House amendment. For example, relying on various House and Senate provisions, the conference report gives the DNI strong authority concerning the National Intelligence Program, such as unambiguous authority to task collection and analysis. The conference report does not expand authority under which information is classified, which is pursuant to Executive Order or other Presidential directive, but rather directs the DNI to establish and implement guidelines for the intelligence community for the purpose of such classification of information. In addition, the Conferees recognize the need to provide the DNI with enhanced personnel transfer flexibility in order to maximize the Intelligence Community's functionality. The Conferees encourage the DNI to consult with the Committees of the Congress enumerated by this provision to establish mutually agreeable procedures to fulfill the notice requirements in this provision.

NCTC. The NCTC is an innovation designed to achieve horizontal integration or "matrix management" for the Executive Branch—meaning seamless coordination across departmental lines against interdisciplinary problems epitomized by terrorism. Once again fusing perspectives from the Senate bill and the House amendment, the NCTC would be the primary Executive Branch organization for counterterrorism intelligence and strategic operational planning.

Security Clearances and FBI Restructuring. The conference report rationalizes the Executive Branch's security clearance process, which currently cannot satisfy the demand for clearances in government and the private sector. Merging visions articulated in the Senate bill and the House amendment, the conference report seeks to bring greater efficiency, speed, and interagency reciprocity to the security clearance process while maintaining the highest standards. Finally, the conference report contains a series of provisions, taken from the Senate bill and the House amendment, to restructure and buttress the FBI's intelligence capability.

Information Sharing. In order to help the government better "connect the dots," the conference report requires that the President establish an Information Sharing Environment to facilitate the sharing of terrorism information, through the use of policy guidelines and technologies.

Other issues

Intelligence reorganization, while critical, is only one part of the larger task of protecting the United States against terrorism and combating the root causes of terrorism. Indeed, the transnational threat of terrorism cuts across a disparate array of issues: e.g., diplomacy, economic development, immigration, and transportation. Thus the conference report focuses not only on intelligence reform but also on a spectrum of other reforms designed to protect Americans.

Foreign Relations. The conference report has a number of provisions concerning relations between the United States and key Middle Eastern and South Asian countries as well as to improve the manner in which the United States conducts its foreign relations. For example, the conference report attempts to improve U.S. public diplomacy, educational and cultural exchange programs, and foreign media outreach in order to build good will and promote democracy and prosperity in the Middle East. The conference report also includes provisions designed to strengthen United States policy to develop and implement a strategy to eliminate terrorist sanctuaries.

Transportation Security. The conference report blends House and Senate language on similar concerns. The conference report requires a national transportation security strategy, improves the use of passenger watchlists, and otherwise enhances the safety of aviation and other forms of travel. Additionally, the conference report includes House provisions relating to the use of biometric technology to regulate access to secure areas of airports and Senate provisions relating to air cargo and general aviation security.

Terrorist Travel and Effective Screening. These sections include an array of measures to disrupt terrorist travel and intercept terrorists. For instance, the conference report would improve intelligence collection and analysis on terrorist travel. Also, it would tighten security standards for key identification documents including driver's licenses, birth certificates, and social security numbers.

Border Protection, Immigration, and Visa Matters. These provisions are designed to enhance security of U.S. borders and the enforcement of border and immigration laws. For example, the conference report blends House and Senate provisions that call for an increase in the number of full-time border patrol agents. The conference report also includes Senate provisions that permit the Secretary of Homeland Security to carry out a pilot program to test advanced technologies that will improve border security between ports of entry along the northern border of the United States. And it includes a House provision that increases detention bed space available for immigration detention and removal.

Terrorism Prevention. These sections include measures to provide additional enforcement tools against terrorist activity, e.g. money laundering and terrorist financing laws. The conference report adopts a House provision to amend the Foreign Intelligence Surveillance Act concerning "lone wolf" terrorists; a similar provision had previously passed the Senate.

Diplomacy, Foreign Aid, and the Military in the War on Terrorism. In these provisions, the conference report guides the Executive Branch concerning the use of all elements of national power—including diplomacy, military action, intelligence, law enforcement, economic policy, foreign aid, public diplomacy, and homeland defense—to win the war on terrorism. The conference report adopts Senate language on U.S.-Saudi relations and efforts to combat Islamist terrorism. In addition, it includes House language on terrorist sanctuaries and U.S. assistance to Afghanistan and Pakistan.

National Preparedness. The conference report consolidates several sections on the Incident Command System and interoperable communications from the Senate bill and the House amendment. It includes a Senate provision authorizing mutual aid for first responders in the National Capital Region.

Civil liberties and privacy

The conference report creates a Privacy and Civil Liberties Oversight Board that is charged with ensuring that privacy and civil liberties concerns are appropriately considered in the implementation of laws, regulations, and policies of the government related to efforts to protect the Nation against terrorism. The conference report also expresses a sense of the Congress that a civil liberties and privacy officer should be designated for each department and agency that carries out law enforcement or anti-terrorism functions.

The task of protecting the United States against terrorism poses a daunting challenge. This conference report is a significant step in the right direction for America.

Peter Hoekstra,
David Dreier,
Henry Hyde,
Duncan Hunter,
Jane Harman,
Robert Menendez,
Ike Skelton,
Managers on the Part of the House.

Susan M. Collins,
Joe Lieberman,
Trent Lott,
Richard J. Durbin,
Mike DeWine,
Pat Roberts,
John D. Rockefeller IV,
George V. Voinovich,
John E. Sununu,
Bob Graham,
Frank Lautenberg,
Norm Coleman,
Managers on the Part of the Senate.

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 868 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 868

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of December 7, 2004, providing for consideration or disposition of a conference report to accompany the bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

□ 1500

The SPEAKER pro tempore (Mr. Simpson). The gentleman from Georgia (Mr. Linder) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. Slaughter), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 868 is a rule that waives clause 6(a) of rule XIII with respect to the same day consideration against certain resolutions reported from the Committee on Rules. Specifically, this rule waives a requirement for a two-thirds majority vote by the House to consider a rule on the same day that it has been reported by the Committee on Rules.

This rule's waiver applies to any special rule reported on the legislative day of December 7, 2004, providing for the consideration or disposition of a conference report to accompany the bill S. 2845 to reform the intelligence community and the intelligence and intelligence-related activities of the U.S. Government and for other purposes.

I urge my colleagues in the House to join me in approving H. Res. 868. We are close to completing the 108th Congress, and the passage of this rule will help expedite the consideration of sweeping reform of our security and intelligence operations to keep America safe. Representatives from multiple committees have been working tirelessly to negotiate the best possible legislation, and they have completed their work on this legislation today. By approving this same-day rule, the House will ensure that we can move forward expeditiously in making the substantive changes that will inevitably help better protect the citizens of this country.

Mr. Speaker, this same-day waiver rule provides for prompt consideration of important legislation before the adjournment of this Congress. The Committee on Rules approved this rule late yesterday afternoon. I urge my colleagues to join me in supporting its passage.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here to consider a package of reforms that, despite garnering broad bipartisan support throughout the Nation, was not cleared for the floor until today.

The House received this blueprint for making America safer in the form of the September 11 report in July, well over 5 months ago; and upon release of the report, and ever since, the commissioners have been appealing to the House to respond to its recommendations with a great sense of urgency.

To its credit, throughout the summer recess the House undertook an ambitious schedule of hearings on the 9/11 report; and as a member of the Select Committee on Homeland Security, I heard the impassioned testimony from both Governor Kean and Representative Hamilton as they presented a compelling case for why structural reforms were essential to enhancing the security of the American people from the threat of terrorism.

At the time, I believed we would get this intelligence reform package cleared by both Houses of Congress well before the third anniversary of the 9/11 attacks; but as we all know, despite broad bipartisan support in both bodies, it simply did not happen. Instead, it was left in sort of suspended animation for months while the House leadership secured support from the majority of the majority in the House.

Mr. Speaker, in my 18 years in the House of Representatives, I have never heard of such a standard. Whether it is the product of an arrogant belief that the views of the minority in the House are now somehow subordinate or it is the manifestation of leadership drunk with power, I truly do not know; but if this is any indication of how the House leadership intends to do business in the 109th Congress, be warned that the American people will not like it.

It is not just the red States that are populated with patriotic, moral Americans who serve courageously in our Armed Forces or as first responders. Patriotic, moral Americans live in blue States and every State of this Union. We are all Americans. We are all equal under the law, and we all have an important role to play in the life of this Nation.

I would also caution the majority to bear in mind the words of the 18th century philosopher Jean Jacques Rousseau who said, "It is unnatural for a majority to rule, for a majority can seldom be organized and united for specific action, and a minority can." I think we saw that well-demonstrated today.

Satisfied that it has secured support from a majority of the majority, the House leadership is now rushing this bill to the floor, denying Members adequate time to review each and every critical provision.

Have we learned nothing from the debacle surrounding the omnibus spending bill? The privacy rights of millions of American taxpayers were put at risk by one small provision inserted into that 3,000-page bill. Under the regular order of the House, we should have had 3 days to review the report; but with a martial-law rule, we do not even get one.

In the 108th Congress, the Committee on Rules has reported 29 martial rules and 17 in the second session alone. At the rate we are going, the regular order of business is becoming the irregular order of business.

Mr. Speaker, the majority has delayed this bill long enough. I would have preferred this bill, so crucial to defending our country, be considered by unanimous consent; but I know there are many people who would be happy if this legislation never saw the light of day.

Before I close, I want to reiterate my support for the intelligence reform package. Despite my opposition to the way it has come to the floor, I intend fully to vote for it later.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I reserve the balance of our time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, yesterday, the House voted to repeal a controversial provision in the omnibus appropriations bill that no Member knew was in the bill when the bill was filed. Yet today, having learned little, the House will rush to vote on the intelligence bill about which Members know probably just as little, and they will do so without having the language available.

I would like to be able to vote for this bill because it will probably improve the sharing of intelligence, and there are a number of other good provisions in it. But Mr. Speaker, we need to recognize that there have been two intelligence failures in the last 5 years. First was the failure to prevent the 9/11 attack. Second was the use of faulty intelligence to suck us into a dumb war in Iraq. The new layer of bureaucracy created by this bill may or may not help us on the first front, but it is likely to make it harder to correct the second. That is why I am going to vote against the bill and against this motion to speed up its consideration.

One of the bill's most glaring shortcomings is that it does not guarantee that dissenting or alternative views will ever be clearly stated to the President. That was a major problem in the decision to go to war in Iraq. To correct that problem, Senator ROBERTS included a provision in the Senate bill establishing an office and a process to provide these alternative points of view at every stage. That provision is, sadly, hugely watered down now in this bill. The bill simply leaves it up to the National Intelligence Director to decide how different points of view are factored into decisions. That is a terribly weak substitute.

Second, in emerging domestic and foreign surveillance operations, the bill does not sufficiently protect ordinary Americans from the mistakes of Big Government. The bill does contain a Presidential board to look at government-wide privacy issues, but that will do little to protect innocent Americans or to address specific grievances that may arise. That will come back to haunt us, just as certain aspects of the PATRIOT Act have.

Finally, the bill purports to increase the number of border and Customs agents; but in fact, the bill does nothing of the kind. That language is meaningless without the dollars to back it up, and this House has rejected providing those dollars, (ill-advisedly so in my view they voted that way;) the House has rejected providing those dollars four times in the past year, and this bill does absolutely nothing to change that. On that score, this bill is simply an empty institutional press release.

When this bill is corrected on those three fronts, and on others, I will be happy to vote for it, but not until.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 9 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1633

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 4 o'clock and 33 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108-797) on the resolution (H. Res. 870) waiving points of order against the conference report to accompany the bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 870 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 870

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a traditional rule for consideration of the conference report for the Intelligence Reform and Terrorism Prevention Act of 2004. The rule waives all points of order against the conference report. It also provides that the conference report shall be considered as read.

I urge my colleagues to join me in supporting this rule and approving the underlying conference committee report on truly historic reform legislation, S. 2845.

Mr. Speaker, final passage of this legislation today will be viewed by many as one of the most noteworthy accomplishments of the 108th Congress. Playing critical roles in getting us to this point in time have been the gentleman from Illinois (Mr. HASTERT), the gentleman from Texas (Mr. DELAY), the gentleman from Michigan (Mr. HOEKSTRA) and a host of others. The American people owe these Members an enormous debt of gratitude.

A world in which the enemy is easily identifiable has changed. We face more and more states without solid institutions, national consciousness and internal cohesion which are providing new threats such as the transfer of weapons of mass destruction and an increasing number of nonstate actors such as terrorist networks.

Terrorism has existed for hundreds of years, but the last decade has seen a rise in terrorist networks and their coordination amongst themselves. Many terrorists groups actively share hostage-taking tactics, weapons training, and planning techniques with one another. More than ever the terrorist networks are finding it easier to blend into society and are becoming harder for intelligence agencies to track. Former Director of the Central Intelligence Agency James Woolsey put it best when he said. We have slain a large dragon, the U.S.S.R., but we now live in a jungle filled with a bewildering variety of poisonous snakes. In many ways, the dragon was easier to keep track of.

The job of keeping track of these terrorist networks belongs to the U.S. Intelligence Community, and we thank the CIA and all the other members of our Intelligence Community who make it a vital contribution to our Nation's security.

More than ever, timely and accurate intelligence is recognized as a critical weapon in the global war on terrorism. We have already begun to rebuild our intelligence capabilities, and law enforcement and intelligence agencies are now working closer together.

As the 9/11 Commission concluded, we are safer today than we were 3 years ago, but we are not safe enough. As such, great changes and reform are needed. The Intelligence Reform and Terrorism Prevention Act of 2004 before us today will do much to keep America safe, and it is important that we act to enact this legislation now. Protecting the American people is the number one priority of this President and the United States Congress.

This legislation builds on the steps we have already taken since the attacks of September 11, 2001, and improves our intelligence-gathering apparatus. The Intelligence Reform and Terrorism Prevention Act is a broad-based approach that seeks to reform our government agencies and strengthen our Intelligence Community to make them more effective to address the global terrorist threat.

Mr. Speaker, this is a traditional rule for conference reports. I urge support for the rule and for the underlying measure.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, could the attacks of September 11 have been prevented if someone had connected the dots? Could the war in Iraq have been avoided if intelligence had been better? I honestly do not know. But what both situations tragically highlight is one fundamental truth: Our Nation needs intelligence reform.

The September 11 Commission report released over 5 months ago outlined the gaps and weaknesses in our current intelligence system. It also made 41 recommendations to Congress that, if implemented, would make America safer.

Today the House at long last is poised to consider the conference report to S. 2845, the National Intelligence Reform Act. This measure seeks to implement the core intelligence reforms recommended by the 9/11 Commission and makes significant improvements to emergency preparedness and aviation and border security.

Since July, Governor Kean and Representative Hamilton have tirelessly worked to ensure their recommendations are not relegated to the circular file of history. Throughout the summer, they testified before congressional committee after congressional committee in the hopes of building momentum before the third anniversary of the attacks. After reading their fine report and participating in a hearing with them in the Select Committee on Homeland Security, I, like most, if not all, of my Democratic colleagues in the House, endorsed all 41 recommendations.

The Commission report attributed structural weaknesses as partially to blame for the intelligence failures prior to the 9/11 attacks. A culture of isolation and separation exists between the 15 intelligence agencies that must be dismantled if we are to transform the environment and foster information-sharing among government agencies. We need to have a strong Director of National Intelligence to coordinate all intelligence efforts.

It is my understanding that last-minute changes were made to the conference report. We only received it an hour ago. I sincerely hope that the final version of this report vests the new Director with the people and the budget authority necessary to assert control over all 15 intelligence-collection agencies.

Mr. Speaker, we all know that the men and women on the front lines in Iraq and Afghanistan need to be assured that the intelligence they get is good intelligence. No one in this body would ever agree to reform our intelligence apparatus in any manner that would undermine our soldiers.

Today we mark the 63rd anniversary of the attack on Pearl Harbor. Yesterday terrorists opened fire on Americans working in the U.S. Consulate in Jiddah, Saudi Arabia. Whatever changes we make cannot be simply cosmetic. Our Armed Forces, Congress, the President, and the American people need to have confidence in the quality of their intelligence.

In the post-September 11 world Americans demand a national Intelligence Community that works together for the benefit of the national security, and Congress must act decisively to bring about those structural reforms. The stakes are very high. There is no room here for egos. There is no room for turf war. There is no room for bureaucratic haggling.

The report also closes critical gaps in aviation and border security. With respect to aviation security, it calls for the deployment of new explosive-detection screening technologies for carry-on bags and blast-resistant cargo containers. On border security the report calls for unmanned aerial vehicles to be placed along the 5,500-mile border between the United States and Canada, especially in areas far from a legal port of entry. This is an issue I care deeply about as my western New York district is a major gateway to Canada, the second busiest at Niagara Falls, New York.

Ever since the 9/11 Commission recommendations were released in July, there has been a steady drumbeat of support from my district. Like me, my constituents believe that an overhaul to the Nation's intelligence apparatus is critical to the future of this great land, and much of what is being considered here today will accomplish this vital end.

Mr. Speaker, it bears repeating that we could have passed these reforms months ago, but the leadership did not want to act. Now, today, they want us to consider the report under martial law, even though Democrats have been ready to act for months. Moreover, if Democrats had not insisted on a recorded vote to correct a taxpayer privacy provision in the omnibus bill, Congress would not have returned to Washington, and this bill would not have passed before adjournment.

Democrats have worked hard to make the country safer, and we look forward to working with the new Director of National Intelligence to do everything we can to make sure this tragedy is never repeated.

Mr. Speaker, I look forward to an active debate on this critical piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my good friend from Atlanta, Georgia (Mr. LINDER) for yielding me time.

I rise in strong support both of this rule and the conference report. This has been one of the most difficult conferences that we have ever gone through, and I want to say at the outset that I want to congratulate my two colleagues who led this, the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) from the House side, and our Senate colleagues, Senator COLLINS and Senator LIEBERMAN who provided leadership there.

We had two bills the likes of which I had never seen such a major disparity. H.R. 10, which emerged from this House, is one which I was very proud to support. It included very important national security provisions, very important provisions as it relates to immigration and the problems that we saw with the deficiencies that led to what took place on September 11 of 2001. I believe that the Senate measure consisted solely of those provisions that emerged from the good work of the 9/11 Commission.

I happen to believe that H.R. 10 was a much better piece of legislation than the one that we have ultimately ended up with here today.

□ 1645

I will say this. I do believe that we have come a long way towards taking steps that will ensure that we do not see another September 11 and that we have in place a structure which will ensure that we have the intelligence capability to deal with conflicts on the ground, wherever they exist in the world.

We know from having met with the family members of the victims of September 11 that this is a very emotional issue. This has been an emotional issue for all of us because, as we all know, we lost friends on September 11. A plane went down a few miles from here into the Pentagon, and we have heard, of course, from our colleagues who represent New York and Pennsylvania of the loss there. I would like to point to the fact that, tragically, all of those planes that took off were headed to my State of California on September 11. So we have all felt this.

The families appeared at the first meeting we had of this conference, and we were all moved by the extraordinarily strong statements that they made to us as we were preparing to meet there, and that is why the work of this conference has been so important.

I want to congratulate the other House conferees who worked hard on this. The gentleman from Wisconsin (Mr. SENSENBRENNER) is sitting right here, and while he is going to support the rule, I know that he has chosen not to support the conference report. I will say, Mr. Speaker, that the concerns that the gentleman from Wisconsin (Mr. SENSENBRENNER) has as it relates to the conference report are concerns that I share right down the line.

A year ago last August, I was asked to join in leading the charge for an effort to recall the Governor of California and to help Arnold Schwarzenegger get elected Governor of California. One of the main issues of that campaign was the fact that driver's licenses were ending up in the hands of people who are here illegally, and they were used fraudulently, and that is a real problem, and it is a real problem when it comes to security.

The gentleman from Wisconsin (Mr. SENSENBRENNER) has been a great champion, and I have been pleased and proud to stand with him in our attempt to ensure that we do provide standards as it relates to driver's licenses because, again, as the gentleman from Wisconsin (Mr. SENSENBRENNER) pointed out in our conference this morning, Mohamed Atta was using a fraudulent driver's license and was simply pulled over for a traffic violation and told to appear in court. That would have been after what he did on September 11, when he was one of those flying the planes into the World Trade Center towers.

It also is, I think, very important for us to do everything we can to secure our southern border, and my colleague, the gentleman from California (Mr. OSE), who is going to be presiding over the sine die adjournment of the 108th Congress later today or this evening, is a person who offered an amendment to H.R. 10 which was designed to complete a 3½ mile gap that exists in the 14-mile fence which was put in during the Clinton administration with the support of Bill Clinton, in a bipartisan way, with strong support here in the House and the Senate, and it has been successful, with the exception of a 3½ mile gap that extends from the Pacific Ocean to the Tijuana estuary.

I know we are all concerned about environmental quality, and I am very concerned about the environment, and it has been an environmental issue that has led to the delay in completion of that fence. The presence of something known as the Bell's vireo bird nesting on that fence has prevented completion of it. So, yes, we are all concerned about the environment, but the real tragedy to me is the fact, and I just flew over it a few weeks ago, the environment is plundered in this area because of illegal border crossings. The fact that we are seeing that area environmentally damaged because of that gap, it seems to me that we need to look at that. Unfortunately, it is not included in this measure, but I chose to sign this conference report and am supporting this conference report today based on the fact that we are, in the first must-pass piece of legislation we have in the 109th Congress, going to have the opportunity to include these very important immigration issues.

The gentleman from Wisconsin (Mr. SENSENBRENNER) has done a great job. The gentleman from California (Mr. HUNTER) did a great job. The gentleman from Illinois (Mr. HYDE) worked hard on this as well. The gentleman from California (Mr. HUNTER), my colleague, has focused on this very important chain-of-command issue, and I believe that he has been right in pursuing it.

We are at an extraordinary time in our history. My colleague from Rochester just mentioned the fact that today is the 63rd anniversary of the tragic bombing that took place in Pearl Harbor; 2,400 lives were lost there. We know that 3,000 plus lives were lost on September 11, 2001. Earlier today we saw the inauguration of the first democratically elected President in the history of Afghanistan, and that could not have come about, Mr. Speaker, were it not for strong, bold, dynamic leadership on the part of the United States of America.

The United States of America is the only Nation on the face of the Earth, the only Nation, that can effectively deal with the kinds of challenges that we have. We have not done it unilaterally. It is not doing it unilaterally today. We have never done it unilaterally. We have done it with strong and building international coalitions. We will continue to do that.

Passage of this legislation is simply a first step. It is a first step, and that is the reason that I have chosen not to turn my back on it and to get as much as we possibly can as we go down this road towards doing even more to have a National Intelligence Director, and make sure that that individual is strong and able to deal with intelligence issues and to deal with the overall national and border security questions that we have.

So, Mr. Speaker, I thank my colleagues again for the time and energy and effort they have put in these past weeks and now months to come to this point. I congratulate the gentleman from Illinois (Speaker HASTERT) and the President of the United States for the leadership that they have shown in getting us to where we are today.

Ms. SLAUGHTER. Mr. Speaker, I yield 5½ minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank my friend and colleague from New York for yielding me the time to address this very critical and important issue.

This bill has come about as a result of a very labored process, and should it pass here today, which I assume it will, we should not deceive ourselves into believing that we have accomplished the objective that is necessary to accomplish in order to secure the security of the people of the United States.

Getting good intelligence and having a good intelligence arrangement is one thing, but the use of that intelligence, the interpretation of that intelligence, the honest use of that intelligence is yet another thing.

The intelligence agency must be an objective analyzer of secret and complex information, not just a tool of the White House. The intelligence agency must serve the interests of the Nation as a whole, not serve the President politically.

It is increasingly obvious how the administration twisted and tortured and distorted intelligence to support their decision to go to war in Iraq. This bill does not solve that problem. It is up to the membership of this House to deal with that issue, and the issue has not yet been dealt with. We have not exercised the proper oversight to determine why and in what ways the intelligence was distorted.

We need to secure the people of this country. The 9/11 Commission and Senate Select Committee on Intelligence report tells us that prior to the attack of September 11, the administration had been warned dozens of times that Osama bin Laden was determined to attack the United States, but this administration failed to act on those warnings. Why? This House has not exercised the appropriate oversight to understand why the intelligence was not used by the administration the way it should have been used.

The administration insisted on focusing its attention elsewhere, including its obsession with Iraq prior to and after the attack of September 11.

Paul Wolfowitz, for example, the Deputy Defense Secretary, and his Under Secretary for Policy argued that there was a terrorist alliance between the Hussein regime in Iraq and al Qaeda, despite the fact that intelligence reports showed that no such alliance existed. Why was that the case, and why has this House not exercised its oversight responsibilities to determine why we were deceived and the American people were deceived?

The same is true concerning the missing Iraqi weapons of mass destruction. We were told over and over and over again by everyone across the administration, President, Vice President, Secretary of Defense, National Security Adviser, in fact, the President right here in this room from the podium behind me talked about weapons of mass destruction and even gave us the vision of a mushroom cloud, suggesting very clearly that there were atomic weapons that could be used. Why have we not exercised our oversight responsibilities to determine why that information was missing?

So that is the issue that we ought to be confronting not just today, but as we go into the next Congress, confronting that issue in the way it needs to be addressed.

Yes, it is fine to reform the intelligence procedures and administration, restructure them, modernize them, make them perhaps more compatible than they may have been with present-day needs, improve the communication between one and another. That is one thing, and maybe this bill will do that.

But why has the leadership of this House not asked these questions? Why have hearings not been held? Why have the oversight responsibilities of the leadership of the House not been exercised appropriately in the way in which the Constitution requires they be exercised?

At no time in the history of our country have we gone to war with another Nation based on information so badly misinterpreted, twisted, distorted and misrepresented. This House has an obligation to find out why that was done, why we have lost so many lives of American servicemen and women on the basis of that twisted, distorted, misrepresented information.

Even today, when we are told that everything is going fine in Iraq, we are learning from the intelligence agencies and learning it in ways that are indirect, even surreptitious, that the situation in Iraq is deteriorating, that the opposition there is increasing. In spite of the fact that our servicemen were successful in Fallujah, nevertheless the insurgency is growing stronger. That is what we are being told by the intelligence agencies. We are told that indirectly. We do not get it directly from the administration. They want a different picture to be painted entirely, and this is what our responsibility is as Members of the House of Representatives, to find out why this conflict exists and why we are not getting to the bottom of it.

Why, when we are told things by the administration and later found out that they are completely untrue, are we just to accept it, gloss over it, pretend it did not happen? That seems to be the attitude that has been taken by the majority here. It ought not to be. If we were living up to our obligations, under the separation of powers, the obligations in the Constitution, we would be adequately exercising our oversight obligations and responsibilities on the issue of the way in which this intelligence was misrepresented, distorted, tortured, and why we are in the situation we are in today as a result.

Mr. LINDER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I rise today to oppose the 9/11 conference report being considered.

I have had the privilege of serving on the Permanent Select Committee on Intelligence thanks to the appointment from the gentleman from Illinois (Speaker HASTERT) for 6 years, and I want to stipulate for the record that a number of reforms have taken place long before the 9/11 Commission was appointed, long before the 9/11 Commission report was issued.

Immediately following what took place in New York and Washington and the loss of 3,000 American lives, President Bush and his team and the Congress put together a homeland security agency that combined 22 agencies at a cost of $40 billion. We created a TSA agency at all major airports at a cost of $5.2 billion. Every airport is now secure, and people do feel safe flying.

☐ 1700

We gave the airline industry $15 billion to secure airplanes and cockpits, and now airplanes are safe to fly.

We enacted the PATRIOT Act, which now allows law enforcement agencies all over the country to communicate with one another and has allowed law enforcement officials to arrest people in this country who are terrorists in Buffalo, New York, and Portland, Oregon, who were here for no other purpose than to hurt Americans.

We contributed between $20 billion and $40 billion to the City of New York to clean up what took place there after the 9/11 bombings and also to compensate families for the loss of their loved ones. We created the TTIC agency within the CIA and the FBI, and we created JTTFs, Joint Terrorism Task Forces, in every major city so that there is communication. Under Director Mueller, the FBI has been organized and is doing a marvelous job.

We invaded Afghanistan, brought down al Qaeda at a cost of $18 billion, and a new president has been sworn in as of today. We invaded Iraq, brought down Saddam Hussein; and the people there, for the first time, have an opportunity and a chance to vote for their own leadership in January.

The bottom line is this: the last 3 years, since America has been attacked, have been years when the country has not been attacked. The President deserves credit. We deserve credit here in Congress for the work we have done to create these opportunities to fight terrorism. We have not neglected our responsibilities, and we have not been sitting around on our hands waiting for some recommendation from some commission.

A thousand new FBI agents have been authorized and a thousand new CIA agents have been authorized, and many of them are being hired. There is a lot better communication between the CIA and the FBI today and the executive branch of government.

I believe creating a National Intelligence Directorate is a huge mistake. It is another bureaucracy. It is another layer of government. It would not have prevented 9/11, and it will not prevent another 9/11. We are fooling ourselves by creating this kind of public policy and trying to lead people to believe that when we pass this bill today America will be safer or America would have been safe prior to 9/11. It will not happen.

We are going to create a monster that will not really inhibit the ability of terrorists. We are going to have another terrorist attack. This will not prevent it, and I urge my colleagues to read the bill and look at the bill and think long and hard about the idea of creating some sort of other bureaucracy on top of everything else, because I just think it will not work.

We have done good work in the House, in the Senate, and with the President's leadership have really done a good job in combating terrorism. This bill is not good public policy. I hope Members will look at it. I think it is the wrong approach, and that is why I oppose it.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership.

Right after 9/11, the Congress had never been more united and determined to work together in a bipartisan way to keep America safe from further attacks. We got a great deal done in a short period of time. It was a proud moment in this body's history. Unfortunately, it did not last long enough. But today, the last act of this session of Congress, passing this intelligence reform and anti-terrorism bill, will be a heartening reminder to the American people that the two parties can work together and live up to the ideal that was so often repeated after 9/11: united we stand.

Mr. Speaker, 9/11 made the Cold War politics of containment obsolete. We all knew we had to change and modernize our intelligence network to be more agile, more proactive, to connect the dots across the agencies in order to protect and anticipate attacks. That is the kind of network that our new intelligence director will be able to lead. This is a true anti-terrorism bill that will harden our borders, tighten our visa restrictions, and strengthen our first responders: air, cargo, and transport security.

The next Congress still needs to pass key recommendations to strengthen our security, but this is a big step forward. I want to thank the President, the minority leader, the Speaker and his Chief of Staff, Scott Palmer, for their dogged efforts to give this country this wonderful holiday gift.

I also want to thank the gentleman from California (Mr. HUNTER), chairman of the Committee on Armed Services, for his willingness to find a middle ground, and I want to thank my colleagues in the House and Senate who played critical roles in this passage: the gentleman from New Jersey (Mr. MENENDEZ), the gentlewoman from California (Ms. HARMAN), the gentleman from Michigan (Mr. HOEKSTRA), Senator COLLINS and Senator LIEBERMAN, and the gentleman from Connecticut (Mr. SHAYS).

Ultimately, however, this is not our moment. This moment belongs to the family members of the 9/11 victims, many of whom are with us tonight in this Chamber. For more than 3 years they fought to turn personal tragedy into public service. By sheer force of will they made today's results inevitable by persevering when it seemed impossible. They held vigils in the rain, they bowled over bureaucracies, they courageously channeled their pain. Without them, there would have been no 9/11 Commission and probably no major intelligence reform bill.

I saw a number of 9/11 families last night alone at a White House vigil, their loved ones claimed by al Qaeda. As I stood there with my husband, it drove home the fact that they did not do this for themselves, but to ensure that all of us will never lose loved ones to terrorism. I would like to recognize their ultimate act of service and to thank them, especially Carol Ashley, Kristen Breitweiser, Patty Casazza, Beverly Eckert, Mary Fetchet, Monica Gabrielle, Bill Harvey, Mindy Kleinberg, Carie Lemack, Sally Regenhard, Lori Van Auken and Robin Wiener. Today, their words are much more important than mine.

Mr. Speaker, I will place in the RECORD their personal statements, in their own words, in support of this legislation.

AN OPEN LETTER TO MEMBERS OF THE 108TH CONGRESS ON THE 9/11 BILL CONFERENCE REPORT

DECEMBER 7, 2004.

DEAR MEMBERS OF CONGRESS: You have at last reached consensus on a bill that will implement the 9/11 Commission's recommendations. A vote on the Conference Report appears imminent. We believe this conference report accomplishes our main goal, which was to fix our nation's broken intelligence system.

The passage of these reforms marks a critical point in a long, three-year journey. We started as a diverse group of 12 individuals representing a number of 9/11 family groups who shared a common loss. Our goals was to make our country safer. Although at times our resolve was sorely tested, the 12 of us have remained steadfast refusing to ever give up.

Having reached this critical junction, we want to acknowledge the many individuals who have helped us. We thank all of the Members of Congress who voted for the establishment of an independent 9/11 Commission. We thank the ten 9/11 Commissioners who acted in a truly bipartisan manner and produced a report whose 41 recommendations became a roadmap for today's Conference Report.

We would also like to thank the individuals who have made today's votes possible. In particular, we want to acknowledge the leadership of President Bush, Speaker HASTERT, Leader PELOSI, Majority Leader FRIST and Minority Leader DASCHLE. We would also like to acknowledge the efforts of the Conference Chairman, PETE HOEKSTRA as well as the other principal conferees SUSAN COLLINS, JANE HARMAN and JOSEPH LIEBERMAN. Finally, we would like to acknowledge the hard work of the 9/11 Commission Caucus led by Congressman CHRISTOPHER SHAYS and Congresswoman CAROLYN MALONEY.

While we thank you for your work on this historic legislation, we must keep in mind that more work needs to be done. One critical issue is reorganizing Congress so our intelligence agencies will have the oversight required to ensure it is doing its job. We look forward to working with you in the 109th Congress, to help enact the remaining recommendations of the 9/11 Commission Report, and to make our country as safe as possible for this generation and generations to come.

Signed,

Carol Ashley, mother of Janice Ashley, 25; Kristen Breitweiser, wife of Ronald Breitweiser, 39; Patty Casazza, wife of John F. Casazza, 38; Beverly Eckert, wife of Sean Rooney; Mary Fetchet, mother of Bradley James Fetchet, 24; Monica Gabrielle, wife of Richard Gabrielle; Bill Harvey, husband of Sara Manley Harvey, 31; Mindy Kleinberg, wife of Alan Kleinberg, 39; Carie Lemack, daughter of Judy Larocque; Sally Regenhard, mother of Christian Michael Otto Regenhard, 28; Lorie Van Auken, wife of Kenneth Van Auken, 47; Robin Wiener, sister of Jeffrey Wiener, 33.

Mr. LINDER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the conference report. The House-passed bill not only reformed our intelligence community, it also secured our borders. Unfortunately, the conference has left us with an incomplete product that does not secure our border and, thus, makes us more vulnerable to another terrorist attack.

At the beginning of this process I said that the object of this legislation should be to prevent a future attack on the United States, not to manage the consequences of that attack. This bill does not do that. And the reason it does not do that is that while we will have better intelligence, good intelligence is useless without good homeland security.

The House bill followed the 9/11 Commission's common-sense recommendation that we have Federal standards for driver's licenses. The commission said, "For terrorists, travel documents are as important as weapons." Despite many attempts to keep these weapons away from terrorists, the bill does not do the job.

In fact, the language in the conference report is worse than the current law, and it practically invites terrorists to come into our country and to apply for these critical identification documents. There is no enforcement or certification at the national level. There is no expiration of the licenses when the visas expire. There is no data-sharing between the States. And any State can simply walk away from the few requirements that are in the bill. That does not sound like driver's license reform to me. Rather it sounds like a recipe for disaster, the same kind of disaster that occurred on 9/11.

Remember that the 9/11 hijackers had multiple validly issued State driver's licenses among them, and that is how they got on the airplanes. That is what we were trying to stop by changing the provisions in the conference report, and I regret that we failed. But I can assure you that this issue is not going to go away.

We have also failed on asylum reform. Many terrorist aliens have applied for asylum and then have been released from detention to plot or commit their crimes. That must stop, and the provisions in the House bill would have done that, but they too were dropped.

Terrorists are getting asylum today for two main reasons. First, our government cannot even ask foreign governments what evidence they have about terrorist activities of asylum applicants. Thus, the U.S. Government must usually oppose asylum requests by arguing that the applicant is lying. The Ninth Circuit has effectively barred immigration judges from denying asylum claims on the basis of the credibility of witness statements. That is crazy, because every jury in the country judges the credibility of the witnesses in determining the guilt or innocence of the defendant. The House bill would have stopped that and removed that bar. The conference report does not.

In addition, the Ninth Circuit has been granting asylum to applicants because their home government believes they are terrorists. It then says, therefore they are being persecuted because of the political beliefs of the relevant terrorist organizations. That is goofy. The House stopped it, but the Senate would not go along; and the conference report fails to deal with this issue.

These provisions are not too controversial. They are not irrelevant. They are vital. And how could we face grieving families in the future and tell them that while we might have done more, the legislative hurdles were just too high? I, for one, cannot, and, therefore, oppose the bill.

I have heard from many citizens from my district and across the country who understand and want these provisions, and I thank them for their support. I want to say to them, and to everyone else that is listening, I will not rest until these provisions are enacted into law. I will bring them up relentlessly until this job is completed. The bill was a chance to complete the job, and that chance was missed; but it will come again soon.

Finally, I would like to pay tribute to two of my fellow conferees, the gentlemen from California (Mr. HUNTER) and the gentleman from California (Mr. DREIER). The chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER), I think did yeoman's work in cleaning up the problems with the chain of command in order to protect our warfighters in the field and reduce casualties, and the bill is an improvement over what was passed by the other body on this. But that only applies to safety of troops overseas. It does not deal with the issue of safety of Americans at home.

The gentleman from California (Mr. HUNTER), and the gentleman from California (Mr. DREIER) in particular, were instrumental in trying to support the driver's license and asylum reform provisions as well as plugging the hole in the fence that needs to be plugged to prevent aliens from streaming across the border. We ought to vote this down and start over next year.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I thank the gentlewoman for yielding me this time and commend her service on the Committee on Rules. I rise to make clear that I will not object to this rule waiving any points of order which might lie against the conference report, a report that I strongly support.

I will be speaking about the content of the bill once we move to consideration of the conference report, where I will be managing the time on our side, but I did want to rise to comment on some of the claims that have been made in the debate so far, especially the claims just made by the powerful and passionate chairman of the House Committee on the Judiciary.

I would point out to our colleagues that the conference report, which was the product of 3 months of intense negotiation, does contain immigration reforms. All of the conferees, to my knowledge, believe that immigration reform is necessary; and all of the conferees, and I hope all of our colleagues, understand that our goal here is to make certain that our immigration system does not enable terrorists to get on airplanes or otherwise to harm our citizens. That is why in this bill many of the suggestions made by the gentleman from Wisconsin (Mr. SENSENBRENNER) and many of the provisions in the House bill were accepted.

For example, the bill provides for 10,000 more border guards over 5 years. Ten thousand. It provides 4,000 more border inspectors over 5 years. It provides for 40,000 more detention beds over 5 years. These are beds that will be used by those who might be deported.

So our point is that we want the immigration laws to work better. We want to make sure that we know who is coming into our country, not just at our southern border but also at our northern border. Most of us are well aware that attempts to harm our country have come to us across our northern border as well as our southern border. Indeed, one such attempt was foiled just before the millennium, when a man trying to get to Washington State from Canada was, fortunately, intercepted by an adroit Customs agent. He was driving a rental car full of bomb material intending to bomb LAX, a major international airport surrounded by my congressional district.

□ 1715

So, Mr. Speaker, I get this. Our borders are porous, and we need to make them more secure. This bill does that.

In addition to that, this bill adds to our law enforcement tools, addressing other issues with which the gentleman from Wisconsin (Mr. SENSENBRENNER) was concerned. We toughen the penalties for terrorist hoaxes. We create a new set of penalties for those who would use shoulder-fired missiles to shoot down airplanes. We toughen the penalties for material support of terrorists, and we add a provision which enables us to punish the "lone wolf" terrorist, someone acting alone, as Timothy McVeigh did, to harm our citizens.

The bottom line here is this carefully structured, bipartisan, bicameral conference report does deal with these issues, as well as the chain of command, which many of us felt was adequately protected in current law, but which we addressed again to make sure everyone understood we were dealing with it. The point I want to make is we took these issues on, we came to the best resolution we could. This rule permits us to vote finally on what I think is the best possible conference report we could have developed under all of the circumstances. It deals with the valid concerns of the families who lost loved ones on 9/11, and it honors those they lost. I urge support of this rule. I will rise later and urge support of the conference report.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, first of all, I think a lot of Members will thank the gentlewoman from California (Ms. HARMAN) for introducing the legislation that actually identified the National Intelligence Director well before the 9/11 Commission met to deliberate on this particular subject matter.

I would like to associate myself with the remarks of the gentleman from Illinois (Mr. LAHOOD). The gentleman from Illinois ticked down through the issues which have been successful in our addressing terrorists and the fact it has been 3 years since a successful terrorist attack in the United States, due in large part to the changes illustrated by the gentleman from Illinois (Mr. LAHOOD).

One thing he did not go into in real depth is the Terrorist Threat Integration Center, TTIC. That really is in its functionality, the function of the National Intelligence Director and the organization that puts all 15 agencies under one roof, requires them to work together, and there has been no discussion about their effectiveness, but there has certainly been a record of that effectiveness. I think we have taken steps down that road.

I would point out when we establish a National Intelligence Director, we are creating a formula for groupthink. It is not the opposite. If you put someone at the top of an organization and give them hiring and firing control, pretty soon they start to carve those square pegs into round holes, and they will toe the mark, or they will find some folks that will. The people in my office think like I do. The people in other Members' offices think like they do because it is top-down management. It produces groupthink, it does not avoid groupthink. Doing something different and expecting it to be better just because it is different is not a high standard of logic. It takes more to defend this issue and to give this National Intelligence Director this control.

The history of success in intelligence in America and throughout all of history has been nonlinear thinking, creative out-of-the-box people who broke the mold and got into the minds of the people who they were up against. They were outside-of-the-box thinkers who flew those planes into us on September 11, and they are out there scheming today. We need a creative system to be able to address that.

With regard to border control, I associate myself with the gentleman from Wisconsin (Chairman SENSENBRENNER), and particularly his relentless attitude to bring these issues before this country over and over until we do get it right.

Mr. Speaker, 85 percent of the methamphetamine in the State of Iowa comes across the Mexican border. How much anthrax does it take to mix into some methamphetamine to cause a disease all across America and cause that kind of catastrophe?

To strike out the fence down between San Diego and Tijuana, something this Congress has addressed several times, why has the Senate and why has the resistant Members of the conference committee not gone back to the Senate and said, accept the House changes? These are reasonable changes that are good for intelligence and good for immigration and border security. Instead, go back and look at the 19 terrorists that did attack this country, and I challenge Members to name one of them that would not be here today if we were able to pass this bill that is before us.

Mr. Speaker, I do rise in opposition.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, 48 hours ago the departing Secretary of Health and Human Services, Tommy Thompson, gave the American public a wakeup call by telling them that their food and water supply is vulnerable to terrorist attacks. It is clear that the 9/11 bill is long overdue because the question is about good human intelligence and coordination amongst U.S. intelligence agencies.

It is important to tell the truth to the American people that the 9/11 terrorists did not get drivers' licenses illegally, they were legal immigrants, they had legal documents. Not having a drivers' license would not have stopped 9/11. They came in with legal immigration documents.

The real reason for this bill is to get a Director of National Intelligence to be able to give to the American people and all of those who provide for homeland security the human intelligence to have us thwart terrorists and protect ourselves against attacks by terrorists.

I would argue that this bill is long overdue, and I thank the 9/11 families. We owe them our greatest debt of gratitude. Tonight we will pass this bill. I thank them so very much. I thank the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Connecticut (Mr. SHAYS) for standing steadfast. I thank members of the Select Committee on Homeland Security for understanding the difference for fighting for real, comprehensive immigration reform, which we need to do and will do in a fair and balanced manner. But what we need to do now is to say to you your loss will never be forgotten, we will always be reminded of your sacrifices, and tomorrow we will have a bill that will instill and install a Director of National Intelligence whose ears will be listening. And as they listen, they will be able to find out who is coming across the southern and northern borders, who is tampering with our water supply, and who is tampering with our food supply.

The question now is that of getting this bill passed even in the lateness of the hour. I am gratified that we did resolve the issue of military chain of command, but I knew that was going to be taken care of because it was already in the bill, and as to drivers' licenses, we do have standards for drivers' licenses because that language is in the bill, even so that is a State issue that we can address later. Also we cannot address immigration reform piecemeal as was attempted. We must do it in a comprehensive manner. So this bill is ready for a vote.

I ask my colleagues to support this rule, and I ask my colleagues to support this bill. My hat is off to those families and my greatest sympathy goes to those families who lost loved ones on 9/11, and those who lost their lives. Again I say we are sorry, we are sorry. This bill must be passed today for the good of America.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, we are here today because on September 11, 2001, 19 men, all of whom either entered our country illegally, overstayed their visas or obtained fraudulent visas, boarded four airplanes and used them as bombs to kill thousands of our citizens. The primary identification document that allowed them to board those airplanes were State drivers' licenses. Nothing in this bill would prevent those hijackers from using those same drivers' licenses to board those same airplanes and to repeat the events of 9/11.

If we do everything else to tighten our security and do not close this loophole, we have intentionally ignored the event that brings us to this day.

Some will say let us deal with it next year. I ask, Why not now? Why not simply be honest with the American people and tell them we just do not have the political will to take those drivers' licenses out of the hands of would-be terrorists?

Do we think terrorists are going to play fair? Do we think terrorists do not know they will continue to be able to obtain drivers' licenses without proving lawful entry into this country?

Instead of getting tough on terrorists, this bill actually has some built-in rewards. Yes, if you illegally enter this country, we cannot deport you based on the same evidence that would have denied your entry into this country if you asked us for permission to come in. What is the reverse logic of that? It is like telling a burglar we are not going to open our door and let you in our house, but if you break in, we are going to give you free room and board.

Some say this is a bill that is tough on terrorists, even though the death penalty has been removed as a punishment, even if they use an atomic weapon or release the smallpox virus. Maybe the logic of that is that terrorists do not really fear death, so why subject them to the death penalty for their acts. And, if they happen to have qualified for Federal benefits, they can still draw their Social Security while they are serving their Federal prison term.

Mr. Speaker, the next time Members are standing in a line with other American citizens at the airport as they are going through a body search or somebody rifling through their baggage, just hope they do not ask you if the associates of Osama bin Laden could still get on an airplane using those same fraudulent drivers' licenses, because the answer is yes. Do Members really feel more secure?

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of the rule for the 9/11 Commission bill. Let me begin by thanking the leadership on both sides of the aisle for their hard work. I want to thank the members of the 9/11 Commission for their work on a bipartisan basis, and of course I want to thank the families from the 9/11 incident for their work as the driving force behind this bill.

On September 11, 30 of my constituents were killed in attacks; 4 died on American Airlines Flight Number 77, and 26 died in the Pentagon. The term "national security" is not an amorphous one for my constituents.

In Prince George's County and Montgomery County, the Fourth Congressional District, we live and work in the Nation's Capital, a prime target for terrorists. This is why I have strongly urged my colleagues to pass the 9/11 Commission recommendations since their release in July.

Let me be clear. This conference report is not a panacea, and, yes, additional work needs to be done. But the status quo in our intelligence infrastructure is unacceptable. I heard one of my colleagues say we should not vote for this bill because it would create groupthink. Groupthink is what we have had. This bill is designed to address that concern and change it.

The report makes clear that had the United States intelligence agencies communicated with each other, they could have connected the dots and disrupted the 9/11 attacks. In response, this bill addresses the recommendations of the Commission to prevent another attack and rightly creates a National Intelligence Director. The position would have budget authority to end the power struggle between the 15 disparate Federal agencies that are now engaged.

Currently, 80 percent of the intelligence budget falls under the Department of Defense, not the Central Intelligence Agency or the other 13 agencies. As a result, we do not have the level of coordination that we should. The National Intelligence Director with authority over budget will address this.

Additionally, this bill bolsters transportation security by directing the Department of Homeland Security to develop a national strategy for transportation security. The bill adds 10,000 Border Patrol agents and 400 Customs agents over the next 5 years, as well as testing pilotless surveillance planes to safeguard our borders.

The bill is not a panacea, but let me emphasize, we should not make the perfect the enemy of the good. This bill is a good start. I urge its passage.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would ask Members to kindly observe the time allotted and the gavel.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I rise in favor of the rule and in favor of the intelligence reform legislation that the House will consider in a few moments.

Real reform of the Intelligence Community has been sorely needed, and building upon the recommendations of the 9/11 Commission and through a thorough negotiation within Congress, we have a piece of legislation that I believe will go a long way toward making the people of our Nation safer. But I stand supporting this legislation knowing that more can be done to protect people in high-density, high-threat areas, like those in my home State of New Jersey.

Mr. Speaker, the people of New Jersey deeply know the threat of terrorism. We have suffered through terrorist attacks and live daily with the possibility of future attacks. New Jersey is the most densely populated State in the Nation, and at least a dozen sites within our State have been placed on the FBI's National Critical Infrastructure List.

The security of New York City and New Jersey is inextricably intertwined. Each year, 212 million vehicles traverse our States' tunnels, bridges and ferries, which must be protected by both New Jersey and New York.

Of the Port Authority of New York and New Jersey's three airports, the busiest by far is Newark International Airport.

Nearly 60 percent of all containerized maritime cargo processed by all North Atlantic ports goes through the Port of New York and New Jersey, and the vast majority of the cargo flows through New Jersey's docks onto our rails, through our tunnels and onto our roads.

□ 1730

Overall, 450,000 people commute from New Jersey to Lower Manhattan every day. And New Jersey and New York's first responders, our fire and EMT and police, have had a mutual-aid pact since the 1993 World Trade Center bombing, sharing experience and helping in times of need to protect our entire metropolitan area.

States like New Jersey are on the front lines of the fight for homeland security. It distresses me to hear that language that would have given States like New Jersey a more accurate allocation of funding, based on population and threat, was taken out by the bill's conferees in the conference committee.

I am looking forward to working in the next Congress with the gentleman from New Jersey (Mr. FRELINGHUYSEN), who has led the fight for increased funding for high-threat, high-population areas by creating the Urban Area Security Initiative, and the over 170 Members that have voted in support of the UASI program earlier this year to push for a logical approach to allocating security dollars based on threat and population.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of the conference report that the rule looks at and I want to focus on what I believe are some misconceptions, particularly in the context of immigration provisions. Even though this bill is about intelligence and reforming our intelligence process, nothing stops the Congress from considering any other provision of law necessary to protect the American people. If we want to use it as a process to unravel what is trying to be done in intelligence reform, that is another issue. The fact of the matter is that this report actually has an enormous amount of immigration-related provisions. It has over 100 pages of the bill with 43 sections of immigration-related provisions in the conference report. If enacted into law, these 43 sections, 100-plus pages of provisions, would implement all of the 9/11 Commission's formal immigration-related recommendations.

On the driver's license issue that is often referred to, all of the 19 hijackers had documents to enter the country legally in the first place. Therefore, stopping them from entering legally is a critical issue, and that has been part of previous reforms that have taken place. Plus, the conference report establishes tough new Federal standards on the issues of State driver's licenses without creating a national driver's license and gives States the powers to continue to enforce, including insisting on in-person identification to receive a driver's license.

Lastly, on the question of asylum, the comments that are constantly made about gaming the asylum system were before the reforms that took place. In 1996, an expedited removal system was established that has required aliens arriving at a U.S. port of entry without proper documentation to be detained and demonstrate a credible fear of persecution before they could bring even their asylum claim before an immigration judge. As I have said before, if we know a terrorist is in our possession, I do not want to deport them and let them try to do harm again to the United States. I want to arrest them. I want to imprison them. I want to send them to jail; but I do not want to send them back to go ahead and have another shot at us.

And at the same time, I want those people who truly come to the United States because we have given asylum to people who are oppressed from religious and other entities to have their shot. So it is the immigration provisions that were reformed in 1996 and thereafter that ensure that people cannot game the asylum provisions in order to do harm to the United States.

Finally, as the Catholic bishops say, if you look at the 100-plus pages and the 40 different sections, this is a major, significant rewrite of the immigration law as it is in an intelligence bill.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I hear in the Chamber about the 9/11 families. Our hearts go out to them. But our hearts also go out to the men and women we lose every day overseas in the military. Those losses are also felt. We owe the gentleman from California (Mr. HUNTER) our gratitude for making this bill and those people safer.

I disagree with my colleague that just spoke. The bill without the immigration provisions puts this country at great risk. Unfortunately, if we do not vote for this bill that has other good provisions, by voting against this bill you put this country at great risk. We have a pledge from the Speaker, and his word is gold to both sides of the aisle, that we will address these issues in January. And for the other body, they better be ready for us to camp out at their front door, because we are coming. And unless they bring this up, you are going to have a mass of people fighting for these immigration issues. It is wrong.

We had in the House a 4-mile section of fence that stops illegals from coming across the border. Because of environmental concerns, the chairman on the Senate side took that out. The illegals come through there like a venturi tube. Go there and look. It is all beaten down. It is terrible for the environment. But yet it is an issue for them. And the chairman in the other body disregarded that because of environment and disregarded the security of this country. That person should have never been chairman on the other body to start with and let alone deny the gentleman from Virginia in the military on that conference.

We will put these immigration provisions in, and they will be addressed in the next Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members not to make improper references to Senators.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, the bill before us has some very important reforms of our intelligence agencies, and I support it. Chief among them, the establishment of the national intelligence directorate as well as the national counterterrorism centers. But while these changes have attracted most of our attention, these changes within our institutions, as tough as they have been for this Congress, are the relatively easy part.

Among the most important recommendations of the 9/11 Commission was to strengthen our efforts at nonproliferation, to try to deal with the problem of nuclear material, in particular, arriving in the wrong hands. As the 9/11 Commission pointed out, al Qaeda and Osama bin Laden have made it a top priority to obtain nuclear material, and some of the strongest and most important recommendations of the 9/11 Commission are to deal with that very real danger. In fact, as the President and Senator KERRY both stated during the first Presidential debate, the threat of nuclear terrorism is the number one national security threat facing the country.

In addition to the organizational changes that we have all been debating, there are provisions in this legislation that call for the establishment of a national counterproliferation center that can attack this problem of the proliferation of nuclear material as well as chemical and biological material. It will help oversee operational efforts to interdict this material and also recommended changes in the international legal structure that will better help us deal with the A.Q. Khans of the world, to deal with Iran, to deal with North Korea and attack this very real danger to our country. My own language applying RICO in this area as well as strengthening the dirty bomb statutes has also been incorporated into the bill.

These steps are just a beginning. Many more far-reaching steps also have to be taken if we are to deal with this risk of nuclear terrorism.

The NPT, as we have seen, has served us well for 40 years, but is now showing its age. I think Iran is demonstrating that the purest and simplest path to the bomb now runs through the NPT, not around it. We would do well to pay attention to those recommendations of the 9/11 Commission that are the tougher steps to deal with the proliferation of nuclear material; but this is a good first step, and I support it.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I urge my colleagues to oppose this conference report because I strongly believe that all of the 9/11 Commission recommendations should be in it. The commission itself has said that all of its recommendations should be adopted in their entirety to ensure success in deterring terrorism. The law that we passed establishing the 9/11 Commission directed them to investigate all of the failures that led to 9/11, which included significant lapses and loopholes in our immigration and border control system. The commission made recommendations to fix our immigration and border system. We put them in the House bill. It was passed out of this House with 68 percent of this body voting in favor. They have now been stripped out in the conference report.

Why are we not adopting all of the commission's recommendations to strengthen America's ability to intercept individuals who pose catastrophic threats? How quickly we forget that the 9/11 Commission found that as many as 15 of the 19 hijackers were, in their words, potentially vulnerable to interception by border authorities. So why does this bill not address the 9/11 Commission's recommendation for a secure identification system? The 19 9/11 hijackers had 63 validly issued U.S. driver's licenses between them. What were they using that many for? They were moving around the country undetected and plotting and planning. In fact, as many as eight of them were even registered to vote. They then used those bogus licenses to board U.S. planes.

Why are we not addressing the commission's recommendations to crack down on asylum fraud? The 9/11 Commission cited the Blind Sheik, Omar Abdel Rahman, who led a plot to bomb New York City landmarks. He used an asylum application to avoid deportation. How about Ramzi Yousef who masterminded the first World Trade Center attack while free after applying for asylum? It is a fact that terrorists have and continue to abuse our asylum laws to stay in this country.

Mr. Speaker, the removal of these immigration and border security provisions that were recommended by the 9/11 Commission was a grave mistake. They are central to any legislation designed to prevent future terrorist attacks. I urge my colleagues to do the right thing and vote this bill down so we can include all of the 9/11 Commission recommendations in it and not just the politically convenient ones.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I want to thank my colleague for yielding me this time.

Mr. Speaker, before I begin I just wanted to take a minute to congratulate the gentleman from Michigan (Mr. HOEKSTRA), the gentlewoman from California (Ms. HARMAN), Senator COLLINS and Senator LIEBERMAN for their extraordinary effort in getting us to this point. This Nation truly owes all of them a debt of gratitude for the diligent effort they have put into reaching this bipartisan compromise.

Mr. Speaker, I am pleased that we will implement intelligence reform before the close of the 108th Congress, and I rise in support of the underlying bill. After 9/11, we clearly approached fighting the global war on terrorism as we had the Cold War. But it became clear that we needed to adapt our intelligence community, law enforcement agencies, and military to fight the new global threats. The 9/11 Commission gave us a blueprint for that mission, and this legislation will help us to implement their vision. Cooperation among agencies and Departments will be critical, and this measure shifts the mentality of our intelligence community from "need to know" to "need to share." It also makes significant improvements to homeland security while avoiding some of the controversial provisions included in earlier drafts.

As a member of the Committee on Armed Services, I am pleased that this bill strikes a careful balance between creating a strong national intelligence director and preserving the ability of our men and women in uniform to gain access to the intelligence needed to be successful on the battlefield.

Mr. Speaker, I thank all of my colleagues for working in a bipartisan fashion to craft a landmark measure that will truly make America safer.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge my colleagues to support this rule and the underlying bill. The underlying bill is not a solution to our problems, but is a huge first step. Much more needs to be done. I would also like to commend the Members of the House on both sides of the aisle who worked so hard to put forth a really good bill and then fought to keep most of it in the final draft. I urge them to come back in January with an open mind and finish the work we have started.

Ms. WATSON. Mr. Speaker, the success of the 9/11 bill (S. 2845) is a great victory for America. It will make America safer by establishing a single individual who will be responsible for coordinating our intelligence and who will be accountable to Congress and the American people. The bill's success also demonstrates that our democratic process works and that Americans can come together in a bipartisan way to overcome the narrow interests of a few and meet the greatest challenge of our age head-on.

It is fitting that the 9/11 bill is being considered by the House today on the 63rd anniversary of the Japanese attack at Pearl Harbor,a day on which 2,400 Americans died. The parallels between 9/11 and Pearl Harbor are striking. In each instance there were warning signs before the attack, and in each instance our government failed to connect the dots.

Whether at Pearl Harbor or the World Trade Center, surprise is everything involved in a government's failure to anticipate effectively. The events of 9/11 defined a generation and laid bare our nation's lack of preparation and a national strategy to deal with the new threat of terrorism.

Passage of the 9/11 bill cannot by itself defeat the terrorist threat. A vote in Congress will not capture Osama bin Laden or stop the spread of weapons of mass destruction. But today we have given the U.S. Government new tools to deal with a new enemy who, as enemies of old, threatens our liberty and way of life.

Finally, the 9/11 bill was resuscitated on more than one occasion and kept alive by the sacrifice and perseverance of the 9/11 families. It will ensure that their loved ones did not die in vain.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

□ 1745

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOEKSTRA. Mr. Speaker, pursuant to House Resolution 870, I call up the conference report on the Senate bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 870, the conference report is considered read.

(For conference report and statement, see proceedings of the House of earlier today.)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) each will control 30 minutes.

Mr. TANCREDO. Mr. Speaker, I would ask if the gentlewoman from California (Ms. HARMAN) is opposed to the bill?

Ms. HARMAN. Mr. Speaker, I am supportive of the bill.

Mr. TANCREDO. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The Chair understands that both the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) are in support of the conference report.

Therefore, pursuant to clause 8(d) of rule XXII, the Chair will recognize the gentleman from Michigan (Mr. HOEKSTRA), the gentlewoman from California (Ms. HARMAN) and the gentleman from Colorado (Mr. TANCREDO) for 20 minutes each.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2845.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise today in strong support of the conference report accompanying S. 2845, the National Intelligence Reform Act of 2004. This conference report is the product of what may go down in the annals of this institution as one of the most difficult and certainly one of the most involved conferences ever.

Just over 7 weeks ago, we began to negotiate a compromise solution of two very different bills that were both acting on the recommendations of the National Commission on Terrorist Attacks Upon the United States, more widely known as the 9/11 Commission. The negotiations have been tough, long and sometimes extremely contentious. Now we have nearly crossed the finish line. We have a conference report that conferees have agreed to, and one that I believe should be enthusiastically supported by the Members of the House.

It has been nearly 55 years since we have made such truly substantive improvement to the overall management structure of the Nation's Intelligence Community. This bill creates a Director of National Intelligence, a Director who has dramatically improved authorities and capabilities to manage and coordinate the disparate efforts of the various intelligence components of the United States Government.

The bill also creates a National Counterterrorism Center that will coordinate terrorism-related intelligence efforts and provide for strategic operational planning of counterterrorism operations.

Mr. Speaker, the various law enforcement and border security provisions in this bill will unquestionably improve domestic security against terrorism. The same is also true for the restructuring of the Intelligence Community. But I need to caution that these reforms will take time to implement and, moreover, for the intended results to be seen.

I am not under the false impression that by themselves, these structural changes and enhanced authorities vested in the new Director of National Intelligence will ensure perfect knowledge about our enemies in the future. Those that would do America harm are clever, they are secretive, and the asymmetrical threats that they can both imagine and effect require us to be manyfold better at defense than they need be on offense.

Mr. Speaker, before I yield the balance of my time, I want to thank the distinguished ranking member of the Permanent Select Committee on Intelligence, the gentlewoman from California (Ms. HARMAN). She has been a very good partner in working through this process. We have not always been on the same side of the issues on the work on this bill, but we have been steadfast in support of reforming the Intelligence Community and making America safer.

The same can also be said for my colleagues from the Senate, Senators COLLINS and LIEBERMAN. They have been driving factors in getting this legislation to a vote. Without them, I do not think we could have done this. My whole-hearted congratulations and thanks to them, and also to my colleagues on the House Republican Conference.

It has been a difficult time. As I have said earlier, we did not get everything we wanted. I stand with the gentleman from Wisconsin (Mr. SENSENBRENNER) on many issues he brought forward on driver's licenses and immigration and look forward to working with him to move those issues in the next Congress. They are needed to more fully round out this package of what we need to secure America's safety.

But that should not stop us from taking the steps that we have today. These are important steps in restructuring the Intelligence Community, in law enforcement, in transportation security and in international affairs. We need to move these forward today and then move forward on the rest of the issues when we get back here in 2005.

The staff has worked incredibly hard to make this possible over the last 7 weeks. They have worked long hours every day to get this bill to where we are today. Without them, this simply could not have been possible.

Mr. Speaker, the conference report on S. 2845 is a good piece of legislation. It is necessary. We need to support it, and we need our colleagues to vote yes.

Mr. Speaker, I reserve the balance of my time.

Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to thank the new chairman of the House Permanent Select Committee on Intelligence, the gentleman from Michigan (Mr. HOEKSTRA), for his nice comments and for his enormous efforts at restoring bipartisanship to our committee. He, Senators COLLINS and LIEBERMAN, House conferees on our side, the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from Missouri (Mr. SKELTON), have contributed a great deal, an enormous amount, to the legislation we are debating today. It is a good product, it is the right product, and I urge all of our colleagues on a bipartisan basis to support it.

Mr. Speaker, this day, December 7, is a date which will live in infamy. So was September 11, 2001. Pearl Harbor and 9/11 were the two most tragic hours since America became a Nation.

President Roosevelt launched a clear-eyed investigation of the intelligence lapses leading to Pearl Harbor, and since 9/11 we have worked hard to understand why critical intelligence about the plans, capabilities and whereabouts of the 9/11 hijackers fell through the cracks.

Our intelligence system is broken. We have 15 intelligence agencies with different rules, cultures and databases. Our Intelligence Community operates on a 1947 business model designed to defeat the Soviet Union, which was defeated in 1989. Fifteen years later, the enemy is digital, but our organizational structure remains analog.

This long-overdue legislation will modernize our capabilities, integrate our intelligence collection and analysis efforts, unify our counterterrorist efforts and promote intelligence sharing. It will promote the same jointness in intelligence that has been the hallmark of our military's success since the Goldwater-Nichols Act of 1986.

Mr. Speaker, there is not much time, so I will forego describing the bill. But in addition to thanking our conferees and the so-called "big four," I want to thank others who made this possible. They are the 9/11 families who were the moral force beneath our wings. I want to say to the families that your loved ones are holding a special spot in heaven for you and for all that you did for the safety of our country.

I also want to thank another group of people who are not here. They are the men and women who serve in our intelligence agencies and who wear the uniform, many of whom are on the front lines at this hour risking their lives for our freedom. This legislation is designed to give them the capabilities they deserve and need to win the war on terrorism. They have our praise, our admiration and our full support. Good people need better tools. We are going to provide those tools today.

Mr. Speaker, December 7 will always remind us of the vulnerability of our homeland, but once we pass this bill, it will also stand for something else. It will stand for our resolve to make our Nation safer. And, I might add, it is a fitting birthday tribute to Senator SUSAN COLLINS, who worked so hard to make this effort possible.

Mr. Speaker, I also want to clarify two issues that are not stated explicitly in this legislation but that were very much on the minds of its drafters.

The first issue deals with the consolidation of power within the DNI to protect intelligence sources and methods. Members of the public have expressed concern that the increased authority of the Director of National Intelligence could be abused to constrict the free flow of information that is critical to our duties in the Congress and that the authorities under this bill might be used, or abused, to unduly limit the flow of information to the State and local governments and to the public.

The sources of this concern are past uses of government secrecy—not to protect classified information—but to limit, and occasionally to intimidate, current and even former government employees from speaking out. These measures have included over-classification and requirements that government employees take polygraphs and sign unduly and overly broad secrecy and non-disclosure agreements as a condition of access to information.

The purpose of this bill is to facilitate the dissemination of information within government. There is no intention on the part of the Congress to impair the appropriate and desirable flow of information. This bill does not contain any authority for the DNI or the President to establish a regime of undue government secrecy. The bill vests the DNI with the authority to protect intelligence sources and methods, just as the Director of Central Intelligence has exercised that authority. There is no new authority to criminalize or suppress the lawful and appropriate sharing of information within the government or to alter or waive any existing protections of government employees who wish to disclose information to Congress or through other lawful channels.

Further, it should be Congress's duty to assure through oversight that this information sharing environment is appropriate and complete. Congress will track the implementation of the various responsibilities assigned under this bill. The creation of the Information Sharing Environment and the establishment of the National Intelligence Center and the Information Sharing Council provide some of the many opportunities for congressional oversight.

A second issue deals with the creation of national standards for driver's licenses. This legislation creates strong minimum Federal standards for the issuance of State driver's licenses. We delegate to the Department of Homeland Security the task of devising these standards, but we make clear that these standards must at least require that licenses contain a person's full name, date of birth, gender, driver's license number, digital photograph, address, and signature. We also stipulate that the regulations shall include procedures to protect the privacy rights of individuals who apply for and hold driver's licenses. I want to make clear that we also intended to ensure that these regulations protect the civil and due process rights of those individuals as well.

This legislation requires that driver's license standards be established with a negotiated rulemaking. This rulemaking shall include State officials who issue driver's licenses, State elected officials, DHS, and interested parties. The words "interested parties" are not defined, but it is our intent that such parties should include organizations with technological and operational expertise in document security and organizations that represent the interests of applicants for such licenses or identification cards.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is not in order to bring the attention of the House to visitors in the gallery or to make improper references to Senators, whether positive or negative.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a great amount of admiration for the people who have worked as hard as they have worked on this bill, for the chairman, for the leadership in the House, that has, I know, spent many, many hours in discussions with the other body.

I wish that I could stand on this floor tonight and support this bill. I remember during an earlier debate on H.R. 10, the House version of the response to the 9/11 Commission report, I was proud as I have ever been to be a Member of this body and to see the members of my party, especially the Speaker of the House, the whip and the majority leader, come to the floor and speak articulately and very, very forcefully in support of certain provisions of the bill that the other side of the aisle were trying to take out. These provisions dealt specifically with trying to increase our border security.

It is intriguing in a way, it is ironic in a way, one thing: We established a 9/11 Commission. It did its work, it talked to us about what we needed to do.

We all recognize what happened on that day, on 9/11 2001. When people came into this country from other countries, many of them did so fraudulently, by providing false documentation, by inaccurately filling out their visas, or by coming into the country and after they were here overstaying those visas. They were in violation of our immigration laws. They were able to take advantage of their position because we did not do much, and we still do very little in terms of enforcing those laws.

They were also able to take advantage of another thing in this system. They were able to take advantage of the fact that we were handing out driver's licenses to people like prizes in a Cracker Jack box. The 19 hijackers had accumulated a total of 63 driver's licenses, many from Virginia. They used them with great ability to, of course, get onto planes, to make life easy for them while they were here.

This is one thing we know that happened that helped create the problem, helped create the event of 9/11. We know that. So we create a bill in response to the 9/11 catastrophe, and it is almost inconceivable that any bill could then come to this floor without a reference to, without an ability, without any desire to actually do something about the actual problem that created 9/11. But that is the case today.

To quote the gentleman from Wisconsin (Chairman SENSENBRENNER), the chairman of the Committee on the Judiciary, who also recognized the flaw, the fatal flaw of this bill, and that is the only way I can really describe it, it is a fatal flaw, this is the quote from Chairman SENSENBRENNER: "Americans deserve a complete bill so that we can prevent another 9/11 from occurring. Border security and immigration reform are vital components of our national security efforts, so why are they not included in this legislation? The time to address these issues is now, not next month, not next year. Hollow promises of future considerations are just that, hollow promises. Terrorists have exploited vulnerabilities in our asylum system and in the issuance of driver's licenses.

"This bill fails to include the strong provisions in the House bill because my Senate colleagues," and I am quoting him here, "found them to be too controversial. That is unfortunate, because their refusal to consider these security provisions on their merits will keep Americans unnecessarily at risk."

Mr. Speaker, I certainly agree with his observations, and I would ask my colleagues to look carefully at what they are doing here.

The fact is that this bill has such a gaping loophole and it has such a huge, huge flaw that it is better not to pass this bill at all than to pass it and create the illusion of security. I do not doubt, as I have said, that there are many good parts of the bill. That is not the issue. But there is something so vital, something so intrinsic to our national security, the issuance of driver's licenses and trying to maintain some degree of control over that process, because we know that a driver's license in this country is, of course, as close to a national I.D. card as we have.

☐ 1800

But when we refuse to address this because of our concern about the politics, because it is too controversial to talk about, how can we come to this floor, how can anybody come to this floor or in fact stand in front of any television or any constituency and say, we are doing everything possible to defend the people of this country. How can we say this when we know that that is absolutely untrue; when the one thing we should be doing in this bill, we are not.

So because it does not have that provision, I certainly would request that my colleagues turn this bill down and ask that it come back in a different form, in a more complete form.

SENSENBRENNER STATEMENT ON 9/11 BILL

WASHINGTON, DC.—House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R WI) issued the following statement regarding legislation responding to the 9/11 Commission recommendations:

"I am pleased that the chain-of-command issues Chairman Duncan Hunter has raised have been resolved so that our war-fighters will not be put at risk. Unfortunately, even with these improvements, the current bill is woefully incomplete and one I cannot support.

"Americans deserve a complete bill so that we can prevent another 9/11 from occurring. Border security and immigration reform are vital components of our homeland security efforts, so why are they not included in this legislation? The time to address these issues is now, not next month, not next year. Hollow promises of future consideration are just that—hollow promises.

"Terrorists have exploited vulnerabilities in our asylum system and in the issuance of drivers' licenses. This bill fails to include the strong provisions in the House bill because my Senate colleagues found them 'too controversial.' That's unfortunate, because their refusal to consider these security provisions on their merits will keep Americans unnecessarily at risk.

I said two weeks ago that the Senate was hell-bent on ensuring that illegal aliens can receive drivers' licenses, regardless of the security concerns. This Sept. 10th mentality in a post-Sept. 11th world is unwise and among those I intend to rectify next year."

Mr. HOEKSTRA. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HUNTER), a conferee on the bill.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman for his hard work.

Mr. Speaker, for the House, walking through this conference report has been largely a defensive action, if you will, a holding action; and I want to compliment all of the great Members of the House who managed to hold off what initially was a political stampede that would have passed a piece of legislation that would have accrued to the detriment of the people who wear the uniform of the United States and, I think, to our intelligence apparatus.

We had to walk back things like opening up the top line, the classified top line to the world, letting our adversaries know how much we spend on intelligence. We had to walk back this idea that somehow we were going to send the money for the combat support agencies around the Department of Defense, not allow the Department of Defense to have a normal working relationship with its own combat support agencies. In fact, it took a letter from the Chairman of the Joint Chiefs, General Myers, to the conferees to say the House position is the right position, to back off some of those who were stampeding in the wrong direction. Ultimately, we had to address this most important issue: chain of command.

Now, interestingly, before this bill was brought up on the other side of the Hill, on the Senate side, the President sent a strong message saying we must have chain-of-command language to make sure that there is no confusion about lines of execution. The authors of the bill on the other side did not put that language in. My counterpart, Senator JOHN WARNER, chairman of the Senate Armed Services Committee, then saying that he was afraid that this bill did violate and intrude on the chain of command, offered an amendment to establish what the administration wanted, to establish strong chain-of-command language that would ensure that a battlefield commander would have all the assets in his area of operation for his combatant commands. Senator WARNER's language was rejected by the leadership of this bill on the Senate side.

As we got into the conference, the administration sent another message. They said, you know, you forgot something. You forgot the chain-of-command language. Once again, it was not included. When it finally was included, it was accompanied by weasel words which basically invalidated the entire section. On several occasions the conferees on the other side changed the weasel words, but they still had a provision which basically violated the entire section, or invalidated the entire section, and left us with nothing.

So, in the end, 17 days ago when we were asked in the Republican conference what we thought about this bill, I and many other people had to speak up and point out that this very important chain of command was not protected in the conference report and needed to be protected.

In the end, on Saturday night, we sent to Senator COLLINS' staff a chain-of-command provision to respect and not abrogate the chain of command, citing the statutes that are relevant, to Senator COLLINS through her chief of staff. He said she would get back Monday morning. She did get back and approved that section. And we said that when I saw that in writing in an amendment to the conference report, I would then support the conference. We have gotten that today, and I have signed the conference report.

This bill, now, with these changes, including classifying the top line, walking back this wild attempt to remove the Department of Defense from its own budget flow to its combat support agencies and, finally, this attempt to keep the chain of command in a position where it was questionable; having walked back all of those attempts to change this bill in a manner that would accrue to the detriment of the men and women who wear the uniform of the United States and moving instead to a situation in which they are protected, with a solid insulation in the chain of command so a combat commander in Afghanistan or Iraq can now count on being able to use all of his assets in that theater to protect his troops and perform his mission; having done that, this bill, in my estimation, is now acceptable, and I am supporting this bill. I am going to vote for this bill.

I agree fully with the gentleman from Wisconsin (Mr. SENSENBRENNER) and others who think that the driver's license issue is of great importance. It is of great importance. We need to get that issue up and through as soon as possible.

Ms. HARMAN. Mr. Speaker, I welcome the support for this bill from the gentleman from California (Mr. HUNTER), and I would like our colleagues to know as one conferee, we all support the chain of command.

Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), a conferee, and the ranking member on the House Committee on Armed Services, a wonderful committee on which I served for 6 years.

Mr. SKELTON. Mr. Speaker, I thank the gentlewoman for yielding me this time. I rise in strong support of this Intelligence Reform Act.

Mr. Speaker, we are making history today. This conference report represents the most profound government reform to date for meeting the unique and daunting security challenges existing in this era of terror. This bill fundamentally overhauls the structure of our Nation's intelligence community. It represents an important step in the improvement of our government's intelligence capabilities while, at the same time, preserving our ability to ensure that our own military personnel have the intelligence information they need to succeed on the battlefield. More broadly, Mr. Speaker, this bill promises to advance our abilities in the global fight against terrorism.

From my vantage point as the ranking member of the Committee on Armed Services, this conference includes two important legislative achievements. First, it creates and empowers a new Director of National Intelligence to set the vision, direction, and priorities for the entire intelligence community. Second, it maintains the sanctity of the military's chain of command, so that the Secretary of Defense will have the necessary authorities to effectively manage intelligence assets and resources, particularly technical assets on the battlefield.

The 9/11 Commission pointed out that our Nation's intelligence community has suffered from a failure of imagination, failure to focus, and failure at organization. This bill addresses these failures with a new organization, new authorities, and management flexibility. In addition to the new director, the bill authorizes a National Counter Terrorism Center to improve analytic vision and operational planning across Departments and at the highest levels of government. Another important change is the information-sharing requirements across traditional bureaucratic barriers, or what we call stovepipes. Such innovation has been suggested for years, and these provisions are long overdue.

Mr. Speaker, opportunities in this body to effect fundamental and indeed historical changes are rare. We have such an opportunity today. I commend the leaders of this conference, and I strongly support the bill before us. It is significant, necessary, and unprecedented; and it offers much promise to make our Nation more secure, and I strongly urge its adoption.

Mr. Speaker, I thank the gentlewoman from California for her work.

Mr. TANCREDO. Mr. Speaker, I yield 3½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I rise in reluctant, but vociferous, opposition to this legislation, fully named the National Intelligence Reform and Terrorism Prevention Act.

Mr. Speaker, I reluctantly, but adamantly, oppose this measure because it fails to deal effectively with the second heading in the legislative title. It is beyond titles and slogans and, instead, policies where we must concentrate ourselves. Mr. Speaker, much has been made, and I have heard previous speakers speak of the families who suffered such great loss on 9/11, speak of what this Nation confronted on that fateful day. Yet, perhaps in a triumph of legislative policy and the incrementalism so often a part of the system, we are ignoring the single best provision to prevent future acts of terror, understanding that border security and national security are one and the same.

Good people on both sides of the aisle, well-intentioned people rightfully say we need to restructure our national intelligence-gathering capabilities. I concur. But what we see now, Mr. Speaker, is laying a new foundation, building a new wall, but forgetting both a front door and a back door and a roof. We are leaving our doors wide open.

Mr. Speaker, I am pleased and proud to be an Arizonan. I was in Nogales at our border crossing not too long ago visiting with our friends from the Border Patrol. They told me of an interesting apprehension the day before. The gentleman they said was a native of Iraq who had claimed to come to the United States in 1978 with a green card. It was interesting, though, to hear the Border Patrol personnel speak of their detainee, because curiously, the Iraqi who said he had come to the United States in 1978 with a green card was much more fluent in Spanish than he was in English. We read in accounts of the free press that there are those who come from the Middle East, adopt Hispanic surnames, and seek to infiltrate. There are some adherents to the politically correct who would ignore or diffuse or understate the nature of this threat.

Mr. Speaker, I will not allow the national security of the United States to be jeopardized and undermined and placed on the funeral parlor of the politically correct. To those who say that it is incremental, it is a step in the right direction: well and good. But incrementalism in wartime when our national survival may be at stake is unacceptable. Either do it right, or do not do it.

It is sad, but necessary, to reject this bill because it fails to deal with preventing terrorist attacks by understanding that border security and national security are one and the same.

Mr. HOEKSTRA. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. COX), my colleague, the chairman of the Select Committee on Homeland Security.

Mr. COX. Mr. Speaker, I would like at this point to engage my friend, the chairman of the Permanent Select Committee on Intelligence, in a brief colloquy to clarify the intention of section 1016 of this bill which concerns information-sharing and would create a new Information Sharing Environment, or ISE.

Section 1016(b) requires that the President create an ISE and that he "ensure that the ISE provides and facilitates the means for sharing terrorism information among all appropriate Federal, State, local, and tribal entities, and the private sector, through the use of policy guidelines and technologies." That is a quotation from section 1016(b)(2) at page 66, lines 21 through 25.

I understand, Mr. Speaker, this section to mean that the Information Sharing Environment referred to will serve as a new, interconnected environment by which Federal agencies can exchange information with each other and with State, local, and private sector officials as their statutory mandates may require. Because the Homeland Security Act of 2002 assigned to the Department of Homeland Security significant responsibilities for sharing terrorism-related information with State, local, and private sector officials: for example, section 201(d) and section 892. I want to make sure that my understanding of the purpose of section 1016 is accurate.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I am glad to confirm that the understanding that the gentleman has is correct. The information-sharing environment will serve as a means by which individual agencies, including DHS, can meet their statutory information-sharing mandates. It will enable and assist agencies in meeting their information-sharing responsibilities.

In particular, I can confirm that the ISE does not supplant or in any way diminish the information-sharing responsibilities of DHS.

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Indeed, DHS will be an interconnected component of the ISE, which will facilitate the Department's execution of its statutory mission as the primary Federal agency responsible for sharing terrorism-related information with State, local and private sector officials and the public.

Mr. COX. I thank the chairman. I would also like to engage my colleague, the chairman, in a colloquy on section 1021 which would add a new section 119 to the National Security Act of 1947, establishing the National Counterterrorism Center, or NCTC.

Section 119(d)(1) lists among the primary missions of the NCTC: "To serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism."

That occurs at page 87, lines 10 through 16.

Section 119(e)(1) of the National Security Act, as amended, would state that the new National Counterterrorist Center, NCTC, "may, consistent with applicable law, at the direction of the President, and the guidelines referred to in section 102A(b), receive intelligence pertaining exclusively to domestic counterterrorism from any Federal, State or local government or other source necessary to fulfill its responsibilities and retain and disseminate such intelligence."

That occurs at page 88, lines 17 through 24.

Section 201(d)(1) of the Homeland Security Act of 2002 requires the Department of Homeland Security "To assess, receive, and analyze law enforcement information, intelligence information, and other information from agencies of the Federal Government, State and local government agencies (including law enforcement agencies), and private sector entities, and to integrate such information in order to (A) identify and assess the nature and scope of terrorist threats to the homeland; (B) detect and identify threats against the United States; and (C) understand such threats in light of the actual and potential vulnerabilities of the homeland."

And section 201(d)(9) of the Homeland Security Act requires the Department of Homeland Security "To disseminate, as appropriate, information analyzed by the Department within the Department, to other agencies of the Federal Government with responsibilities relating to homeland security, and to agencies of State and local governments with private sector entities with such responsibilities in order to assist in the deterrence, prevention, preemption of, or response to, terrorist attacks against the United States."

So, first, I would like to make sure I am correct in understanding that it is not the intention of section 119(d) and (e) to have the NCTC exercise any aspect of the role that has been assigned to DHS in the Homeland Security Act, including specifically DHS's primary responsibility for the sharing of terrorism-related information with State, local and private sector officials and the public.

Mr. HOEKSTRA. I can confirm the chairman's understanding. Neither the responsibilities of NCTC for comprehensive counterterrorism analysis, nor its responsibility for dissemination of information within the Federal Government, will in any way diminish the responsibilities of DHS under the Homeland Security Act, or any other legal mandate.

Mr. COX. I thank my friend, the chairman of the Permanent Select Committee on Intelligence. Could he also confirm my understanding of 119(e)?

Mr. HOEKSTRA. I can confirm that his understanding of 119(e) is also accurate.

Mr. COX. Mr. Speaker, I rise in support of the conference report on the Intelligence Reform and Terrorism Prevention Act of 2004.

The House Select Committee on Homeland Security, which I chair, was deeply involved in the efforts to put this bill together. The bill unfortunately does not contain all of the provisions that I believe it should contain—in particular, the Faster and Smarter Funding for First Responders Act, which was a major part of the House-passed 9/11 bill. But the bill as it is now before us meets the most important test: It will make America safer.

The reform of our intelligence system is an historic and vitally necessary step forward. This bill will also ensure that U.S. officials on the border have access to the information they need to identify suspect and fraudulent identity documents. It will give consular offices the technology and training they need to recognize terrorist travel patterns and practices—as called for by the 9/11 Commission.

We also know that a major problem along our borders today is the lack of detention space to hold illegal aliens who are awaiting deportation. The indefensible policy of "catch and release" that this necessitates is threatening our national security. The select committee worked with my good friend Mr. BONILLA of Texas, and the Judiciary Committee to insert into this bill a large increase in the number of detention beds to address this problem.

The bill will also greatly enhance our efforts to improve the interoperability of first responder communications. It directs DHS to provide technical assistance to our highest-risk areas in order to rapidly deploy interoperable communications systems. And it establishes a comprehensive program to develop baseline capabilities and standards for interoperability nationwide.

The bill before us also gives the Secretary of Homeland Security the flexibility to make multi-year funding commitments for interoperable communications projects. This change will encourage the long-term planning and local investment that is necessary to get such systems into place at the State and local level. I want to thank Mr. FOSSELLA and Mr. STUPAK for working with the Homeland Security Committee on this important reform.

Finally, this bill will promote mutual aid at the State, local and regional levels—another key recommendation of the 9/11 Commission.

I am disappointed that important reforms that were passed by the House are not included in this final bill, including standards for identification to board airplanes and buy weapons; the creation of an Assistant Secretary for Cybersecurity within DHS; and first responder funding reform to replace pork barrel funding with threat-based funding. That legislation will have to be our first order of business in the 109th Congress But we owe it to the American people to pass this bill now.

I want to thank Chairman HOEKSTRA, who chaired this conference under challenging circumstances, and his staff for their cooperation and assistance. And I want to thank Speaker HASTERT and President Rush for their personal efforts to ensure passage today of these important intelligence and homeland security reforms.

Ms. HARMAN. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from California (Ms. HARMAN) has 14½ minutes remaining. The gentleman from Michigan (Mr. HOEKSTRA) has 7 minutes remaining. The gentleman from Colorado

(Mr. TANCREDO) has 11½ minutes remaining.

Ms. HARMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ), who heads our Democratic Caucus, a wonderful and valued colleague on this issue, and a third of our Democratic conferees.

Mr. MENENDEZ. Mr. Speaker, the question we have before us today is not whether this conference report will pass. As Governor Kean, the chairman of the 9/11 Commission, said recently, "The question is whether it will pass now or after a second attack." Because we know the enemy seeks to attack again. We just do not know when and where it will occur.

That is why we as a Congress pledge to do everything possible to make sure the tragic events of 9/11 were never repeated. That is why the Commission was created to investigate what went wrong. Nothing is more important than that mission. In fact, the work on this bill and conference report is the most important of the entire 108th Congress.

This conference report that we have before us today secures America against terrorists by making sweeping changes to our homeland security and intelligence operations. It addresses the key intelligence failures that allowed the 9/11 attacks to succeed. This will be the first comprehensive overhaul of our intelligence apparatus since 1947, updating it from the Cold War to the war on terror.

The bill will establish a Director of National Intelligence in charge of all of the government's intelligence gathering, analysis and counterterrorism operations. It would streamline and unify our intelligence-gathering capabilities, foster greater intelligence sharing, and end the senseless turf battles that plague the current system and that so failed our country on that fateful day.

It will improve the overall qualities of our intelligence, and, yes, it contains numerous and significant immigration-, visa security-, and border security-related provisions; over 43 sections, 100 pages, adding thousands of additional Border Patrol agents, immigration and Customs investigators; new technologies across the border; criminalizing the smuggling of immigrants; and establishing tough Federal minimum standards for birth certificates and driver's licenses just as the 9/11 Commission report recommended.

It is time to honor the memories of all of those who perished on September 11, including the 122 of my fellow citizens from my congressional district. It is time to secure America. It is time to put the turf battles aside. It is time to try to stop using other issues for the purposes of derailing the ultimate goal here, which is intelligence reform, and it is time to make America secure by voting yes on this conference report.

Mr. TANCREDO. Mr. Speaker, I would say that the only turf that at least I am interested in protecting here is the turf of the United States of America and the people that live on it.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to S. 2845.

This is first and foremost, and everyone in the country knows that, this is a pro-illegal immigration bill in that the situation with illegal immigration will be worse if we pass this bill than it is today.

It is also not a reform bill. It is an illusion. It is a piece of illusion legislation. It is designed to make people feel better because they perceive something is being done.

And I would like to thank the largest organization of 9/11 families who are opposed to this legislation, the 9/11 Families for American Security, who visited Members of Congress to oppose this legislation.

What this bill does is change the flowchart, trying to make people think that is doing something. It adds a level of bureaucracy, a new level of bureaucracy, and, yes, creates an intelligence czar. Boy, that is going to make everybody feel really good that we have an intelligence czar. We had an energy czar. That did us a lot of good. And thank goodness America had a drug czar that was appointed years ago; otherwise we would be plagued with drug use in America today.

No, this whole bill is designed to make people feel good rather than to do something to hold people accountable for the decisions that they made that led up to 9/11. The intelligence czar and the huge staff required to support the new intelligence czar is duplicative and will be an impediment to getting things done in the Intelligence Community.

The National Security Council, I worked at the White House for 7 years, was set up to do exactly this. And had the National Security Council during the Clinton administration, and, yes, during the beginning of this administration, had been doing their jobs, there would not have been a 9/11. So we already have people to do this job of the new intelligence czar and his huge bureaucracy.

9/11 was not due to blocks in the flowchart. 9/11 was the results of bad policies in dealing with the Taliban, which I complained about for years on the floor of this House, and bad policies in terms of what we were doing against al Qaeda during the Clinton years, and, yes, even bad policies exemplified by Jamie Gorelick, who signed a Justice Department order during the Clinton years that restricted cooperation between the FBI and CIA in dealing with terrorist threats. No, that was bad policy.

We do not need to change the flowchart to make people feel good in order to hold people accountable for those bad policies.

Finally, this bill should be defeated because it has gutted the provisions in this bill that passed the House that were aimed at controlling this massive invasion we have of illegal immigrants into our country, and we are not going to have a secure America when we have millions and millions of illegal aliens coming here, many of whom can be terrorists; and in this bill we no longer have the provisions to make sure that we will not be giving ID cards so these illegals can get on airplanes and crash them into buildings.

Ms. HARMAN. Mr. Speaker, clearly many in this House feel strongly. I hope most of us will vote for this bill.

Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. REYES), a senior member of the House Permanent Select Committee on Intelligence.

Mr. REYES. Mr. Speaker, I thank the gentlewoman and our chairman for the hard work they have done along with the other conferees.

Mr. Speaker, I rise today in support of this conference report, though not without some reservations. I am encouraged by the bill's reforms to our Nation's Intelligence Community, reforms that would not be before us today without the hard work of the 9/11 Commission and the unwavering commitment of the 9/11 families.

Also, as a member of both the Permanent Select Committee on Intelligence and the Committee on Armed Services, I recognize that timely and accurate intelligence is essential for both the President and our military forces in the fields. So I am pleased that this important issue has been addressed. However, I do have a strong word of caution for my colleagues about some of the provisions that we are enacting today in the name of homeland security.

These provisions establishing new investigatory, surveillance, and information-sharing authorities carry tremendous potential for abuse. I am concerned that these provisions may only be the beginning, and that we could be headed down a dangerous path without ensuring the appropriate checks and balances.

Prior to coming to Congress, I served for 26½ years in the United States Border Patrol, from agent to chief, so I know firsthand about our efforts to protect our borders and keep America secure. While I strongly believe in giving our government and law enforcement the tools they need to keep America safe, I also know it is imperative that we have an effective system of checks and balances to protect our rights as Americans.

Mr. Speaker, I will vote for this bill because I believe that reforms to our Intelligence Community are much needed and long overdue. However, as we move forward, I urge my colleagues to be vigilant in ensuring that we do not undermine the very liberties we are trying to protect from terrorists, because it is these liberties that make America the great Nation that it is.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, protecting our Nation is one of the most important duties that we have as Members of Congress. If we fail this, nothing else really matters.

The conference report does contain some useful provisions, but it is incomplete, making it inadequate and therefore unacceptable. The agreement with the Senate gave away so much, and it includes some major steps backwards from the House-passed version of the bill and from the strides that we have made since 9/11.

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Specifically, the report ignores important suggestions made by the 9/11 Commission and by many Members of this Chamber regarding immigration and the use of illegal identification cards.

We need to have closed borders with open doors for those who follow the law. Our offices are flooded with people asking for assistance because they are trying to come here legally.

The version this House passed prohibited convicted terrorists from receiving Federal benefits, and yet the agreement before us here today fails to prevent this injustice. Remember, the taxpayers out there are going to be paying taxes and some terrorists are going to be getting some Federal benefits. That is just unacceptable.

It has been 3¼ years since the terrorists used illegal identification to cross our borders and to attack Americans at home, and yet Congress still ignores meaningful immigration reform. We authorize some detention beds in here; but guess what, we did not fund them.

There have been so many immigration bills introduced since 9/11 that have died and had to be reintroduced again, only to die again. We are told that, oh, they will be taken care of next year. I sincerely hope that that is the case because this bill is a feel-good bill, absolutely. It is like buying a state-of-the-art alarm system, installing it in your house, never actually activating it and then you do not even bother locking your doors. Your home is not secure. Our Nation will not be any more secure under this. We need to secure our borders. That is a very important component that is simply missing from this bill.

I cannot support the bill in its current form and because it is so inadequate, because it does not address the very important immigration issue.

The problem with the conference report was that it ignored so many of the good immigration reform provisions that we had in the House bill. This bill is only part of what the 9/11 Commission recommended. I was a State senator. As my colleagues know, many of the terrorists came from Florida. We said the length of their driver's license expires when their visa expires. Guess what. This bill does not mandate it. So the 10 States that do not even have that provision, they are the States that the terrorists are going to go to. That is just plain wrong.

We do need to have uniformity in driver's licenses. We do need to make sure that the person applying for the driver's license, who has a visa, that the visa expiration date is the expiration date of the identification or the driver's license.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a member from the committee.

Mr. CUNNINGHAM. Mr. Speaker, I would like to commend the gentlewoman from California (Ms. HARMAN) and the chairman for working on this bill and on the Permanent Select Committee on Intelligence. The gentleman from Texas (Mr. REYES), even though he is an Irish kid, is like a brother, and we work very well together. Disagree, but work together.

Do any of my colleagues have any idea what it is like to watch friends die? The 9/11 families do. I do not know how many of my colleagues saw Private Ryan. I lost a lot of good friends in combat. Anger, rage, disappointment, knowing that many of them did not have to.

The gentleman from California (Mr. HUNTER) fixed that in this bill. It is going to save a lot of lives. To say that this bill is a shadow, I do not believe is correct in my opinion. If we look at COSCO, many wanted the China Ocean Shipping Company to take over the Long Beach shipyard. The gentleman from California (Mr. HUNTER) and I stopped that, even though we knew there were spies with the China organization taking over Long Beach shipyard, and we were able to work that in a bipartisan issue.

The homeland security, our ports, one of the biggest threats that we have is our ports, and that is addressed in this bill.

Where my dilemma is, is the 9/11 Recommendation No. 16 that was denied and stripped out of the bill by the other body. To me that is irresponsible, and I would ask the gentleman from Michigan (Mr. HOEKSTRA), the chairman, in a colloquy, is it the gentleman's understanding from our leadership that the immigration issues will be addressed in the 109th Congress?

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, he was in the conference today. I think we got a very strong commitment from the leadership that they intend to address these issues. I think that will represent the will of the members of this conference.

Mr. CUNNINGHAM. And that the President will help us in these efforts?

Mr. HOEKSTRA. If the gentleman will continue to yield, that is absolutely correct.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman; I thank the Members on both sides of the aisle.

If my colleagues vote against this bill, they put this Nation at risk. Without the immigration issues, this Nation is at risk.

Ms. HARMAN. Mr. Speaker, it is now my pleasure to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader, my predecessor as ranking member on the Permanent Select Committee on Intelligence and someone who knows these issues extremely well.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me time and commend her for her tremendous leadership, outstanding leadership as our ranking member on the Permanent Select Committee on Intelligence, and I commend the gentleman from Michigan (Mr. HOEKSTRA) for his leadership, as well as chair of the conference and as chair of the Permanent Select Committee on Intelligence.

I thank the gentlewoman from California (Ms. HARMAN). I know firsthand of her great work, and we are all very proud of it.

Mr. Speaker, more than 4 months ago, the 9/11 Commission created by Congress to examine the intelligence failures of 9/11 made a critical judgment. It concluded that the United States intelligence community was not structured properly to counter the threats, including terrorism, that our Nation was likely to face in the years to come.

In response to that judgment, the bipartisan 9/11 Commission unanimously issued 41 recommendations to make America safer. The most critical of these was the creation of a powerful manager for the intelligence community, one with the authority to establish budgets and to move money and people between agencies as dictated by changing needs.

The commission's conclusion and this recommendation mirrored a similar judgment made 2 years ago by a congressional joint inquiry that neither the President nor the Republican Congress acted upon. Thank heavens we are acting today.

Fortunately, the 9/11 Commission's recommendations and the tireless advocacy of the 9/11 Commission and the victims' families gave us the opportunity to produce a better result today. We are greatly in their debt.

Another significant recommendation was the establishment of a civil liberties board. As we protect and defend the American people from terrorism. we must also protect and defend the Constitution and the civil liberties contained therein. Again. I wish the conferees would have agreed to a stronger board. as was contained in the Senate bill. Instead. we have to rely on the dedication and stature of those appointed to the board to overcome any weaknesses in its power.

Thankfully. the worst of the egregious provisions on immigration and law enforcement that were in the House bill have been removed due to the firm resolve of a majority of the members of the conference committee.

I. too, would like to engage the distinguished chairman in a colloquy. It was not my intention until I heard the colloquy of the previous speaker. I would just like to know what it means that in the next Congress my colleagues will take up the immigration provisions that are not in this bill and will have the cooperation of the President. What does that mean? Does that mean we will be revisiting the same provisions that were removed from this bill in order to obtain passage of it this evening?

Mr. HOEKSTRA. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I thank her for yielding and appreciate the work she has done in putting together this bill.

What the indications are and what the colloquy I had with my colleague indicate are that the provisions that were deleted from the bill that we are considering today. the difference between the previously House-passed version and what is in the conference report are of utmost importance to members of our conference, to the leadership and to the President, and that through regular order we will pursue moving those agenda items forward in the next Congress.

Ms. PELOSI. Mr. Speaker, so my colleagues removed them. I just want to make sure I understand correctly. The egregious. considered by some of us, extraneous provisions that were in this bill that were removed in order to get the compromise legislation that we have here today will be taken up in the next Congress and be moved quickly to what? Pass into law?

Mr. HOEKSTRA. Mr. Speaker, if the gentlewoman would yield, we will go through regular order to take many of the provisions that had previously passed the House as part of H.R. 10. They will be considered again by the House and will move through the regular process, meaning that this body will consider the legislation. If this body endorses the legislation and the Senate obviously provides complementary legislation, we will go through the conference process to see if it is possible to make those provisions and move them into law.

Ms. PELOSI. Mr. Speaker, I appreciate the gentleman's candor. I have concerns about his statement, however, because there was a oneness. an integrity to this bill which contained many of the recommendations of the 9/11 Commission, bipartisan, and unanimously. and the support of the United States Senate in a very bipartisan way; and I had hoped that what we were introducing today as a compromise was a bill that had. again. this oneness and this integrity. I am concerned that a piece of it is taken off with a commitment that it may be passed.

Mr. HOEKSTRA. Mr. Speaker. if the gentlewoman would yield. I think it is obvious to us that we went there through the process. Many of the provisions that were a vital part of the House bill were not part of the base bill in the Senate, or similar items were not part of the base bill in the Senate; and so we believe that it is important and there will be an opportunity to move through the process with the Senate in the next session of Congress.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan (Mr. HOEKSTRA). Again. I have serious concerns.

I hope that, again, the Republican leadership will not tarnish this achievement today with commitments to vote on ill-advised changes to our immigration laws in the next Congress.

Mr. Speaker, I just want to say that today we must move forward. There is one recommendation of the 9/11 Commission that we are not considering today. and that is. congressional oversight; that the commission also recommended changes in the intelligence oversight process in the Congress in addition to the changes in the executive branch. Without effective congressional oversight. the reforms put in place by this bill will be less successful in protecting the American people. I look forward to working with the gentleman from Illinois (Speaker HASTERT) in a bipartisan way to institute more effective congressional oversight.

Today, again. we must move forward. This bill, although not perfect, strengthens the process by which we manage the collection, processing, and dissemination of intelligence. In doing so, it reduces the risk to the American people. It honors the work of the 9/11 Commission, and I hope it will bring some comfort to the families of the victims of the 9/11 attacks.

Actually. passage of this bill is a tribute to the 9/11 families. They have constantly been an inspiration to us because they turned their grief into action. The American people are safer, and we are deeply in their debt. We will never forget their loss, and we thank them for their courage. We owe them at least that much, and that is to make the American people safer. I urge my colleagues to support this bill.

Mr. TANCREDO. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in strong opposition to the 9/11 Recommendation Act.

I want to commend the gentleman from California (Mr. HUNTER) for his efforts in the area of oversight that he had. I think he did an excellent job, and this bill was improved by his efforts. However. the gentleman from Wisconsin's (Mr. SENSENBRENNER) issues that he dealt with were removed from this bill. and the gentleman from Wisconsin (Mr. SENSENBRENNER) looked at this House issue and said. how did 9/11 occur? How did the perpetrators attack this country, and what can we do in this bill to make sure that does not happen again? That language was removed. and when we talk to the people back home, these are commonsense issues.

The gentleman from California (Mr. OSE) injected language that said we are going to expedite construction of the gap of the 14-mile barrier in between San Diego and the border of the United States. That language was removed; and if we look at that 3-mile gap, it looks like a herd of cattle had stampeded through there every day. We cannot tell who came into this country illegally, but that was removed.

The other one struck is any requirement for proof of lawful presence in the United States for a driver's license.

□ 1845

The 9/11 perpetrators came to this country, they obtained driver's licenses through a legal fashion in 10 States that make them available, and this bill would have said that that will never happen again. The only way 9/11 happened and occurred is because these terrorists were able to obtain driver's licenses to come and go freely in this country and to board planes as they chose. Nothing in this bill will stop that from happening.

The other issue that was struck is license expiration tied to a visa expiration. It makes perfect sense that if you have a visa in this country, and you get a license while you are here, that your license should expire when your visa expires. The same thing happened with the 9/11 perpetrators. Their visas expired, but their licenses did not, and they were thereby allowed to stay in this country.

They also struck expedited removal of illegal aliens. You can implement frivolous lawsuits and stay in this country almost as long as you want, even if you are here illegally. This bill originally would have eliminated that option. It struck the restriction for a terrorist claiming asylum.

It does not take a brain surgeon to realize if you are a known terrorist, trained in an al Qaeda camp and here in this country, we cannot deport you.

You can remain. The language to make sure that did not happen was, again, in this bill and was removed from this bill. It struck limiting judicial review of orders of deportation. That is common sense and should have been in.

Now, I will try to go through these quickly. It struck complete national driver's license standards. You should be here in this country legal as a citizen or have a legal right to be here to get a driver's license. It also struck an interstate driver's license database. That way you could not get multiple driver's licenses throughout multiple States like the terrorists did.

There were very good commonsense laws in this that would have become law, and they basically were struck. The one that really does not make any sense struck "terrorists traveling information sharing." You have a terrorist that travels around, and we cannot even share that information by law. That is wrong.

The things that were removed from this bill warrant a "no" vote on this bill, and I strongly encourage a "no" vote.

I rise today in strong opposition to the intelligence reform conference report. There is no question that everyone in Congress wants to protect the country from another terrorist attack. That is why I am so appalled that this conference report excludes several House provisions strengthening immigration law. We cannot have real intelligence reform without addressing flaws in our immigration system.

I strongly believe that failing to act on important immigration reforms is a grave mistake, since these provisions are central to any legislation designed to prevent future terrorist attacks. By passing this conference report, Congress is looking the other way while potential terrorists are allowed to exploit flaws in U.S. immigration policy.

As we work to implement the recommendations of the 9/11 Commission, how can we ignore the Commission's call for strengthened identification standards in this country? The Commission found that it was our immigration laws, not those laws aimed at protecting against terrorism, that shaped the terrorists' ability to carry out their plot on 9/11. In fact, the Commission found that travel documents were as important to the terrorists as were their weapons.

The simple fact is that if the 9/11 terrorists had not been able to enter the United States and operate freely—to obtain driver's licenses, open bank accounts, rent homes and cars, and board airplanes—they would not have been able to commit mass murder on that fateful day.

As long as fraudulent identity documents remain readily available, terrorists will be able to use legal loopholes to enter and remain at large in the United States.

It is truly beyond reason that this final conference report would remove House-passed provisions to secure driver's licenses. This is in direct contradiction to the recommendations of the 9/11 Commission, which urged Congress to set federal standards for state-issued licenses. Have we already forgotten that the 19 hijackers on 9/11 had 63 driver's licenses among them and that most of these were obtained through fraudulent means?

One of the 9/11 hijackers was stopped for a traffic violation a mere two days before the terrorist attacks. Unfortunately, the officer was unable to detect that the terrorist's visa had expired because his driver's license was still valid. The House bill included a requirement that driver's license expiration dates coincide with visa expiration dates so that law enforcement officers could have the information they need to keep us secure. The conference report deleted this important House provision.

In addition, while current law allows for the denial of admission to the U.S. on terrorism-related grounds, terrorism cannot be used as a basis of deportability from the country. This means that some terrorists and their supporters can be kept out of the United States, but as soon as they set foot on our shores, we cannot deport them, hindering our ability to protect America from terrorists who have infiltrated our country. The House bill makes aliens deportable for terrorism-related offenses just as they would be denied admission to the country in the first place. The conference report excludes this critical provision, leaving a gaping hole in our national security.

The security of our Nation must be our top priority. Great intelligence is nothing without a strong national security. The bottom line is that this bill fails to prevent those who may be harmful to the security of our Nation from operating freely and undetected in the United States.

If the war on terrorism is to be ultimately successful, it is more important than ever that we take the necessary steps to strengthen security at our borders and provide law enforcement agencies the tools they need to identify those individuals who enter or remain in the United States illegally.

This bill is woefully inadequate because it fails to make immigration reforms that are absolutely fundamental to ensuring the security of our Nation. By passing this conference report without immigration reform, we are sending a message to the American people that we still have not learned from the tragedy of 9/11 that political correctness must never take the place of national security.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I just want to make the point that this legislation is a victory for the 9/11 families who lost loved ones, heroes, on September 11, 2001. Those family members who were the ones who were instrumental in creating the 9/11 Commission in the first place and who have been tenacious and persevering in making sure that we do the right thing deserve the credit. I want to commend them on their great work on this.

Let me also respond to the previous speaker. By any measure, this legislation will improve our Nation's ability to protect against terrorism. The 9/11 Commission pointed out so well, and I quote them, "Travel documents are as important as weapons." In a provision that I have long advocated for, and that was put in this legislation by the gentleman from Illinois (Mr. HYDE), we now have provisions that fortify the visa application process and ensure that our consuls abroad have to thoroughly interview those who are applying for a nonimmigrant visa and meticulously inspect their documents.

Let me remind my colleagues that those who committed the atrocities of 9/11 entered the U.S. legally. They got their visas. They went to one of our consuls in Saudi Arabia and, regrettably, the personnel there were giving out visas like cotton candy. The terrorists exploited a weakness in the system. So they came here legally. They were not illegal immigrants. And that point needs to be underscored.

This legislation with Chairman HYDE's language closes that loophole so that terrorist will be stopped before they get their visas. That's a critical provision in a bill with many, many new programs and I support it.

Mr. Speaker, I rise in support of S. 2845, the National Intelligence Reform Act of 2004. This legislation represents a hard-won victory for the family survivors of 9/11 and for all Americans. They have placed their hopes in us to make the structural changes necessary to prevent another intelligence failure on the scale of September 11th. It is fitting and appropriate that we consider this legislation on December 7th because prior to 9/11, Pearl Harbor represented the largest single day loss of human life to an attack on American soil.

This is, Mr. Speaker, the survivors' bill. If not for the hard work, tenacity and dedication of the families of the victims of 9/11—those 3,000 heroes who lost their lives in that horrific attack—we would not be here today.

Still, there has been much controversy surrounding this bill. Some critics charge that this legislation is not really needed; others contend that it was developed in a rush and should have been considered more thoroughly in committee and subcommittee hearings before being brought to the floor. Neither of these criticisms are valid.

In fact, this legislation is the product of a comprehensive process that began over 2 years ago with the appointment of the 9/11 Commission. I was an early and consistent advocate for the 9/11 Commission because I believed the families deserved answers and the Nation needed a chronicled "lessons learned" and a way to move forward to make us safer.

In pursuing its wide-ranging mandate to investigate the facts and circumstances relating to the terrorist attacks of September 11, 2001, the Commission reviewed more than 2.5 million pages of documents and interviewed more than 1,200 individuals in ten countries, including nearly every senior U.S. government official from the current and previous administrations who had responsibility for topics covered under the Commission's mandate. The Commission's recommendations were nonpartisan, unanimous, and published to wide acclaim this past summer. No less than 13 House committees held more than two dozen hearings on the Commission's report and subsequent legislation. In the Committee on International Relations, I chaired a critical hearing on visa reform and recommendations for enhanced U.S. diplomacy. In the Committee on Veterans' Affairs, on which I serve as chair, we held a hearing on Emergency Medical Preparedness.

Today's historic bill addresses and responds to the Commission's major recommendations, and will bring much needed reforms to our intelligence funding, gathering, sharing, and analytical processes. Anyone who questions whether or not these reforms are needed should read the Commission's report. It is filled with information—available to us at the time—that terrorists were actively plotting against us. But instead of our country being on a war footing, the investigations were treated as mere law enforcement cases, and information was not shared between the FBI and CIA. When Predator unmanned drones captured video feed of Osama bin Laden himself in the mountains of Afghanistan, the Pentagon and the CIA bickered for months about who should pay for upgrading the drones to carry Hellfire missiles. The opportunity to take out bin Laden before September 11th was thus squandered by bureaucratic infighting.

Mr. Speaker, on December 7th, 1941 Americans said 'never again' will we be caught so unprepared for a sneak attack. But it did happen again. It happened on September 11th, 2001, and nearly 3,000 men, women, and children lost their lives because of it. This legislation will finally create a national intelligence director who will have direct authority over our intelligence agencies and who will have the power to redirect assets and resources as necessary. The position of national intelligence director should have been created after Pearl Harbor, but J. Edgar Hoover, the powerful FBI director at the time, blocked its creation. Later, the Defense Department blocked similar intelligence reforms over the next several decades. Indeed, the same fate nearly befell this very bill before us today, and it was only the timely and persuasive intervention of President Bush which salvaged this historic package of reforms from being yet another casualty of perennial agency turf battles.

Further, this bill creates a National Counterterrorism Center with the authority to plan intelligence missions and counterterrorism operations. The White House has worked with the conferees to ensure that neither the Director nor the Counterterrorism Center will interfere with the flow of military intelligence to the battlefield and the military's need to preserve its chain of command.

By any measure, the conference report will improve our Nation's ability to protect against terrorism. Mr. Speaker, the 9/11 Commission's report states that for terrorists, "travel documents are as important as weapons." In a provision which I have long pushed for, this bill will require all aliens applying for a non-immigrant visa to completely and accurately respond to any request for information contained in the application, in order to prevent the disastrous series of events in which the 9/11 terrorists failed to provide the most basic of information on their visa applications, yet were still issued visas. It is important to remember that the hijackers were not illegal immigrants. They had valid visas because they exploited the weaknesses of our visa system. With this new legislation, we close those gaps. Consular officials must interview, in person, all appplicants for non-immigration visas unless a special waiver is granted.

This bill includes provisions targeted at preventing terrorism overseas before it reaches our shores. I have been working in this area ever since our embassies were first bombed in Africa in 1998 when I authored the Embassy Security Act. Under the conference report, it directs the State Department to seek international agreements to track and curtail terrorist travel through the use of fraudulent documents and to establish international standards for travel documents, transliteration of names into the Roman alphabet, and common name-based watch list systems. Programs to screen threatening individuals before they reach the U.S. will put U.S. immigration experts at foreign airports.

In order to address the root causes of anti-American incitement overseas which breeds terrorists and sympathizers, the conference report will provide scholarships for Muslim students, more funds for broadcasting and democracy building programs to the Islamic world, and targets aid for strategic countries such as Saudi Arabia, Afghanistan and Pakistan, which were described by the September 11th Commission as absolutely vital to the success in the war on terrorism.

Today's legislation also includes several important, overdue measures to bolster our national security here at home. New programs and pilot projects to upgrade airport and aviation security include explosives detection screening for carry-on baggage, training for foreign air marshals, additional screening of airport workers, and blast-resistant cargo and baggage containers. We will enhance our border security by adding 2,000 full-time border patrol agents, 800 Immigration and Customs Enforcement investigators, 150 consular officers per year for the next 3 years, and advance the use of new technologies such as remotely piloted aircraft to ensure the systematic surveillance of our northern and southern borders. Moreover, this bill will grant the FBI the authority to conduct surveillance and wiretaps on suspected terrorists, even if they have no known ties to any foreign country or entity. In other words, if the FBI is aware of a person trying to produce anthrax, but he appears to be working alone, they can still monitor his activities. For the first time, a Privacy and Civil Liberties Oversight Board will be created to ensure that privacy and civil liberties concerns are appropriately considered in the implementation of laws, regulations and govemment policies to protect our Nation against terrorism.

This conference report also tightens our Nation's immigration laws to close loopholes. For instance, officials will be able to deport any alien who has received military training from a designated terrorist organization, was well as rendering inadmissible aliens who have committed acts of torture, particularly severe violations of religious freedom, extrajudicial killing or genocide.

It is important to note that a crucial reform that the September 11th Commission recommended, but which is notably absent from this conference report, is to change the first responder grant formula and make the Department of Homeland Security (DHS) grants awarded and assessed based on risk and intelligence data.

The House-passed bill which I cosponsored and voted for (H.R. 10), contained an excellent package of reforms to the illogical grant system that allocates nearly 40 percent of all of the DHS first responder grants strictly on a state minimum basis, rather than risk assessment, and divides most of the rest of the funds on a rote population basis without any risk-analysis. The H.R. 10 reforms would have benefited high-risk, high-population density urban states like New Jersey enormously, while at the same time scaling back grants to states like Wyoming that have fewer terror risks. It would have truly implemented the Commission's recommendation to ensure first responder funding was analyzed and prioritized strictly on risk. The state minimums were reduced substantially.

The Senate passed bill and the Menendez substitute were either much weaker or put too much money into the state minimums, but still represented improvements over current law.

Incredibly, the final conference report dropped both sets of improvements and essentially retains current law. Mr. Speaker, the failure to reform the deeply flawed current first responder grant program is a major missed opportunity for Congress. I pledge to work with similarly-minded colleagues on both sides of the aisle to fix this formula in the upcoming 109th Session of Congress.

While the bill creates general national standards for driver's licenses, birth certificates, and social security cards in order to prevent the identity fraud that terrorists can exploit, as well as improves the physical security of the documents, I remain disappointed that the bill does not prohibit the issuance of driver's licenses to illegal aliens. The idea of giving driver's licenses to illegal aliens is not only unsound, it is just not safe for the country. I will continue to push for limitations on the validity of licenses for those individuals temporarily in the United States.

I am pleased that provisions I opposed in the House bill, H.R. 10—to expand expedited removal and basically eliminate appeals for asylum—are not included in the conference report. These provisions would have dramatically altered our asylum procedures and would have had an extraordinarily harmful effect on true asylum seekers, human trafficking victims, women and children who are victims of domestic violence, and others seeking protection against persecution. We must continue to maintain the delicate balance between ensuring our safety and preserving our country as a safe haven for the persecuted and oppressed.

As you know, Mr. Speaker, I have worked hard over the last several years with the widows, mothers, fathers, brothers, sisters, children and other relatives of the victims of September 11th to help establish a meaningful investigation and produce comprehensive reform. Today we mark the furthest milestone in this long, difficult journey. And while no amount of legislative reform can completely heal their hearts, they can take some comfort in knowing that their government has responded and Americans will be safer because of their hard work and great efforts.

Ms. HARMAN. Mr. Speaker, it is now my pleasure to yield 1½ minutes to the gentlewoman from California (Ms. ESHOO), my classmate, a member of our committee and the ranking member on our Subcommittee on Intelligence Policy and National Security.

Ms. ESHOO. Mr. Speaker, I thank the distinguished ranking member and the chairman of our committee for the work that they have done together. I think the American people are proud.

This has been a very tough journey to arrive here tonight with a conference report to reform the intelligence community of our country. And yet we know, and all Americans know, that the status quo is not good enough. The status quo has been in place throughout the Cold War and post–Cold War. Yet ever since our country was attacked, there is not anyone that could say that all systems were running the way they should.

And so with gratitude to the families of the victims, who, as our leader said a few moments ago, have inspired us and inspired the country, with the President supporting the bill, with the leadership of both parties supporting the bill, with the support and the recommendations of the 9/11 Commission, who did such superb work for the people of our country, there is no reason why the House of Representatives should not vote in its entirety in support of this bill that reforms our intelligence community.

I think it falls short on oversight, and that should be taken up in the new Congress because it is an important, critical role of the Congress. But I am very proud to stand with my colleagues and the Democrats who introduced an inspirational bill 8 months and 6 days ago that mirrored the recommendations of the commission. I urge all my colleagues to support this bill.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume to make two quick points.

One is, indeed, most of the people who were here, most of the hijackers were here illegally, not legally, because they fraudulently produced documents to get their visas. The visas were frauds to begin with, making them illegal aliens in this country.

Secondly, many of them had overstayed their visas or were doing something here that was not allowed under the visa, making them illegal aliens in this country. So, indeed, they were illegal.

Thirdly, there are far more members of 9/11 families who oppose this bill because the provisions we are talking about here are missing; those provisions to secure our borders are missing. Far more oppose this bill in its present form than support it.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I do not know why we set up a 9/11 Commission if we were not going to take their provisions in their entirety.

When the 9/11 Commission tells us that border security is national security; when the commission finds that our border system has two systemic weaknesses, a lack of a well-developed counterterrorism measure as a part of border security and, to quote them, "an immigration system not able to deliver on its basic commitments when they look at the case of Mohammed Atta and others and then find and tell us that targeting their travel is at least as powerful a weapon against terrorists as targeting their money, and then lays out a plan for our U.S. border security to be reformed, and we pick up those reforms, put them in the House bill that we pass over to the Senate and now find that those very reforms are stripped out, I do not know how we back away from that argument. Border security is national security; how we acquiesce to those that say no, you cannot touch border security.

You know, I do not know with certainty that moving around the organizational boxes of the intelligence community will make things better. It may. But one thing we can be sure of is that the driver's license provisions that have been stripped at the insistence of the other body would have made a difference. Driver's licenses were the 9/11 terrorists' license to kill and to kill massively. We know that.

They had 63 of these driver's licenses between them, for the 19 of them. And these identification documents gave these hijackers unfettered access to nearly everything they needed to plan and carry out their attacks on Washington, D.C. and on New York City. And the identification cards also allowed them to remain in the country with the appearance of legitimacy long after their visas had expired and their presence in the United States became illegal.

Sixty-eight percent of this body voted for these reforms and 87 percent of the American people support them. They should be in the bill.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, in listening to this debate, which I have followed very closely, and listening to the previous speaker from California, I agree with most everything that has been said. However, you cannot judge a bill by what is not in it. You judge it by what is in it. You cannot win a ball game by designing each play for a touchdown. You move the ball down the field. This is just one piece of legislation, a very important piece, which is going to come together next year, and we are going to complete the work with illegal immigration.

Do not say this bill is not tough on illegal immigration. We are putting 2,000 more agents each year on the border under this bill. This bill does a lot for us, and all of the other things we have been talking about. It is time to move this forward, come back in the next Congress and pass the rest of it, which has already passed this House by 68 percent, as the gentleman from California said.

Vote "yes" on this most important bill.

Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume to applaud the comments of the last Speaker.

Mr. Speaker, it is now my privilege to yield 1½ minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), another of our committee members and an increasingly valuable member of our committee.

Mr. RUPPERSBERGER. Mr. Speaker, first, I want to start out with strong praise for the chairman of the House Permanent Select Committee on Intelligence, the gentleman from Michigan (Mr. HOEKSTRA). He has bridged differences among many Members who had reservations about this bill, so I thank him for his leadership.

I also want to thank our leader, the committee's ranking Democrat, the gentlewoman from California (Ms. HARMAN), for her vision and tenacity in pursuing intelligence reform. She was the driving force behind the introduction of a reform bill back in April, months before the 9/11 report was released.

Now, this is an historic measure. We are doing more than rearranging boxes on an organizational chart. We are ensuring that the intelligence community has one boss to ensure better communication and accountability. I spent close to 18 years in local government, where I managed a large county, close to 19,000 employees; and I know that workers need to answer to one person who sets policy and manages the budget.

This is critically important to help prevent another terrorist attack and to protect our families and communities.

Mr. TANCREDO. Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, we are being told that time is running out to pass intelligence reform legislation. The truth is, time ran out on September 11. We are on borrowed time.

Prior to September 11, three commissions, the Bremer Commission, the Hart-Rudman Commission, and the Gilmore Commission, all came to Congress and said the same thing, that the terrorist threat is real; that we need an assessment of this threat, a strategy to address it, and a reorganized government to implement that strategy. Sadly, few listened then; and, tragically, no one acted.

September 11 was the wake-up call from hell that told us that the terrorist threat is real; that Cold War doctrines of containment, reaction, and mutually assured destruction are totally invalid. And our policy now must be to detect and prevent and, on occasion, preempt those who wish to do us harm. That requires better intelligence.

Congress and the administration made significant changes over the last 3 years to improve our security, but today we are taking the most critical step by reorganizing our intelligence community, creating a Director of National Intelligence with budget and personnel authority. Thank you to all who have made this possible. We are changing and improving transportation. And, yes, while we could do more, we are moving forward with immigration reform.

I believe, I am confident that we can enact stronger immigration reforms in the next Congress, and I look forward to working with my colleagues to see that this is done. But do not defeat this bill because you want greater changes in immigration and lose the changes that have to happen on intelligence reform. We will get the job done. This is the beginning, the most important step; but we are not finished.

Ms. HARMAN. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from California (Ms. HARMAN) has 6½ minutes remaining, the gentleman from Michigan (Mr. HOEKSTRA) HAS 1 MINUTE REMAINING, AND THE GENTLEMAN FROM COLORADO (MR. TANCREDO) has 30 seconds remaining.

The order of closing is: the gentleman from Colorado, the gentlewoman from California, and the gentleman from Michigan.

Ms. HARMAN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT), a member of the House Committee on the Judiciary and an extremely conscientious Member of this House.

Mr. WATT. Mr. Speaker, the 9/11 Commission recommended the creation of an independent bipartisan board to oversee compliance with civil rights and civil liberties, in recognition of the fact that in this difficult area of securing America we were going into some very uncharted areas.

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We crafted a provision in the Committee on the Judiciary which has been substantially watered down in this version of the bill. I simply want to submit for the RECORD a statement that describes that process. I intend to vote for the bill, but have some concerns about whether this bipartisan board of compliance is independent enough or bipartisan enough or is really going to have any authority to do anything to safeguard civil liberties and civil rights after we pass this bill.

Mr. Speaker, I include a more detailed description of my concerns for the RECORD.

Mr. Speaker, because I take the protection of our constitutional rights and liberties very seriously, I offered an amendment during the Judiciary Committee markup of this bill to establish an independent, bipartisan board to oversee compliance with civil rights and liberties and the Judiciary Committee bill included a version of the oversight board. Since that time, there has been a false comparison between the board I recommended and that in the Senate bill to an advisory board created by the President by executive order. The President's board is not and should not be the guidepost for what satisfies the mandate of the 9/11 Commission. The President's board consists of Administration insiders with advisory functions.

Now I know that the Chairman and the Vice Chairman of the 9/11 Commission have endorsed this conference report and characterize the Privacy and Civil Liberties board as independent. I respectfully disagree. The board created by this bill may turn out to be worse than no board at all. It's members are hand-picked by the President and serve at his pleasure. That does not create independence. There is no rights of the board to obtain by subpoena information needed to perform its functions. There is no public reporting requirement. And, there is a gaping hole that permits the government to assert a national security or law enforcement exception to the Board's access to government information that may very well reveal whether the rights of our citizens are being violated.

We all agree that our nation must adjust to confront the terrorist threat, but in doing so we cannot undermine the principles for which Americans stand. One need not look far to imagine the types of abuses that a strong, independent Privacy and Civil Liberties Board could expose and prevent. Should innocent Americans be held merely on suspicion, without the opportunity to consult with counsel, without the ability to speak with their family? Should Americans be willing to miss graduations, baptisms, weddings, and funerals, because their names are erroneously on a no-fly list? If Senator KENNEDY, Congressman JOHN LEWIS and Congressman YOUNG find themselves detained as suspected terrorists, who will be next?

In short, just as we need to make adjustments as we fight terrorism, we also need a board with teeth, one that can make sure that fighting terrorism is done in a manner that does not change the fundamental nature of our society. The 9/11 Commission Report stated:

> We must find ways of reconciling security with liberty, since the success of one helps protect the other. The choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrist attack at home. Our history has shown us that insecurity threatens liberty. Yet, if our liberties are curtailed, we lose the values that we are struggling to defend.

I believe that we have missed the opportunity to say to the world and to the terrorists who would harm us that we are prepared to do whatever is necessary to detect and prevent further attacks but at the same time with equal vigor, we will protect the time-honored values and freedoms that makes our nation great.

Ms. HARMAN. Mr. Speaker, I reserve the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the following is from the final report: "Secure identification should begin in the United States. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists." That is from the report. That is the thing we are ignoring completely in this bill designed to respond to the 9/11 Commission report.

Mr. Speaker, I ask my colleagues to vote against this bill so it can come back here in a form that could make us all proud, and so we would be able to go back to our constituents and say we have indeed done something to secure this country. This bill does not do that.

Ms. HARMAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, obviously we do not all agree on the best direction in which to go. It is clear from this debate that Members on our side and Members on the other side of the aisle have some strong feelings against the carefully crafted compromise. But carefully crafted it was. I can assure Members that 10 weeks and thousands of hours by Members and staff went into the language of this conference report.

There were fights about almost every issue. We worked it out as best we could. We worked it out on a bipartisan basis, and as I said at the beginning of this debate, I cannot thank enough Senators COLLINS and LIEBERMAN and the gentleman from Michigan (Mr. HOEKSTRA) for their collaboration, talent, dedication and true grit. This would not have happened without them.

Mr. Speaker, there has been a lot of conversation about the House bill and what was left out of the conference report. I would point out to colleagues that the vote in the House was an extremely close vote. To remind, there was an amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. MENENDEZ). The vote on that amendment in the nature of a substitute was 203–213; 194 Democrats, 8 Republicans, and 1 Independent supported the Menendez substitute, which was essentially the Senate version of the bill. That means that 96 Members of the other body, all but 2 who voted, and 203 Members of this body, 300 Members, supported essentially the Senate version of the bill. We could look at that as an overwhelming vote for the Senate language. I certainly look at it that way, and the 9/11 Commission said and the White House said in many respects that the Senate language was much closer to what they intended.

My point in bringing this up is in reaching the compromise that we are voting on now. we need to understand how much was given up on both sides. Clearly the gentleman from Colorado (Mr. TANCREDO) and those who support his position think a lot was given up on his side. Some of the language that passed in H.R. 10, very controversial language. was given up. to be sure. But a lot of the language in the Senate version of the bill was also given up: such as the declassified top line; such as a number of the powers that have been talked about for the Privacy and Civil Liberties Board; such as full control over reprogramming of personnel and budget. A lot of those issues were given up in the effort to reach a carefully balanced, bipartisan. bicameral compromise.

That is what we are voting on today. I would just tell all Members that I believe it is not only the best we could do, but it is very good. Just to remind, we do address immigration, we do increase border protection. we do include Federal standards for State-issued drivers' licenses, and we do do something which has not been mentioned, which is direct TSA to develop within 6 months new standards for ID documents for boarding airplanes. TSA is directed in this bill to handle what we all agree is a problem. We do not want terrorists to use fraudulent documents or documents based on expired visas to board airplanes, and we correct that problem in this bill.

We also address the chain of command, as the gentleman from California (Mr. HUNTER) has pointed out. We did not address the border fence issue. but I am hopeful that without waiving environmental protections, those of us who care about it in California will figure out a right and fair solution.

Finally, let me point out, as many Members have, that this bill is supported by the President, the Vice President, the Secretary of Defense, the 9/11 Commission, most of the 9/11 families, most of the conferees, and overwhelming majorities on a bipartisan basis in each House. I urge its adoption. It is the right thing to do. It honors the 9/11 families, and it makes a point about the 63rd anniversary of the Pearl Harbor attacks. We know how to fix these problems. We will do it tonight. I urge adoption of the conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I wish I was as eloquent as former Member John Kasich when he got up to close a bill, but I want to say a lot of people have worked on this bill. I understand some of my colleagues are going to vote against this bill because it is very close whether many of us would vote against the bill.

Many of my own constituents want the immigration provisions in there. I will look them in the eye and I will say would you give up 8,000 Border Patrols on our borders to defend us if this bill goes down? Would you give up the transportation provisions? One of the biggest risks we have is our port security. If a terrorist takes a suitcase bomb and puts it in a cargo container on the east or west coast, that is a real problem. That would go down.

Mr. Speaker, I would ask my colleagues that if the President has promised us we will bring this up, if our leadership and the 9/11 families will be with us to complete the recommendations that were not brought forth in this bill, I ask my colleagues to vote for this bill, because if they do not, they will put this country at risk.

Mrs. MALONEY. Mr. Speaker, while I rise in support of this conference report, I would like to go on record with a concern that the New York City Mayor's office has brought to my attention. Mr. Speaker it is my hope that we can work to make sure that New York City's concerns are addressed as we implement this legislation.

New York City had attempted to address concerns regarding vital statistics earlier this year in this bill but it appears that in conference some matters of importance to New York City have been dropped.

First of all, New York City maintains vital statistical data on its own much like Washington, DC and therefore there is a need to treat New York City and Washington, DC as States relative to minimum standards for birth certificates. While the bill calls for there being grants to States, for assistance in meeting federal standard allocation of grants, this program is estimated to cost in excess of $400 million nationwide, of which New York City needs—which would be dependent on many factors, including the costs of modifying legacy computer systems, converting birth and death records that may be decades old, and the number of records—will be more than $7 million. This funding need is not reflected in the bill which calls for these grants to be based on a proportion of the birth and death records created by the State. These number of records are only a small factor in the formula that needs to be developed and should not be the sole factor in funding allotments. The formula for such should be developed after consultation with State vital statistic offices.

Furthermore, the section Driver's Licenses and Personal Identification Cards—Standards for Acceptance by Federal Agencies—Minimum Standards will likely require the Electronic Verification of Vital Events (EVVE). However, the bill does not provide for consultation with State vital statistics offices, or for funding the vital statistics systems needed for EVVE.

Similarly, the section on Social Security Cards and Numbers: Security Enhancements requires independent verification of any birth record submitted by an individual to SSA for purposes other than enumeration at birth. However, it does not provide for systems or funding to vital statistics offices. And while this section requires the Commissioner of Social Security to undertake improvements to the Enumeration At Birth (EAB) program. The Commissioner of Social Security should do this in consultation with State vital statistics offices as should the Commissioner of Social Security's study to determine the most efficient options for ensuring the integrity of the process for enumeration at birth.

Mr. DAVIS of Florida. Mr. Speaker, I rise in support of the Conference Report for the 9/11 Commission Recommendations Implementation Act. This important legislation implements most of the recommendations of the 9/11 Commission. In addition to reorganizing our intelligence agencies, it also institutes reforms in a broad range of other national security areas, including border security, aviation security, maritime security, emergency responders, public diplomacy, and law enforcement.

While I am pleased that a compromise has been reached, this body should have acted long ago. It has been four months since the 9/11 Commission issued its recommendations. If we are to minimize the possibility of another 9/11, we must do a better job of working together in a bi-partisan manner. This body represents all Americans—Republicans and Democrats alike.

Nevertheless, this long-delayed conference report includes numerous provisions to make America safer and more secure. As recommended by the 9/11 Commission, the conference report creates a strong Director of National Intelligence (DNI), who will head the Intelligence community and its 15 agencies. The Director will serve as the principal intelligence adviser to the President; and direct the implementation of the National Intelligence Program. Furthermore, the conference report establishes a National Counterterrorism Center (NCTC) within the Office of DNI to coordinate and unify all elements of counterterrorism operations planning.

Lastly, I am happy to see the inclusion of numerous provisions that are designed to improve the Nation's aviation, maritime and border security and enhance terrorism prevention. The bill will also establish an independent Privacy and Civil Liberties Board that will be granted access to all government agencies to review policies and practices and will be led by a Chair and Vice Chair confirmed by the Senate.

Mr. Speaker, no bill is perfect and perhaps in the future some modifications will be necessary. We may also need to address things this bill does not include in the future. However, this is the best compromise we have at the moment, and time is of the essence.

I support this legislation.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support for the conference report on H.R. 4548, the Intelligence Authorization Act for FY 2005.

I commend President Bush and the House leadership for their efforts to move critical intelligence reform legislation through Congress.

H.R. 4548 includes a comprehensive and wide-ranging package of much-needed policy and pragmatic changes that dramatically enhance our ability to target terrorist threats.

There are many reasons to support this legislation. One particularly important reason relates to the language capabilities. It became glaringly evident in the aftermath of 9/11 that we had inadequate language skills and translators in the Intelligence Community. It turned out that we, as a nation, were desperately short of linguists in hard languages such as Arabic, Iranian-Farsi, Afghan-Pashtu, Korean, and Chinese. These are languages that take years to master, but they are absolutely essential if we expect our Intelligence Community to gather critical information.

Mr. Speaker, we will never find the enemy unless we have personnel who speak the languages and understand the culture in lands where terrorists hide. Without serious reforms that increase the number of intelligence officers who speak the enemy's language, there is no way the 9/11 Commission recommendations can be implemented.

The conference report on H.R. 4548 focuses on methods of increasing the talent pool, and instilling a sense of the absolute importance of language in gathering foreign intelligence. We provide a comprehensive, broad-ranging language and education package that seeks to increase the number of language-capable field officers. We provide a plan to increase the number of analysts who are fluent in critical languages. And, we dramatically increase the number of translators to tackle the mountain of untranslated documents.

Working very closely with the Intelligence Community, the FY05 Intelligence Authorization Act provides the authority to engage in a wide range of educational partnerships and voluntary assistance programs to advance language skills in the general population. We establish an Intelligence Community outreach program that will help identify promising linguists.

The legislation revitalizes and broadly expands existing language education programs. We establish a Civilian Linguist Reserve Corps, where individuals fluent in critical languages can be available in the event of a crisis. This legislation provides opportunities for first generation Americans with language skills to contribute to the global war on terrorism.

Mr. Speaker, this is a much-needed series of reforms that were unanimously embraced by the Committee. I congratulate the distinguished Chairman of the Committee [Mr. Hoekstra], and the Ranking Democrat [Ms. Harman], for maintaining language reform as a Committee priority.

Mr. Speaker, I urge adoption of the conference report on H.R. 4548.

Mrs. BLACKBURN. Mr. Speaker, I want to commend the Speaker, Majority Leader, Chairman Hunter and Chairman Sensenbrenner for their hard work on this important piece of legislation. Unfortunately, I must oppose this bill. It contains provisions to reform our intelligence procedures, and it includes a provision to help private security companies—like Guardsmark, which is headquartered in my district—access criminal history background about prospective employees who guard the nation's critical infrastructure. However, this legislation does not contain essential provisions included in the House-passed bill to improve our asylum process or driver license procedures. The 9/11 Commission report found that a number of terrorists abused the asylum system, and that once they found a way into the United States they often remained in the country by committing immigration fraud. The House bill also had a provision that would keep aliens who have received military-type training from terrorist organizations from being admitted to the United States—unfortunately, this provision was stricken from the conference report. This conference report removed the provision from the House bill that requires temporary driver's licenses to expire when an individual's visa expires. Finally, the conference report does not include important provisions that would prevent certain states from issuing driver's licenses to individuals who cannot demonstrate that they are lawfully present in the United States.

Mr. LANGEVIN. Mr. Speaker, I am pleased that we will implement intelligence reform before the close of the 108th Congress and rise in support of this bill.

After 9/11, we approached fighting the global war on terrorism as we had the Cold War. But it became clear that we needed to adapt our intelligence community, law enforcement agencies and military to new global threats. The 9/11 Commission gave us a blueprint for that mission, and this legislation will help us implement their vision. One of the major recommendations reflected in this bill is the creation of a strong national intelligence director, who will coordinate the activities of our various intelligence agencies. Cooperation among agencies and departments will be critical, and this measure shifts the mentality of our intelligence community from "need to know" to "need to share."

The conference report also makes significant improvements in the realm of homeland security, including enhanced border patrol efforts, implementation of a comprehensive transportation security plan, improved passenger and baggage screening programs, and initiatives to protect commercial aircraft from unconventional threats such as shoulder-fired missiles.

It also recognizes the need for the U.S. to increase its interaction with and understanding of the Muslim world. As the 9/11 Commission so eloquently put it: "We need to defend our ideals abroad vigorously. If the U.S. does not act aggressively to define itself in the Islamic world, the extremists will gladly do the job for us." By establishing new cultural exchange programs and enhancing diplomatic efforts, we can work cooperatively with Muslim nations to address mutual problems and demonstrate a free and democratic alternative to extremist ideology.

One noteworthy section of the conference report addresses the need for interoperable communications systems among first responders. As a member of the Select Committee on Homeland Security, I have worked closely with law enforcement officers in Rhode Island and throughout the nation, and they have all emphasized the importance of being able to communicate with each other in the event of an emergency. The measure also provides new authority for law enforcement agents to combat terrorism, while avoiding some of the controversial provisions included in earlier drafts, particularly with regard to immigration. We need to have a national discussion on immigration reform, and Congress should address such issues in that context instead of slipping divisive language into an unrelated measure.

Finally, as a member of the House Armed Services Committee, I am pleased that this bill strikes a careful balance between creating a strong national intelligence director and preserving the ability of our men and women in uniform to gain access to the intelligence needed to be successful on the battlefield.

I thank all my colleagues for working in a bipartisan fashion to craft a landmark measure that will make America safer, and urge support of this legislation.

Mr. SOUDER. Mr. Speaker, I rise today to express my support for S. 2845, the Intelligence Reform and Terrorism Prevention Act of 2004. Since the terrorist attacks of September 11, 2001, Congress and the Bush administration have taken strong, decisive action to respond to the attacks and to make our country safer from future attacks. This legislation is only the latest step taken by Congress and the Bush administration to improve our security. I applaud the efforts of my colleagues on the conference committee and in the House leadership to bring this compromise legislation to the floor.

As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, I would like to highlight two provisions of the bill that address the dangers drug trafficking poses to homeland security. The first strengthens and clarifies the role of the Counternarcotics Officer at the Department of Homeland Security; the second requires that drug enforcement activities be one of the benchmarks for relevant employee performance appraisals at DHS. I thank Speaker Dennis Hastert and Chairman Tom Davis of the Government Reform Committee for their help in securing this language in the bill, which will improve the Department's anti-drug efforts.

As President Bush noted in December 2001, just a few months after the 9/11 attacks, "[T]he traffic in drugs finances the work of terror, sustaining terrorists . . . terrorists use drug profits to fund their cells to commit acts of murder." The huge profits created by drug trafficking have financed and will continue to finance terrorism throughout the world. Recognizing the central importance of stopping terrorist financing, the 9/11 Commission reported, "Vigorous efforts to track terrorist financing must remain front and center in U.S. counterterrorism efforts. The government has recognized that information about terrorist money helps us to understand their networks, search them out, and disrupt their operations."—9/11 Commission Report, 382.

The connections between drugs and terrorism are well-documented. In testimony before the Subcommittee on February 26, 2004, the State Department provided declassified information showing that in Afghanistan, for example, two terrorist insurgent groups—the Taliban and the Hib-I Islami/Gulbuddin (HIG)—"almost definitely" are financed by drug money, and "most likely" are provided with logistical support by drug traffickers. Two other groups—Al-Qaeda and the Islamic Movement of Uzbekistan (IMU)—"probably" receive at least logistical support from drug traffickers, and some reports suggest that they receive funds from drug trafficking as well.

This narco-terrorist connection has existed for a long time in many other parts of the world, such as Colombia and Southeast Asia. In fact, 47 percent of the 36 Foreign Terrorist Organizations designated by the Department of State in October 2003 (including three terrorist groups that control almost all the international cocaine market) are on record with DEA as having ties to the drug trade.

Strong Department of Homeland Security action against drug trafficking is therefore vital to our overall efforts to stop the financing of terrorist activities. It was for this reason that Congress specifically provided in 2002 that the primary mission of the Department included the responsibility to "monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking"—6 U.S.C. III(b)(1)(G).

The provisions I proposed will promote two key objectives to deprive terrorists of their means of financing their operations: first, strengthening the effectiveness of the Department's narcotics interdiction efforts; and second, improving coordination and cooperation among the Department's subdivisions and between the Department and other agencies with counterterrorism missions. As the 9/11 Commission reported, "We recommend significant changes in the organization of the government. . . . Good people can overcome bad structures. They should not have to."—See 9/11 Commission Report, 399.

The first provision, Section 7407, replaces the current position of "Counternarcotics Officer" (contained in the original 2002 Act) with an Office of Counternarcotics Enforcement, headed by a Director. The first Counternarcotics Officer faced great difficulties in carrying out the mission Congress asked of him. Unfortunately, the current law gives him no authority to hire staff to assist him, and fails to clearly define how the Counternarcotics Officer is to carry out his responsibilities.

The bill before us would rectify this problem by:

Replacing the Counternarcotics Officer with a Director of Counternarcotics Enforcement, subject to Senate confirmation and reporting directly to the Secretary.

Assigning specific responsibilities to the new Director, including oversight of DHS counterdrug activities and the submission of reports to Congress; and

Authorizing permanent staff assigned to an Office of Counternarcotics Enforcement to assist the Director.

The second provision, Section 7408, ensures that DHS employees involved in counternarcotics activities will be evaluated in part on the basis of such activities. It is vital that the Department of Homeland Security continue to encourage its law enforcement personnel to maintain their efforts to stop illegal drug trafficking.

I do believe that progress is being made. Recently, the Coast Guard, the legacy Customs Service, and other Federal agencies, including the Department of Defense and DEA, joined together to make a record seizure of an estimated total of 27 tons of cocaine found on fishing vessels near the Galapagos Islands. These record breaking seizures are an excellent example of what can be accomplished if the Department of Homeland Security continues to improve intelligence sharing and inter-agency cooperation.

Mr. Speaker, we can win the war on terror. And we can take effective action against the narco-terrorists who plague our communities and destabilize democracies throughout the world by passing this bill.

Mr. ISSA. Mr. Speaker, I rise today to speak in opposition to the conference report for S. 2845, the "Intelligence Reform and Terrorism Prevention Act of 2004." The necessary immigration reform provisions in the House-passed intelligence reform bill, H.R. 10, are not included in this conference report, leaving critical recommendations of the 9/11 Commission undone.

H.R. 10 includes key provisions necessary to securing our Nation, and I voted in favor of the bill, along with 282 members of the House. Unfortunately, the conference report we will be considering today is different from the House passed bill and leaves a hole in the security which our citizens demand in a post-9/11 environment. The 9/11 Commission report exposed how the 19 terrorists who attacked America on that terrible day obtained over 60 driver's licenses between them to breach our homeland security. Improving document security is a key recommendation of the 9/11 Commission, but the conference report deletes a key provision that would ban illegal aliens from obtaining a driver's license.

Proponents of this conference report will try to argue that the immigration proposals are a peripheral issue that should not be addressed in S. 2845. To the contrary, the immigration proposals included in the House passed legislation are essential to securing our borders from terrorists. This conference report closes the front door to terrorists, but leaves a key under the back door mat. Once terrorists enter this country, they will continue to have opportunities to easily obtain false documentation and travel comfortably within our borders. These opportunities will be available because this Congress failed to address them when we had the chance.

If we do not include the necessary immigration provisions in this conference report, I can promise you they will not be addressed at all. The critics who oppose including immigration reform in this legislation have zero interest in advancing true immigration reform. How many times do we have to be attacked by terrorists with false documents before we enact the reforms necessary to stop them? The 9/11 attacks have taught us to be proactive, but Congress is regressing back into a reactive state of mind with the passage of this conference report—September 10 thinking in a post-9/11 world.

Border security is an essential component of Homeland Security. America won't be truly secure until Congress makes the tough policy decisions necessary to curb illegal immigration and restore the integrity of our borders.

I want to thank my colleagues who have joined me in opposition to this legislation, including House Judiciary Chairman JAMES SENSENBRENNER, whose leadership has brought this critical issue to the attention of the American people and raised the level of debate. I urge my colleagues to vote against this well intended, but incomplete, conference report.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of S. 2845, the 9/11 Implementation Act. In the days immediately following the 9/11 attacks, Congress put partisan politics aside and came together to find answers and implement change in our way of life to protect our homeland from further terrorist attacks. The House and Senate convened in New York's Federal Hall for a Special Session of Congress one year after the terrorist attacks, sending a strong message of gratitude to the world that Americans stand together as one Nation unified with their allies in our fight against global terrorism. The same bipartisan spirit carried on through the extraordinary two years of work by the bipartisan 9/11 Commission. On July 22 the Commission submitted to the President, Congress and the American people a comprehensive assessment of what went wrong leading up to September 11, and what needs to be done to prevent future terrorist attacks on our homeland. Following the release of the Commission's report I noted, "Now that the members of the 9/11 Commission have done their work, we in Congress must do ours." Since that day I have fully supported reforms the Commission recommended, from budget authority for the National Intelligence Director to an overhaul of the Congressional oversight structure.

The U.S. Senate came together in a truly bipartisan fashion, in a 96–2 vote, to pass legislation which implements all 41 of the recommendations laid out in the 9/11 Commission Report. I cosponsored the companion legislation in the House, but was disappointed when no hearings were held on the bill. Instead, this chamber adopted legislation that implements only 11 of the Commission's recommendations and goes further to impose restrictions on civil liberties not even mentioned in the Commission's report.

I am heartened that a majority of my colleagues in both chambers have now come together in a bipartisan spirit to embrace the recommendations of the 9/11 Commission and adopted a provision creating the Independent Privacy and Civil Liberties Board to protect our privacy and prevent government abuse. The Commission Report provides a roadmap for implementing progressive changes that will keep Americans safer. In the words of President Kennedy, "There are risks and costs to a program of action. But they are far less than the long range risks and costs of inaction."

Mr. GREEN of Wisconsin. Mr. Speaker, I am pleased with many provisions contained in Senate bill 2845. I certainly support the intelligence reorganization provisions, as modified by the additions made by Chairman DUNCAN HUNTER. They will strengthen the work of our intelligence community, help ensure that actionable intelligence gets to the right people, and help make Americans more secure.

I am also glad to see the "material support for terrorism" prohibition enhancement provisions included in this bill. Some previous versions of these provisions were challenged as being too vague, and this legislation cures that problem. This legislation clearly provides that "training," "personnel" and "expert advice" are defined broadly without abridging the exercise of rights guaranteed under the first amendment.

Every terrorist act is really the result of a terrorist chain made of many links—from those evil figures who pull the trigger or drive the rigged truck to those who provide "material support" to terrorists. This support includes expert advice and other logistical assistance. If we are going to be successful in the long run in our fight against terrorism, we must attack every link in that chain. As the author of this session's primary bill strengthening material support laws, I'm proud of the work I've done on this front, and glad to see much of it in this bill.

Unfortunately, despite a lot of hard work by some good people, the final version of this bill also falls short in a few key areas. For example, the conference report drops the serious penalties we in the Hose proposed for some newly created terrorist crimes—even for crimes that result in death. The House included a provision that would permit the death penalty to be applied for any terrorist crime that causes death. This provision was adopted by a vote of 344–72, but the Senate conferees refused to include it in the final bill. As a result, we would treat these crimes less harshly than we do many other crimes outside the terrorist arena . . . a dangerous signal to send to the world.

The conference report also removes other key provisions from the House bill such as those:

Making it more difficult for terrorists and foreign criminals to win delays of their removal from the United States;

Allowing for the deportation of all aliens who have engaged in or been affiliated with terrorists activities;

Making it illegal to traffic in actual authentication features for identity documents; and

Providing for the electronic confirmation by state motor vehicle departments of the validity of other states' driver's licenses and information.

It also adds provisions not in the House bill, some of which are actually counterproductive to our antiterrorism efforts. One of the most egregious examples is a provision that will allow a state to waive some of the potential Federal standards for driver's licenses. The 9/11 report states that we need uniform standards for driver's licenses if they are going to serve as secure forms of identification. This provision goes entirely in the wrong direction. Allowing a state to "opt-out" of such protections creates an obvious loophole for terrorists to obtain the very kind of identification documents that the 9/11 terrorists exploited on that terrible day.

There are many good provisions in this bill—some of which I helped produce. But because this bill falls short in some very important and troubling ways, and leaves some vitally important issues unaddressed, I must vote no. I hope that by doing so, we will keep the political pressure building to tackle some of the crucial work that has been left undone.

Mr. MARKEY. Mr. Speaker, I am pleased to rise in support of this bill to implement some of the recommendations of the 9/11 Commission.

After 9/11, those who lost family members and friends wanted to know "why." But the Bush administration was scared that an honest answer to that question might highlight flaws in its own policies and decisions, so it opposed the creation of an independent 9/11 Commission.

The families won that hard-fought fight, and the Commission made numerous recommendations to reorganize the intelligence community and strengthen both the implementation and congressional oversight of homeland security.

Although the Senate put together a bipartisan bill that was true to the spirit of the 9/11 Commission recommendations, the House version catered to anti-immigration groups' agendas and to Donald Rumsfeld's struggle to keep all of his Department's intelligence turf intact.

I am extremely pleased that the unwavering determination of the 9/11 family members finally convinced the President and the Speaker to stop allowing the voices of the few dissenters to stymie the will of the majority of Members and Senators who've wanted to see this legislation enacted into law. In particular, I recognize and honor the extraordinary efforts to enact this bill by Ms. Carie Lemack, whose mother, Framingham MA resident Judy Larocque, was killed aboard American Airlines Flight 11. Ms. Lemack is a member of the 9/11 family Steering Committee, and she and others on the Steering Committee have worked tirelessly to ensure both the creation of the 9/11 Commission and the enactment of this bill.

The legislation before us today takes some important steps to implement the recommendations of the 9/11 Commission:

It establishes a Director of National Intelligence with appropriate budgetary and personnel authority;

It establishes a National Counterterrorism Center to ensure that all elements of counterintelligence operations planning are coordinated;

It establishes an independent privacy and civil liberties board to ensure that concerns are addressed; and

It takes specific steps to increase border security.

However, some of the other measures contained in the bill, while useful, in my opinion do not go far enough:

While the Hostettler amendment to facilitate the rendition of certain foreign persons to countries that practice torture was stripped from the bill in conference, along with other anti-immigrant provisions, there is no restriction in the bill that prohibits the secret transfer of detainees to other countries where they will likely be tortured in the name of the U.S. This practice is in direct violation of the Convention Against Torture, a treaty the U.S. has signed, and the 9/11 Commission specifically called for reforms in this area to ensure the humane treatment of captives in the war against terror. I will continue to work until my bill to outlaw outsourcing torture, H.R. 4674, is passed and I will continue to oppose efforts to move legislation that would in any way legitimize the practice of rendition to countries that practice torture.

While the Secretary of Homeland Security is directed in this bill to develop a national strategy for transportation security, it should be abundantly clear that numerous loopholes in this area should be closed immediately: Since almost no cargo placed on passenger airlines is subject to screening for explosives, screening passenger baggage and patting down travelers provides a false sense of security to those flying; The Department has failed to install radiation detectors at all ports of entry to ensure that nuclear weapons cannot be smuggled into the country; And finally, the Department has continued to allow shipments of extremely hazardous materials that could kill thousands of people to travel through densely populated areas even when safe alternate routes are available. I will continue to work to close all of these transportation security loopholes.

Finally, I am also troubled that we have only had several hours to review this legislation. As we learned in recent weeks when a Republican staffer inserted an intrusive tax return snooping provision into the omnibus appropriations bill that no one knew existed and which later had to be removed, waiving the normal 72 hour layover rule for conference reports increases the likelihood that provisions that have not been thoroughly reviewed and do not reflect the will of the House can make their way into final legislation. While we all recognize the importance of the 9/11 legislation, it is my hope that in our efforts to enact it before we adjourn for the year, that language has not been included that will later prove to be ill-advised or carry with it unintended consequences.

I commend the 9/11 families for their heroic efforts to make this country more secure. Without them, we would not be standing here voting on this landmark legislation today. Today's vote is enormously important, but our efforts must not end today. I stand ready to continue the fight to ensure that the terrorist attacks of September 11, 2001 cannot and will not be repeated.

Mr. CASTLE. Mr. Speaker, I rise in support of S. 2845, the House-Senate agreement on the "National Intelligence Reform Act." As a former Member of the House Select Committee on Intelligence, I have long believed that making basic changes to the leadership and communications ability of our intelligence community could reap huge benefits. This bill represents our first real attempt to eliminate some of the weaknesses that exist within the intelligence community.

As we celebrate the passage of this landmark reform, many deserve our enormous appreciation. Only by the determination of the 9/11 Commission Members, House and Senate Conferees, and the Family Steering Committee do we have a bill before us today. Many Members, including myself, believed fully in what they were trying to do. Their resolve, combined with the President's willingness to find common ground, are the reasons we are able to take these steps to make America, and Americans, safer.

I strongly supported the document on which most of the reform is based, the 41 recommendations of the independent and bipartisan 9/11 Commission. In its final report, the Commission cited the absence of strong, centralized leadership for the intelligence community as one of the major factors contributing to the structural barriers that undermined the functioning of our joint intelligence. In response, this bill will link intelligence and operational planning in a new National Counter-terrorism Center, unite the intelligence community under a Director of National Intelligence with significant budget authority, and allow increased information sharing among decentralized government networks.

Although these reforms are long overdue, I know the conferees were determined to close every loophole and address any and all "what-ifs." We all share the priority of ensuring that these reforms will not jeopardize our brave men and women serving in the armed forces. Now, the Director will have the authority to improve the structure and methods of our intelligence system, while protecting the vital chain-of-command between troops in the field and the Department of Defense.

However, while questions surrounding military intelligence have been resolved, significant concerns regarding immigration reform and border security remain. Although this bill adds border security agents, increases funding for illegal immigration detention facilities, and improves visa requirements and aviation security, we must not become complacent in our efforts to protect our homeland from terrorist infiltrators. For this reason, we must implement an entry and exit system that uses biometric identifiers, improve cooperation with foreign governments, and monitor foreign visitors by enhancing passport and visa requirements. It is also important that we continue to strengthen federal standards for driver's licenses, identification cards, and birth certificates to prevent terrorists from deceiving security with false information. With three million illegal aliens slipping across our borders every year, and no reliable system of prevention or tracking in place, I firmly believe reforming our nation's immigration policies is a key priority for the 109th Congress.

The threats our country faces will surely continue to evolve. For this reason, I hope the intelligence structure, purpose, and strength will be subject to continuous scrutiny. We start that process today with the reforms contained in the "National Intelligence Reform Act." Since Congress first passed the "National Security Act of 1947," at least 19 commissions, committees, and panels, created by either the executive or legislative branches, have tried and failed to create an effective leader with the clout to set common goals for our intelligence system. Today, the status quo was exchanged for meaningful and effective reform.

We must now stay true to this course and honor those who were lost on September 11, 2001, by continuing to pass legislation that increases our security and protects our citizens from those who seek to harm our way of life. Although we have made progress today, we must not waiver in our commitment to make our nation safe for future generations of Americans.

Mr. WELDON of Florida. Mr. Speaker, I rise today to express my frustration at the increasing disconnect between what the American people believe is critical for improving our national security and what those inside the Washington Beltway believe, particularly with regard to illegal immigration.

On the floor for our consideration is legislation to enact portions of recommendations from the 9–11 Commission. Unfortunately, the bill omits significant 9–11 Commission recommendations regarding stricter enforcement of immigration laws and securing our borders.

The 9–11 terrorists exploited our immigration system in order to carry out the murder of over three thousand Americans. Yet, today, due to opposition of these critical provisions by certain members of the U.S. Senate, the legislation before us today is silent on closing these immigration loopholes. The 9–11 Commissioners all have publicly called for Congress to enact serious immigration reform. The fact that illegal immigrants can enter our country and obtain driver licenses and "game the system" to remain concealed from law enforcement is an affront to all Americans and endangers our security.

Does anyone think that our enemies will cease to look for and exploit weaknesses in our defenses? Does anyone think they will not look to continue exploiting the loopholes in our immigration laws? Does anyone think it makes us safer to keep the status quo?

Today, is the day we should be passing these reforms, not next year, and not after the next terror attack.

This bill will pass today, but it will do so with significant security gaps. I believe it is critical that we address the omissions from this bill as soon as possible. We cannot afford to put off these critical national security needs.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of S. 2845, that would implement the recommendations of the 9/11 Commission. At long last bipartisanship and the will of the American people are at the brink of success here in the House of Representatives. This reform is now long overdue and this issue is too important to suffer the petty partisan games the House leadership have played with this bill. I only hope that our delay does not come at a higher cost than the few bruised egos of those unwilling and unable to work in a bipartisan manner the way our country's Framers always intended when the national security of this great Nation was threatened.

It should also not be lost on any Member of this Chamber that we are here debating this legislation today, December 7, on the anniversary of another day of infamy, which like 9/11 forever changed the future course of this country and generations of Americans. As we honor and discuss those who were lost on 9/11 today, I would like to take a moment to also remember those lost today at Pearl Harbor in 1941 and the sacrifices made by so many families and Americans since then to defend this Nation.

The recommendations the bipartisan Commission released in July 2004 will help prevent future terrorist attacks by offering a global strategy to dismantle terrorists and their organizations, prevent the continued growth of terrorism, and prepare for future terrorist attacks. In October, the other body overwhelmingly passed the National Intelligence Reform Act, S. 2845, by a vote of 96 to 2. The Bush administration, the 9/11 Commission chairmen, and families of many September 11 victims fully endorsed the Senate's intelligence reorganization bill.

Unfortunately, there in the House, the People's Chamber, the Republican leadership chose a different path, a path that strayed far from the 9/11 Commission's recommendations. In yet another example of party politics over public interest, the Republican majority drafted a 609-page intelligence bill, H.R. 10, without any input or support from the Democratic leadership, including in it controversial provisions not recommended by the Commission on immigration and surveillance, and even went as far as to exempt the United States from certain applications of the 1984 United Nations Convention Against Torture. When Democrats put forward the bipartisan Senate bill as an amendment during the debate, it was defeated along party lines 203–213. Only 8 Republican Members of this House voted for the bipartisan bill.

For over a month, no interest was shown by House leaders in negotiating with the bipartisan supporters backed by President Bush and the 9/11 families, and the bill languished in the conference committee. Finally in November, blowing to public pressure, House Republican leaders worked out a compromise with the President and the bipartisan supporters of the Senate bill, and many of us thought that finally we would see action on this needed reform. However, several Members of the Republican House majority refused to accept the compromise and despite overwhelming support in the House and no question that the bill would pass if brought to the floor, the Speaker refused to allow a vote on the bill rather than have it pass with more Democratic support than Republican

Instead, we waited nearly another entire month, while public pressure forced the President to finally personally work to try and convince enough Republican holdouts to support the bill, no not that it will pass, because there have always been enough votes to pass the bill, but to ensure that at the end of the vote there would be more Republican yes votes, who hold the majority anyway, than Democratic yes votes

While we waited for Republicans to be able to say they passed the intelligence reform bill themselves without needing any Democratic support, another U.S. Consulate office, this time in Jiddah, Saudi Arabia was attacked by terrorists, killing five people and wounding thirteen others. I fear how many more such attacks our enemies have been able to organize while we have delayed enacting intelligence reform needed to combat their activities.

This effort should mark a beginning, not the end, of our efforts to protect the American people by strengthening the systems by which we collect, process, and disseminate intelligence. However, the price of liberty is eternal vigilance, and as this Congress works to balance the need for greater security while protecting liberty, I would remind my colleagues of the words of one of our nation's greatest founders, Benjamin Franklin, who said, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

I hope that the Republican leadership will not tarnish this achievement today by agreeing to vote in the next Congress on efforts that will weaken and undermine Americans' liberties.

Mr. GREEN of Texas. Mr. Speaker, I do not support Martial Law rules in the House of Representatives under any but the most extreme circumstances.

Some may have thought the House leadership would learn a lesson from the Omnibus Appropriations scandal, where a few Members and staff nearly got the power to read any American's tax returns because we did not have sufficient time to read the bill. Apparently they did not.

We could have passed this legislation under regular order before the election. We could have approved this legislation under regular order before Thanksgiving. But the House leadership has brought us to the point where we do not all have the opportunity to read this bill to determine what effects it will have on our constituents.

The rules of the House provide for 72 hours to review legislation before it reaches the floor. Like too many other rules to ensure good government, this rule has been violated repeatedly by the House leadership. They often resort to changing the rules when it pleases them. This is a dangerous practice, especially for a bill so important.

From most accounts, some of which are conflicting, the National Intelligence Reform Act of 2004 is a beneficial and important piece of legislation. I congratulate all those who contributed so much hard work.

As a veteran of the legislative process, I do not expect perfect bills. However, it is not too much to ask for all Members of the House of Representatives to have the opportunity to know exactly what they are voting on.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise in support of this legislation.

Earlier this year, in October, I voted to pass H.R. 10, despite realizing how that bill violated the bipartisan and unanimous spirit of the 9/11 Commission.

It was a bill crafted solely by the House Republican leadership. H.R. 10 failed to give sufficient budgetary authority to the National Director of Intelligence, and perpetuated fragmented management of our national intelligence structure. Barriers to crucial joint intelligence were left unaddressed, while controversial extraneous "poison-pill" provisions were included.

I supported that flawed legislation then because it was absolutely imperative that the process continue to move forward. I was hopeful that this bill would be improved in conference and the controversial provisions removed, because I was hopeful that the will of the American people would be able to make its influence felt even behind the closed doors of a conference negotiation.

The American people have won today, and that victory was spearheaded by a group of average, every-day American citizens who tragically know all too well the threats to our national security.

The conference report we have before us today was made possible through the steadfast determination of the families of the 9/11 victims. They stood in candlelight vigil outside the White House, evoking the memory of their lost loved ones, demanding action and intervention by the President. The President heard them, and the country thanks them.

We all cried and grieved with those families that tragic day 3 years ago, and today we will take action in honor of them.

I applaud the efforts of the conference negotiators who fought for the safety and security of all Americans against the forces who wanted to protect the status quo. They were willing to compromise where they could, but held their ground where they had to.

We finally have a National Director of Intelligence with sufficient budgetary and personnel authority to coordinate our intelligence efforts, and a National Counter-Terrorism Center able to unify all elements of counter-terrorism intelligence operations planning. To protect civil liberties and address privacy concerns, we have an independent Privacy and Civil Liberties Board empowered to have access to information from departments and agencies. Transportation and border security are addressed, and the sharing of terrorism threat information among Federal, State, local, and tribal entities is improved.

We have much to praise about what is included in this conference report, but also extremely significant is what was kept out.

Before, the House-passed H.R. 10 sadly included provisions that eased restrictions against deportation to countries that practice torture; a violation of the Convention Against Torture, an international treaty to which this country is a party. I opposed that provision before and I applaud the successful efforts of conference negotiators in removing these egregious provisions.

Before, there were sections of legislation that undermined the fundamental due process rights of immigrants in the courts. These sections would make it harder for refugees fleeing religious and political persecution and for victims of sex trafficking to seek asylum in the United States. These sections did nothing to make America safer and were in direct contravention of the 9/11 Commissions recommendations that urge our nations immigration system should send a message of welcome, tolerance, and justice. Those provisions are now removed.

Certainly, there are remaining immigration issues that deserve continued debate and discussion, but they should not be used to delay or derail such crucial legislation.

In waging the war against radical Islamic totalitarianism, we have taken an important step towards making victory ours. But the work before us must continue.

The battle against terror rightly must involve the improved coordination of intelligence. Also, efforts to secure our ports, railways, chemical plants, and airliners to keep us safe at home.

Homeland security rightfully begins at home, but cannot end at our shores. Our soldiers, Marines, airmen, sailors, intelligence analysts and operatives, F.B.I. agents, and law enforcement agents can only do such much. Fundamentally, what we must win is the battle of ideas.

In winning the struggle against radical Islamic totalitarianism, the 9/11 Commission and many others urge our nation to offer an example of moral leadership in the world, to treat people humanely, to abide by the rule of law.

The people of the Muslim world must never be misled about what this country believes in, what it fights for, and what it defends. Public diplomacy that repair our relations and image, funding international education to counter the rise of hateful madrassas, and protecting the rights of women must be part of our efforts.

Committing the necessary resources to help the economic development and political democratization of the Middle East must be part of the equation. To combat the rise of radical Islamic totalitarianism, foreign aid and nation-building can no longer be avoided.

Today, as we commit ourselves to strengthening our intelligence agencies and protecting our homeland, let us be ready tomorrow and the days ahead to continue the remaining work before us.

Mr. CUNNINGHAM. Mr. Speaker, today I rise in support of the conference report on S. 2845, the National Intelligence Reform Act. Included in this legislation are important reforms that will ensure better coordination among national intelligence agencies, and protect our Nation against future threats while preserving the military's access to critical intelligence in the field. While I believe it is essential that we adopt this measure and reduce the risk to our Nation, I do so reluctantly because we could have done much more in that regard. Unfortunately, conferees in the other body insisted on stripping many critical provisions that would crack down on terrorists who enter and remain in this country illegally.

I was pleased to join 282 of my colleagues and vote in support of the House version of 9-11 reforms, H.R. 10, in early October. That bill included many critical reforms aimed at addressing intelligence coordination and oversight, and it also included critical tools to close the immigration loopholes that terrorists can use to attack us at home. The 9–11 commissioners specifically cited these loopholes and recommend we close them. These immigration recommendations are also important reforms we should have addressed in the conference report. The House bill included provisions for expedited removal of potential terrorists, asylum restrictions, national drivers licenses standards and improved traveler screening at ports and borders.

Despite the absence of these critical provisions, I believe we must move this bill forward because it does take a critical first step toward making America safer. Through the creation of a National Intelligence Director and the National Counter Terrorism Center, this measure will ensure better coordination of intelligence across the government, while protecting the timely flow of intelligence to our troops.

Likewise, I am pleased we were able to include measures to strengthen our ongoing efforts to eliminate illegal border crossings. This legislation adds 10,000 new border patrol agents to intercept illegal immigrants and potential terrorists as well as 4,000 new immigration enforcement investigators to track illegal immigrants down within our borders. These agents are badly needed and will immediately improve illegal immigrant interdiction and interception operations. Additionally, this measure authorizes 40,000 more detention beds for suspected terrorists and illegal immigrants. Much better that we enact these improvements now than wait.

Despite the positive steps we are taking here today, our job is not done until we address comprehensive immigration reforms. I intend on making immigration reform a priority next Congress. President Bush pledged yesterday to bring up immigration reform early next year; leadership has given me their word that they are committed to doing the same. I remain committed to fighting for passage of these sorely needed immigration reforms with my colleagues early in the next Congress, and I will not rest until we have completed that job.

Ms. LEE. Mr. Speaker, the bill to implement the 9/11 Commission's unanimous recommendations, while flawed, is an important first step towards comprehensive intelligence reform.

Passing this bill, however, does not let Congress off the hook. We must be vigilant of how this legislation is implemented by an administration that has a tendency to disregard civil liberties all too quickly.

Specifically, I'm disturbed by provisions relating to pretrial detention of terrorist suspects. While everything must be done to minimize the flight risk of terror suspects, under this legislation, the government will not need to prove that the suspect is a flight risk before detainment.

The 9/11 Commission concluded that intelligence opportunities were missed before the terrible tragedies of September 11, 2001, not because law enforcement did not have adequate surveillance powers, but because of a misreading of existing surveillance laws. This bill still includes provisions that allow non-citizens to come under federal wiretaps even if they are not connected to a foreign government.

I'm concerned that we not forget the balance between information sharing within the intelligence community and privacy safeguards for sensitive data.

We must return in the 109th Congress and be prepared, when necessary, to intervene to ensure that law enforcement has the tools to secure our homeland but at the same time holds American civil liberties sacred.

Mr. OXLEY. Mr. Speaker, I rise in support of this historic bipartisan legislation and of all the work this House has done to bring it to the floor today. This was by no means an easy task we set out to achieve when we received the 9/11 Commission report this past summer and set to work holding hearings during the August recess.

The Financial Services Committee's contributions to S. 2845 continues some of the most important work it, and the Congress, has ever done. Work that began in the tense hours and days after the tragic attacks on September 11, 2001, and continues today in the efforts on this House to synthesize the 9/11 Commission report into momentous legislation.

It is a testament to the work of the Financial Services Committee that the 9/11 Commission report cited with approval Title III of the USA PATRIOT Act, and said that on anti-terror financing and anti-money laundering the various elements of the government are doing a good job.

The Commission also urged Congress, law enforcement, and the intelligence community not to become complacent and to engage in ongoing and rigorous examinations of the financial system. I believe this legislation rises to meet that challenge.

The Financial Services Committee has once again come together to create bipartisan legislation aimed at disrupting the financing of terrorism and strengthening the country's anti-money laundering laws.

The package that the Committee assembled centers on four broad themes: (1) additional finding for the fight against terrorist financing; (2) new tools for the government to combat terrorist financing schemes; (3) improved international cooperation and coordination on anti-money laundering and counterterrorist financing initiatives; and (4) enhanced preparedness of the financial services sector in case of another large-scale terrorist attack.

Among the key provisions in S. 2845 that reflect the contributions by the Financial Services Committee are the following:

Technical amendments to the anti-terror finance title of the USA PATRIOT Act, which was largely drafted in the Financial Services Committee;

An authorization for additional funding for Treasury's Financial Crimes Enforcement Network, which serves as the Federal government's financial intelligence unit and plays a critical role in the collection and analysis of data on suspicious financial activity;

A reauthorization of the national anti-money laundering strategy, along with grants to State and local law-enforcement agencies to investigate the financing of terror and other financial crimes;

A provision that allows the SEC to take action in an "emergency" to maintain or restore fair and orderly securities markets, ensure "prompt, accurate and safe" transaction settlement, and prevent disruptions of markets or market activities. The Secretary of the Treasury is given comparable authority over markets for government securities;

An authorization for the Secretary of the Treasury to produce currency and other security documents at the request of foreign governments;

A directive to the Secretary of Treasury to prescribe regulations requiring the reporting to FINCEN of certain cross border transmittals of funds relevant to the Department of Treasury's anti money laundering and anti terrorist financing efforts;

A restriction on federal examiners of financial institutions, for one year upon leaving the federal government, from accepting compensation for employment from a financial institution which the examiner had responsibility for examining;

A requirement for better coordination and building of international coalitions;

A Sense of Congress that the Secretary of the Treasury should continue to promote the dissemination of international anti-money laundering and counter-terrorist financing;

A requirement that the Secretary of Treasury convene an inter-agency council to develop policies to be pursued by the United States regarding the development of common international anti-money laundering and counter-terrorist financing standards;

A provision that enhances the delegation authority for the Secretary of the Treasury to appoint a Fiscal Assistant Secretary in the absence or inability to serve of the current Fiscal Assistant Secretary;

A Sense of Congress that insurance and credit rating firms should consider a firm's "compliance with standards for private sector disaster and emergency preparedness" when assessing the firm's insurability and credit-worthiness. This is consistent with the 9/11 Commission Report, which made the identical recommendation.

I want to especially thank the Members of the Financial Services Committee that were instrumental in bringing the success of this legislation. I would especially like to recognize Financial Institutions and Consumer Credit Subcommittee Chairman SPENCER BACHUS (AL), Oversight and Investigations Subcommittee Chairwoman SUE KELLY (NY), Domestic and International Monetary Policy, Trade, and Technology Vice Chair JUDY BIGGERT (IL), Ranking Member BARNEY FRANK (MA), and Committee Member LUIS GUTIERREZ. I also want to thank our counterparts in the other body for there help in resolving our issues quickly.

In sum, Mr. Speaker the Financial Services Committee's contribution to S. 2845 makes needed changes that respond directly to the 9/11 Commission's call for a continuous examination of the U.S. financial system to identify loopholes capable of being exploited by al Qaeda and other terrorist organizations, and to close down those gaps.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of the Conference Report on the 9/11 Commission recommendations.

The conference report, which implements the core recommendations of the 9/11 Commission, is essential to bolster our nation's security in the wake of the terrorist attacks on September 11, 2001. The report:

Establishes a Director of National Intelligence to coordinate all national intelligence efforts;

Establishes a National Counterterrorism Center to unify all elements of counterterrorism intelligence operations planning;

Establishes an independent Privacy and Civil Liberties Board within the Executive Office of the President that would ensure that privacy and civil liberties concerns are properly considered;

Establishes an Information Sharing Environment to facilitate the sharing of terrorism information among all appropriate Federal, State, local, tribal, and private sector entities, through the use of policy guidelines and technologies;

Requires the Secretary of Homeland Security to develop and implement a national strategy for transportation security—including aviation, air cargo and maritime security measures;

Requires the Secretary of Homeland Security to develop a plan to improve border security—including the use of advanced technologies to secure the northern border, and remotely piloted aircraft to secure the Southwest border;

Requires federal agencies to establish minimum standards for driver's licenses and ID necessary to board domestic commercial aircraft and gain access to federal facilities.

This is a strong bill that will make Cleveland, OH, and our country safer and more secure. I strongly support the bill today, and I supported it on November 20, 2004, when the House and Senate conferees reached an agreement on this landmark legislation. This bill should have been ready for the President's signature then, but unfortunately the Republican leadership played politics and delayed passage until a majority of Republicans supported the bill—even though the conference report had strong Democratic support and would have passed on November 20.

But, today, this important legislation will pass. We, Democrats, fought for this conference report to reach the floor for a vote before this 108th Congress came to a close, and we succeeded. It is time to make our country safer. It is time to overhaul our intelligence agencies in order to prevent another 9/11 attack. It is time to pass this bill in honor of the 9/11 victims and their families. Vote "yes" on this vital legislation.

Mr. HOLT. Mr. Speaker, I rise today in support of the conference report on the National Security Intelligence Reform Act of 2004. I must admit that when I arrived this morning, I was dubious that this measure would actually make it to the floor. That it did is due to the incredibly hard work of the conferees and the staff from both the House and the Senate, as well as the tireless advocacy efforts of the families of 9/11, and I thank each one of them for their service to America.

There are many laudable provisions in this bill, Mr. Speaker, including most of the principal recommendations of the 9/11 Commission. I'm very pleased that the conferees were apparently able to agree that the proposed Director of National Intelligence will have meaningful budget and personnel authorities to help reshape our intelligence community to meet existing and emerging threats. I'm also pleased that another key 9/11 Commission recommendation, the creation of a National Counter Terrorism Center, will also come pass.

Also of note in this bill is its requirement that our intelligence, law enforcement, and homeland security agencies achieve a greater level of information sharing, and that this process will include Federal, State, local and tribal entities, as well as the private sector. If there is one lesson that both the attack on Pearl Harbor and the attacks on America on 9/11 should have driven home is that information sharing among the elements of our government is paramount if we are to prevent surprise attacks. I hope these new provisions will be effective in breaking down the barriers to information sharing that figured so prominently in both of these national tragedies.

I'm also gratified that this bill includes a Privacy and Civil Liberties Board to help safeguard the freedoms that make our nation the greatest on earth. This Board will conduct oversight of executive branch policies to ensure that the privacy and civil liberties of our citizens are protected, and I hope that it will serve as an effective watchdog in that role.

Make no mistake about it: The next Mohammad Atta will not present himself for biometric or other screening at an existing border crossing point. Future al Qaeda operatives will almost certainly attempt to slip across the border at a weak or undefended point, carrying with them the false identity documents necessary to blend in and execute another attack against our citizens. We must do whatever is necessary to guard our borders, and I want to thank my colleague, the ranking member of the Homeland Security Committee, the gentleman from Texas, Mr. TURNER, for all of his hard work in this area, and to wish him well in his future endeavors.

There are some things in this bill that trouble me, Mr. Speaker. I'm concerned about the sweeping FISA authorities that are added in this bill, particularly those aimed at alleged "lone wolf" terrorists and the apparently sweeping definition of what "providing material support" to terrorists that is permitted in this bill. I realize that each of these clauses has sunset provisions, but as we've seen with the Patriot Act, such sweeping authorities can be used against innocent citizens. I will monitor the implementation of these provisions very closely, as I hope all of my colleagues will, and if evidence of abuse surfaces, I hope they will join me in modifying these provisions as necessary.

Mr. Speaker, one key 9/11 Commission recommendation that did not make its way into this bill is the need to reform congressional oversight of the intelligence community. The bill before us also includes new provisions for expanded "red teaming" within the intelligence community, and I hope that this provision will sharpen analytical products coming out of the intelligence community. But we need to face facts, Mr. Speaker: Our own house is not in order when it comes to conducting effective oversight of the intelligence community. I intend to revisit this issue in the coming Congress, and I hope my colleagues will join me in that effort.

Despite the concerns I've raised above, Mr. Speaker, this is a good compromise that will help to protect our country in the years ahead. I'm also confident that this compromise addresses the concerns that some in this body and elsewhere have raised that this reorganization of the intelligence community would somehow endanger our troops in Iraq and Afghanistan by constraining their access to real-time intelligence. This bill was held up for weeks by Members who claimed it would deny good intelligence to our soldiers in the field. Clearly, this compromise bill does not do that, and if anything, the provisions contained in this bill will only strengthen and rationalize the collection and dissemination of intelligence to both policymakers and warfighters. A bureaucratic turf fight is a better description of the disagreement, and that is no reason to hold up this bill.

Again, I thank the conferees and the staff for their Herculean effort to bring us a bill we can collectively support, but above all I thank the families of 9/11. Simply put, this would not have happened without their relentless effort, and they are patriots in the truest sense of the word. I intend to vote for this measure, I urge my colleagues to do the same.

Mr. UDALL of Colorado. Mr. Speaker, nearly two months ago this House passed a bill that failed to address many of the 9/11 Commission's recommendations, while including objectional provisions regarding immigration, civil liberties, and other issues. While the Senate was able to reach agreement on a bill that reflected the views of both parties, the Commission, and the 9/11 families, House leaders did not work in a similarly bipartisan way to reach agreement on the best way to implement the recommendations.

I voted for the House bill because I believe we need intelligence reform. I hoped that with the President supporting the Senate bill and every Republican in the Senate voting for it, the House Republicans' misguided criticisms of the bill wouldn't carry much weight in conference.

So I am very pleased that the conference report we are voting on today more closely reflects the Senate bill. And I am encouraged that during this last week of the 108th Congress, we have come together to put country before politics—and to send legislation to the President that will make America safer.

Mr. KIND. Mr. Speaker, I rise today in support of the conference report for H.R. 10, legislation to reform our country's intelligence agencies. I support this report so, as a country, we can move forward quickly to give the President a completed bill to sign. The security of the people of western Wisconsin is of an utmost priority, and I am supporting this measure to make changes necessary to protect our homeland.

On September 11, 2001, our Nation was brutally attacked, and several thousand of our citizens were killed. Our country was shocked and dismayed, but we were far from defeated. The resolve of our Nation is strong, and we stood up to the challenge and struck back.

After the attacks on that fateful day in September, many questions about our homeland security were raised. I supported and worked for a comprehensive Homeland Security bill that created the Homeland Security Department and cabinet level secretary. The creation of the Homeland Security Department was an important first step for our country to ensure the security of its citizens. But there remained many unanswered questions about our Nation's intelligence failures before September 11, which is why I supported the creation of the independent bipartisan 9/11 Commission.

On July 22, 2004, the 9/11 Commission provided a full and complete report to Congress and the American public. I praise the Commission for its excellent work, leadership, patriotism, and service to our country. We owe it to the families of the victims of 9/11 and to the citizens of our country to use this report to make certain this type of attack never happens again; I fully support the unanimous and bipartisan recommendations of the 9/11 Commission.

While I had several concerns with many of the provisions included H.R. 10, I decided to support passage of this legislation back in October. I supported H.R. 10 because when the safety of our country is at hand we need to be able to cross the aisle and work with our colleagues to protect our country. After passage, however, I was glad to see the conference committee move to more closely align the conference report with the 9/11 Commission's 41 recommendations and the Senate passed bill. Over the past several weeks, we have had several opportunities to pass this very important legislation, but the House leadership has been working towards passing the bill with the support of the majority.

I support this conference report for several reasons. First and foremost, the families of the 9/11 victims and the 9/11 Commission supports this conference report and have worked hard to ensure the legislation improves the safety for our country. In addition, the conference report contains not only major reforms of the intelligence community, but significant measures to improve aviation and border security and emergency preparedness and response. This bill implements a substantial portion of the 9/11 Commission's recommendations; I am happy that the conference report includes a strong National Intelligence Director as well as the essential authorities necessary for the National Intelligence Director's success. It also creates a strong National Counterterrorism Center and an independent Privacy and Civil Liberties Board.

The 9/11 report also addresses foreign policy and public diplomacy, something we cannot deal with in this legislation before us today. One of the most important chapters in the 9/11 Report was chapter 12, which offered a global strategy to work with the Arab and Muslim worlds. If we follow the recommendations in this chapter, and focus our energies on improving our economic and political ties to this part of the world, it will not only improve the image of the United States of America, but it will help reduce future terrorist attacks on our country.

Once again, I would like to thank the members of 9/11 Commission for their patriotism and hard work to help safeguard our country. I would also like to recognize the tireless work that the families of the victims of 9/11 have put into creating the Commission on the attacks, and, secondly, that legislation was brought to the floor for deliberation. Finally, I would like to thank the conferees for all their hard work on this essential legislation. I encourage my colleagues join me in supporting this long-overdue, critical legislation. This legislation is a crucial step toward making our country safer from terrorism.

Mr. BLUMENAUER. Mr. Speaker, it is a relief to finally pass this important legislation to make America safer. The bill moves our national security and intelligence coordination efforts forward and paves the way for future counterterrorism measures.

I am concerned by some of the limits placed on the powers of the National Intelligence Director and would like to have seen stronger safeguards for individual civil liberties. I am pleased to see that the most egregious immigration provisions were removed by the Conference Committee.

While it is unfortunate that it took two months to pass this bill, the Senate overwhelmingly passed a bipartisan bill two months ago that had the support of the 9/11 Commission, families of the 9/11 victims, and President Bush. That legislation could have been passed immediately. Instead, we almost didn't get a bill at all.

The challenge now will be to focus our efforts on the greatest threat to America today: terrorism. My commitment is to work to make the new structure a success and to not allow the quagmire in Iraq to divert us from the essential task dealing with terrorism.

Mr. STEARNS. Mr. Speaker, tonight we vote on the final version of the Intelligence Reform bill. It's appropriate that we do so today, December 7th, Pearl Harbor Day. We hope that this legislation will help prevent future attacks on our homeland. I will vote for final passage, because this bill contains much needed reform of our intelligence community. But more can be done to protect America.

This conference report is supposed to codify the recommendations of the 9/11 Commission, and insofar as intelligence is concerned, it does. But the 9/11 Commission's charter required it to create a full account of the circumstances of the 9/11 attacks and formulate recommendations for guarding against future terrorist threats. This includes immigration and asylum reform, border protection and identification security. The Commission's recommendations and staff report contained repeated and explicit references to immigration, border, asylum and identification problems of which the 9/11 hijackers took advantage and which need to be solved.

I thought that the House version of the Commission's recommendations, H.R. 10, properly attempted to meet these goals. Yet here we are today, debating a conference report that contains hardly any of the strong Title III measures that were passed by the People's House. This is incredibly disappointing. While the final version of this legislation adds to our border security personnel, tightens up our visa application process, and sets up some identification standards, the fact remains that we need to do much more.

We can have all the intelligence in the world, but if we can't protect our own borders or prevent terrorists from coming into our country, then we're just stupid. I support this bill because it reforms our intelligence, but also because the administration and leadership have promised to pursue additional reforms in immigration and border security.

Mr. Speaker, as a member of the Immigration Reform Caucus, I intend to make sure that these promises are kept. I also look forward to working as soon as possible in the 109th Congress on legislation dealing with serious immigration reform, improving our asylum laws, border control, and identification security. Now more than ever, our immigration policies have national security ramifications. I will not rest until we fix our laws to meet these challenges.

Mr. LANGEVIN. Mr. Speaker, I am pleased that we will implement intelligence reform before the close of the 108th Congress and rise in support of the underlying bill.

After 9/11, we approached fighting the global war on terrorism as we had the Cold War. But it became clear that we needed to adapt our intelligence community, law enforcement agencies and military to new global threats. The 9/11 Commission gave us a blueprint for that mission, and this legislation will help us implement their vision. Cooperation among agencies and departments will be critical, and this measure shifts the mentality of our intelligence community from "need to know" to "need to share." It also makes significant improvements to homeland security, while avoiding some of the controversial provisions included in earlier drafts.

As a member of the House Armed Services Committee, I am pleased that this bill strikes a careful balance between creating a strong national intelligence director and preserving the ability of our men and women in uniform to gain access to the intelligence needed to be successful on the battlefield. I thank all my colleagues for working in a bipartisan fashion to craft a landmark measure that will make America safer.

Mr. MEEHAN. Mr. Speaker, I rise in strong support of this legislation.

I am deeply gratified that today, Congress has put aside turf wars and partisanship and taken this critical step forward for our national security. Over 3 years after 9/11, intelligence reform has been sorely overdue. Today, we got it done.

But before we congratulate ourselves, members of Congress should recognize the debt of gratitude we owe the 9/11 families. Our government failed all of us on 9/11, but most of all the victims and their families. For 3 years, the families who lost loved ones on 9/11 demanded answers. They demanded accountability.

While many in Washington delayed, the families pressed Congress to find out what went wrong, and fix the problems. Today, their impassioned, tireless work has resulted in concrete reforms: a national intelligence director with the authority to coordinate our intelligence efforts and set clear priorities; a National Counter-Terrorism Center to increase our coordinated approach to anticipating future threats; a Civil Liberties Oversight Board to help us strike the balance between freedom and security.

And many other critical steps to improve our security: development of biometric identification technology for travelers; enhanced training of federal air marshals; substantial increases in the number of border patrol agents and immigration investigators; development of air defense systems; upgrades in air cargo screening; expansion of watch lists to passengers and crew of vessels docking in US ports and; a comprehensive plan for transportation security that anticipates the full range of possible attacks.

Many of the 9/11 families live in Massachusetts and traveled to Washington to lobby Congress and hold vigils. Because of their dedication, America will be more alert and better prepared to prevent future tragedies.

Today, Congress should also credit the 9/11 Commissioners, whose thoroughness, independence, and candor forced our nation to confront glaring weaknesses in our defenses.

We live in a time when partisan politics degrades nearly every important issue. It's remarkable that the 9/11 Commissioners were able to check their politics at the door, and unanimously agree on 41 concrete recommendations to present to Congress.

The Commission's work is a landmark achievement. It's a model for bipartisan cooperation that Congress must continue to follow.

Congress has taken the first steps toward making America smarter and more alert. But intelligence reform cannot be the end of our government's response to September 11. We have only begun to meet the challenge of securing the American homeland against all enemies.

With the same urgency and unity, we must move forward to secure the world's nuclear materials. Today's legislation takes the first steps toward creating a national director of nonproliferation efforts. We cannot rest until the world's most dangerous materials are permanently secured.

We must move forward to secure our cities, ports, airports, roads, bridges, and rail lines. Today's legislation directs government agencies and the private sector to develop comprehensive plans to anticipate and respond to attacks. We must ensure that local officials, first responders, and hospitals have the resources they need to execute on those plans.

And finally, we must continue moving forward in hunting down and destroying the terrorists who attacked America three years ago. By improving our intelligence, with this legislation we are one step closer to bringing justice to those who murdered 3,000 of our fellow citizens.

I urge my colleagues' support for this landmark legislation.

Mr. HYDE. Mr. Speaker, the following provides a summary and the legislative intent of the provisions included in the conference report on S. 2845, the National Intelligence Reform Act of 2004, that are within the jurisdiction of the House Committee on International Relations and the Senate Committee on Foreign Relations.

As a member of the conference on S. 2845, and Chairman of the House Committee on International Relations, it is appropriate to provide guidance to those who will be responsible for faithfully executing this important statute. The inclusion in the conference report of several provisions of interest to the International Relations Committee reflects our work to implement the recommendations of the Final Report of the National Commission on Terrorist Attacks Upon the United States, July 2004, hereafter referred to as the 9/11 Commission.

As a practical matter, I consulted with Mr. LANTOS, the Ranking Democratic Member of the House Committee on International Relations (who was not a member of the Conference Committee), Senator COLLINS, Senator LIEBERMAN and, through them, with Senator LUGAR on these provisions included in the legislation. We reached agreement on the text of those provisions, and following is further elaboration of the most significant provisions that shall be considered to have the effect of a statement of managers.

Sec. 7102—Terrorist Sanctuaries. This section transforms the broad recommendations of the 9/11 Commission into action. The 9/11 Commission stated, "The U.S. Government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power." (Pg. 367) In response, this section provides a comprehensive statement articulating the sense of Congress that U.S. policy should have such a focus or mandate. It establishes reporting requirements to enable the Congress to monitor patterns relating to terrorist sanctuaries and to assess successes or setbacks in our efforts, in order to correct any deficiencies that may exist.

Further, this section amends the Export Administration Act (EAA) to add terrorist sanctuaries to determinations relating to states that "repeatedly provided support for acts of international terrorism." It is in keeping with the underlying criteria in the Export Administration Act which says that, when imposing, expanding or extending export controls under the EAA, the President "shall consider the compatibility of the proposed controls with the foreign policy objectives of the United States, including the effort to counter international terrorism, and shall consider the foreign policy consequences of not imposing controls."

This section merely updates U.S. law to reflect the post-9/11 world. It provides legislative authority to the goals outlined in the National Security Strategy for Combating Terrorism to deny sponsorship, support, and sanctuary to terrorists, and to choke off the lifeblood of terrorist groups from their access to territory, funds, equipment, training, technology, and unimpeded transit.

Through the definition of "terrorist sanctuary," the section seeks to encompass a broad range of activities including training, financing (which includes fundraising), recruitment, and the use of a nation-state territory as a transit point for terrorists, funds, or equipment.

Governments of terrorist sanctuaries are knowledgeable about the recurring use of their territory for terrorist purposes and are ignoring or tolerating such activity. Their failure and unwillingness to take action against such use of their territory contributes to the spread of global terrorism and, in turn, augments the threat to U.S. national security and interests.

This provision seeks to serve as an inducement for cooperation with U.S. counterterrorism efforts, as well as a deterrent to keep governments from allowing their territories to be used as terrorist sanctuaries.

Asked about this provision, 9/11 Commission Co-Chair Lee Hamilton said, during an August 24, 2004 hearing of the House International Relations Committee, "There must be a strategy developed in dealing with wherever these sanctuaries are; economic sanctions, of whatever kind, would certainly be one of those tools to deny those sanctuaries."

Sec. 7104—Assistance for Afghanistan. This section is largely derived from Sections 4061–4070 (Subtitle D of Title IV) of H.R. 10 as passed by the House of Representatives (the House amendment), and Section 1004 of the Senate bill.

Sec. 7104(a)—Short Title. Sets out a short title for this section; derived from the House amendment.

Sec. 7104(b)—Coordination of Assistance. Derived from section 1004 of the Senate bill, this subsection sets out Congressional findings, consistent with the Commission's Final Report, relative to the United States assistance program for Afghanistan and related topics. Expresses the sense of Congress on actions to be taken.

Sec. 7104(c)—Coordinator for Assistance. This section's findings note that the 9/11 Commission criticized American assistance to Afghanistan as overly divided among specific programs and note that the flexible funding mechanisms put in place by the Afghanistan Freedom Support Act of 2002 have not been used to date.

The provision requires the appointment of a powerful coordinator for assistance to Afghanistan. This coordinator would have powers similar to those used effectively by such persons as Deputy Secretary Armitage when he served in a similar role with respect to the Former Soviet Union and Eastern Europe. The coordinator would be a locus of responsibility, as contemplated by the Afghanistan Freedom Support Act, but the intent of which was frustrated when no government-wide coordinator was appointed.

This provision was derived from section 4062 of the House amendment. The Senate bill contained no comparable provision.

Sec. 7104(d)—Assistance Plan: International Coordination. The coordinator would submit the Administration's plan, or program, for assistance to Afghanistan in the form of a program plan. The plan should be submitted as early as possible after the beginning of the fiscal year or after the enactment of the relevant appropriations acts, whichever is later, and certainly before a significant portion of the year's appropriations are obligated. The plan should indicate its relation to the Administration's long-term strategy for Afghanistan.

The coordinator would work with the international community and the Afghan government to ensure that assistance to Afghanistan is implemented coherently and efficiently. The coordinator would, in general, work through the Secretary of the Treasury and the United States Executive Directors at the international financial institutions (as defined in Sec. 1701(C)(2) of the International Financial Institutions Act (22 U.S.C. 262r(C)(2)) in order to effectuate his or her responsibilities with respect to international financial institutions.

This provision was derived from section 4062 of the House amendment. The Senate bill contained no comparable provision.

Sec. 7104(e)—General Provisions Relating to the Afghanistan Freedom Support Act (AFSA) of 2002.

(1)(A) and (2) These provisions set out a general declaration of policy reaffirming the commitment of Congress to the authorities of the Afghanistan Freedom Support Act of 2002 and establishes some key policies underlying the bill—the commitment of the United States to its undertaking in April 2004 when it supported a development program of Afghanistan, the forthcoming parliamentary elections, and the necessity for additional nations to step forward and shoulder additional economic and military burdens.

(1)(B) This subparagraph broadens an inappropriately narrowed "notwithstanding" provision from the Afghanistan Freedom Support Act of 2002 which had the effect of limiting certain flexible authorities for the implementation of Title I of the Afghanistan Freedom Support Act of 2002. It is consistent with the flexibility recommended by the 9/11 Commission. The only "notwithstanding" authority currently applicable to Title I of AFSA relates to the Brooke Amendment.

(3) The Conference agreement, in a provision similar to the House amendment, permits reports to Congress required under the Afghanistan Freedom Support Act to contain a classified annex.

(4) This paragraph amends AFSA to require the President to prepare and submit to Congress a long-term strategy for United States policy toward Afghanistan, as well as an annual statement of progress made in executing that plan and of changes to it.

These provisions were derived from section 4063 of the House amendment. The Senate bill contained no comparable provisions.

Sec. 7104(f)—Education, Rule of Law, and Related Issues. Derived from section 4064 of the House Amendment, this subsection updates the Afghanistan Freedom Support Act (AFSA) of 2002 with respect to programs to help courts, prosecutors, and others in reflecting the information gathered by Congress in the course of its oversight of conditions in Afghanistan, as the situation in Afghanistan has evolved since late 2002. Provisions emphasizing the need to assist Afghanistan with respect to aiding democratic political parties, renovating and otherwise supporting secondary schools and universities, improving the physical infrastructure of the justice system, and providing for professional education for Afghanistan's officials have been added in the conference process. The section of AFSA (Sec. 103(A)(5)) in which all of these provisions are found is restated and re-enacted in its revised form for the sake of clarity. The Senate bill contained no comparable provision.

Sec. 7104(g)—Monitoring of Assistance for Afghanistan. This subsection provides that the Secretary of State shall provide an annual report to the Congress describing assistance to Iraq, including a report on activities and their funding sources by agency, program, and fiscal year, obligations incurred, the participation of each government agency, and any other information the Secretary considers necessary to fully inform the Congress on assistance to Iraq. This report would become a responsibility of the coordinator provided for in section 104 of AFSA. All government agencies involved in assistance to Afghanistan shall provide the Secretary information the Secretary reasonably requires to prepare and submit this report.

Sec. 7104(h)—United States Policy to Support of Disarmament of Private Militias and Expansion of International Peacekeeping and Security Operations in Afghanistan. This subsection is derived from Section 4066 of the House amendment. The Senate bill contained no comparable provision.

This subsection, in paragraph (1), establishes that it shall be United States policy to take immediate steps to provide active support for the disarmament, demobilization, and reintegration of armed soldiers, particularly child soldiers, in Afghanistan, in close consultation with the President of Afghanistan. "Active support" does not necessarily mean the deployment of military assets, but all appropriate means to help the Government of Afghanistan rid the country of private militias should be considered. The semi-annual report provided under section 206 of AFSA is to contain a report on activities taken pursuant to this subsection.

Paragraph (2) of the subsection addresses the need to increase the area in which security is provided by international security forces in Afghanistan. To that end, it is established that it is the policy of the United States to make every effort to support the expansion of international peacekeeping and security operations within Afghanistan. The purpose of that expansion is to allow international security forces to undertake vital tasks related to promoting security, such as disarming warlords, militias, and irregulars, and disrupting opium production. Moreover, a force spread over a larger area might safeguard highways in order to allow the free flow of commerce and to allow material assistance to the people of Afghanistan, and aid personnel in Afghanistan, to move more freely.

Sec. 7104(i)—Efforts to Expand International Peacekeeping and Security Operations in Afghanistan. Subsection (i), derived from section 4067 of the House amendment, addresses the issue of encouraging and enabling additional countries to participate in international peacekeeping and security operations in Afghanistan. (This is not to be confused with subparagraph (h)(2), which addresses the issue of helping those forces within Afghanistan to expand their reach.) Subsection (i) provides that the President shall encourage, and, as authorized by law, enable other countries to actively participate in expanded international peacekeeping and security operations in Afghanistan, especially through the provision of military personnel for extended periods of time. It also provides for semi-annual reports to the Congress on the President's efforts in this regard, which may be submitted with the reports required by AFSA section 206(c). The Senate bill contained no comparable provision.

Sec. 7104(j)—Provisions Relating to Counternarcotics Efforts in Afghanistan. Subsection (j), derived from section 4068 of the House amendment, amends AFSA to provide assistance for a variety of non-military measures to disrupt the opium trade, such as technical assistance, credit, and farm-to-market facilities for alternative crops, and training for counternarcotics police. The Senate bill contained no comparable provision.

A second section to be added to AFSA expresses the sense of Congress that the President should make the substantial reduction of illegal drug production and trafficking in Afghanistan a priority in the Global War on Terrorism; that the Secretary of Defense, in coordination with the Secretary of State and the heads of other appropriate Federal agencies, should expand cooperation with the Government of Afghanistan and international organizations involved in counter-drug activities to assist in providing a secure environment for counter-drug personnel in Afghanistan; and that the United States, in conjunction with the Government of Afghanistan and coalition partners, should undertake additional efforts to reduce illegal drug trafficking and related activities that provide financial support for terrorist organizations. The provision also requires a joint report to Congress from the Secretaries of Defense and State within 120 days of the date of enactment that describes the progress made toward substantially reducing poppy cultivation and heroin production capabilities in Afghanistan, and the extent to which profits from illegal drug activity in Afghanistan are used to financially support terrorist organizations and groups seeking to undermine the Government of Afghanistan.

This provision makes needed changes in the Afghanistan Freedom Support Act to update it from late 2002.

Since the fall of the Taliban, there has been a tremendous resurgence of narcotics cultivation and trafficking in Afghanistan. Money made dealing in narcotics has flowed to the neo-Taliban and to al-Qaeda terrorists. Those criminals seek to kill members of Afghanistan's army, of our Armed Forces, and of our Coalition. Unchecked, they will destroy Afghanistan's economy and environment, its nascent government, and Afghan society itself. Today, half of the economic activity in Afghanistan is based on narcotics.

If the narcotics trade is not suppressed, Afghanistan will become a narco-state that will once again become a sanctuary for terrorists: the United States and its allies will have gained little if anything for the valiant efforts of those who struggled on America's behalf in this difficult theater of war.

Sec. 7104(k)—Additional Amendments to the Afghanistan Freedom Support Act of 2002. This subsection, derived from section 4069 of the House amendment, makes a technical change in AFSA to reflect the change in the name of an Afghan institution and extends AFSA's main reporting provision through 2010. The Senate bill contained no comparable provision.

Sec. 7104(l)—Repeal of Prohibition of Assistance. Section 620D of the Foreign Assistance Act of 1961 bans aid to Afghanistan. This section repeals that provision of law, which has outlived its usefulness. This law is no longer needed, given the efforts of the American-led Coalition and the Afghan people. This subsection is derived from section 4070 of the House amendment. The Senate bill contained no comparable provision.

Sec. 7104(m)—Authorization of Appropriations. This subsection amends the AFSA to authorize the appropriation of such sums as may be necessary for each of FY05 and FY06.

The Senate bill, in section 1004(c), provided for the appropriation to the President, for each of the Fiscal Years 2005 through 2009, "such sums as may be necessary to provide assistance for Afghanistan, unless otherwise authorized by Congress," for development assistance, children's health programs, economic assistance, international narcotics and law enforcement, nonproliferation, anti-terrorism, demining and related programs, international military education and training, foreign military financing program grants, and peacekeeping operations. Assistance provided by the President under this subsection "shall be consistent with the Afghanistan Freedom Support Act of 2002," and shall be provided with reference to the "Securing Afghanistan's Future" document published by the Government of Afghanistan.

Sec. 7109—Public Diplomacy Responsibilities of the Department of State. This section amends the State Department Basic Authorities Act to provide a description of the Secretary of State's public diplomacy responsibilities. It also directs the Secretary of State to make every effort to coordinate public diplomacy activities of federal agencies subject to the direction of the President. As the foreign policy agency for the United States, the State Department should also take the lead role in U.S. international public diplomacy.

The provision states that the Secretary of State shall coordinate with the Broadcasting Board of Governors (BBG) to develop a comprehensive strategy and measurable objectives for public diplomacy.

Although this section is designed to ensure the highest level of attention by our foreign policy agencies to public diplomacy needs and objectives, it does not provide new authority to the Secretary of State over the programs of the BBG. The role of the BBG as a firewall against political interference in the content of the broadcasts remains unchanged, as does the independence of the agency.

Numerous studies of U.S. public diplomacy provide recommendations to improve the current system and strategic direction at the State Department. This provision seeks to support the State Department and others involved in public diplomacy by establishing a clear set of responsibilities.

Sec. 7110—Public Diplomacy Training. This section seeks to enhance the quality and depth of public diplomacy capabilities within the State Department. The findings emphasize the recruitment by the Foreign Service of individuals with expertise and professional experience in public diplomacy, and enhanced training in the range of public diplomacy activities. The findings also emphasize the role which chiefs of mission should assume in designing and carrying out public diplomacy strategies.

This section encourages the State Department to be more creative in its recruitment strategies in the area of public diplomacy. To meet a serious foreign language gap, the section requires the Secretary of State to provide special consideration for individuals with such language abilities, and sets a goal to increase the number of Foreign Service officers proficient in languages spoken in predominately Muslim countries.

In addition, a change is made in the precepts for promotion in the Foreign Service so as to reward the willingness and ability of officers to participate in public outreach efforts related to their jobs as well as other aspects of public diplomacy. Expressing and explaining U.S. policies and the breadth of American values is an important element of the professional skills necessary for Foreign Service officers. It should be recognized within the promotion precepts.

Sec. 7111—Promoting Democracy and Human Rights at International Organizations.

Sec. 7111(a)—Support and Expansion of Democracy Caucus. Derived from section 4032 of the House amendment, this subsection calls on the President to continue to strongly support and seek to expand the work of the nascent Democracy Caucus at the United Nations and the United Nations Human Rights Commission; and to seek to establish a Democracy Caucus at the United Nations Conference on Disarmament and at other broad-based international organizations. The purpose of the Caucus is to forge common positions, revise outmoded systems of membership selection and regional voting, and establish a rotational leadership agreement.

Sec. 7111(b) Leadership and Membership of International Organizations. This subsection, derived from section 4033 of the House amendment, urges the President, acting through the Secretary of State, to use United States influence and vote to: (1) reform criteria for membership and leadership positions within all United Nations bodies and other international institutions so as to exclude countries which violate the principles of the specific organization; (2) make it the policy of the United Nations and other international organizations and multilateral institutions in which the United States is a member that a member country may not stand in nominations for membership or significant leadership positions if the member country is subject to sanctions imposed by the United Nations Security Council; and (3) ensure that no country stand in nomination for membership or in rotation for significant leadership positions in such organizations, or for membership on the United Nations Security Council, if it has been determined by the Secretary of State that a member country has repeatedly provided support for acts of international terrorism.

Sec. 7111(c)—Increased Training for Multilateral Diplomacy. This subsection, derived from section 4034 of the House amendment, states that it shall be the policy of the United States that training courses should be established for Foreign Service officers and civil service employees for the State Department, including appropriate chiefs of mission, on the conduct of multilateral diplomacy. It specifies that the Secretary of State shall ensure that multilateral diplomacy training is provided at various stages of the careers of members of the service, including as part of their training upon entry into the service; and for officers, including chiefs of mission, who are assigned to United States missions representing the United States to international organizations and other multilateral institutions or who are assigned in Washington, D.C., to positions that have as their primary responsibility formulation of policy towards such organizations and institutions or towards participation in broad based multilateral negotiations of international instruments, receive specialized training in multilateral diplomacy prior to the beginning of service for such assignment or, if receiving such training is not practical at the time, within the first year of the beginning of such assignment. It also directs the Secretary of State to ensure that employees of the Department of State who are members of the civil service and who are assigned to international organizations or multilateral institutions also receive multilateral diplomacy training.

Sec. 7112—Pilot Program to Provide Grants to American-sponsored Schools in Predominately Muslim Countries to Provide Scholarships. This section authorizes the Secretary of State to initiate a scholarship program for grade school kids in predominately Muslim countries to attend American-sponsored schools. The Office of Overseas Schools assists many schools overseas, therefore this grant program would operate through this office. The purpose of the provision is to complement other U.S. Government efforts to broaden the understanding of American values and support a wider use of English. Numerous studies of U.S. public diplomacy point to the need for creative, measurable programs. This trial scholarship program provides a new option for American outreach efforts.

The provision allows the Secretary of State to start a pilot program to provide full or partial scholarships to children of low and middle-income families to encourage them to attend an American-style school. The pilot program is intended to determine whether such a scholarship program can be more broadly used in the region and whether such a program is supported by the participating parties: the American-sponsored schools, the families, the State Department, and the Congress.

Sec. 7118—Designation of Foreign Terrorist Organizations. This section amends section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) by making two principal changes to the current law regarding the designation of foreign terrorist organizations (FTOs). First, it would replace the requirement to formally re-designate FTOs every two years with a procedure allowing these groups to petition the Secretary of State at two-year intervals to have their designation revoked. It would also require the Secretary of State to review the designation of each FTO every five years. Second, section 7118 would establish a new procedure for handling the situation in which a terrorist organization changes its name or uses new aliases. This provision allows the government to amend the underlying administrative record instead of re-creating a voluminous document every time this occurs. A group will be able to appeal these additional designations.

Under existing law, the U.S. government must devote significant amounts of its counter-terrorist resources to the time-consuming and burdensome FTO re-designation effort. Section 7118 changes the re-designation process to allow the State Department and other government agencies to focus more of their scarce resources on responding to new terrorist threats or tracking and analyzing newer groups that emerge on the horizon.

Sec. 7120—Case-Zablocki Act Requirements. The 9/11 Commission report states that of all the recommendations, strengthening congressional oversight may be among the most difficult and important. Recently, the House Committee on International Relations learned that, due to numerous management failures within the Department of State, over 600 classified and unclassified international agreements dating back to 1997, had not been transmitted to Congress, as required by the Case-Zablocki Act.

This failure by the Department of State covers a variety of sensitive international agreements, including intelligence and military cooperation agreements. The full knowledge of these agreements by the Congress is not only required by United States law, but is also critical to the ability of Congress to execute Constitutional oversight responsibilities. This strikes at the heart of the relationship between the two branches of government, severely inhibiting our ability to carry out effective foreign policy objectives to prevent foreign terrorist operations. Although the Department of State is working to immediately address these management shortcomings and produce the remaining outstanding international agreements to Congress as soon a possible, this has reached crisis proportion which demands immediate Congressional attention and oversight.

In 1972, the Case-Zablocki Act (1 U.S.C. 112a and 112b) was passed as a result of the Executive Branch's failure to adequately inform Congress of the international executive agreements entered into by the President and other officials on behalf of the United States. At that time, the Symington Subcommittee on National Commitments uncovered contemporary examples of secret agreements entered into without adequate reference to Congress. The provisions of the Yalta Agreement at the end of World War II were also not publicly disclosed for three years, or published until some time later. These actions prompted great Congressional and public discourse and controversy. Congress stated that each incident in which such secret agreements become known creates tensions and irritations between the Congress and the Executive Branch which severely inhibit carrying out an effective foreign policy. (House Report 92-1301.)

Currently, the Case-Zablocki Act requires that the Secretary of State publish an annual report of all treaties and international agreements to which the United States became a party during each calendar year, unless the publication would be contrary to the national interest of the United States. It further requires the transmission to Congress any international agreement, other than a treaty, no later than 60 days, with classified agreements transmitted under a secrecy agreement.

The Conferees support the tightening of the Case-Zablocki reporting requirement in an effort to conduct more rigorous congressional oversight over the Executive Branch. Specifically, it clarifies the types of agreements subject to Congressional transmittal and further requires the State Department to compile an annual classified index containing all executive agreements acted upon during the past year by country. Not only does it require the transmission of any bilateral or multilateral counterterrorism agreement, it requires the notification of any agreement the United States enters into with a country designated by the U.S. government as being a state sponsor of terrorism. Last, it requires the expedited publishing of agreements, when possible.

Therefore, this section makes it clear that Congress is concerned about not being fully informed regarding international agreements entered into by the Executive ranch, particularly sensitive agreements. While the Secretary of State has discretion over determining the which agreements are considered significant enough to be reported to Congress, Congress considers certain agreements of such import that it desires to be notified during contemplation of, and as soon as practicable after, signing the agreement, although by strict interpretation of Case-Zablocki, notification would not have to be made until after the agreement was entered into force. However, many of the agreements do not enter into force for years after they are signed. Congress wants to be informed about the significant agreements prior to that time. In general, these types of agreements would consist of any agreement which would: (1) significantly broaden our commitments with another country (regardless of duration of agreement); (2) concern co-production of weapons systems, transfers of defense equipment, cooperative research, development and testing of weapons systems; (3) grant access to foreign military facilities, installations, or bases; (4) involve the deployment of the U.S. military forces; or (5) involve covert intelligence operations. Similarly, Congress expects that significant political undertakings should not be disguised as non-binding agreements in order to avoid Case-Zablocki's reporting requirements.

Effective foreign policy is not created in a vacuum whereby individually-requested briefings on narrowly-selected topics of interest will adequately explain the depth necessary for making important legislative decisions on how to fund the executive branch's foreign policy programs. Foreign policy is best conducted through a prolonged process of sharing objectives and information which leads to informed discussion and context, ultimately concluding in Congress' support of the President's initiatives.

In order to strictly enforce this provision, no funding may be made available during 2005-2007 for any international agreement if Congress is not notified pursuant to statute.

Sec. 7202—Establishment of Human Smuggling and Trafficking Center. The 9/11 Commission Report found that terrorist travel and facilitation issues should be further studied and emphasized in order to confront terrorists at their weakest points, when they travel.

The Secretary of State, the Secretary of Homeland Security and the Attorney General currently exchange information on human smuggling and trafficking through the interagency Human Smuggling and Trafficking Center ("The Center"). This section would specifically establish The Center and codify The Center's responsibilities.

The Center will increase integration and overall effectiveness in the U.S. Government's enforcement and other response efforts, and work with other governments to address the separate but related issues of alien smuggling, trafficking in persons, and smuggler support of clandestine terrorist travel. Migrant smuggling, clandestine terrorist travel and trafficking in persons are transnational issues that threaten national security.

The Center will continue to provide a mechanism to bring together all appropriate U.S. agency representatives from policy, law enforcement, intelligence and diplomatic areas to work together on a full-time basis to achieve increased effectiveness and to convert intelligence into effective law enforcement and other action.

The Center shall be supported by signatories to the original Memorandum of Understanding (in existence on October 1, 2004), which shall provide appropriate personnel, resources, and funding to the Center. All other appropriate U.S. law enforcement and intelligence agencies are encouraged to support The Center and its mission.

Participating agencies shall utilize The Center to: (1) facilitate broad dissemination of all-source information by serving as an information fusion center and clearinghouse; (2) prepare strategic assessments; (3) identify issues for interagency coordination or attention; (4) coordinate select initiatives and provide support; and (5) conduct related activities. The Center shall be governed by an inter-agency steering group in such a manner as agreed upon by the participating agencies.

All relevant U.S. agencies shall disseminate the information to the front-line personnel as appropriate.

Sec. 7203—Responsibilities and Functions of Consular Officers. This section consists of four parts aimed at increasing the resources of the Department of State's Bureau of Consular Affairs and improving the training and operation of U.S. consular officers in detecting fraudulent documents and preventing the entry of terrorists.

Subsection (a) increases the number of consular officers from 65 (FY04 and FY05) to 150 per year for FY06–FY09. Since the 9/11 attacks, consular officers have changed their policy and now are required to interview almost all visa applicants between the ages of 14 and 80.

Subsection (b) places limitations on the use of foreign nationals to screen both immigrant visa and nonimmigrant visa applications by stating that all such applications shall be reviewed and adjudicated by a U.S. consular officer. This provision does not preclude the assistance of foreign nationals in the review of visa applications. However, it assures that a U.S. Government official is involved in the decision on such applications.

Subsection (c) requires that the training program for consular officers include training in detecting fraudulent documents and working directly with Department of Homeland Security immigration inspectors at ports of entry.

Subsection (d) requires the Secretary of State to conduct a survey to determine which consular posts have the greatest frequency of presentation of fraudulent documents. An anti-fraud specialist employed by the Department of State must be assigned to each such post unless the Department of Homeland Security has already assigned a person to the post who has both sufficient experience training and experience in the detection of fraudulent documents. This provision will provide consulates with expertise in the detection of fraudulent travel documents and other papers that are submitted by visa applicants as part of their immigrant visa or nonimmigrant visa applications.

Sec. 7204—International Agreements to Track and Curtail Terrorist Travel Through the Use of Fraudulently Obtained Documents. This section calls upon the President to lead efforts to reach international agreements to track and stop international travel by terrorists through the use of lost, stolen or falsified documents. Section 7204 states that one agreement should require the establishment of a system to share information on lost, stolen and fraudulent passports, the establishment of a real time verification system of passports with issuing authorities, the sharing of this information by governments with officials at ports of entry, and that parties to the agreement criminalize the production or use of fraudulent travel documents.

In addition, Section 7204 calls upon the United States to continue to support efforts at the International Civil Aviation Organization to strengthen the security features of passports and other travel documents.

Sec. 7205—International Standards for Transliteration of Names into the Roman Alphabet for International Travel Documents and Name-based Watch List System. This section is a sense of Congress that the President should seek to enter into an international agreement to modernize and improve standards for the translation of names into the Roman alphabet in order to ensure one common spelling for such names for international travel documents and name-based watch list systems.

Section 7205 is a direct result of findings of the 9/11 Commission. In its Report, the Commission found that the current lack of a single convention for transliterating Arabic names enabled the 19 hijackers to vary the spelling of their names to defeat name-based watch list systems and confuse any potential efforts to locate them. While the introduction of biometric identifiers may lessen this problem, that process will take many years, and a name-based watch list system will always be useful. Therefore, a standardized way of translating names into the Roman alphabet should be a top priority.

Sec. 7206—Immigration Security Initiative. This section expands the Immigration Security Initiative, which is a Department of Homeland Security (DHS)-operated program that assists and trains airline personnel at foreign airports in identifying fraudulent travel documents. Currently, the Immigration Security Initiative is operating in two foreign airports. Section 7206 expands the program to include at least 50 additional foreign airports by December 31, 2006.

This section authorizes $25,000,000 in FY 05, $40,000,000 in FY 06, and $40,000,000 in FY 07 to carry out the expansion of this program.

The program's objective is to identify and stop passengers, including potential terrorists, who seek to enter the United States using fraudulent documents. Stopping terrorists at foreign airports provides another line of defense in the U.S. Government's border security strategy. Further, as we saw with the shoe bomber, Richard Reid, preventing terrorists from even boarding a flight can forestall a terrorist attack.

Sec. 7209—Biometric Entry and Exit Data System. This section states that, consistent with the 9/11 Commission Report, Congress calls on the Secretary of the Department of Homeland Security to develop a plan to accelerate the full implementation of an automated entry and exit data system at U.S. ports of entry as required by existing law. The Secretary of Homeland Security must report to Congress on the plan no later than 180 days after the enactment of this legislation. Section 7209 requires the Secretary of Homeland Security to integrate the biometric entry and exit data system with other databases maintained by the United States Citizenship and Immigration Services that contain information on aliens. This section also calls for the Secretary of Homeland Security to implement a plan to expedite the processing of registered travelers at ports of entry.

Section 7209 also contains specific requirements and goals with respect to the entry-exit system, as well as additional reporting requirements on the part of the Department of Homeland Security and the Department of State.

Sec. 7211—Exchange of Terrorist Information and Increased Pre-Inspection at Foreign Airports. This section expands the pre-inspection program to at least 25 additional foreign airports. The additional locations should be operational by January 1, 2008. The pre-inspection program allows Department of Homeland Security immigration and customs inspectors to screen passengers at airports located outside the United States instead of inspecting them when they arrive at U.S. airports. This program is currently operating in eight airports in Canada, four in the Caribbean nations, and at airports in Shannon and Dublin, Ireland.

In addition, the selection criteria for pre-inspection locations is based on reducing the number of aliens who arrive to the United States who are inadmissible. Section 7211 changes the selection criteria for pre-inspection locations to include the objective of preventing the entry of potential terrorists and facilitate the travel of admissible aliens.

Section 7211 requires the Secretary of Homeland Security and the Secretary of State to submit a report to Congress on the progress being made in establishing these locations no later than June 30, 2006. Section 7211 also contains findings with respect to the exchange of terrorist information and pre-inspection at foreign airports. Subsection (c) of section 7211 requires a report regarding the exchange of terrorist information.

The pre-inspection program allows U.S. Government officials to conduct a thorough screening outside the United States. Not only is this an important tool for preventing the entry of inadmissible aliens, but the pre-inspection program can also help prevent terrorists from boarding flights bound for our country.

Sec. 7217—Increase in Penalties for Fraud and Related Activity. This section amends section 1028 of Title 18 to increase penalties for the possession and transfer of fraudulent government identification documents that are used to further an international terrorist attack. Specifically, it increases the maximum term of imprisonment for the production, use or transfer of fraudulent government documents from 25 years to 30 years if the crime involving fraudulent government documents was used to facilitate an act of 14 international terrorism.

Sec. 7218—Study on Allegedly Lost or Stolen Passports. This section requires the Secretaries of State and Homeland Security to jointly conduct a study on the feasibility of establishing a system, in coordination with other countries, so that border and visa issuance officials will have access to real-time information on newly-issued passports to persons who alleged that their previous passports were lost or stolen. If developed, the system studied in Section 7218 will assist consular officers and immigration inspectors in preventing the movement of terrorists who obtain new passports to hide indicators of travel to certain countries. This study must be completed by May 31, 2005.

The 9/11 Commission found that three of the 9/11 hijackers, including Mohammed Atta, obtained new passports prior to seeking visas to enter the U.S., possibly to eliminate evidence regarding their previous travel. Each claimed that his old passport had been lost.

Sec. 7219—Establishment of Visa and Passport Security Program in the Department of State. This section establishes a Visa and Passport Security Program within the Bureau of Diplomatic Security of the Department of State. The Assistant Secretary for Diplomatic Security will designate an individual, who has experience in the investigation and prosecution of visa and passport fraud, to be in charge of this Program.

Section 7219 will require the Assistant Secretary of Diplomatic Security, in coordination with officials of the Bureau of Consular Affairs, the Coordinator of Counterterrorism, the National Counterterrorism Center and the Department of Homeland Security, to develop a strategic plan to target and disrupt individuals and organizations that are involved in document fraud. The objective of the Visa and Passport Security Program is to increase awareness within the Department of State regarding document fraud crimes and their links to terrorism.

Mr. CONYERS. Mr. Speaker, earlier this year, the 9–11 Commission reached across the partisan divide and came up with a unanimous agreement. Ten members, five Democrats and five Republicans, held countless hearings and issued a well-written report with well-reasoned recommendations.

To the disappointment of partisans, the Commission refused to divert itself with election-year political considerations, declining to cast blame on this Administration or its predecessors. The Senate, almost evenly split between Republicans and Democrats, followed the Commission's example by taking up a bipartisan bill, authored by Senators MCCAIN, LIEBERMAN and COLLINS.

Today, at last, the House has seen fit to follow this fine example. The product we have before us is the product of extensive negotiations, that included all parties Democrats and Republicans.

My Democratic colleagues on the conference deserve credit for their determination and hard work. I want to offer praise for the work of Ranking Member HARMAN and her staff. They have been steadfast.

I want to offer particular praise across the aisle to my Republican colleagues who have worked so hard on this bill: my colleague from Michigan, Chairman HOEKSTRA, Mr. SHAYS and the Speaker of the House and his Chief of Staff.

Like any product of compromise, this bill falls far short of what any of us would consider perfect. Some of my Republican colleagues wanted extraneous immigration provisions that would penalize victims of torture and asylum seekers. Those are not in this bill. Others did not want a board to oversee violations of privacy and civil liberties. That is in the bill, albeit in significantly weakened form.

I did not want any additions to the Patriot Act. One provision, on material support for alleged terrorist organizations, is in the bill. Like other provisions of the Patriot Act, it sunsets in two years.

For both sides, there will be time for oversight of the provisions they did not want. I predict the next Congress will see a substantial debate about the Patriot Act, what should be renewed in it and what should be allowed to expire.

But today, we have a product that keeps faith with the 9–11 Commission and the 9–11 families that worked so hard to make this legislation happen.

First and foremost, this bill represents a truly comprehensive 9–11 reform bill. Second, the approach outlined in the substitute has been endorsed by members of the 9–11 Commission and the family members of the 9–11 victims. Third, the substitute includes strong budgetary authority for the newly created National Intelligence Director, and targets terrorist traveling, as recommended by the 9–11 Commission.

The choice today is clear. We can either choose the status quo—a broken system of competing intelligence bottlenecks or a positive and promising reform. I urge my colleagues to vote for this bill. Our number one priority is to protect the American people and this bill is a step in the right direction.

Mr. BACA. Mr. Speaker, I rise in support of this legislation.

It has been over 3 years since the September 11 attacks on America. The American people cannot wait any longer for intelligence reform.

I voted against the original version of this bill, because although it made strides to protect our Homeland, it failed to protect our civil liberties.

I am pleased that the version of the bill before us today has fixed these problems. We now have comprehensive intelligence reform that protects our homeland and our constitutional rights.

If House Republicans wish to discuss immigration reform, I welcome that debate. But that is not the task that was laid out for us by the 9/11 Commission.

I am also pleased to say that this bill includes language I introduced in the Financial Services Committee to encourage private sector anti-terrorism preparedness. The private sector controls 85 percent of the critical infrastructure in this country.

On 9/11 it became clear that the private sector is one of the first lines of defense in preventing and responding to terrorist attacks. There are steps businesses can take to protect office buildings against terrorist attacks, to ensure that escape procedures are in place and to speed up recovery and communications.

By encouraging private sector preparedness, we are taking a giant step towards making America safer.

Mr. Speaker, today we have a choice. We can either pass this bill, or we can choose to do nothing. If we do nothing, our country will be left with the same intelligence system that failed us on September 11. The same intelligence system that allowed terrorists to live in our country unnoticed for months, plotting an attack on Americans. This is unacceptable. We cannot allow another September 11 to occur.

We must pass this legislation today. We owe it to the families of the 9/11 victims, we owe it to America, and we owe it to ourselves.

My only regret about this legislation is that it has taken us 3 years to pass it.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. HOYER. At the present time I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoyer moves to recommit the conference report on the bill S. 2845 to the committee of conference.

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEARNS. Mr. Speaker, I demand a recorded vote.

A recorded vote was rejected.

So the motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOEKSTRA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 336, noes 75, not voting 22, as follows:

[Roll No. 544]

AYES—336

Ackerman
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Bass
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burton (IN)
Butterfield
Buyer
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Ramstad
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—75

Aderholt
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bishop (UT)
Blackburn
Bono
Boozman
Brown-Waite, Ginny
Burgess
Calvert
Camp
Chabot
Coble
Collins
Crane
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
Duncan
Everett
Feeney
Flake
Forbes
Gallegly
Gingrey
Goode
Gordon
Green (WI)
Gutknecht
Hayworth
Hefley
Hostettler
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kucinich
LaHood
Lewis (KY)
Lucas (OK)
Manzullo
McDermott
McInnis
Miller, Gary
Mollohan
Murtha
Myrick
Neugebauer
Oberstar
Obey
Ose
Otter
Paul
Pitts
Pombo
Radanovich
Rehberg
Rohrabacher
Royce
Sabo
Sensenbrenner
Simpson
Smith (TX)
Sullivan
Sweeney
Tancredo
Taylor (NC)
Wamp
Weldon (FL)

NOT VOTING—22

Abercrombie
Ballenger
Bell
Boehlert
Boswell
Burr
Cannon
Case
Davis (AL)
Davis (FL)
Dooley (CA)
Fattah
Hastings (FL)
Houghton
Jones (OH)
Lipinski
Lucas (KY)
Norwood
Payne
Rahall
Smith (MI)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1938

Mrs. CAPPS changed her vote from "no" to "aye."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PAYNE. Mr. Speaker, I was unavoidably absent for consideration of the Conference Report on S. 2845, the 9/11 Implementation Act. I have been a strong supporter of this legislation, and had I been present, I would have voted in favor of the bill.

PROVIDING FOR PRINTING AND BINDING OF REVISED RULES AND MANUAL OF HOUSE OF REPRESENTATIVES

Mr. DELAY. Mr. Speaker, I offer a resolution (H. Res. 871) providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Ninth Congress, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 871

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Ninth Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 872) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 872

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO COMMITTEE TO INFORM PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION AND ARE READY TO ADJOURN

The SPEAKER. Pursuant to House Resolution 872, the Chair appoints the following Members of the House to the Committee to notify the President:

The gentleman from Texas, Mr. DELAY;

The gentlewoman from California, Ms. PELOSI.

AUTHORIZING CHAIRMAN AND RANKING MINORITY MEMBER OF EACH STANDING COMMITTEE AND SUBCOMMITTEE TO EXTEND REMARKS IN RECORD

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the chairman and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the RECORD, up to and including the RECORD's last publication, and to include a summary of the work of that committee or subcommittee.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO REVISE AND EXTEND REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. DELAY. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the second session of the 108th Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the second session sine die.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF HONORABLE WAYNE T. GILCHREST OR HONORABLE TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH REMAINDER OF SECOND SESSION OF 108TH CONGRESS

The Speaker laid before the House the following communication:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2004.

I hereby appoint the Honorable WAYNE T. GILCHREST or, if he is not available to perform this duty, the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Eighth Congress.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER. Without objection, the appointment is approved.

There was no objection.

PROVIDING FOR SINE DIE ADJOURNMENT OF SECOND SESSION OF 108TH CONGRESS

Mr. DELAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 531) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 531

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Tuesday, December 7, 2004, through Friday, December 10, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution; and that when the Senate adjourns on any day from Tuesday, December 7, 2004, through Saturday, December 11, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO FRIDAY, DECEMBER 10, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Friday, December 10, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 531, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 4548, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. HOEKSTRA submitted the following conference report and statement on the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 108-798)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4548), to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Intelligence Authorization Act for Fiscal Year 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Incorporation of reporting requirements.
Sec. 106. Specific authorization of funds for intelligence or intelligence-related activities for which fiscal year 2004 appropriations exceed amounts authorized.
Sec. 107. Preparation and submittal of reports, reviews, studies, and plans relating to intelligence activities of Department of Defense and Department of Energy.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Chief Information Officer.
Sec. 304. Improvement of authorities relating to National Virtual Translation Center.
Sec. 305. Intelligence assessment on sanctuaries for terrorists.
Sec. 306. Sense of Congress on availability to Congress of information on Iraq Oil-For-Food Program of the United Nations.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 101. Permanent extension of Central Intelligence Agency voluntary separation incentive program.
Sec. 402. Intelligence operations and cover enhancement authority.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

Sec. 501. National Security Agency Emerging Technologies Panel.
Sec. 502. Use of funds for counterdrug and counterterrorism activities for Colombia.

TITLE VI—EDUCATION

Subtitle A—National Security Education Program

Sec. 601. Annual funding.
Sec. 602. Improvements to National Flagship Language Initiative.
Sec. 603. Scholarship program for English language studies for heritage community citizens of the United States within National Security Education Program.

Subtitle B—Improvement in Intelligence Community Foreign Language Skills

Sec. 611. Foreign language proficiency for certain senior level positions in the Central Intelligence Agency.
Sec. 612. Advancement of foreign languages critical to the intelligence community.
Sec. 613. Pilot project on Civilian Linguist Reserve Corps.
Sec. 614. Report on status, consolidation, and improvement of intelligence education programs.
Sec. 615. Report on recruitment and retention of qualified instructors of the Defense Language Institute.

TITLE VII—TERRORISM MATTERS

Sec. 701. Information on terrorist groups that seek weapons of mass destruction and groups that have been designated as foreign terrorist organizations.

TITLE VIII—OTHER MATTERS

Sec. 801. Effective date.
Sec. 802. Construction of references to Director of Central Intelligence.
Sec. 803. Savings provisions relating to discharge of certain functions and authorities.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force. .

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Department of Justice.

(10) The Federal Bureau of Investigation.

(11) The National Reconnaissance Office.

(12) The National Geospatial-Intelligence Agency.

(13) The Coast Guard.

(14) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2005, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 4548 of the One Hundred Eighth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2005 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2005 the sum of $310,466,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2006.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 310 full-time personnel as of September 30, 2005. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2005 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2006.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2005, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2005 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $42,322,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2006, and funds provided for procurement purposes shall remain available until September 30, 2007.

(2) TRANSFER OF FUNDS.—The Director of National Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill H.R. 4548 of the One Hundred Eighth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 106. SPECIFIC AUTHORIZATION OF FUNDS FOR INTELLIGENCE OR INTELLIGENCE-RELATED ACTIVITIES FOR WHICH FISCAL YEAR 2004 APPROPRIATIONS EXCEED AMOUNTS AUTHORIZED.

Funds appropriated for an intelligence or intelligence-related activity of the United States Government for fiscal year 2004 in excess of the amount specified for such activity in the classified Schedule of Authorizations prepared to accompany the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2599) shall be deemed to be specifically authorized by Congress for purposes of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)). Such funds shall remain available until September 30, 2005.

SEC. 107. PREPARATION AND SUBMITTAL OF REPORTS, REVIEWS, STUDIES, AND PLANS RELATING TO INTELLIGENCE ACTIVITIES OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.

(a) CONSULTATION IN PREPARATION.—(1) The Director of National Intelligence shall ensure that any report, review, study, or plan required to be prepared or conducted by a provision of this Act, including a provision of the classified Schedule of Authorizations referred to in section 102(a) or the classified annex to this Act, that involves the intelligence or intelligence-related activities of the Department of Defense or the Department of Energy is prepared or conducted in consultation with the Secretary of Defense or the Secretary of Energy, as appropriate.

(2) The Secretary of Defense or the Secretary of Energy may carry out any consultation required by this subsection through an official of

the Department of Defense or the Department of Energy, as the case may be, designated by such Secretary for that purpose.

(b) SUBMITTAL.—Any report, review, study, or plan referred to in subsection (a) shall be submitted, in addition to any other committee of Congress specified for submittal in the provision concerned, to the following committees or subcommittees of Congress, as appropriate:

(1) The Committee on Armed Services, the Subcommittee on Defense of the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services, the Subcommittee on Defense of the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2005 the sum of $239,400,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. CHIEF INFORMATION OFFICER.

(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947, as amended by section 1011(a) of the National Security Intelligence Reform Act of 2004, is further amended by inserting after section 103F the following new section:

"CHIEF INFORMATION OFFICER

"SEC. 103G. (a) CHIEF INFORMATION OFFICER.—To assist the Director of National Intelligence in carrying out the responsibilities of the Director under this Act and other applicable provisions of law, there shall be within the Office of the Director of National Intelligence a Chief Information Officer who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) CHIEF INFORMATION OFFICER OF INTELLIGENCE COMMUNITY.—The Chief Information Officer shall serve as the chief information officer of the intelligence community.

"(c) DUTIES AND RESPONSIBILITIES.—Subject to the direction of the Director of National Intelligence, the Chief Information Officer shall—

"(1) manage activities relating to the information technology infrastructure and enterprise architecture requirements of the intelligence community;

"(2) have procurement approval authority over all information technology items related to the enterprise architectures of all intelligence community components;

"(3) direct and manage all information technology-related procurement for the intelligence community; and

"(4) ensure that all expenditures for information technology and research and development activities are consistent with the intelligence community enterprise architecture and the strategy of the Director for such architecture.

"(d) PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER CHIEF INFORMATION OFFICER.—An individual serving in the position of Chief Information Officer may not, while so serving, serve as the chief information officer of any other department or agency, or component thereof, of the United States Government.".

(2) The table of contents in the first section of the National Security Act of 1947, as amended by the National Security Intelligence Reform Act of 2004, is further amended by inserting after the item relating to section 103F the following new item:

"Sec. 103G. Chief Information Officer.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date of the National Security Intelligence Reform Act of 2004, as provided in section 801 of this Act.

SEC. 304. IMPROVEMENT OF AUTHORITIES RELATING TO NATIONAL VIRTUAL TRANSLATION CENTER.

(a) FUNCTION OF CENTER.—Section 313 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2391; 50 U.S.C. 404n) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) FUNCTION.—The element established under subsection (a) shall provide for timely and accurate translations of foreign intelligence for all elements of the intelligence community through—

"(1) the integration of the translation capabilities of the intelligence community;

"(2) the use of remote-connection capabilities; and

"(3) the use of such other capabilities as the Director considers appropriate.".

(b) LOCATION OF DISCHARGE OF FUNCTION.—Subsection (d) of such section, as so redesignated, is amended by adding at the end the following new paragraph:

"(3) Personnel of the element established under subsection (a) may carry out the duties and functions of the element at any location that—

"(A) has been certified as a secure facility by a department or agency of the United States Government; or

"(B) the Director has otherwise determined to be appropriate for such duties and functions".

SEC. 305. INTELLIGENCE ASSESSMENT ON SANCTUARIES FOR TERRORISTS.

(a) ASSESSMENT REQUIRED.—Not later than the date specified in subsection (b), the Director of National Intelligence shall submit to Congress an intelligence assessment that identifies and describes each country or region that is a sanctuary for terrorists or terrorist organizations. The assessment shall be based on current all-source intelligence.

(b) SUBMITTAL DATE.—The date of the submittal of the intelligence assessment required by subsection (a) shall be the earlier of—

(1) the date that is six months after the date of the enactment of this Act; or

(2) June 1, 2005.

SEC. 306. SENSE OF CONGRESS ON AVAILABILITY TO CONGRESS OF INFORMATION ON IRAQ OIL-FOR-FOOD PROGRAM OF THE UNITED NATIONS.

It is the sense of Congress that the head of each element of the intelligence community, including the Central Intelligence Agency, the Federal Bureau of Investigation, and the intelligence elements of the Department of Defense, the Department of State, and the Department of the Treasury should make available to any committee of Congress with jurisdiction over matters relating to the Office of the Iraq Oil-for-Food Program of the United Nations, upon the request of such committee, any information and documents in the possession or control of such element in connection with any investigation of that Office by such committee.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. PERMANENT EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) IN GENERAL.—Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403-4 note) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(b) TERMINATION OF FUNDS REMITTANCE REQUIREMENT.—(1) Section 2 of such Act is further amended by striking subsection (i).

(2) Section 4(a)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note) is amended by striking ", or section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (Public Law 103–36; 107 Stat. 104)".

SEC. 402. INTELLIGENCE OPERATIONS AND COVER ENHANCEMENT AUTHORITY.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following:

"INTELLIGENCE OPERATIONS AND COVER ENHANCEMENT AUTHORITY

"SEC. 23. (a) DEFINITIONS.—In this section—

"(1) the term 'designated employee' means an employee designated by the Director of the Central Intelligence Agency under subsection (b); and

"(2) the term 'Federal retirement system' includes the Central Intelligence Agency Retirement and Disability System, and the Federal Employees' Retirement System (including the Thrift Savings Plan).

"(b) IN GENERAL.—

"(1) AUTHORITY.—Notwithstanding any other provision of law, the Director of the Central Intelligence Agency may exercise the authorities under this section in order to—

"(A) protect from unauthorized disclosure—

"(i) intelligence operations;

"(ii) the identities of undercover intelligence officers;

"(iii) intelligence sources and methods; or

"(iv) intelligence cover mechanisms; or

"(B) meet the special requirements of work related to collection of foreign intelligence or other authorized activities of the Agency.

"(2) DESIGNATION OF EMPLOYEES.—The Director of the Central Intelligence Agency may designate any employee of the Agency who is under nonofficial cover to be an employee to whom this section applies. Such designation may be made with respect to any or all authorities exercised under this section.

"(c) COMPENSATION.—The Director of the Central Intelligence Agency may pay a designated employee salary, allowances, and other benefits in an amount and in a manner consistent with the nonofficial cover of that employee, without regard to any limitation that is otherwise applicable to a Federal employee. A designated employee may accept, utilize, and, to the extent authorized by regulations prescribed under subsection (i), retain any salary, allowances, and other benefits provided under this section.

"(d) RETIREMENT BENEFITS.—

"(1) IN GENERAL.—The Director of the Central Intelligence Agency may establish and administer a nonofficial cover employee retirement system for designated employees (and the spouse, former spouses, and survivors of such designated employees). A designated employee may not participate in the retirement system established under this paragraph and another Federal retirement system at the same time.

"(2) CONVERSION TO OTHER FEDERAL RETIREMENT SYSTEM.—

"(A) IN GENERAL.—A designated employee participating in the retirement system established under paragraph (1) may convert to coverage under the Federal retirement system which would otherwise apply to that employee at any appropriate time determined by the Director of the Central Intelligence Agency (including at the time of separation of service by reason of retirement), if the Director of the Central Intelligence Agency determines that the employee's participation in the retirement system established under this subsection is no longer necessary to protect from unauthorized disclosure—

"(i) intelligence operations;

"(ii) the identities of undercover intelligence officers;

"(iii) intelligence sources and methods; or

"(iv) intelligence cover mechanisms.

"(B) CONVERSION TREATMENT.—Upon a conversion under this paragraph—

"(i) all periods of service under the retirement system established under this subsection shall be deemed periods of creditable service under the applicable Federal retirement system;

"(ii) the Director of the Central Intelligence Agency shall transmit an amount for deposit in any applicable fund of that Federal retirement system that—

"(I) is necessary to cover all employee and agency contributions including—

"(aa) interest as determined by the head of the agency administering the Federal retirement system into which the employee is converting; or

"(bb) in the case of an employee converting into the Federal Employees' Retirement System, interest as determined under section 8334(e) of title 5, United States Code; and

"(II) ensures that such conversion does not result in any unfunded liability to that fund; and

"(iii) in the case of a designated employee who participated in an employee investment retirement system established under paragraph (1) and is converted to coverage under subchapter III of chapter 84 of title 5, United States Code, the Director of the Central Intelligence Agency may transmit any or all amounts of that designated employee in that employee investment retirement system (or similar part of that retirement system) to the Thrift Savings Fund.

"(C) TRANSMITTED AMOUNTS.—

"(i) IN GENERAL.—Amounts described under subparagraph (B)(ii) shall be paid from the fund or appropriation used to pay the designated employee.

"(ii) OFFSET.—The Director of the Central Intelligence Agency may use amounts contributed by the designated employee to a retirement system established under paragraph (1) to offset amounts paid under clause (i).

"(D) RECORDS.—The Director of the Central Intelligence Agency shall transmit all necessary records relating to a designated employee who converts to a Federal retirement system under this paragraph (including records relating to periods of service which are deemed to be periods of creditable service under subparagraph (B)) to the head of the agency administering that Federal retirement system.

"(e) HEALTH INSURANCE BENEFITS.—

"(1) IN GENERAL.—The Director of the Central Intelligence Agency may establish and administer a nonofficial cover employee health insurance program for designated employees (and the family of such designated employees). A designated employee may not participate in the health insurance program established under this paragraph and the program under chapter 89 of title 5, United States Code, at the same time.

"(2) CONVERSION TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—

"(A) IN GENERAL.—A designated employee participating in the health insurance program established under paragraph (1) may convert to coverage under the program under chapter 89 of title 5, United States Code, at any appropriate time determined by the Director of the Central Intelligence Agency (including at the time of separation of service by reason of retirement), if the Director of the Central Intelligence Agency determines that the employee's participation in the health insurance program established under this subsection is no longer necessary to protect from unauthorized disclosure—

"(i) intelligence operations;

"(ii) the identities of undercover intelligence officers;

"(iii) intelligence sources and methods; or

"(iv) intelligence cover mechanisms.

"(B) CONVERSION TREATMENT.—Upon a conversion under this paragraph—

"(i) the employee (and family, if applicable) shall be entitled to immediate enrollment and coverage under chapter 89 of title 5, United States Code;

"(ii) any requirement of prior enrollment in a health benefits plan under chapter 89 of that title for continuation of coverage purposes shall not apply;

"(iii) the employee shall be deemed to have had coverage under chapter 89 of that title from the first opportunity to enroll for purposes of continuing coverage as an annuitant; and

"(iv) the Director of the Central Intelligence Agency shall transmit an amount for deposit in the Employees' Health Benefits Fund that is necessary to cover any costs of such conversion.

"(C) TRANSMITTED AMOUNTS.—Any amount described under subparagraph (B)(iv) shall be paid from the fund or appropriation used to pay the designated employee.

"(f) LIFE INSURANCE BENEFITS.—

"(1) IN GENERAL.—The Director of the Central Intelligence Agency may establish and administer a nonofficial cover employee life insurance program for designated employees (and the family of such designated employees). A designated employee may not participate in the life insurance program established under this paragraph and the program under chapter 87 of title 5, United States Code, at the same time.

"(2) CONVERSION TO FEDERAL EMPLOYEES GROUP LIFE INSURANCE PROGRAM.—

"(A) IN GENERAL.—A designated employee participating in the life insurance program established under paragraph (1) may convert to coverage under the program under chapter 87 of title 5, United States Code, at any appropriate time determined by the Director of the Central Intelligence Agency (including at the time of separation of service by reason of retirement), if the Director of the Central Intelligence Agency determines that the employee's participation in the life insurance program established under this subsection is no longer necessary to protect from unauthorized disclosure—

"(i) intelligence operations;

"(ii) the identities of undercover intelligence officers;

"(iii) intelligence sources and methods; or

"(iv) intelligence cover mechanisms.

"(B) CONVERSION TREATMENT.—Upon a conversion under this paragraph—

"(i) the employee (and family, if applicable) shall be entitled to immediate coverage under chapter 87 of title 5, United States Code;

"(ii) any requirement of prior enrollment in a life insurance program under chapter 87 of that title for continuation of coverage purposes shall not apply;

"(iii) the employee shall be deemed to have had coverage under chapter 87 of that title for the full period of service during which the employee would have been entitled to be insured for purposes of continuing coverage as an annuitant; and

"(iv) the Director of the Central Intelligence Agency shall transmit an amount for deposit in the Employees' Life Insurance Fund that is necessary to cover any costs of such conversion.

"(C) TRANSMITTED AMOUNTS.—Any amount described under subparagraph (B)(iv) shall be paid from the fund or appropriation used to pay the designated employee.

"(g) EXEMPTION FROM CERTAIN REQUIREMENTS.—The Director of the Central Intelligence Agency may exempt a designated employee from mandatory compliance with any Federal regulation, rule, standardized administrative policy, process, or procedure that the Director of the Central Intelligence Agency determines—

"(1) would be inconsistent with the nonofficial cover of that employee; and

"(2) could expose that employee to detection as a Federal employee.

"(h) TAXATION AND SOCIAL SECURITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a designated employee—

"(A) shall file a Federal or State tax return as if that employee is not a Federal employee and may claim and receive the benefit of any exclusion, deduction, tax credit, or other tax treatment that would otherwise apply if that employee was not a Federal employee, if the Director of the Central Intelligence Agency determines that taking any action under this paragraph is necessary to—

"(i) protect from unauthorized disclosure—

"(I) intelligence operations;

"(II) the identities of undercover intelligence officers;

"(III) intelligence sources and methods; or

"(IV) intelligence cover mechanisms; and

"(ii) meet the special requirements of work related to collection of foreign intelligence or other authorized activities of the Agency; and

"(B) shall receive social security benefits based on the social security contributions made.

"(2) INTERNAL REVENUE SERVICE REVIEW.—The Director of the Central Intelligence Agency shall establish procedures to carry out this subsection. The procedures shall be subject to periodic review by the Internal Revenue Service.

"(i) REGULATIONS.—The Director of the Central Intelligence Agency shall prescribe regulations to carry out this section. The regulations shall ensure that the combination of salary, allowances, and benefits that an employee designated under this section may retain does not significantly exceed, except to the extent determined by the Director of the Central Intelligence Agency to be necessary to exercise the authority in subsection (b), the combination of salary, allowances, and benefits otherwise received by Federal employees not designated under this section.

"(j) FINALITY OF DECISIONS.—Any determinations authorized by this section to be made by the Director of the Central Intelligence Agency or the Director's designee shall be final and conclusive and shall not be subject to review by any court.

"(k) SUBSEQUENTLY ENACTED LAWS.—No law enacted after the effective date of this section shall affect the authorities and provisions of this section unless such law specifically refers to this section.".

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

SEC. 501. NATIONAL SECURITY AGENCY EMERGING TECHNOLOGIES PANEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"SEC. 19. (a) There is established the National Security Agency Emerging Technologies Panel. The Panel is a standing panel of the National Security Agency. The Panel shall be appointed by, and shall report directly to, the Director of the National Security Agency.

"(b) The Panel shall study and assess, and periodically advise the Director on, the research, development, and application of existing and emerging science and technology advances, advances in encryption, and other topics.

"(c) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Panel.".

SEC. 502. USE OF FUNDS FOR COUNTERDRUG AND COUNTERTERRORISM ACTIVITIES FOR COLOMBIA.

(a) AUTHORITY.—Funds designated for intelligence or intelligence-related purposes for assistance to the Government of Colombia for counterdrug activities for fiscal year 2005 or 2006, and any unobligated funds available to any element of the intelligence community for such activities for a prior fiscal year, shall be available—

(1) to support a unified campaign by the Government of Colombia against narcotics trafficking and against activities by organizations designated as terrorist organizations (such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC)); and

(2) to take actions to protect human health and welfare in emergency circumstances, including the undertaking of rescue operations.

(b) APPLICABILITY OF CERTAIN LAWS AND LIMITATIONS.—The use of funds pursuant to the authority in subsection (a) shall be subject to the following:

(1) Section 556, 567, and 568 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115; 115 Stat. 2160, 2165, and 2166).

(2) Section 8076 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 988).

(3) The numerical limitations on the number of United States military personnel and United States individual civilian contractors contained in section 1021(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042).

(c) LIMITATION ON PARTICIPATION OF UNITED STATES PERSONNEL.—No United States Armed Forces personnel or United States civilian contractor employed by the United States Armed Forces may participate in any combat operation in connection with assistance made available under this section, except for the purpose of acting in self defense or during the course of search and rescue operations for United States citizens.

TITLE VI—EDUCATION

Subtitle A—National Security Education Program

SEC. 601. ANNUAL FUNDING.

(a) IN GENERAL.—Section 810 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1910) is amended by adding at the end the following new subsection:

"(c) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING WITH FISCAL YEAR 2005.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of National Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, $8,000,000 to carry out the scholarship, fellowship, and grant programs under subparagraphs (A), (B), and (C), respectively, of section 802(a)(1).".

(b) CONFORMING AMENDMENT.—Section 802(a)(2) of that Act (50 U.S.C. 1902(a)(2)) is amended in the matter preceding subparagraph (A) by inserting "or from a transfer under section 810(c)" after "National Security Education Trust Fund".

SEC. 602. IMPROVEMENTS TO NATIONAL FLAGSHIP LANGUAGE INITIATIVE.

(a) REQUIREMENT FOR EMPLOYMENT AGREEMENTS.—(1) Section 802(i) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(i)) is amended by adding at the end the following new paragraphs:

"(5) An undergraduate or graduate student who participates in training in a program under paragraph (1) and has not already entered into a service agreement under subsection (b) shall enter into a service agreement under subsection (b) applicable to an undergraduate or graduate student, as the case may be, with respect to participation in such training in a program under paragraph (1).

"(6)(A) An employee of a department or agency of the Federal Government who participates in training in a program under paragraph (1) shall agree in writing—

"(i) to continue in the service of the department or agency of the Federal Government employing the employee for the period of such training;

"(ii) to continue in the service of such department or agency, following completion by the employee of such training, for a period of two years for each year, or part of the year, of such training;

"(iii) if, before the completion by the employee of such training, the employment of the employee is terminated by such department or agency due to misconduct by the employee, or by the employee voluntarily, to reimburse the United States for the total cost of such training (excluding the employee's pay and allowances) provided to the employee; and

"(iv) if, after the completion by the employee of such training but before the completion by the employee of the period of service required by clause (ii), the employment of the employee by such department or agency is terminated either by such department or agency due to misconduct by the employee, or by the employee voluntarily, to reimburse the United States in an amount that bears the same ratio to the total cost of such training (excluding the employee's pay and allowances) provided to the employee as the unserved portion of such period of service bears to the total period of service required by clause (ii).

"(C) Subject to subparagraph (D), the obligation to reimburse the United States under an agreement under subparagraph (A) is for all purposes a debt owing the United States.

"(D) The head of the element of the intelligence community concerned may release an employee, in whole or in part, from the obligation to reimburse the United States under an agreement under subparagraph (A) when, in the discretion of the head of the element, the head of the element determines that equity or the interests of the United States so require.".

(2) The amendment made by paragraph (1) shall apply to training under section 802(i) of the David L. Boren National Security Act of 1991 that begins on or after the date that is 90 days after the date of the enactment of this Act.

(b) INCREASE IN ANNUAL FUNDING.—Section 811 of that Act (50 U.S.C. 1911) is amended by striking subsection (b) and inserting the following new subsections:

"(b) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING WITH FISCAL YEAR 2005.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of National Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, $6,000,000 to carry out the grant program for the National Flagship Language Initiative under section 802(a)(1)(D).

"(c) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available under this section shall remain available until expended.".

(c) INCREASE IN NUMBER OF PARTICIPATING EDUCATIONAL INSTITUTIONS.—The Secretary of Defense shall take such actions as the Secretary considers appropriate to increase the number of qualified educational institutions that receive grants under the National Flagship Language Initiative under section 802(i) of the David L. Boren National Security Education Act of 1991 to establish, operate, or improve activities designed to train students in programs in a range of disciplines to achieve advanced levels of proficiency in those foreign languages that the Secretary identifies as being the most critical to the national security of the United States.

(d) CLARIFICATION OF AUTHORITY TO SUPPORT STUDIES ABROAD.—Educational institutions that receive grants under the National Flagship Language Initiative may support students who pursue total immersion foreign language studies overseas of foreign languages that are critical to the national security of the United States.

SEC. 603. SCHOLARSHIP PROGRAM FOR ENGLISH LANGUAGE STUDIES FOR HERITAGE COMMUNITY CITIZENS OF THE UNITED STATES WITHIN NATIONAL SECURITY EDUCATION PROGRAM.

(a) SCHOLARSHIP PROGRAM.—(1) Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended—

(A) by striking "and" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(E) awarding scholarships to students who—

"(i) are United States citizens who—

"(I) are native speakers (referred to as 'heritage community citizens') of a foreign language that is identified as critical to the national security interests of the United States who should be actively recruited for employment by Federal security agencies with a need for linguists; and

"(II) are not proficient at a professional level in the English language with respect to reading, writing, and other skills required to carry out the national security interests of the United States, as determined by the Secretary,

to enable such students to pursue English language studies at an institution of higher education of the United States to attain proficiency in those skills; and

"(ii) enter into an agreement to work in a position in a similar manner (as determined by the Secretary) as agreements entered into pursuant to subsection (b)(2)(A).".

(2) The matter following subsection (a)(2) of such section is amended—

(A) in the first sentence, by inserting "or for the scholarship program under paragraph (1)(E)" after "under paragraph (1)(D) for the National Flagship Language Initiative described in subsection (i)"; and

(B) by adding at the end the following: "For the authorization of appropriations for the scholarship program under paragraph (1)(E), see section 812.".

(3) Section 803(d)(4)(E) of such Act (50 U.S.C. 1903(d)(4)(E)) is amended by inserting before the period the following: "and section 802(a)(1)(E) (relating to the scholarship program for advanced English language studies by heritage community citizens)".

(b) FUNDING.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

"SEC. 812. FUNDING FOR SCHOLARSHIP PROGRAM FOR ADVANCED ENGLISH LANGUAGE STUDIES BY HERITAGE COMMUNITY CITIZENS.

"(a) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of National Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, $2,000,000 to carry out the scholarship programs for English language studies by certain heritage community citizens under section 802(a)(1)(E).

"(b) AVAILABILITY OF FUNDS.—Amounts made available under subsection (a) shall remain available until expended.".

Subtitle B—Improvement in Intelligence Community Foreign Language Skills

SEC. 611. FOREIGN LANGUAGE PROFICIENCY FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Section 104A of the National Security Act of 1947, amended by section 1011(a) of the National Security Intelligence Reform Act of 2004, is further amended by adding at the end the following new subsection:

"(g) FOREIGN LANGUAGE PROFICIENCY FOR CERTAIN SENIOR LEVEL POSITIONS IN CENTRAL INTELLIGENCE AGENCY.—(1) Except as provided pursuant to paragraph (2), an individual may not be appointed to a position in the Senior Intelligence Service in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency unless the Director of the Central Intelligence Agency determines that the individual—

"(A) has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level using such other indicator of proficiency as the Director of the Central Intelligence Agency considers appropriate; and

"(B) is able to effectively communicate the priorities of the United States and exercise influence in that foreign language.

"(2) The Director of the Central Intelligence Agency may, in the discretion of the Director, waive the application of paragraph (1) to any position or category of positions otherwise covered by that paragraph if the Director determines that foreign language proficiency is not necessary for the successful performance of the duties and responsibilities of such position or category of positions.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to appointments made on or after the date that is one year after the date of the enactment of this Act.

(c) REPORT ON WAIVERS.—The Director of the Central Intelligence Agency shall submit to Congress a report that identifies positions within the Senior Intelligence Service in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency that are determined by the Director to require waiver from the requirements of section 104A(g) of the National Security Act of 1947, as added by subsection (a). The report shall include a rationale for any waiver granted under section 104A(g)(2), as so added, for each position or category of positions so identified.

SEC. 612. ADVANCEMENT OF FOREIGN LANGUAGES CRITICAL TO THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title X of the National Security Act of 1947 (50 U.S.C. 441g) is amended—

(1) by inserting before section 1001 (50 U.S.C. 441g) the following:

"SUBTITLE A—SCIENCE AND TECHNOLOGY";

and

(2) by adding at the end the following new subtitles:

"SUBTITLE B—FOREIGN LANGUAGES PROGRAM

"PROGRAM ON ADVANCEMENT OF FOREIGN LANGUAGES CRITICAL TO THE INTELLIGENCE COMMUNITY

"SEC. 1011. (a) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence may jointly carry out a program to advance skills in foreign languages that are critical to the capability of the intelligence community to carry out the national security activities of the United States (hereinafter in this subtitle referred to as the 'Foreign Languages Program').

"(b) IDENTIFICATION OF REQUISITE ACTIONS.—In order to carry out the Foreign Languages Program, the Secretary of Defense and the Director of National Intelligence shall jointly identify actions required to improve the education of personnel in the intelligence community in foreign languages that are critical to the capability of the intelligence community to carry out the national security activities of the United States and to meet the long-term intelligence needs of the United States.

"EDUCATION PARTNERSHIPS

"SEC. 1012. (a) IN GENERAL.—In carrying out the Foreign Languages Program, the head of a covered element of the intelligence community may enter into one or more education partnership agreements with educational institutions in the United States in order to encourage and enhance the study in such educational institutions of foreign languages that are critical to the capability of the intelligence community to carry out the national security activities of the United States.

"(b) ASSISTANCE PROVIDED UNDER EDUCATIONAL PARTNERSHIP AGREEMENTS.—Under an educational partnership agreement entered into with an educational institution pursuant to this section, the head of a covered element of the intelligence community may provide the following assistance to the educational institution:

"(1) The loan of equipment and instructional materials of the element of the intelligence community to the educational institution for any purpose and duration that the head of the element considers appropriate.

"(2) Notwithstanding any other provision of law relating to the transfer of surplus property, the transfer to the educational institution of any computer equipment, or other equipment, that is—

"(A) commonly used by educational institutions;

"(B) surplus to the needs of the element of the intelligence community; and

"(C) determined by the head of the element to be appropriate for support of such agreement.

"(3) The provision of dedicated personnel to the educational institution—

"(A) to teach courses in foreign languages that are critical to the capability of the intelligence community to carry out the national security activities of the United States; or

"(B) to assist in the development for the educational institution of courses and materials on such languages.

"(4) The involvement of faculty and students of the educational institution in research projects of the element of the intelligence community.

"(5) Cooperation with the educational institution in developing a program under which students receive academic credit at the educational institution for work on research projects of the element of the intelligence community.

"(6) The provision of academic and career advice and assistance to students of the educational institution.

"(7) The provision of cash awards and other items that the head of the element of the intelligence community considers appropriate.

"VOLUNTARY SERVICES

"SEC. 1013. (a) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, and subject to subsection (b), the Foreign Languages Program under section 1011 shall include authority for the head of a covered element of the intelligence community to accept from any dedicated personnel voluntary services in support of the activities authorized by this subtitle.

"(b) REQUIREMENTS AND LIMITATIONS.—(1) In accepting voluntary services from an individual under subsection (a), the head of a covered element of the intelligence community shall—

"(A) supervise the individual to the same extent as the head of the element would supervise a compensated employee of that element providing similar services; and

"(B) ensure that the individual is licensed, privileged, has appropriate educational or experiential credentials, or is otherwise qualified under applicable law or regulations to provide such services.

"(2) In accepting voluntary services from an individual under subsection (a), the head of a covered element of the intelligence community may not—

"(A) place the individual in a policymaking position, or other position performing inherently governmental functions; or

"(B) compensate the individual for the provision of such services.

"(c) AUTHORITY TO RECRUIT AND TRAIN INDIVIDUALS PROVIDING SERVICES.—The head of a covered element of the intelligence community may recruit and train individuals to provide voluntary services under subsection (a).

"(d) STATUS OF INDIVIDUALS PROVIDING SERVICES.—(1) Subject to paragraph (2), while providing voluntary services under subsection (a) or receiving training under subsection (c), an individual shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

"(A) Section 552a of title 5, United States Code (relating to maintenance of records on individuals).

"(B) Chapter 11 of title 18, United States Code (relating to conflicts of interest).

"(2)(A) With respect to voluntary services under paragraph (1) provided by an individual that are within the scope of the services accepted under that paragraph, the individual shall be deemed to be a volunteer of a governmental entity or nonprofit institution for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

"(B) In the case of any claim against such an individual with respect to the provision of such services, section 4(d) of such Act (42 U.S.C. 14503(d)) shall not apply.

"(3) Acceptance of voluntary services under this section shall have no bearing on the issuance or renewal of a security clearance.

"(e) REIMBURSEMENT OF INCIDENTAL EXPENSES.—(1) The head of a covered element of the intelligence community may reimburse an individual for incidental expenses incurred by the individual in providing voluntary services under subsection (a). The head of a covered element of the intelligence community shall determine which expenses are eligible for reimbursement under this subsection.

"(2) Reimbursement under paragraph (1) may be made from appropriated or nonappropriated funds.

"(f) AUTHORITY TO INSTALL EQUIPMENT.—(1) The head of a covered element of the intelligence community may install telephone lines and any necessary telecommunication equipment in the private residences of individuals who provide voluntary services under subsection (a).

"(2) The head of a covered element of the intelligence community may pay the charges incurred for the use of equipment installed under paragraph (1) for authorized purposes.

"(3) Notwithstanding section 1348 of title 31, United States Code, the head of a covered element of the intelligence community may use appropriated funds or nonappropriated funds of the element in carrying out this subsection.

"REGULATIONS

"SEC. 1014. (a) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall jointly prescribe regulations to carry out the Foreign Languages Program.

"(b) ELEMENTS OF THE INTELLIGENCE COMMUNITY.—The head of each covered element of the intelligence community shall prescribe regulations to carry out sections 1012 and 1013 with respect to that element including the following:

"(1) Procedures to be utilized for the acceptance of voluntary services under section 1013.

"(2) Procedures and requirements relating to the installation of equipment under section 1013(f).

"DEFINITIONS

"SEC. 1015. In this subtitle:

"(1) The term 'covered element of the intelligence community' means an agency, office, bureau, or element referred to in subparagraphs (B) through (L) of section 3(4).

"(2) The term 'educational institution' means—

"(A) a local educational agency (as that term is defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)));

"(B) an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) other than institutions referred to in subsection (a)(1)(C) of such section); or

"(C) any other nonprofit institution that provides instruction of foreign languages in languages that are critical to the capability of the intelligence community to carry out national security activities of the United States.

"(3) The term 'dedicated personnel' means employees of the intelligence community and private citizens (including former civilian employees of the Federal Government who have been voluntarily separated, and members of the United States Armed Forces who have been honorably discharged, honorably separated, or generally discharged under honorable circumstances and rehired on a voluntary basis specifically to perform the activities authorized under this subtitle).

"SUBTITLE C—ADDITIONAL EDUCATION PROVISIONS

"ASSIGNMENT OF INTELLIGENCE COMMUNITY PERSONNEL AS LANGUAGE STUDENTS

"SEC. 1021. (a) IN GENERAL.—The Director of National Intelligence, acting through the heads of the elements of the intelligence community, may assign employees of such elements in analyst positions requiring foreign language expertise as students at accredited professional, technical, or other institutions of higher education for training at the graduate or undergraduate level in foreign languages required for the conduct of duties and responsibilities of such positions.

"(b) AUTHORITY FOR REIMBURSEMENT OF COSTS OF TUITION AND TRAINING.—(1) The Director of National Intelligence may reimburse an employee assigned under subsection (a) for the total cost of the training described in that subsection, including costs of educational and supplementary reading materials.

"(2) The authority under paragraph (1) shall apply to employees who are assigned on a full-time or part-time basis.

"(3) Reimbursement under paragraph (1) may be made from appropriated or nonappropriated funds.

"(c) RELATIONSHIP TO COMPENSATION AS AN ANALYST.—Reimbursement under this section to an employee who is an analyst is in addition to any benefits, allowances, travel expenses, or other compensation the employee is entitled to by reason of serving in such an analyst position.".

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by striking the item relating to section 1001 and inserting the following new items:

"Subtitle A—Science and Technology

"Sec. 1001. Scholarships and work-study for pursuit of graduate degrees in science and technology.

"Subtitle B—Foreign Languages Program

"Sec. 1011. Program on advancement of foreign languages critical to the intelligence community.
"Sec. 1012. Education partnerships.
"Sec. 1013. Voluntary services.
"Sec. 1014. Regulations.
"Sec. 1015. Definitions.

"Subtitle C—Additional Education Provisions

"Sec. 1021. Assignment of intelligence community personnel as language students.".

SEC. 613. PILOT PROJECT ON CIVILIAN LINGUIST RESERVE CORPS.

(a) PILOT PROJECT.—The Director of National Intelligence shall conduct a pilot project to assess the feasibility and advisability of establishing a Civilian Linguist Reserve Corps comprised of United States citizens with advanced levels of proficiency in foreign languages who would be available upon the call of the Director to perform such service or duties with respect to such foreign languages in the intelligence community as the Director may specify.

(b) CONDUCT OF PROJECT.—Taking into account the findings and recommendations contained in the report required under section 325 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2393), in conducting the pilot project under subsection (a) the Director of National Intelligence shall—

(1) identify several foreign languages that are critical for the national security of the United States;

(2) identify United States citizens with advanced levels of proficiency in the foreign languages identified under paragraph (1) who would be available to perform the services and duties referred to in subsection (a); and

(3) when considered necessary by the Director, implement a call for the performance of such services and duties.

(c) DURATION OF PROJECT.—The pilot project under subsection (a) shall be conducted for a three-year period.

(d) AUTHORITY TO ENTER INTO CONTRACTS.—The Director of National Intelligence may enter into contracts with appropriate agencies or entities to carry out the pilot project under subsection (a).

(e) REPORTS.—(1) The Director of National Intelligence shall submit to Congress an initial and a final report on the pilot project conducted under subsection (a).

(2) Each report required under paragraph (1) shall contain information on the operation of the pilot project, the success of the pilot project in carrying out the objectives of the establishment of a Civilian Linguist Reserve Corps, and recommendations for the continuation or expansion of the pilot project.

(3) The final report shall be submitted not later than six months after the completion of the pilot project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director of National Intelligence for each of fiscal years 2005, 2006, and 2007 in order to carry out the pilot project under subsection (a) such sums as are specified in the classified Schedule of Authorizations referred to in section 102.

SEC. 614. REPORT ON STATUS, CONSOLIDATION, AND IMPROVEMENT OF INTELLIGENCE EDUCATION PROGRAMS.

(a) REPORT.—Not later than June 1, 2005, the Director of National Intelligence shall submit to Congress a report setting forth—

(1) the status of each intelligence education program, including the statutory, regulatory, or administrative authority under which such program is carried out; and

(2) such recommendations as the Director considers appropriate for legislative or administrative action to consolidate, enhance the coordination of, or otherwise improve such intelligence education programs.

(b) INTELLIGENCE EDUCATION PROGRAM DEFINED.—In this section, the term "intelligence education program" means any grant, scholarship, education, or similar program (whether authorized by statute, regulation, or administrative order) that—

(1) is supported, funded, or carried out by a department, agency, or element of the intelligence community; or

(2) is otherwise intended to aid in the recruitment, retention, or training of intelligence community personnel.

SEC. 615. REPORT ON RECRUITMENT AND RETENTION OF QUALIFIED INSTRUCTORS OF THE DEFENSE LANGUAGE INSTITUTE.

(a) STUDY.—The Secretary of Defense shall conduct a study on mechanisms to improve the recruitment and retention of qualified foreign language instructors at the Foreign Language Center of the Defense Language Institute. In conducting the study, the Secretary shall consider, in the case of a foreign language instructor who is an alien, the appropriateness of expeditious adjustment of the status of the alien under applicable immigration law from a temporary status to that of an alien lawfully admitted for permanent residence.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the study conducted under subsection (a). The report shall include such recommendations for such legislative or administrative action as the Secretary considers appropriate.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Select Committee on Intelligence and the Committee on Armed Services of the Senate; and

(2) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

TITLE VII—TERRORISM MATTERS

SEC. 701. INFORMATION ON TERRORIST GROUPS THAT SEEK WEAPONS OF MASS DESTRUCTION AND GROUPS THAT HAVE BEEN DESIGNATED AS FOREIGN TERRORIST ORGANIZATIONS.

(a) INCLUSION IN REPORTS.—Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended—

(1) in subsection (a)(2)—

(A) by inserting "any terrorist group known to have obtained or developed, or to have attempted to obtain or develop, weapons of mass destruction," after "during the preceding five years,"; and

(B) by inserting "any group designated by the Secretary as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)," after "Export Administration Act of 1979,";

(2) in subsection (b)—

(A) in paragraph (1)(C)—

(i) in clause (iii), by striking "and" at the end;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following new clause (iv):

"(iv) providing weapons of mass destruction, or assistance in obtaining or developing such weapons, to terrorists or terrorist groups;";

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(ii) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) efforts by those groups to obtain or develop weapons of mass destruction;"; and

(iii) in subparagraph (F), as so redesignated, by striking the period and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(3) to the extent practicable, complete statistical information on the number of individuals, including United States citizens and dual nationals, killed, injured, or kidnapped by each terrorist group during the preceding calendar year; and

"(4) an analysis, as appropriate, of trends in international terrorism, including changes in technology used, methods and targets of attack, demographic information on terrorists, and other appropriate information.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply beginning with the first report under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 that is submitted more than one year after the date of the enactment of this Act.

TITLE VIII—OTHER MATTERS

SEC. 801. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, this Act (and the amendments made by this Act) shall take effect on the date of the enactment of this Act.

SEC. 802. CONSTRUCTION OF REFERENCES TO DIRECTOR OF CENTRAL INTELLIGENCE.

Except as otherwise specifically provided or otherwise provided by context, any reference in this Act, or in the classified annex to accompany this Act, to the Director of Central Intelligence shall be deemed to be a reference to the Director of Central Intelligence as head of the intelligence community.

SEC. 803. SAVINGS PROVISIONS RELATING TO DISCHARGE OF CERTAIN FUNCTIONS AND AUTHORITIES.

(a) HEAD OF INTELLIGENCE COMMUNITY.—(1) During the period beginning on the date of the enactment of this Act and ending on the date of the appointment of the Director of National Intelligence under section 102 of the National Security Act of 1947, as amended by section 1011(a) of the National Security Intelligence Reform Act of 2004, the Director of Central Intelligence may, acting as the head of the intelligence community, discharge the functions and authorities provided in this Act, and the amendments made by this Act, to the Director of National Intelligence.

(2) During the period referred to in paragraph (1) any reference in this Act or the amendments made by this Act to the Director of National Intelligence shall be considered to be a reference to the Director of Central Intelligence, as the head of the intelligence community.

(3) Upon the appointment of an individual as Director of National Intelligence under section 102 of the National Security Act of 1947, as so amended, any reference in this Act, or in the classified annex to accompany this Act, to the Director of Central Intelligence as head of the intelligence community shall be deemed to be a reference to the Director of National Intelligence.

(b) HEAD OF CENTRAL INTELLIGENCE AGENCY.—(1) During the period beginning on the date of the enactment of this Act and ending on the date of the appointment of the Director of the Central Intelligence Agency under section 104A of the National Security Act of 1947, as amended by section 1011(a) of the National Security Intelligence Reform Act of 2004, the Director of Central Intelligence may, acting as the head of the Central Intelligence Agency, discharge the functions and authorities provided in this Act, and the amendments made by this Act, to the Director of the Central Intelligence Agency.

(2) Upon the appointment of an individual as Director of the Central Intelligence Agency under section 104A of the National Security Act of 1947, as so amended, any reference in this Act, or in the classified annex to accompany this Act, to the Director of Central Intelligence as head of the Central Intelligence Agency shall be deemed to be a reference to the Director of the Central Intelligence Agency.

And the Senate agree to the same

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

PETE HOEKSTRA,
SHERWOOD BOEHLERT,
JIM GIBBONS,
RAY LAHOOD,
RANDY "DUKE" CUNNINGHAM,
RICHARD BURR,
TERRY EVERETT,
ELTON GALLEGLY,
MAC COLLINS,
JO ANN DAVIS,
MAC THORNBERRY,
JANE HARMAN,
ALCEE L. HASTINGS,
SILVESTRE REYES,
LEONARD L. BOSWELL,
COLLIN C. PETERSON,
BUD CRAMER,
ANNA ESHOO,
RUSH HOLT,
C.A. DUTCH RUPPERSBERGER,

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

DUNCAN HUNTER,
CURT WELDON,
IKE SKELTON,
Managers on the Part of the House.

PAT ROBERTS,
ORRIN HATCH,
MIKE DEWINE,
CHRISTOPHER BOND,
TRENT LOTT,
OLYMPIA SNOWE,
CHUCK HAGEL,
SAXBY CHAMBLISS,
JOHN WARNER,
DIANNE FEINSTEIN,
EVAN BAYH,
BARBARA MIKULSKI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4548), to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the Senate and House in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The managers agree that the congressionally directed actions described in the House bill, the Senate amendment, the respective committee reports, and classified annexes accompanying H.R. 4548 and S. 2386, shall be undertaken to the extent that such congressionally directed actions are not amended, altered, substituted, or otherwise specifically addressed in either this Joint Explanatory Statement or in the classified annex to the conference report on the bill H.R. 4548.

The Senate amendment struck all of the House bill's text after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the Conferees, and minor drafting and clarifying changes.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations

Section 101 is identical to Section 101 of the Senate amendment and House bill.

Sec. 102. Classified schedule of authorizations

Section 102 is identical to Section 102 of the Senate amendment and House bill.

Sec. 103. Personnel ceiling adjustments

Section 103 is identical to Section 103 of the Senate amendment and House bill.

Sec. 104. Intelligence Community Management Account

Section 104 of the conference report authorizes appropriations for the Intelligence Community Management Account (CMA) of the Director of National Intelligence (DNI) and sets the personnel end-strength for the Intelligence Community Management Staff for fiscal year 2005.

Subsection (a) authorizes appropriations of $310,466,000 for fiscal year 2005 for the activities of the CMA of the DNI. The House recedes in part and the Senate recedes in part.

Subsection (b) authorizes 310 full-time personnel for the Intelligence Community Management Staff for fiscal year 2005 and provides that such personnel may be permanent employees of the Staff or detailed from various elements of the United States Government. The House bill and Senate amendment were identical.

Subsection (c) authorizes additional appropriations and personnel for the CMA as specified in the classified Schedule of Authorizations and authorizes additional amounts to remain available for research and development through September 30, 2006.

Subsection (d) requires that, except as provided in Section 113 of the National Security Act of 1947, during fiscal year 2005, personnel from another element of the United States Government may be detailed to an element of the CMA on a reimbursable basis, or for temporary situations of less than one year on a non-reimbursable basis.

Subsection (e) authorizes $42,322,000 of the amount authorized in subsection (a) to be made available for the National Drug Intelligence Center (NDIC). Subsection (e) requires the DNI to transfer these funds to the

Attorney General to be used for NDIC activities under the authority of the Attorney General and subject to Section 103(d)(1) of the National Security Act. The House recedes in part and the Senate recedes in part.

Sec. 105. Incorporation of reporting requirements

Section 105 is similar to Section 105 of the Senate amendment. The House bill had no similar provision. The House recedes to the Senate.

Sec. 106. Specific authorization of funds for intelligence or intelligence-related activities for which fiscal year 2004 appropriations exceed amounts authorized

Section 106 is similar to Section 106 of the Senate amendment. The House bill had no similar provision. The House recedes to the Senate.

Sec. 107. Preparation and submittal of reports, reviews, studies, and plans relating to intelligence activities of Department of Defense or Department of Energy

Section 107 is a slightly modified version of Section 107 of the Senate amendment. The House bill had no similar provision. The House recedes with an amendment.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations

Section 201 authorizes appropriations of $239,400,000 for the Central Intelligence Agency Retirement and Disability Fund. Section 201 of the House bill and Section 201 of the Senate amendment were identical.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law

Section 301 is identical to Section 301 of the Senate amendment and the House bill.

Sec. 302. Restriction on conduct of intelligence activities

Section 302 is identical to Section 302 of the Senate amendment and the House bill.

Sec. 303. Chief Information Officer

Section 303 establishes a Chief Information Officer (CIO) to assist the DNI in carrying out the DNI's responsibilities. The CIO is established within the Office of the DNI. The CIO will serve as the CIO of the Intelligence Community, subject to the DNI's direction. The CIO shall manage activities relating to the information technology infrastructure and enterprise architecture requirements of the Intelligence Community and have procurement approval authority over all information technology items related to the enterprise architectures of all Intelligence Community components. The CIO will also direct and manage all information technology-related procurement for the Intelligence Community and ensure that all expenditures for information technology and research and development activities are consistent with the Intelligence Community enterprise architecture and the strategy of the DNI for such architecture. The section also provides that the CIO may not serve as the chief information officer of any other department or agency, or component thereof, of the United States.

Enterprise architecture is the foundation upon which information technology investment and strategy should be based. Therefore, the managers expect the CIO to move expeditiously to undertake a formal Intelligence Community-wide enterprise architecture effort. The managers also strongly support the House report language detailing the ramifications of failing to link Intelligence Community-wide information technology investments to a true community-wide enterprise architecture (H. Rep. 108–558, June 21, 2004).

Sec. 304. Improvement of authorities relating to National Virtual Translation Center

Section 304 amends Section 313 of the Intelligence Authorization Act for Fiscal Year 2003 (Pub. L. 107 306; 116 Stat. 2391; 50 U.S.C. 404n) to clarify the functions of the National Virtual Translation Center (NVTC). The provision also specifies that the NVTC may perform its duties in a certified secure facility or in any other facility determined appropriate by the DNI. This section was passed in the House bill as Section 615. The Senate recedes with amendments.

Section 313 of the Intelligence Authorization Act for Fiscal Year 2003 mandated that the Director of Central Intelligence (DCI) retain "direct supervision and control" over the NVTC. The Conferees note with concern that despite this mandate the DCI has failed to fully integrate the NVTC into the Intelligence Community and play a meaningful role in its management. Instead, the activities of the NVTC are supervised by the Director of the Federal Bureau of Investigation (FBI), with little or no input by the DCI. While participation of the FBI Director is imperative, Congress stresses again the importance of the direct "supervision and control" by the head of the Intelligence Community, now the DNI, of NVTC activities.

The Conferees are also concerned that non-FBI Intelligence Community elements have not fully leveraged NVTC resources. The Conferees continue to believe that a fully employed NVTC will perform an important function for the Intelligence Community. The use of advanced information technology will expand the ability of translators located in disparate locations to apply their skills to the backlog of collected intelligence information stored in voice or data form throughout the Intelligence Community. Intelligence information that is not translated and not analyzed constitutes a gross waste of our limited collection resources. The Conferees expect the DNI to commit the necessary attention, staffing, and resources to ensure that the NVTC can effectively perform its necessary function.

Sec. 305. Intelligence assessment on sanctuaries for terrorists

Section 305 requires the DNI to submit a report to Congress on terrorist sanctuaries. The House bill had no such provision. The House recedes to the Senate.

Sec. 306. Sense of Congress on the availability to Congress of information on Iraq Oil-for-Food Program of the United Nations

Section 306 calls on heads of Intelligence Community elements to share with Congress information they have about the United Nations Oil-for-Food Program. The Senate recedes.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Permanent Extension of Central Intelligence Agency Voluntary Separation Incentive Program

The House bill and Senate amendment versions of this provision were similar.

Sec. 402. Intelligence operations and cover enhancement authority

Section 402 amends the Central Intelligence Agency Act of 1949 by adding a new section that enhances the cover of certain Central Intelligence Agency (CIA) employees. This new section provides that, notwithstanding any other provision of law, the Director of the CIA (DCIA), in order to protect intelligence operations and sources and methods, may: pay salaries, allowances, retirement, insurance, and other benefits to CIA employees under non-official cover in a manner consistent with their cover; exempt a category of CIA employees from certain U.S. Government rules and regulations, allow certain CIA employees to claim and receive the same Federal and state tax treatment available to individuals in the private sector; and allow certain CIA employees to receive Social Security benefits based on the Social Security contributions made by such employees. The DCIA, in formulating regulations under this section, should ensure that such regulations adequately recognize the interests of CIA employee family members including spouses and children, and former spouses. The House bill had no similar provision. The House recedes.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

Sec. 501. National Security Agency emerging technologies panel

Section 501 amends the National Security Agency Act of 1959 to establish the National Security Agency Emerging Technologies Panel and exempts it from the Federal Advisory Committee Act. The Senate bill had no similar provision. The Senate recedes.

Sec. 502. Use of funds for counterdrug and counterterrorism activities for Colombia

Section 502 allows funds available for intelligence and intelligence-related activities to be used to support a unified campaign against drug traffickers and terrorist organizations in Colombia. The House bill had no similar provision. The House recedes with amendments.

TITLE VI—EDUCATION

Subtitle A—National Security Education Program

Sec. 601. Annual funding

Section 601 amends the David L. Boren National Security Education Act of 1991 (Title VIII of the Intelligence Authorization Act of 1992 (P.L. 102 183; 105 Stat. 1271)) to authorize an appropriation to the CMA to support the scholarship, fellowship and grant programs under the National Security Education Program (NSEP). The Intelligence Authorization Act of 1992 created the NSEP, along with the National Security Education Trust Fund as a means of funding the NSEP. That trust fund has been nearly depleted, and an appropriation of $8,000,000 is authorized for fiscal year 2005 to maintain the NSEP.

Sec. 602. Improvements to the National Flagship Language Initiative

Section 602 amends the David L. Boren National Security Education Act of 1991 to authorize an appropriation of $6,000,000 for fiscal year 2005 to the CMA for the expansion of the grant program for institutions of higher education under the National Flagship Language Initiative (NFLI). The section details certain service obligations required for undergraduate and graduate students and federal employees who receive training in programs under the NFLI. The provision also seeks to increase the number of qualified institutions that receive grants under the NFLI.

Sec. 603. Scholarship program for English language studies for heritage community citizens of the United States within the National Security Education Program

Section 603 amends the David L. Boren National Security Education Act of 1991 to establish a scholarship program within NSEP for English language studies for heritage community citizens of the United States. The scholarship program is designed to enable native speakers of languages that are considered critical to the national security interests of the United States to attain English language proficiency. The ultimate goal is to increase the scholarship recipient's English language proficiency to the level where a valuable contribution can be made by the recipients to the Intelligence Community. The section establishes certain service obligations for work in a position within the Department of Defense or the Intelligence Community. The section authorizes an appropriation of $2,000,000 for fiscal year 2005 to the CMA to establish the scholarship program.

Subtitle B—Improvement in Intelligence Community Foreign Language Skills

Sec. 611. Foreign language proficiency for advancement to certain senior level positions in the Central Intelligence Agency

Section 611 amends the National Security Act of 1947 to establish a language proficiency requirement for those individuals appointed to Senior Intelligence Service (SIS) positions within the CIA's Directorate of Operations (DO) and Directorate of Intelligence (DI). In order to be eligible for promotion to SIS positions within the DO or DI, individuals must be certified as having professional speaking and reading proficiency of at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency indicator. The DCIA is tasked with providing to Congress a report explaining any waivers of this requirement for any position or category of positions.

Sec. 612. Advancement of foreign languages critical to the intelligence community

Section 612 amends the National Security Act of 1947 to authorize the DNI and the Secretary of Defense to establish a program to advance foreign language skills in languages that are critical to the national security interests of the United States. The program may include funding, in the form of grants, contracts, cooperative agreements, or other appropriate mechanisms, by the Intelligence Community of educational institutions and instructors for the purchase of materials, supplies, and other resources, as well as the generation of instructional materials needed to advance foreign language skills.

The section allows the Intelligence Community to enter into educational partnership agreements with educational institutions to encourage and enhance the study of foreign languages. These partnership agreements would allow the Intelligence Community to lend surplus equipment, provide personnel to teach courses and develop curriculum, offer academic and career advice, and provide cash awards. The section authorizes the Intelligence Community to accept voluntary services in support of partnership activities. The section also authorizes the Intelligence Community to assign employees in analytical positions requiring foreign language expertise to accredited institutions of higher education for training in foreign languages.

Sec. 613. Pilot project on Civilian Linguist Reserve Corps

Section 613 requires the DNI to conduct a pilot project to establish a Civilian Linguist Reserve Corps comprised of United States citizens with advanced proficiency in foreign languages. These individuals could be called up by the DNI to perform federal service in areas relating to their language expertise. The section authorizes an appropriation for a three-year pilot project. In conducting the pilot project, the DNI should take into account findings and recommendations in the CLRC feasibility report required by the Intelligence Authorization Act for Fiscal Year 2003 (P.L. 107-306).

Sec. 614. Report on status, consolidation, and improvement of intelligence education programs

Section 614 requires the DNI to submit to Congress no later than June 1, 2005, a report on the status of intelligence education programs. The report is to include recommendations about legislative or administrative action that would be appropriate to consolidate, enhance the coordination of, or otherwise improve intelligence education programs. This provision was added in lieu of creating the Assistant Director of Central Intelligence for Language and Education provided for in the House bill.

Sec. 615. Report on recruitment and retention of qualified instructors of the Defense Language Institute

Section 615 requires the Secretary of Defense to conduct a study on methods to improve the recruitment and retention of qualified language instructors at the Foreign Language Center at the Defense Language Institute. In preparing this report, the Secretary is to consider, as a means of recruitment and retention, providing permanent resident alien status to those qualified language instructors who are in the United States in temporary status.

TITLE VII—TERRORISM MATTERS

Sec. 701. Information on terrorist groups that seek weapons of mass destruction and groups that have been designated as foreign terrorist organizations

Section 701 would require the inclusion, in the State Department's annual country reports on terrorism, of information on terrorist groups that seek weapons of mass destruction, and groups that have been designated as FTOs under Section 219 of the Immigration and Nationality Act, as amended.

TITLE VIII—OTHER MATTERS

Sec. 801. Effective date

Except as otherwise indicated in a particular section within this Act, this section provides that this Act shall take effect immediately upon enactment because many of its provisions are of immediate operational and practical concern for the Intelligence Community.

Sec. 802. Construction of references to the Director of Central Intelligence

Sec. 803. Savings provisions relating to discharge of certain functions and authorities

Sections 802 and 803 clarifies how certain authorities shall be exercised, and who shall exercise them, during the transitional period between enactment of this Act, its effective date, the appointment of certain officers, and the enactment and effective date of the Intelligence Reform and Terrorism Prevention Act of 2004.

GENERAL MATTERS

The Conferees are concerned about the Intelligence Community's ability to efficiently and effectively manage the security clearance process for companies that comprise its industrial base.

The Conferees direct the head of the Intelligence Community to undertake a study of all dimensions of this problem. In accomplishing this effort, the study should take into account the excellent work already done by industry groups in studying this problem and also seek additional information and views from industry. The head of the Intelligence Community should consult with the House and Senate Intelligence Committees on the structure, objectives and form of the final report, which should be delivered to the Intelligence Committees in unclassified form (with a classified annex, if necessary) no later than June 1, 2005.

Senators Rockefeller, Levin, Wyden and Durbin object to an item in the classified schedule of authorizations that provides for continued funding of a major acquisition program that they believe is unnecessary and the cost of which they believe is unjustified. They believe that the funds for this item should be expended on other intelligence programs that will make a surer and greater contribution to national security. For this reason, which is more fully explained in the classified record of the conference, they have not signed the conference report.

From the Permanent Select Commission on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference.

Pete Hoekstra,
Sherwood Boehlert,
Jim Gibbons,
Ray LaHood,
Randy "Duke" Cunningham,
Richard Burr,
Terry Everett,
Elton Gallegly,
Mac Collins,
JoAnn Davis,
Mac Thornberry,
Jane Harman,
Alcee L. Hastings,
Silvestre Reyes,
Leonard L. Boswell,
Collin C. Peterson,
Bud Cramer,
Anna Eshoo,
Rush Holt,
C.A. Dutch Ruppersberger,

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

Duncan Hunter,
Curt Weldon,
Ike Skelton,
Managers on the Part of the House.

Pat Roberts,
Orrin Hatch,
Mike DeWine,
Christopher Bond,
Trent Lott,
Olympia Snowe,
Chuck Hagel,
Saxby Chambliss,
John Warner,
Dianne Feinstein,
Evan Bayh,
Barbara Mikulski,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 4548, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that the conference report to accompany the bill (H.R. 1548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and

Disability System, and for other purposes, be considered as adopted.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Michigan?

Ms. HARMAN. Mr. Speaker, reserving the right to object, although I do not presently intend to object, I ask the gentleman to explain his unanimous consent request.

Mr. HOEKSTRA. Mr. Speaker, I have a statement which I will submit for the RECORD.

Mr. Speaker, as my colleague from California knows and as we have talked about, this conference report has been agreed upon. We have had it ready for about 3 weeks. We worked through it very much in a bipartisan way through the House and the Senate. We ask for its consideration and to move it forward. I am not going to go through the details of my statement.

I hope that clarifies why we are doing it in this fashion tonight.

Ms. HARMAN. Mr. Speaker, further reserving the right to object, I would point out to the gentleman and to this body that I signed the conference report, but that I think it would be worthwhile to make several points, although the time is late, including the fact that it gives the director of CIA flexible authority to pay employees under non-Federal cover, which is more and more important in targeting the post-9/11 security threats of terrorism and the spread of WMD. It establishes a chief information technology manager to oversee enterprise, architecture, procurement and research and development. It requires the DCI to submit an assessment on countries or regions that are terrorist sanctuaries.

It contains a number of good language provisions. But it does not contain something that many of us feel is absolutely critical and that we hope will be forwarded by this administration for the 2006 budget, and that is full funding of counterterrorism in the base budget.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The conference report was adopted.

A motion to reconsider was laid on the table.

AMERICAN BALD EAGLE RECOVERY AND NATIONAL EMBLEM COMMEMORATIVE COIN ACT

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 4116) to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an "endangered" species under the Endangered Species Act of 1973, and for other purposes, and ask for its immediate consideration in the House.

□ 1945

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Bald Eagle Recovery and National Emblem Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The bald eagle was designated as the national emblem of the United States on June 20, 1782, by our country's Founding Fathers at the Second Continental Congress.

(2) The bald eagle is the greatest visible symbol of the spirit of freedom and democracy in the world.

(3) The bald eagle species is unique to North America and represents the American values and attributes of freedom, courage, strength, spirit, loyalty, justice, equality, democracy, quality, and excellence.

(4) The bald eagle is the central image used in the Great Seal of the United States and the seal of many branches and departments of the United States Government, including the President and the Vice President of the United States, the United States Congress, the Department of Defense, the Department of the Treasury, the Department of Justice, the Department of State, the Department of Commerce, the Department of Homeland Security, and the United States Postal Service.

(5) The bald eagle's image and symbolism have played a profound role in establishing and honoring American beliefs and traditions.

(6) The bald eagle's image and symbolism have influenced American art, music, history, literature, commerce, and culture since the founding of our Nation.

(7) The bald eagle species was once threatened with possible extinction in the lower 48 States but is now making a gradual, encouraging recovery within America's lands, waterways, and skies.

(8) The bald eagle was federally classified as an "endangered" species in 1973 under the Endangered Species Act of 1973, and, in 1995, was removed from the "endangered" species list and upgraded to the less imperiled "threatened" status under such Act.

(9) The administration is likely to officially delist the bald eagle from both the "endangered" and "threatened" species lists under the Endangered Species Act of 1973 by no later than 2008.

(10) The initial recovery of the bald eagle population in the United States was accomplished by the vigilant efforts of numerous caring agencies, corporations, organizations, and citizens.

(11) The continued caring and concern of the American people and the further restoration and protection of the bald eagle and its habitat is necessary to guarantee the full recovery and survival of this precious national treasure for future generations.

(12) Since the Endangered Species Act of 1973 requires that delisted species be administratively monitored for a 5-year period, the bald eagle nests in 49 States will require continual monitoring after the bald eagle is removed from the protection of such Act; and such efforts will require substantial funding to the Federal and State agencies and private organizations that will conduct such monitoring.

(13) Due to Federal and State budget cutting and balancing trends, funding for ongoing bald eagle care, restoration, monitoring, protection, and enhancement programs has diminished annually.

(14) In anticipation of the nationwide observance of the official removal, by 2008, of the bald eagle from the "threatened" species list under the Endangered Species Act of 1973, and the 35th anniversary, in 2008, of the Endangered Species Act of 1973 and the designation of the bald eagle as an "endangered" species under such Act, Congress wishes to offer the opportunity for all persons to voluntarily participate in raising funds for future bald eagle recovery, monitoring, and preservation efforts and to contribute to a special American Eagle Fund endowment managed by the not-for-profit American Eagle Foundation of Tennessee in the United States, in cooperation with fund management experts.

(15) It is appropriate for Congress to authorize coins—

(A) celebrating the recovery and restoration of the bald eagle, the living symbol of freedom in the United States, to America's lands, waterways, and skies;

(B) commemorating the removal of the bald eagle from the "endangered" and "threatened" species lists under the Endangered Species Act of 1973; and

(C) commemorating the 35th anniversary of the enactment of the Endangered Species Act of 1973 and the designation of the bald eagle as an "endangered" species under such Act.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In celebration of the recovery of the bald eagle, the national living symbol of freedom, to America's lands, waterways, and skies and in commemoration of the 35th anniversary of the enactment of the Endangered Species Act of 1973 and the placement of the bald eagle on the endangered species list under such Act, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the bald eagle and its history, natural biology, and national symbolism.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2008"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts, and the American Eagle Foundation of Tennessee in the United States; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2008.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(3) A surcharge of $3 per coin for the half dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the American Eagle Foundation of Tennessee in the United States for use solely for the following purposes:

(1) To establish an interest-bearing endowment called the American Eagle Fund as a permanent source of support for the care, monitoring, maintenance, and recovery of the bald eagle and its habitat in the United States, including the following:

(A) Public education activities and events.

(B) Habitat purchases and cooperative land agreements.

(C) Raptor rehabilitation and captive breeding and hacking.

(D) Behavior and migration research and wintering migration counts.

(E) Facilitate the enforcement of laws protecting the bald eagle.

(F) Nest-watch monitoring and eaglet banding.

(G) Public viewing areas and visitor centers.

(2) To make annual grants, in an amount not to exceed 10 percent of the annual income of the American Eagle Fund, to Federal, State, and private eagle restoration, protection, and enhancement projects within the 5 bald eagle recovery regions established by the United States Fish and Wildlife Service, in accordance with recommendations made by an advisory committee of recognized eagle experts which the Foundation shall establish.

(3) To administer the American Eagle Fund, including contracting for necessary services, in an annual amount not to exceed the lesser of—

(A) 10 percent of the annual income of the American Eagle Fund; or

(B) $250,000.

(4) To provide financial support for capital projects related to the restoration and protection of bald eagles in Tennessee and in the United States, in general.

(5) To provide financial support for the continuation and expansion of the efforts of the American Eagle Foundation of Tennessee in the United States to educate the American people nationally about the livelihood, symbolism, and protection of the bald eagle, the national symbol of the United States, through the dissemination of information regarding bald eagles and their habitat at special events and through the media (including newspapers, magazines, radio, television, the Internet, and billboards).

(c) AUDITS.—The American Eagle Foundation of Tennessee in the United States and the American Eagle Fund shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation or the Fund under subsection (b).

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. LATOURETTE:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Bald Eagle Recovery and National Emblem Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The bald eagle was designated as the national emblem of the United States on June 20, 1782, by our country's Founding Fathers at the Second Continental Congress.

(2) The bald eagle is the greatest visible symbol of the spirit of freedom and democracy in the world.

(3) The bald eagle species is unique to North America and represents the American values and attributes of freedom, courage, strength, spirit, loyalty, justice, equality, democracy, quality, and excellence.

(4) The bald eagle is the central image used in the Great Seal of the United States and the seal of many branches and departments of the United States Government, including the President and the Vice President of the United States, the United States Congress, the Department of Defense, the Department of the Treasury, the Department of Justice, the Department of State, the Department of Commerce, the Department of Homeland Security, and the United States Postal Service.

(5) The bald eagle's image and symbolism have played a profound role in establishing and honoring American beliefs and traditions.

(6) The bald eagle's image and symbolism have influenced American art, music, history, literature, commerce, and culture since the founding of our Nation.

(7) The bald eagle species was once threatened with possible extinction in the lower 48 States but is now making a gradual, encouraging recovery within America's lands, waterways, and skies.

(8) The bald eagle was federally classified as an "endangered" species in 1973 under the Endangered Species Act of 1973, and, in 1995, was removed from the "endangered" species list and upgraded to the less imperiled "threatened" status under such Act.

(9) The administration is likely to officially delist the bald eagle from both the "endangered" and "threatened" species lists under the Endangered Species Act of 1973 by no later than 2008.

(10) The initial recovery of the bald eagle population in the United States was accomplished by the vigilant efforts of numerous caring agencies, corporations, organizations, and citizens.

(11) The continued caring and concern of the American people and the further restoration and protection of the bald eagle and its habitat is necessary to guarantee the full recovery and survival of this precious national treasure for future generations.

(12) Since the Endangered Species Act of 1973 requires that delisted species be administratively monitored for a 5-year period, the bald eagle nests in 49 States will require continual monitoring after the bald eagle is removed from the protection of such Act; and such efforts will require substantial funding to the Federal and State agencies and private organizations that will conduct such monitoring.

(13) Due to Federal and State budget cutting and balancing trends, funding for ongoing bald eagle care, restoration, monitoring, protection, and enhancement programs has diminished annually.

(14) In anticipation of the nationwide observance of the official removal, by 2008, of the bald eagle from the "threatened" species list under the Endangered Species Act of 1973, and the 35th anniversary, in 2008, of the Endangered Species Act of 1973 and the designation of the bald eagle as an "endangered" species under such Act, Congress wishes to offer the opportunity for all persons to voluntarily participate in raising funds for future bald eagle recovery, monitoring, and preservation efforts and to contribute to a special American Eagle Fund endowment managed by the not-for-profit American Eagle Foundation of Tennessee in the United States, in cooperation with fund management experts.

(15) It is appropriate for Congress to authorize coins—

(A) celebrating the recovery and restoration of the bald eagle, the living symbol of freedom in the United States, to America's lands, waterways, and skies;

(B) commemorating the removal of the bald eagle from the "endangered" and "threatened" species lists under the Endangered Species Act of 1973; and

(C) commemorating the 35th anniversary of the enactment of the Endangered Species Act of 1973 and the designation of the bald eagle as an "endangered" species under such Act.

SEC. 3. COIN SPECIFICATIONS.

(a) Denominations.—In celebration of the recovery of the bald eagle, the national living symbol of freedom, to America's lands, waterways, and skies and in commemoration of the 35th anniversary of the enactment of the Endangered Species Act of 1973 and the placement of the bald eagle on the endangered species list under such Act, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 gold coins.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 silver coins.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) Half dollar clad coins.—Not more than 750,000 half dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) Legal Tender.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) Numismatic Items.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) Design Requirements.—

(1) In general.—The design of the coins minted under this Act shall be emblematic of the bald eagle and its history, natural biology, and national symbolism.

(2) Designation and inscriptions.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2008"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) Selection.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts, and the American Eagle Foundation of Tennessee in the United States; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) Quality of Coins.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) Mint Facility.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) Period for Issuance.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2008.

SEC. 6. SALE OF COINS.

(a) Sale Price.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) Bulk Sales.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) Prepaid Orders.—

(1) In general.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) Discount.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) In General.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(3) A surcharge of $3 per coin for the half dollar coin.

(b) Distribution.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the American Eagle Foundation of Tennessee in the United States to further its works.

(c) Audits.—The American Eagle Foundation of Tennessee in the United States and the American Eagle Fund shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation or the Fund under subsection (b).

(d) Limitation.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

Mr. LATOURETTE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The SPEAKER pro tempore (Mr. Simpson). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. LoBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4548.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COAST GUARD AND MARITIME TRANSPORTATION TECHNICAL CORRECTIONS ACT OF 2004

Mr. LoBIONDO. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 5426) to make technical corrections relating to the Coast Guard and Maritime Transportation Act of 2004, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, while I do not intend to object, I do believe the gentleman should explain the relatively minor technical, truly technical changes, and I yield to the gentleman from New Jersey, the chairman of the subcommittee.

Mr. LoBIONDO. Mr. Speaker, H.R. 5426 makes technical corrections to Public Law 108–293, the Coast Guard Maritime Transportation Act of 2004. The bill does not make any substantive changes to the existing law, and I urge my colleagues to support this measure.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, our side has reviewed the bill. We are in full accord with the explanation that the gentleman just made. They are truly technical in nature to correct typographical errors and to eliminate section number duplications.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard and Maritime Transportation Technical Corrections Act of 2004".

SEC. 2. REQUIREMENTS FOR COOPERATIVE AGREEMENTS FOR VOLUNTARY SERVICES.

Section 93(a)(19) of title 14, United States Code, as amended by section 201 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1031), is amended by redesignating subparagraphs (1) and (2) in order as subparagraphs (A) and (B).

SEC. 3. CORRECTION OF AMENDMENT TO CHAPTER ANALYSIS.

Section 212(b) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1037) is amended by inserting ''of title 14'' after ''chapter 17''.

SEC. 4. RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.

Section 93(a) of title 14, United States Code, as amended by sections 201 and 217 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1031, 1038), is amended by redesignating paragraph (y) as paragraph (24).

SEC. 5. DETERMINING ADEQUACY OF POTABLE WATER.

Section 3305(a) of title 46, United States Code, as amended by section 416(b)(3) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1047), is amended by moving paragraph (2) two ems to the left, so that the material preceding subparagraph (A) of such paragraph aligns with the left-hand margin of paragraph (1) of such section.

SEC. 6. RENEWAL OF ADVISORY GROUP.

Section 418(a) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1049) is amended by striking ''of September 30, 2005'' and inserting ''on September 30, 2005''.

SEC. 7. VESSEL RESPONSE PLANS.

Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), as amended by section 701 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1067), is amended by striking ''non-tank'' each place it appears and inserting ''nontank''.

SEC. 8. CORRECTION TO SUBTITLE DESIGNATION.

(a) REDESIGNATION.—Title 46, United States Code, is amended by redesignating subtitle VI as subtitle VII.

(b) CLERICAL AMENDMENT.—The table of subtitles at the beginning of title 46, United States Code, is amended by striking the item relating to subtitle VI and inserting the following:

''VII. MISCELLANEOUS .... 70101''.

SEC. 9. CORRECTIONS TO CHAPTER 701 OF TITLE 46, UNITED STATES CODE.

Chapter 701 of title 46, United States Code, is amended as follows:

(1) Sections 70118 and 70119, as added by section 801 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1078), are redesignated as sections 70117 and 70118, respectively, and moved to appear immediately after section 70116 of title 46, United States Code.

(2) Sections 70117 and 70118, as added by section 802 of such Act (Public Law 108-293; 118 Stat. 1078), are redesignated as sections 70120 and 70121, respectively, and moved to appear immediately after section 70119 of title 46, United States Code.

(3) In section 70120(a), as redesignated by paragraph (2) of this section, by striking ''section 70120'' and inserting ''section 70119''.

(4) In section 70121(a), as redesignated by paragraph (2) of this section, by striking ''section 70120'' and inserting ''section 70119''.

(5) In the analysis at the beginning of the chapter, by striking the items relating to sections 70117 through the second 70119 and inserting the following:

''70117. Firearms, arrests, and seizure of property.
''70118. Enforcement by State and local officers.
''70119. Civil penalty.
''70120. In rem liability for civil penalties and certain costs.
''70121. Withholding of clearance.''.

SEC. 10. TECHNICAL CORRECTION REGARDING TANK VESSEL ENVIRONMENTAL EQUIVALENCY EVALUATION INDEX.

Section 4115(e)(3) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note) is amended by striking ''hull'' the second place it appears.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect August 9, 2004.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMENDING THE AERO SQUAD AFTER SCHOOL PROGRAM AT TOMORROW'S AERONAUTICAL MUSEUM IN COMPTON, CALIFORNIA, AND OTHER YOUTH AVIATION PROGRAMS THAT EXPOSE YOUNG MINORITIES TO CIVIL AVIATION

Mr. LoBIONDO. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the concurrent resolution (H. Con. Res. 532) commending the Aero Squad After School Program at Tomorrow's Aeronautical Museum in Compton, California, as well as other youth aviation programs that expose young minorities to the field of civil aviation, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. OBERSTAR. Reserving the right to object, Mr. Speaker, H. Con. Res. 532 submitted by the chairman is a very commendable bill which acknowledges the work of the Aero Squad After School Program at the Tomorrow's Aeronautical Museum in Compton, California, that will give young minority aviators experience in the field of civil aviation.

Further reserving the right to object, I yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her comments on the bill, as she has a response to the bill which our committee has reported out.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman for his support on this.

Mr. Speaker, today it is my pleasure to bring to the Congress this resolution congratulating the Aero Squad Program at Tomorrow's Aeronautical Museum located in my district of Compton, California. It is this program that provides young persons who want to learn how to fly the opportunity to do just that.

Mr. Speaker, a young constituent of mine, Kenny Roy, as a part of his school program, traveled to Canada. Upon entering Canada, Kenny passed the written, medical, and flying portions of the pilot exam to become the youngest African American pilot in the world. It is these types of opportunities that are given to these young folks as well as women that we applaud today.

Mr. Speaker, I am very pleased that I was able to submit this and that the Congress is supporting this resolution.

Mr. Speaker, today it is my pleasure to bring before Congress a resolution congratulating the Aero Squad Program at Tomorrow's Aeronautical Museum, located at the Compton, California Airport in my district, for providing new and innovative teaching programs that expose young minorities and women to aeronautics.

On September 23, 2004, Mr. Speaker, a young constituent of mine, Kenny Roy, as part of the after-school program, traveled to Canada. Upon entering Canada, Kenny passed the written, medical, and flying portions of the pilot exam to become the youngest African American pilot in the world.

This opportunity was made available to Kenny through an innovative after-school program in Compton, California. This program, located in my district, combines two of my passions, after-school programs for our Nation's youth and providing opportunities for minorities and women in transportation.

This program, the Aero Squad after-school program, provides opportunities for our children that would otherwise not have this opportunity unless they enlisted in the armed services. This "learn-while-you-earn program" was created by Mr. Robin Petgrave, who is a licensed pilot. Mr. Petgrave dedicates his time and resources as a commercial pilot so that these children are exposed to civil aviation at its finest.

As a former school teacher and administrator, I am well aware that innovative approaches to teaching our children are few and far between. It is programs like these that embolden the youth of America to reach for the skies.

These children in Compton are able to earn "credits" by performing community service. Credits can then be traded in toward flight lessons.

It is my hope, Mr. Speaker, that we can continue to provide these opportunities that encourage young minorities and women to consider careers in transportation. I am inspired by the creativity and innovation that the Aero Squad Program embodies. I look forward in the 109th Congress to help support programs such as this, which combine innovative teaching approaches with cutting-edge opportunities.

I ask, Mr. Speaker, that the House unanimously pass this measure.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New Jersey (Mr. LoBIONDO), the chairman of the subcommittee.

Mr. LoBIONDO. Mr. Speaker, I commend the gentlewoman from California. Education, guidance and opportunity are key ingredients to success, and I commend the gentlewoman for her initiative on this motion. I urge all of my colleagues to support it.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object. I would simply note that the air patrol in Minnesota has a similar program. we call it the Young Eagles. to bring young people into participation in aviation at an early age. It is beneficial to all of aviation.

Mr. Speaker. I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 532

Whereas youth participants perform community service in exchange for flight lessons and instruction courses offered through the Aero Squad After School Program at Tomorrow's Aeronautical Museum in Compton. California;

Whereas the Aero Squad After School Program, founded by Robin Petgrave, provides a haven for young people to work and develop workplace ethics while taking seminars that focus on mathematics. airplane maintenance. and motor maintenance: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commends the Aero Squad After School Program at Tomorrow's Aeronautical Museum in Compton, California. as well as other youth aviation programs that expose young minorities to the field of civil aviation through engineering, science, and mathematics enrichment courses;

(2) commends civil aviation enrichment programs that encourage minorities and underrepresented groups to enter the field of civil aviation; and

(3) congratulates the graduates of the Aero Squad After School Program at Tomorrow's Aeronautical Museum in Compton. California, who have obtained pilot licenses, including Kenny Roy, who obtained his student pilot license in Canada.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LoBIONDO. Mr. Speaker. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5426 and H. Con. Res. 532.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY. Mr. Speaker, your committee appointed to join a committee of the Senate to inform the President that the Congress is ready to adjourn and to ask him if he has any further communications to make to the Congress has performed that duty. The President has directed us to say that he has no further communications to make to the Congress.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXPRESSING FRUSTRATION REGARDING APPROPRIATIONS PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, as we conclude the 108th Congress, I think all of us who served in this body feel a great sense of pride and accomplishment for the legislation that we passed that will have a positive impact on our Nation. I think also many of us have a great deal of regret over legislation that did not pass that we needed to pass to address serious issues facing our great Nation.

I am really reluctant at this time to talk about matters that I find frustrating for me personally, but I am not going to be critical of any Member, of course. But one of the processes that seems to be taking place certainly in the House of Representatives is that each year we take up more and more of the legislative calendar to pass appropriation bills. It seems that each year we do not pass all of the appropriation bills. Then what happens is at the end of the year we come forth with a gigantic omnibus bill. This year was no exception. That is one of the reasons that a few years ago on this floor, we had a vote to go to a 2-year appropriation cycle so that one year we could appropriate money for the government, and the next year we could debate substantive issues.

But as I stated earlier, we find ourselves this year with a gigantic omnibus bill once again. The sad thing about it is that when that bill went over to the Senate, many provisions were placed into that bill, and the Members of the House of Representatives never had an opportunity to vote on the bill. I just want to give one example of a substantive policy that was made because of legislation adopted on the Senate side that was never, we never had an opportunity to vote for on this side.

The Bureau of Land Management oversees approximately 261 million acres of public lands, and more than 29 million acres of that land is used for wild horses and burro grazing. Now, because of section 142 being inserted into the omnibus bill on which there was no disclosure, no one knew about it; as I said earlier, we never had an opportunity to vote on it on the House side. 31 years of policy relating to public lands and wild burros and wild horses grazing on those lands were changed. As a matter of fact, the change will no longer protect those wild horses and burros on the public lands. Someone, and it is unclear who, will decide that there may be an excessive number of these animals out there, and those animals will be disposed of.

Now, prior to this year's omnibus bill, in every appropriation bill relating to BLM lands, it said, "Appropriations herein made shall not be available for the destruction of healthy, unadopted wild horses and burros in the care of the Bureau or its contractor." Of course, the omnibus bill eliminated that language as well.

So we leave here at the end of this 108th Congress by action taken in the dark of night, without the knowledge of anyone, that changes 31 years of policy relating to the way we manage Bureau of Land Management and the animals, the wild horses and burros on those properties.

I, for one, am quite frustrated by this process. It seems that each year we come with gigantic omnibus bills. This one exceeded I have been told over 3,000 pages. Most Members, of course, do not know what was in it. But the really disappointing thing to me, and I stress that, was the fact that on the House side, we never had an opportunity to vote on those changes made by the Senate.

ORDER OF BUSINESS

Mr. STUPAK. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CALLING FOR RESTRICTIONS ON ACNE DRUG ACCUTANE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I come here tonight concerned about drug safety and to speak out to protect our children from the acne drug Accutane. As a legislator, I have called for more restrictions on the distribution of this drug, which is known to cause severe birth defects and a form of impulsive behavior and depression in people taking this drug.

This drug has devastated my family with the loss of our son BJ and more than 250 other families who have lost their young son or daughter while he or she was taking the drug Accutane.

Recent news stories concerning the safety of prescription drugs have quoted an FDA safety reviewer. Dr.

David Graham, when he spoke to the Senate Finance Committee. Dr. Graham said, "I would argue that the FDA as currently configured is incapable of protecting America against another Vioxx." He told the Senate Finance Committee that "there are at least 5 other drugs on the market today that should be looked at seriously to see whether they should remain on the market." He cited the acne drug Accutane.

Why Accutane? Accutane is the poster child for why we need an independent body to approve and review drug safety. Accutane causes horrendous birth defects and may cause psychiatric disorders such as depression and suicide. It is linked to over 250 suicides, according to the FDA.

A recent study by Dr. J. Douglas Bremner demonstrates how Accutane affects the brain, possibly causing impulsive behavior due to changes in the orbitofrontal cortex. This is the front part of the brain. This is an area known to mediate depression.

□ 2000

Our investigation, that of the Committee on Energy and Commerce, found that the dosage for Accutane may be way too high.

Too much Accutane, a synthetic vitamin A, causes cerebri tumor or a pseudo tumor in some patients. Some pseudo tumor is a warning that is found on Accutane packaging, but what does it really mean?

What it really means is it causes severe headaches. And while it acts like a tumor in the brain, it cannot be discovered. CAT scans will not show it. There is no evidence of a tumor. So what happens?

As Dr. Bremner showed us here in this study of the orbitofrontal cortex, there is a decrease in the metabolism of the brain. This PET scan right here establishes a baseline of a person before they started Accutane, here on my far right-hand side. This PET scan of the same person 4 months later, while on Accutane, in the first PET scan, the color red representing brain activity in the front part of the brain. Now in the second PET scan after 4 months, notice very little red, representing decreased brain activity in the same person after 4 months of treatment on Accutane. Accutane decreases the metabolism in the front part of the brain.

This is one slide that Dr. Bremner has shared with us. There is a 21 percent decrease in brain metabolism in this patient. This only occurred in some of the Accutane patients. Dr. Bremner also did PET scans with other patients taking oral antibiotics for acne, and none showed brain changes. It is not all Accutane patients who demonstrated a brain change, just those of who complained of headaches. Is the excessive dosage found in the current formula of Accutane that is prescribed to young people, is this the cause of the change of young people that we see?

Medical evidence is clear that Accutane causes medical changes in the brain, and this may be what leads some people to take their own life through impulsive behavior.

Even today, USA Today, dated 12/7/2004, "Drug Maker Rebuffed Call To Monitor Users," a special report in USA Today. What did it say? That the manufacturer, Hoffman-LaRoche, knew that this drug causes depression and impulsive behavior, but it did not want to warn anyone for fear of loss of sales in the U.S. market.

The medical evidence is clear. Accutane causes changes in the brain, and this may be what leads some young people to take their own life. Let us join with Dr. Graham, the Centers for Disease Control, and other health care groups that have expressed strong concerns about the safety of this drug and who have called for Accutane to be withdrawn from the market as far back as 1990. For 14 years these groups have been saying because of the birth defects and psychiatric impact of this drug, we should withdraw it from the market until we have some answers.

Let us pull this drug from the market until we have all the answers surrounding this powerful, dangerous drug called Accutane. Is this decreased metabolism that we see here in the PET scan reversible? Will the brain repair itself? What amount or dose of Accutane is safe? What amount of Accutane can be safely taken by young people so the brain is not affected? These are questions that must be answered to protect our young people.

NATIONAL INTELLIGENCE REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish all of my colleagues a safe and prosperous holiday season: a time to fellowship with our family members and friends: time for our spiritual reflection of our respective faiths; a time to wish for a better life for all of us.

We finally finished, Mr. Speaker, a very long journey: and that journey started on that fateful day of 9/11. So many of us can remember.

My recollection serves me well. It was a Tuesday morning. Some of us had already come to this Capitol, engaged in meetings, prepared to do the normal business of the House. Within a flicker of an eye, the buildings in New York were struck; the Pentagon had gone up, a portion of it in smoke; and in a field in Pennsylvania, a plane had nose dived, killing all.

I repeat this because for some reason this intelligence debate took on a life of its own, maybe even caused confusion among the American public. But it did not cause confusion among those family members who had lost loved ones and those who lost their lives who are not here now to tell us their story.

The real crux of the debacle and the tragedy of 9/11 was a failure on the part of this government. We failed in understanding the necessity of human intelligence. We failed in understanding the surge of terrorist acts around the world. It was not a Republican failure or a Democratic failure. It was a failure of government, and we failed the American people and those who lost their lives. That is why I was so baffled by the long, extended time it took for this body to pass the 9/11 Commission report. Gratefully, after a long debate, we had a 9/11 Commission, and even that was opposed.

Democrats strongly supported this Commission, but after the report went through and the balance of the representation of the Commission, Democrats and Republicans, who meticulously listened to testimony after testimony, reviewed documents after documents, and came up with what I think was a fair response to the tragedy of 9/11, they gave us a road map upon which we could base our lack of understanding to make it better for the future.

We are very fortunate, and I would not give this credit to any one party. We came together. We forged a Homeland Security Department. I have the honor of serving on the Select Committee on Homeland Security. We had hearing after hearing trying to explore where there were loopholes in the system so we could ensure safety for the American people. Lo and behold, a report came out, the eloquent statements, tear-jerking statements of family members who tore at our heartstrings about what they went through, the gap of time, the lack of information, the lack of coordination. It was glaring. We had failed.

And the singular key of failure was the lack of human intelligence and coordinated intelligence of our intelligence agencies around America and around the world. The FBI could not tell that there was a memo on the desk of an FBI agent in Minneapolis that suggested that there were people who were learning to fly, learning to take off, but not learning to land. There were series of terrorists in Florida going to aviation schools, paying cash, and no data came in to a central place of intelligence to say something is wrong.

While we got, if you will, bundled up and shackled with the question of immigration, and immigration provisions, which I happen to think and hope that we will come together in a bipartisan way in the 109th Congress and begin to put in place comprehensive immigration reform, had really nothing to do with the terrorists, because they came in on legal documents.

We can fix how they came in. We can ensure that our consul offices are more equipped with human intelligence so that we know who not to let into our country. That was the crux of the problem, not the fact that they were illegal immigrants. They had legal documents. Not the fact that they could get a legal driver's license. They had legal documents. We know driver's licenses are taken care of by the States to a certain extent.

As I hear the time ending, let me conclude, if we fix driver's license, we need to do it in an orderly fashion with the criteria and standards of documentation. But none of us are prepared to have a national ID card.

This bill was long overdue. It fixed the singular problem. The singular problem is human intelligence. Immigration can be fixed in the next Congress, and I am grateful for the inclusion of my CASE Act on the alien smuggling. We now have enhanced penalties for those who will do the dastardly act of smuggling illegal immigrants into this country.

This was a bill long overdue. I thank the families.

Mr. Speaker, I would like to offer my sincere gratitude and appreciation for everyone involved in finally bringing this important bill to the floor of the House and for putting aside the poison pill immigration provisions and moving forward with a bipartisan intelligence measure that will implement the 9/11 Commission's recommendations and make our country safer. While I applaud the leadership of the Committees of jurisdiction and the respective Conferees for their hard work in maintaining bipartisanship thus far, the simple fact is that the Conference report has not yet passed. The 9/11 victim families have left Capitol Hill feeling appeased that the work has been done; therefore, it is critical that we not renege on what has been represented to them. The job isn't done until it is done.

This Conference Report is sitting in our chambers and must be passed before we close for 2004.

This week may be our last chance this year to consider and pass this overwhelmingly popular bipartisan measure. This sweeping bill includes the creation a national intelligence director to oversee the Central Intelligence Agency, a plan with which even our President agrees.

Given the recent vulnerabilities that we have experienced in bioterrorism defense with the shortage of flu vaccinations and the recent discovery that 380 tons of explosive material in Iraq remains unaccounted for, it is more than critical for this body to pass the Intelligence Reform legislation now—while we have an opportunity. The families of the fallen victims are looking to us for leadership and responsible action.

I believe very strongly that immigration does not equate with terrorism. Nevertheless, we continue to look to the enforcement of our immigration laws as a way to protect our country from terrorist attacks, and this did not begin with the terrorist attack on September 11, 2001. Serious efforts in this regard were going on long before that happened. For instance, partly in response to the 1993 World Trade Center bombing, Congress strengthened the antiterrorism provisions in the Immigration and Nationality Act (the INA) and passed provisions that were expected to ramp up enforcement activities, notably in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (P.L. 104–208) and the Antiterrorism and Effective Death Penalty Act (P.L. 104–132).

The INA gives the government broad authority to arrest and detain aliens in the United States who are suspected terrorists or who are suspected of supporting terrorist organizations, as well as aliens who have violated other provisions of immigration law. This was augmented by a mandatory detention provision that we added with the U.S. Patriot Act.

More than 1,200 people reportedly were detained after September 11. Some experts'support a broadening of the authority to arrest and detain aliens in the United States who are suspected terrorists or who are suspected of supporting terrorist organizations.

I believe that current law will be adequate with minimal changes. I am concerned that further expansion may erode individual rights and that, as a result, innocent foreign nationals may be detained and deported.

Unfortunately, H.R. 10, the House bill to implement the Commission's recommendations included a number of extraneous immigration provisions that dealt with immigration reform issues rather than with the need to secure our country against further terrorist attacks.

For instance, it included court-stripping provisions to reduce access to federal court review from adverse decisions in immigration removal proceedings. It had a provision to take away the power of a Federal court judge to stay an alien appellant's removal pending the outcome of this appeal proceedings. It provided for greatly expanding the use of expedited removal proceedings, which would have enabled the government to remove thousands of undocumented aliens without hearings or due process of any kind. It even had a provision permitting the government to deport aliens to countries where they would be tortured—in direct violation of the Convention Against Torture.

One of these provisions was particularly misguided, H.R. 10 included a provision, which specified what documents States were to be permitted to accept as identification in connection with driver's license applications. In cases of an alien seeking to identify himself with a foreign document, the only acceptable foreign document would be a passport. This was alleged to be a security measure to prevent terrorists from obtaining driver's licenses. The absurdity of this measure can be seen in the fact that all nineteen of the 9/11 hijackers had passports. If this provision had been in effect at that time, it would not have prevented any of the 9/11 hijackers from obtaining a driver's license.

The extraneous provisions troubled the 9/11 Commissioners to the point where they wrote letters to the Congress encouraging us to put these contentious issues aside so that we could move forward with the serious business of implementing their recommendations.

I am pleased that bipartisanship and a sense of responsibility prevailed in the end as far as the joint conference is concerned. The extraneous provisions I just mentioned have been removed from the bill.

The Conference Report strikes a provision attempting to prevent the use of Matricula Consular cards in the United States; harsh new evidentiary standards for asylum relief; and a new criminal provision making it a felony (punishable of up to 5 years' imprisonment) for making false claims to U.S. citizenship.

None of these provisions had anything to do with protecting this nation against potential terrorist attacks. These provisions would not have implemented any of the recommendations of the September 11 Commission or protect us against a terrorist attack.

I am pleased also that provisions from my Commercial Alien Smuggling Act (the CASE Act) were included in this bill. These provisions would permit a judge to increase a criminal sentence by up to 10 years in smuggling cases in which the offense was part of an ongoing commercial organization or enterprise; aliens were transported in groups of 10 or more; and the aliens were transported in a manner that endangered their lives or the aliens presented a life-threatening health risk to people in the United States. I am confident that this will go a long way towards deterring commercial smuggling operations that are recklessly killing desperate immigrants who come to our country to establish a better life for themselves and their families.

The final product is worthy of the outstanding effort that the commission put into analyzing the horrific events of September 11, 2001. While I recognize that it does not fully implement the recommendations of the Commission in every respect, it is a major effort to move forward with the essential elements of the Commission's recommendations. We must consider and pass this legislation now!

OIL FOR FOOD CORRUPTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the Speaker for the opportunity, I think, to be the last speaker of the 108th Congress, if I am not mistaken.

I want to take this opportunity before I begin just to reflect back, to reflect back on the 108th Congress, to think where we began at the beginning 2 years ago, all what seemed at the time insurmountable issues that this Congress would have to address. And we overcame them, addressed major issues, and passed significant legislation for the benefit of the people of this United States. And as we wrap up this 108th Congress now and look forward to the 109th Congress, here, this evening, we were actually able to pass the intelligence bill, to hopefully reorganize and restructure the Intelligence Community in this country for the benefit of the people. for the benefit of the liberties of this Nation as well. and the free world for that matter. It is a daunting task that lies ahead for us, but it is one that we can look back with great accomplishment that we have already achieved in the 108th Congress.

But as we do this. as we reflect back. we have to remember one problem that was just beginning to rear its head at the start of this session. and that grew out of the corruption. anti-Americanism. the inefficiencies of the United Nations and what we know now as the United Nations's food-for-oil scandal. And as the photo to my left shows. a steady diet of corruption. the U.N. oil-for-food scandal. oddly we see with Saddam Hussein on one side and the oil container on the other side. leaving out. of course. of the picture the very people of his nation that the food-for-oil dollars were supposed to benefit.

The U.N. Food-for-Oil Program was a program that was poorly structured from the very beginning. Basically it was one that was set up to allow for the egregious abuses that came. The nature and scope of this scandal is turning out to be, what I believe to be and what others have already said. the greatest financial scandal in the U.N. history, and actually the greatest theft in the history of the world.

The United Nations created a program that. if we think about it for a moment in retrospect. was doomed for failure from the very beginning at best. and. at worst. for corruption: and apparently what we got was the worst, corruption along with the failure.

I just want to take a moment to reflect back how this all began. It was back in 1990. 1 week after Iraq invaded Kuwait, that the U.N. Security Council passed Resolution 661. That established a worldwide embargo on the exportation of oil from Iraq.

Well. obviously. that was put in place to make sure that he would not be able to use those oil dollars for his own benefit. Due do Saddam Hussein's continued defiance and disregard of the U.N. weapons inspectors. we recall that we were trying to find out what was going on in his nation: but due to his defiance of those U.N. weapons inspectors after the war. those sanctions remained in place throughout much of the decade of the 1990s.

Now the critics at the time that those sanctions were put in place argued that they were placing an extraordinary burden on the general population. the regular people of Iraq. And by not allowing the Iraqi Government to export oil and derive the money from that. the government was faced with a significant decrease in revenue, and. therefore. they were unable to. it was said. to provide humanitarian assistance. basically food and medical supplies for their own people.

In fact, back at that time it was UNICEF that was saying that 1 in 4 children in Iraq at the time were malnourished. that 4.000 children were dying every single month due to the sanctions being in place.

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The U.N. responded to that sort of argument that UNICEF and others were saying and the critics were making. and so, in 1996. with the Iraqi people honestly suffering at the hands of their government and no end to the sanctions in place of being lifted because Saddam Hussein was not allowing his weapons inspectors to come back into the country. the Iraqi regime agreed with the U.N. to set up the program that we now know as the Oil-for-Food program.

If there was ever a way to set up a program that could have been more set for failure, I cannot think of one. Why do I say that? Because it allowed for Saddam Hussein to have all the decision-making in his hand and the U.N. basically to have none. and in addition to that, the U.N. had very little oversight. Saddam Hussein was able to say who he wanted to sell the oil to under the Oil-for-Food program. which became a scandal. and in addition to that, he could basically set the price. So he could say that he was going to sell the oil to the companies or countries of his choice at a price that he would determine, that the U.N. would be able to look over those transactions at that point, but the U.N. was not given any ability to make further inspection when that company or that country was able to then sell the oil probably at a much higher price. a handsome price. a price that enabled that company or country to then do what it is entirely possible for it to do and what it did do, kick back that money to the Iraqi government and Saddam Hussein.

Likewise, Saddam Hussein was able to and was given the power by the U.N. to decide who it would be who would provide this humanitarian aid for his people. What was this doing? This was saying that Saddam Hussein was able to choose this company or this company or this country or this country to be the ones that provide the humanitarian aid. and of course, if he was rolling out literally hundreds of millions of dollars of program payments to them. what was occurring under the table in form of kickbacks only became realized later on. The Oil-for-Food program only stayed in place. of course, until April of 2003. when his regime was toppled.

Many investigations have begun and have proceeded over the last several years to try to explore exactly what occurred during that, what fraud and abuses came about due to this program that was so poorly set up from the very beginning. and what. of course, is found out? It has found corruption and bribery. It has found literally billions of dollars being taken from the starving people of his country and given to himself and for other purposes.

In the area of bribery. investigations revealed that Hussein's regime bribed numerous foreign officials. companies and others. to curry favor to have the sanctions imposed on them lifted by the U.N. This is just not wild speculation. It comes back from Charles Duelfer. the top American weapons inspector in Iraq at the time, he testified, Mr. Hussein was successfully using illegal proceeds specifically from the Oil-for-Food program to undermine support for the sanctions that the U.N. imposed after the 1990 invasion of Kuwait. So some of the very money that was supposed to be going to the people was going to U.N. officials.

The first report came out in the spring of early last year. the GAO report. and that report cited that Saddam Hussein had generated over $10 billion. that is with a B. of illicit revenues by gaming the system since 1991. Recent reports we may have seen have more than doubled that estimate to around $21 billion. Where was the money going besides bribery? To weapons.

Further corruption was exposed after allegations surfaced that Saddam Hussein used a large portion of the money to purchase weapons for his regime. and so now. it is widely believed that those very same weapons are the weapons that are being used by the rebels over in Iraq to kill and attack American soldiers.

Where else did the dollars go besides bribery and weapons? There are also reports that Saddam Hussein used the money he acquired from the program to pay families of Palestinian suicide bombers who killed Israelis and Americans to the tune of $35 billion. and this was done through Jordanian banks. I think we have a chart that in a not too complicated manner puts this one example in play. just gives a little idea how he was able to do it.

On the top of the chart. we show three different areas. The first two are really the main ones of where the money came from from these illicit purposes. Ten percent, kickback payments from companies in Oil-for-Food programs. Those are the humanitarian programs that I spoke to just a moment ago. those companies that he was able to say that I would only pick this company or this company or this country to do business with so long as they were kicking money back to them.

The other is a fee for oil. In this one example. $3 per barrel fee for oil paid by the Jordanian government as part of their program of getting oil from Iraq. So these were basically, if you want to use the vernacular. kickbacks that were coming for every barrel of oil that they were able to export at a very low price. and the Jordanian government was able then to sell at a higher price, they were required to kick back to his regime around $3 per barrel. That money then went into the Rafidain Bank in Amman, Jordan, into a Central Bank account in that bank.

Item number four shows that came out of the account, and in this one example that we show in this chart at least, to the families of suicide bombers in the amount of, as this chart is showing around, $15- to $25,000 per family for suicide bombers.

So, for anyone out there who is still believing that Saddam Hussein had nothing to do prior to 9/11 and prior to the toppling of his regime, that he had nothing to do with terrorism, let this evidence now dismiss that thought of innocence by Saddam Hussein from their thoughts today.

So, instead of his using dollars to help starving people in his own country, Saddam Hussein used the money to bribe, buy weapons, support terrorists and, of course, to further his lavish lifestyle as a dictator. I will just say as an aside, earlier this year I had the opportunity to travel to Iraq to visit with the American troops that are over there, see the great job that they are doing, that many of these men and women are so proud of the accomplishments that they have already achieved and what they want to do in the future.

While we were traveling about Iraq we had the opportunity also of seeing the palatial mansions that Saddam Hussein had not only for himself but other leadership in his government, for his generals, for the lakes that he had made for himself, man-made lakes and palaces around the country. That is where some of the money from the Oil-for-Food oil was going to instead of the starving people of his own country.

There is also speculation or evidence that is coming out to say that not only did the money go to other countries and to other companies, for the purposes I have already cited, but also to members of the U.N. itself, to the executive director of the Oil-for-Food program it is asserted that received dollars back from Saddam Hussein's regime from the Oil-for-Food program. Each one of these examples is an example of corruption by this regime that is becoming more and more apparent as the facts begin to present themselves.

The fact that this such an ineffective body in the Oil-for-Food program, the U.N., really should not come as a surprise to any of us who know a little bit about the history of the U.N. It is really just another example of the long-running inefficiencies of the U.N.

I mentioned before that UNICEF was blaming the sanctions on the fact that 4- to 5,000 Iraqi children were dying every single month; that one in four children in that country were malnourished during that period of the sanctions. What these facts really reveal is that it was not the sanctions that were causing the malnourishment of his population, but rather, it was the corruption and complicity of men like Saddam Hussein and Kofi Annan and other U.N. officials who allowed this to go on year after year after year.

The fact that the U.N. is inefficient as an organization really has to look at their overall purpose. What their major overall purpose, of course, is the prevention of war. There have been over 300 wars since 1945 and over 22 million deaths resulting from these wars. So we have to ask, how efficient was the U.N. in preventing them?

The U.N. has authorized military action to counter aggression only twice really, in North Korea's invasion of South Korea and Iraq's invasion of Kuwait. So how efficient was the U.N. in doing what it was really set out to do? It was not.

Today, the most urgent threat to international peace and security today is terrorism, and yet, the U.N. cannot even agree upon a definition of what terrorism is. That is really in large part because it counts terrorist-sponsoring States and countries among its own membership. They are not going to define terrorism in the same way that their country is established.

How about finally human rights violations? The U.N. counts the world's leading human rights violators and repressive government among its membership. Worse, those members are disproportionately represented among the 53 countries elected to the U.N. Commission on Human Rights, with Libya as my colleagues recall serving as chairman just last year.

Coming back to the issue then of Oil-for-Food and what the U.N. says they should be doing about it, well, the U.N. and the leadership says they are looking at the issue right now. The most troubling fact, however, is the lack of cooperation that we are receiving from the U.N. to get to the bottom of the most recent scandal involving Oil-for-Food.

The United Nations has continuously denied U.S. government access to papers and internal records that concern the Oil-for-Food program, and they have repeatedly in addition to that shielded their officials such as their executive director of this program from ongoing investigations.

How about audits? There is something like 55 internal audits that the U.S. government has requested from the U.N. so we can see exactly what was going on with this program, and the U.N. leadership has denied turning those audits over.

I will point out that the U.N. does continue to claim that they are addressing this problem by the establishment of the Volker Commission, and I think most people would agree that Paul Volker is beyond question as far as his integrity is concerned, but that is not the issue here. The issue is the way the commission was set up by the U.N. in order to investigate the Oil-for-Food scandal and basically was set up just as the other program was, totally ineffective.

It is ineffective due to his inability to gain any significant results. For example, Paul Volker has no subpoena power, and so, therefore, he is clearly open to U.N. manipulation as to the documents that he needs to get. In addition to that, he has no power of contempt, and by that I mean he cannot, like a court can, order someone to testify, bring forth documents, and if they do not, file contempt charges against them and force them to do so. So, without those abilities, the Volker Commission really is an empty shell and will not produce any results that are verifiable or that this Congress can rely upon.

I mentioned before that the U.N. leadership has failed to allow people to testify. The U.N. failed to allow Benon Savan, executive director of the Oil-for-Food program, to testify before Congress, and Volker Commission's has rejected requests to make them available for us.

I will point out something to make sure that our whole focus on this issue remains focused where it should be in light of my comments so far.

The Washington Times today, Tuesday, December 7, headline is House Republicans call for Annan to step down, Kofi Annan to step down. This followed a press conference that we held here in the House with the gentleman from Arizona (Mr. FLAKE) and others who have sponsored a piece of legislation that I will speak to in just a moment, and we sort of worried that the take on that press conference would be just the one that it is in the paper, and that is, the focus is on whether or not Kofi Annan should step down or not, as far as the headline is concerned.

While that is certainly an issue that should be discussed and debated and finally come to grips with as to whether or not we want to have someone in power, in charge of the U.N., that it was in place and overseeing the Oil-for-Food scandal the entire time that it was operating, and also now is stonewalling and blocking the U.S.' ability to get to the bottom of it, that is one issue.

But the real reason that the gentleman from Arizona (Mr. FLAKE) and others here had the press conference yesterday to address this issue was not so much who is at the leadership today, who is going to be at the leadership, at the helm of the U.N. tomorrow, but overall whether this scandal existed, and of course, the evidence shows that it did; to what extent that scandal existed; and who was involved; and basically to just get to the bottom of it. Until we get to the bottom of it, we owe it to the American public, and here is the point, to say to the U.N. that they cannot continue operating as they have operated all these many years and doing it on the American dime.

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And the American taxpayer is not going to be subsidizing the scandals that continue to go on in the U.N. We are going to withhold payment to the U.N. until we get to the bottom of these facts.

So to that end, legislation sponsored this year, H.R. 4284, in the 108th Congress, is a piece of legislation that would do just that. It would say that we are going to withhold 10 percent of American taxpayer dollars going to the U.N., 10 percent of America's responsibilities to them, and that number is around $340-some-odd million a year. So 10 percent of that, obviously, is $32 million or $34 million this year. That would go up to 20 percent next year, so around $72 million next year, until the U.N. becomes more forthcoming, provides the documentation, provides the audits allowing the President of the United States to certify that the U.N. is cooperating with all investigations so we can get to the bottom of this and find out who is responsible in each one of these instances.

During the course of the year, or just recently, I should say, some Members, myself, the gentleman from Arizona (Mr. FLAKE), and others, have sent around what is called a "Dear Colleague" letter to encourage our colleagues to sign on to that bill during this session of Congress. As we go into the 109th Congress, we will be encouraging other Members to sign on to that bill as well, the focus, of course, being that tax dollars should not be going to such a scandal-plagued organization as the U.N. until they begin to clean up their act.

The fact that this evidence is all coming to a head now, or coming more to light now, may be an explanation as to why earlier in this session, when some of us moved an amendment to an appropriation bill that basically did the exact same thing that this bill would do, and that is to say when we had a spending bill going through this House earlier in the 108th Congress, we said let us do it right then, let us withhold some or all of our funding to the U.N. until we get this information, that, unfortunately, all the information was not out and we did not have enough Members in the House to support this legislation. So in the spending bills this year, we completely funded the U.N.

But now the information is coming out. It started early enough, of course. I honestly believe there was enough evidence at that time for us to withhold funds earlier this year. It started way back in a report dated June 20, 2003. An article appeared that said, "The now defunct program, the Food-for-Oil Program, allowed Iraq to buy food and medicine with its oil proceeds under U.N. supervision. Although the oil proceeds were legal and approved by the U.N., several observers say the system involved kickbacks and was used to buy political support and to finance intelligence activities and even terrorist activities. That is going back to reports in June of 2003.

Of course, there is the one I mentioned earlier, the Food-for-Oil minister, Benon Sevan. At that time he was granted an allocation of 7.3 million barrels of Iraqi oil. By that, I mean that under this program, Saddam Hussein decided that Benon Sevan, the Food-for-Oil administrator, the person in the U.N. who is overseeing the entire program, would be able to buy 7.3 million barrels of Iraqi oil from its regime. But he was able to do so at an artificially low price that Saddam Hussein set. So he was then able to resell that oil, and he could expect to receive $3.5 million in profit. As somebody else said, not a bad deal.

Who else was on that list, besides officials at the U.N.? Well, reports also show that three countries were involved, and these probably should not surprise any one of us here. Overall, 248 companies purchased through the Oil-for-Food program, but three countries go to the top of the list:

First, Russia. Maybe that should not surprise us. Russia has had a vested interest, as related in some of the reports, for the last 15 years in Iraqi oil production. But what may be interesting is one notable recipient of one of those lucrative oil contracts was the director of the Russian President's office.

Now, we are trying to get information from Russia to what extent that was going on, and why someone within the President's office in Russia was receiving those dollars. So far we have been unsuccessful.

A second country that should probably also not be a surprise to any one of us is our old friend France, also involved in the Food-for-Oil scandal. France's oil vouchers account for 150.8 million barrels of oil. And the people involved in that reportedly include the French interior minister and also close friends of Chirac and others.

So what this means is that people close to Jacques Chirac and the interior minister were able to get the ability to buy 150.8 million barrels of oil from the Saddam Hussein regime, again at an artificially low price, and again able to resell it at whatever price they could, which would be market prices, and then make a killing in that market deal.

The third and final one, Syria, again just like France and Russia, should come as no surprise that they were also part of the deal with Saddam Hussein as far as getting oil at a low price. How much? 116.9 million barrels of crude oil that they also got at an artificially low price and that they were able to sell and get back at a much higher price.

So the examples of abuse and fraud are complete. The people who are involved in it is a growing list of some of the countries that we always suspected may have had a reason for trying to undercut us in the U.N. with regard to sanctions, countries that had a reason to undercut us with regard to the war in Iraq. The people involved were the very people who were involved with implementing the program at the U.N.

So it now is incumbent upon this Congress, as we go forward into the 109th Congress, to do all that we can to shine the light of day on this program, to make sure all the facts come out, and to hold all guilty parties responsible. But the only way we are ever going to put pressure on the U.N. is by putting pressure in the area they respond to, and that is their funding.

So as we go into the 109th Congress, the gentleman from Arizona (Mr. FLAKE) and myself will be supporting legislation to withhold U.S. taxpayer dollars going to the U.N. until they open up their books, provide the audits, allow the people in that organization to testify before Congress and to let all the information come out so that the American public knows exactly where their taxpayer dollars are going.

With that, Mr. Speaker, as we close the 108th Congress, I look forward to the challenges ahead in the 109th Congress. I know that, as Franklin said, the price of liberty is eternal vigilance. Well, this Congress has been vigilant in the past, and I am sure we are going to be ever vigilant with the taxpayers' dollars and the American public's interest as we go through the next 2 years as well and we get to the bottom of the Food-for-Oil scandal.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 480. An act to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the "United States Postal Service Henry Johnson Annex".

H.R. 2119. An act to provide for the conveyance of Federal lands, improvements, equipment, and resource materials at the Oxford Research Station in Granville County, North Carolina, to the State of North Carolina.

H.R. 2523. An act to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the "Tomochichi United States Courthouse".

H.R. 3124. An act to designate the facility of the United States Geological Survey and the United States Bureau of Reclamation located at 230 Collins Road, Boise, Idaho, as the "F.H. Newell Building".

H.R. 3147. An act to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the "James V. Hansen Federal Building".

H.R. 3204. An act to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

H.R. 3242. An act to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops, and for other purposes.

H.R. 3734. An act to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building".

H.R. 3884. An act to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the "Hipolito F. Garcia Federal Building and United States Courthouse".

H.R. 4232. An act to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the "Congressman Jack Fields Post Office".

H.R. 4324. An act to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes.

H.R. 4620. An act to confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

H.R. 4807. An act to designate the faculty of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the "Adam G. Kinser Post Office Building".

H.R. 4829. An act to designate the facility of the United States Postal Service located at 103 East Kleberg in Kingsville, Texas, as the "Irma Rangel Post Office Building".

H.R. 4847. An act to designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, as the "Lieutenant General James V. Edmundson Post Office Building".

H.R. 4968. An act to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the "Bill Monroe Post Office".

H.R. 5360. An act to authorize grants to establish academies for teachers and students of American history and civics, and for other purposes.

H.R. 5364. An act to designate the facility of the United States Postal Service located at 5505 Stevens Way in San Diego, California, as the "Earl B. Gilliam/Imperial Avenue Post Office Building".

H.R. 5365. An act to treat certain arrangements maintained by the YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, and for other purposes.

H.R. 5370. An act to designate the facility of the United States Postal Service located at 4985 Moorhead Avenue in Boulder, Colorado, as the "Donald G. Brotzman Post Office Building".

The message also announced that the Senate has passed without amendment a Joint Resolution of the House of the following title:

H.J. Res. 102. Joint resolution recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 620. An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 78. Concurrent resolution condemning the repression of the Iranian Bahai community and calling for the emancipation of Iranian Bahái is.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2781) "An Act to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.".

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RAHALL (at the request of Ms. PELOSI) for today on account of family matters.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STUPAK) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Member (at the request of Mr. WHITFIELD) to revise and extend his remarks and include extraneous material:)

Mr. KING of Iowa, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 4818. An act making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2005, and for other purposes.

SINE DIE ADJOURNMENT

Mr. GARRETT of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Friday, December 10, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 531, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

Thereupon (at 8 o'clock and 38 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Friday, December 10, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 531, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11248. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Swine Health Protection [Docket No. 04-109-1] received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11249. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule — Servicing of Deliquent Community and Business Programs Loans — Workout Agreements (RIN: 0575-AC57) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11250. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Mexican Avocado Import Program [Docket No. 03-022-5] (RIN: 0579-AB81) received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11251. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Melons Grown in Texas; Temporary Suspension of Handling and Assessment Collection Regulations [Docket No. FV05-979-1 IFR] received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11252. A letter from the Administrator, Agricultural Marketing Service, Dairy Programs, Department of Agriculture, transmitting the Department's final rule — Milk in the Northeast and Other Marketing Areas; Order Amending the Orders [Docket No. AO-14-A72, et al.; DA-03-08] received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11253. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Vidalia Onions Grown in Georgia; Change in Assessment Requirements [Docket No. FV04-955-1 IFR] received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11254. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyazofamid: Pesticide Tolerance; Technical Correction [OPP-2004-0211; FRL-7685-1] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11255. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Advanced Extremely High Frequency (AEHF) Program exceeds the 15 percent Nunn-McCurdy Program APUC and PAUC thresholds, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

11256. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting notification of the Department's intention to close the Defense commissary store at Camp Howze, Korea by the end of November 2004; to the Committee on Armed Services.

11257. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Written Assurance of Technical Data Conformity [DFARS Case 2003-D104] received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11258. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Protection of Privacy and Freedom of Information [DFARS Case 2003-D038] received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11259. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Removal of Obsolete Research and Development Contracting [DFARS Case 2003-D058] received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11260. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contractor Use of Government Supply Sources [DFARS Case 2003-D045] received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11261. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Small Disadvantaged Business and Leader Company Contracting [DFARS Case 2003-D092] received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11262. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contracting for Architect-Engineer Services [DFARS Case 2003-D105] received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11263. A letter from the Assistant Secretary of the Navy for Installations and Environment, Department of Defense, transmitting notification of a decision to study the military space operations function performed by military and civilian personel in the Department of the Navy for possible performance by private contractors, pursuant to OMB Circular A-76; to the Committee on Armed Services.

11264. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Improper Business Practices and Contractor Qualifications Relating to Debarment, Suspension, and Business Ethics [DFARS Case 2003-D012] received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11265. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2005-07, Waiving Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Facility in Russia, pursuant to Public Law 106-65, section 1305; to the Committee on Armed Services.

11266. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — HOME Investment Partnerships Program; Amendments to Homeownership Affordibility Requirements [Docket No. FR-4940-I01] (RIN: 2501-AD06) received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11267. A letter from the Assistant General COunsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — PHA Discretion in Treatment of Over-Income Families [Docket No. FR-4824-F-02] (RIN: 2577-AC42) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11268. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Taiwan pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

11269. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Registration Under the Advisers Act of Certain Hedge Fund Advisors [Release No. IA-2333; File No. S7-30-04] (RIN: 3235-AJ25) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11270. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Disposal of Consumer Report Information [Release Nos. 34-50781, IA-2332, IC-26685; File No. S7-33-04] (RIN: 3235-AJ24) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11271. A letter from the Asistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Temporary Postponement of the Final Phase-In Period For Acceleration of Periodic Report Filing Dates [Release Nos. 33-8507; 34-50684; File No. S7-32-04] (RIN: 3235-AJ30) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11272. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Issuer Restrictions or Prohibitions on Ownership by Securities Intermediaries [Release No. 34-50758; File No. S7-24-04] (RIN: 3235-AJ26) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11273. A letter from the Secretary, Department of Education, transmitting a statistical report prepared by the National Center for Education Statistics entitled, "Trends in Educational Equity of Girls & Women: 2004," pursuant to 20 U.S.C. 9005; to the Committee on Education and the Workforce.

11274. A letter from the Secretary, Department of Education, transmitting the Department's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Education and the Workforce.

11275. A letter from the Director, OSHA Standards and Guidance, Department of Labor, transmitting the Department's final rule — Updating OSHA Standards Based on National Consensus Standards; General, Incorporation by Reference; Hazardous Materials, Flammable and Combustible Liquids; General Environmental Controls, Temporary Labor Camps; Hand and Portable Powered Tools and Other Hand Held Equipment, Guarding of Portable Powered Tools; Welding, Cutting, ad Brazing Arc Welding and Cutting; Special Industries, Sawmills. [Docket No. S-023A] (RIN: 1218-AC08) received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11276. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2002, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

11277. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Food on an Interim Basis or in Contact With Food Pending Additional Study; Mannitol [Docket No. 2004F-0066] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11278. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Classification of Newborn Screening Test Systems for Amino Acids, Free Carnitine, and Acylcarnitines Using Tandem Mass Spectrometry [Docket No. 2004N-0482] received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11279. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality: Revision to Definition of Volatile Organic Compounds — Exclusion of Four Compounds [FRL-7840-7] (RIN: 2060-AK37) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11280. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans: Maryland; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference [MD100-3100; FRL-7835-7] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11281. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Emergency Planning and Community Right-to-Know Act; Extremely Hazardous Substances List; Deletion of Phosmet [SFUND-2003-0007; FRL-7842-1] (RIN: 2050-AE42) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11282. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List; Petition to Delist of Ethylene Glycol Monobutyl Ether [OAR-2003-0188; FRL-7841-8] (RIN: 2060-4687) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11283. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to Definition of Volatile Organic Compounds — Exclusion of t-Butyl Acetate [OAR-2003-0084; FRL-7840-8] (RIN: 2060-AI45) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11284. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Oregon; Removal of Perchloroethylene Dry Cleaning System Rules [R10-OAR-2001-OR-0001; FRL-7839-5] received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11285. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Indiana; Rules to Control Particlate Matter and Carbon Monoxide from Incinerators [R05-OAR-2004-IN-0005; FRL-7838-3] received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11286. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7846-2] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11287. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Preliminary Assessment Information Reporting; Addition of Certain Chemicals [OPPT-2004-0089; FRL-7366-8] (RIN: 2070-AB08) received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11288. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC Requirements for Consumer Products [R03-OAR-2004-PA-0004; FRL-7845-1] received December 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11289. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC Requirements for Portable Fuel Containers [R03-OAR-2004-PA-0003; FRL-7845-3] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11290. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) FM Table of Allotments, FM Braodcast Stations. (Sells, Arizona) [MB Docket No. 02-376 RM-10617] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11291. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Waitsburg, Washigton) [MB Docket No. 04-168 RM-10832] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11292. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Islamorada, Florida) [MB Docket No. 04-205 RM-10704] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11293. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Calhoun, Georgia) [MB Docket No. 04-204 RM-10661] Reclassification of License of Station WYSF(FM), Birmingham, Alabama [BLH-20000929AEE] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11294. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments Digital Broadcast Television Stations. (Tulsa, Oklahoma) [MB Docket No. 04-260 RM-10616] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11295. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Greenwood, Mississippi) [MB Docket No. 04-187 RM-10967] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11296. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Braodcast Stations. (Kalispell, Montana) [MB Docket No. 04-283 RM-10965] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11297. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Revision to the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems [CC Docket No. 94-102] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11298. A letter from the Legal Counsel, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers [CC Docket No. 01-338] Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-98] Deployment of Wireline Services Offering Advanced Telecommunications Capability [CC Docket No. 98-147] December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11299. A letter from the Deputy Chief, IATD, Federal Communications Commission, transmitting the Commission's final rule — Local Telephone Competition and Broadband Reporting [WC Docket No. 04-141] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11300. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Greeley, Colorado) [MB Docket No. 04-253 RM-11007] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11301. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Review of Part 15 and other Parts of the Commission's Rules [ET Docket No. 01-278] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11302. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Disposal of Consumer Report Information and Records (RIN: 3084-AA94) received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11303. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued on August 14, 2002, August 7, 2003, and August 6, 2004 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C 1641(c) 50 U.S.C. 1703(c); to the Committee on International Relations.

11304. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Italy (Transmittal No. DDTC 051-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11305. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Colombia (Transmittal No. DDTC 039-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11306. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Colombia

(Transmittal No. DDTC 040-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11307. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Greece (Transmittal No. DDTC 046-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11308. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Bolivia (Transmittal No. DDTC 083-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11309. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services to Russia (Transmittal No. DDTC 086-04), pursuant to 22 U.S.C. 2776(c—d); to the Committee on International Relations.

11310. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals for the period of October 1, 2003 through September 30, 2004, pursuant to 22 U.S.C. 2694(2); to the Committee on International Relations.

11311. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11312. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revision of Licensee's Responsibility to Communicate License Conditions [Docket No. 041001275-4275-01] (RIN: 0694-AD05) received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11313. A letter from the Assitant Secretary for Legislative Affairs, Department of State, transmitting an assessment by the independent Foreign Affairs Council on the status of the efforts of Secretary Colin Powell, Deputy Secreary Rich Armitage, and Under Secretary Grant Green to emphasize the importance of leadership and management in accomplishing the Department's mission; to the Committee on International Relations.

11314, A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the third annual report on the Benjamin A. Gilman International Scholarship Program; to the Committee on International Relations.

11315. A letter from the Secretary, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the August 26-October 25, 2004 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

11316. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report as requested in the Concurrent Resolution 137 describing the actions taken by the United States at the United Nations to show the inappropriateness of Sudan's membership on the Commission on Human Rights, and to work to suspend its membership while it does not meet its obligations; to the Committee on International Relations.

11317. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2005-08, Waiving Prohibition on United States Military Assistance with Respect to Burundi, Guyana, and Liberia, pursuant to Public Law 107-206; to the Committee on International Relations.

11318. A letter from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 2004, pursuant to 3 U.S.C. 113; to the Committee on Government Reform.

11319. A letter from the Secretary, Department of Commerce, transmitting the semiannual report on the activities of the Inspector General for the period March 31 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11320. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General during the six month period ending September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11321. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report of the Inspector General for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11322. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11323. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11324. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

11325. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11326. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's FY 2004 Performance and Accountability Report (PAR); to the Committee on Government Reform.

11327. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Commission's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

11328. A letter from the Chairman, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting the combined report for the Inspector General Act of 1978, as amended, and the Federal Fiancial Manager's Integrity Act of 1982, pursuant to (102 Stat. 2525); to the Committee on Government Reform.

11329. A letter from the President, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting the FY 2004 Accountability of Tax Dollars Act Report of the Foundation; to the Committee on Government Reform.

11330. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2004 to September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11331. A letter from the Acting Secretary, Commission of the Fine Arts, transmitting in response to OMB Memorandum 05-01, a report stating that no competitive sourcing efforts in FY 2003, FY 2004, or FY 2005; to the Committee on Government Reform.

11332. A letter from the Chief Executive Officer, Corporation for National & Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period from April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11333. A letter from the Secretary, Departemnt of Agriculture, transmitting the Department's Annual Performance and Accountability Report for FY 2004 in accordance with the requirements of the Government Performance and Results Act of 1993 and the Office of Management and Budget's Circular A-11; to the Committee on Government Reform.

11334. A letter from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting the Department's Commercial Activities Inventory for Fiscal Year 2004, pursuant to Public Law 105-270; to the Committee on Government Reform.

11335. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11336. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11337. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11338. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and

Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11339. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting a copy of the inventories of commercial and inherently governmental positions in the Department of Transportation, as required by the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

11340. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11341. A letter from the Director, Office of Science and Technology Policy, Executive Office of the President, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Office's report on competitive sourcing efforts for FY 2004 and 2005; to the Committee on Government Reform.

11342. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

11343. A letter from the Chairman, Federal Housing Finance Board, transmitting pursuant to the requirements of Section 4 of the Government Performance and Results Act of 1993 and Part 6 of Circular A-11 of the United States Office of Management and Budget, the Board's annual performance and accountability report for FY 2004; to the Committee on Government Reform.

11344. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period April 1, 2004 to September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

11345. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Performance and Accountability Reports for FY 2004; to the Committee on Government Reform.

11346. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11347. A letter from the Administrator, General Services Administration, transmitting the FY 2004 Annual Performance and Accountability Report in accordance with the Report Consolidation Act of 2000; to the Committee on Government Reform.

11348. A letter from the Director and Chief Financial Officer, Holocaust Memorial Museum, transmitting the Performance and Accountability Report (PAR) for Fiscal Year 2004 for the Museum as required under the Accountability of Tax Dollars (ATD) Act; to the Committee on Government Reform.

11349. A letter from the Director of Finance and Administration, James Madison Memorial Fellowship Foundation, transmitting the Foundation's financial statements in compliance with the Accountability of Tax Dollars Act of 2002; to the Committee on Government Reform.

11350. A letter from the President, Legal Services Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11351. A letter from the Acting Chairman, Merit Systems Protection Board, transmitting the Board's Performance and Accountability Report for FY 2004, prepared in accordance with OMB Bulletin No. 01-09 and required by the Government Performance and Results Act, the Accountability of Tax Dollars Act, and the Federal Managers Financial Integrity Act; to the Committee on Government Reform.

11352. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

11353. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report to the Congress of the Inspector General and the Chairman's Semiannual Report on Final Actions Resulting from Audit Reports for the period of April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11354. A letter from the Chairman, National Endowment for the Arts, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270) and OMB Circular A-76, Performance of Commercial Activities, the Endowment's FY 2004 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Government Reform.

11355. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

11356. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11357. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11358. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2004 Performance Report, in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

11359. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the FY 2004 Annual Program Accountability Report, required by the Government Performance and Results Act; to the Committee on Government Reform.

11360. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Responses to Specific Questions Regarding the District's Proposed Baseball Stadium"; to the Committee on Government Reform.

11361. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Auditor's Examination of Personnel Process Used to Fill a Vacant Position In the Emergency Medical Services"; to the Committee on Government Reform.

11362. A letter from the Office of the Special Counsel, transmitting the Fiscal Year 2004 Report on Agency Management of Commercial Activities required by the Federal Managers' Financial Integrity Act of 1998, and the OSC's Inventory of Commercial and Inherently Governmental Activities for the same year, pursuant to Section 2(c)(1)(A) of the Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

11363. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

11364. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

11365. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period April 1, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11366. A letter from the Commissioner, Social Security Administration, transmitting the Adminstration's annual inventory as required by Public Law 105-270, the Federal Activites Inventory Reform (FAIR) Act of 1998 and OMB Circular A-76; to the Committee on Government Reform.

11367. A letter from the Chairman, Board of Governors, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 2004 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

11368. A letter from the Architect of the Capitol, transmitting a report discussing the AOC's activities to improve worker safety during the third quarter of FY04, pursuant to the directives issued in the 107th Congress First Session, House of Representatives Report Number 107-169; to the Committee on House Administration.

11369. A letter from the Public Printer, Government Printing Office, transmitting the Office's Annual Report for Fiscal Year 2004; to the Committee on House Administration.

11370. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the 2001 and 2002 annual reports on reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Resources.

11371. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule —

Indiana Regulatory Program [Docket No. IN-141-FOR] received November 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11372. A letter from the Assistant Sec. for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Conferring Designated Port Status on Houston, Texas; Louisville, Kentucky; and Memphis, Tennessee (RIN: 1018-AT59) received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11373. A letter from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-141-FOR] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11374. A letter from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Programs [PA-143-FOR] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11375. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California tiger salamander (Ambystoma californiense) in Santa Barbara County (RIN: 1018-AT44) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11376. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #14 — Adjustments of the Recreational Fisheries from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D. 102504D] received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11377. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Atlantic Highly Migratory Species [Docket No. 040316092-4312-02; I.D.103003A] (RIN: 0648-AQ37) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11378. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Swordfish Quotas' [Docket No. 030604143-4309-02; I.D.030403C] (RIN: 0648-AQ90) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11379. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Full Retention of Demersal Shelf Rockfish in the Southeast Outside District of the Gulf of Alaska [Docket No. 040106005-4316-02; I.D.121603C] (RIN: 0648-AP73) received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11380. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework 16 and Framework 39 [Docket No. 040809233-4289-02; I.D.080304B] (RIN: 0648-AR55) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11381. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher-processor Sector [Docket No. 031216314-4118-03; I.D.111004E] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11382. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #12 — Adjustment of the Commercial Salmon Fishery from Humburg Mountain, Oregon to the Oregon-California Border [Docket No. 040429134-4135-01; I.D.102604B] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11383. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #11 — Adjustments of the Recreational and Commercial Fisheries from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D.102504A] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11384. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye Salmon Fisheries; Inseason Orders [I.D.110904H] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11385. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D.111504A] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11386. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #15 — Adjustments of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D.111004A] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11387. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #16 — Adjustments of the Recreational Fishery from the U.S.-Canada Border to Cape Alava, Washington [Docket No. 040429134-4135-01; I.D.111004B] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11388. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #17 — Adjustments of the Commercial Salmon Fishery from the Oregon-California Border to Humboldt South Jetty, California [Docket No. 040429134-4135-01; I.D.111004C] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11389. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a report of activities carried out under the Law Enforcement Tribute Act, pursuant to 42 U.S.C. 15208 Public Law 107—273, section11001(h); to the Committee on the Judiciary.

11390. A letter from the Director, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule — Implementation of the Agreement Between the Government of the United States of America and the Government of Canada Regarding Asylum Claims Made in Transit and at Land Border Ports-of-Entry [CIS No. 2255-03] (RIN: 1615-AA91) received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11391. A letter from the Assistant Attorney General, Department of Justice, transmitting on behalf of the Chair of the President's Corporate Fraud Task Force, the Second Year Report; to the Committee on the Judiciary.

11392. A letter from the Assistant Attorney General, Department of Justice, transmitting a report as required by Section 202(a)(1)(c) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act," related to certain settlements and injunctive relief; to the Committee on the Judiciary.

11393. A letter from the General Counsel, EOIR, Department of Justice, transmitting the Department's final rule — Asylum Claims Made by Aliens Arriving From Canada at Land Border Ports-of-Entry [EOIR No. 142F; AG Order No. 2740-2004] (RIN: 1125-AA46) received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11394. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a review and recommendations about the assignment of responsibility for the functions of the United States Parole Commission (USPC) regarding supervised release of District of Columbia offenders, pursuant to Public Law 107—273, section 11017(b); to the Committee on the Judiciary.

11395. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting the Office for Victims of Crime's Report to Congress on the Department of Justice's implementation of the Victims of Crime Act for Fiscal Years 2001 and 2002, and initiatives that extended into Fiscal Year 2003, pursuant to 42 U.S.C. 10604(g); to the Committee on the Judiciary.

11396. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended: Electronic Petition for Diversity Immigrant Status (RIN: 1400-AB84) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11397. A letter from the Acting Director, Office of Government Ethics, transmitting the Office's final rule — Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations (RIN: 3209-AA14) received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11398. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification that the U.S. Commission on Civil Rights recently voted to recharter the advisory committees for the following states: Alaska, Colorado, Montana, Nevada, North Dakota, and South Dakota; to the Committee on the Judiciary.

11399. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wantagh Parkway 3 Bridge over the Sloop Channel, Town of Hempstead, New York. [CGD01-04-078] (RIN: 1625-AA00) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11400. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Johns River, Jacksonville, Florida [COTP Jacksonville 04-132] (RIN: 1625-AA00) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11401. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [COTP Savannah-04-139] (RIN: 1625-AA00) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11402. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Spa Creek, Annapolis, MD [CGD05-04-052] (RIN: 1625-AA09) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11403. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Annisquam River, Danvers, Fore River, and Saugus River, MA [CGD01-04-096] (RIN: 1625-AA09) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11404. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bayou Portage, Pass Christian, MS [CGD08-04-010] (RIN: 1625-AA09) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11405. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Atlantic Intracoastal Waterway, Elizabeth River (Southern Branch), VA [CGD05-04-117] (RIN: 1625-AA09) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11406. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Northeast Cape Fear River, Wilmington, NC [CGD05-04-120] (RIN: 1625-AA09) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11407. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Connecticut River, CT. [CGD01-04-137] received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11408. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Cape Fear River, Wilmington, NC [CGD05-04-189] (RIN: 1625-AA09) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11409. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Atlantic Intracoastal Waterway, Wrightsville Beach, NC [CGD05-04-202] (RIN: 1625-AA09) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11410. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Broward County Bridges, Atlantic Intracoastal Waterway, Broward County, FL [CGD07-04-136] received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11411. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY. [CGD01-04-145] received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11412. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Hackensack River, NJ. [CGD01-04-144] received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11413. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Port of Mobile, Mobile Ship Channel, Mobile, AL [COTP Mobile-04-034] (RIN: 1625-AA87) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11414. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations: Yonkers, New York [CGD01-03-107] (RIN: 1625-AA01) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11415. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, and 230 Helicopters [Docket No. 2004-SW-04-AD; Amendment 39-13812; AD 2004-20-07] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11416. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 2001-NM-254-AD; Amendment 39-13805; AD 2004-19-11] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11417. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2003-NM-90-AD; Amendment 39-13804; AD 2004-19-10] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11418. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines [Docket No. 2003-NE-54-AD; Amendment 39-13802; AD 2004-19-08] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11419. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Models PW123, PW123B, PW123C, PW123D, PW123E, PW123AF, PW124B, PW125B, PW126A, PW127, PW127E, PW127F, and PW127G Turboprop Engines [Docket No. 2003-NE-35-AD; Amendment 39-13806; AD 2004-20-10] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11420. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Przedsiebiortwo Doswiadczalno-Produkcyjne Szybownictwa "PZL-Bielsko" Model SZD-50-3 "Puchacz" Sailplanes [Docket No. 2003-CE-68-AD;Amendment 39-13823; AD 2004-21-02] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11421. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Salina, KS. [Docket No. FAA-2004-18822; Airspace Docket No. 04-ACE-48] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11422. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Harrisonville, MO. [Docket No. FAA-2004-18825; Airspace Docket No. 04-ACE-51] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

11423. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Grand Island, NE. [Docket No. FAA-2004-18819; Airspace Docket No. 04-ACE-45] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11424. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lamar, MO. [Docket No. FAA-2004-18826; Airspace Docket No. 04-ACE-52] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11425. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Hannibal, MO. [Docket No. FAA-2004-18827; Airspace Docket No. 04-ACE-53] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11426. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; California City, CA [Docket No. FAA-2004-18609; Airspace Docket No. 03-AWP-15] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11427. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Burwell, NE. [Docket No. FAA-2004-18823; Airspace Docket No. 04-ACE-49] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11428. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Jonesville, VA [Docket No. FAA-2004-18736; Airspace Docket No. 04-AEA-10] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11429. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Teller, AK [Docket No. FAA-2004-17608; Airspace Docket No. 04-AAL-07] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11430. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Merrill, WI [Docket No. FAA-2004-17447; Airspace Docket No. 04-AGL-12] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11431. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Fremont, NE. [Docket No. FAA-2004-18818; Airspace Docket No. 04-ACE-44] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11432. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Albert Lea, MI [Docket No. FAA-2004-17446; Airspace Docket No. 04-AGL-11] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11433. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nulato, AK [Docket No. FAA-2004-18342; Airspace Docket No. 04-AAL-10] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11431. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class Airspace; Beaver, AK [Docket No. FAA-2003-18061; Airspace Docket No. 04-AAL-09] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11435. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Grand Island, NE. [Docket No. FAA-2004-18819; Airspace Docket No. 04-ACE-45] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11436. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Joplin, MO. [Docket No. FAA-2004-18824; Airspace Docket No. 04-ACE-50] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11437. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kennett, MO. [Docket No. FAA-2004-18820; Airspace Docket No. 04-ACE-46] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11438. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Restricted Area 2503D; Camp Pendleton, CA [Docket No. FAA-2003-16722; Airspace Docket No. 03-AWP-19] (RIN: 2120-AA66) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11439. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Alpine Airstrip, Nuiqsut, AK [Docket No. FAA-2004-18343; Airspace Docket No. 04-AAI-11] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11440. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Correction to Class E Airspace; Kalispell, MT. [Docket No. FAA-2004-18924; Airspace Docket 04-ANM-14] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11441. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No.30423; Amdt. No. 3104] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11442. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30424; Amdt. No. 3105] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11443. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; and Model A300 B4-601, B4-603, B4-605R, B4-620, B4-622R, C4-605R Variant F, and F4-605R Airplanes [Docket No. 2000-NM-297-AD; Amendment 39-13792; AD 2004-18-13] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11444. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, DC-10-30F (KC10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F Airplanes [Docket No. 2002-NM-283-AD; Amendment 39-13794; AD 2004-18-15] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11445. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and Model A340-200 and -300 Series Airplanes [Docket No. 2002-NM-228-AD; Amendment 39-13793; AD 2004-18-14] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11446. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model EMB-135 and EMB-145 Series Airplanes [Docket No. 2001-NM-292-AD; Amendment 39-13797; AD 2004-19-03] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11447. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2003-NM-69-AD; Amendment 39-13799; AD 2004-19-05] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11448. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102 Airplanes [Docket No. 2003-NM-185-AD; Amendment 39-13801; AD 2004-19-07] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11449. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule —

Airworthiness Directives; Rolls-Royce plc RB211-22B, RB211-524, and RB 211-535 Series Turbofan Engines [Docket No. 2003-NE-57-AD; Amendment 39-13798; AD 2004-19-04] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11450. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 2002-NM-305-AD; Amendment 39-13787; AD 2004-18-09] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11451. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-202, -203, -233, and -243 Airplanes, and A330-300 Series Airplanes [Docket No. 2003-NM-183-AD; Amendment 39-13660; AD 2004-12-01] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11452. A letter from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Miscellaneous Changes to the Hazard Communication Requirements [RSPA-03-15327(Docket No. HM-206B)] (RIN: 2137-AD28) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11453. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Rear Impact Guards; Final Rule [Docket No. NHTSA-2004-19033] (RIN: 2127-AI56) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11454. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Rear Impact Guard Labels [Docket No. NHTSA-2002-11875; Notice 2] (RIN: 2127-AI04) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11455. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report to Congress and the National Transportation Safety Board on the regulatory status of open safety recommendations relating to several safety issues, pursuant to 49 U.S.C. 1135(d) Public Law 108—168, section 9; to the Committee on Transportation and Infrastructure.

11456. A letter from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Establishment of the Dundee Hills Viticultural Area (2002R-218P) [TTB T.D.-18; Re; Notice No. 14] (RIN: 1513-AA50) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11457. A letter from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Materials and Processes Authorized for the Treatment of Wine and Juice (2004R-517P) [T.D. TTB-17] (RIN: 1513-AA96) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11458. A letter from the Secretary, Department of Health and Human Services, transmitting the sixth annual report on the Temporary Assistance for Needy Families (TANF) program, as required by Title I of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996; to the Committee on Ways and Means.

11459. A letter from the Acting Chief, Regulations Branch, CBP, Department of Homeland Security, transmitting the Department's final rule — Preferential Treatment of Brassieres Under the Caribbean Basin Economic Recovery Act [CBP Dec. 04-40] (RIN: 1505-AB42) received November 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11460. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Wages (Rev. Rul. 2004-110) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11461. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Wages (Rev. Rul. 2004-109) received Nov. 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11462. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Federal Unemployment Tax Deposits — De Minimis Threshold [TD 9162] (RIN: 1545-BB66) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11463. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified convention and trade show activity. (Rev. Rul. 2004-112) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11464. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tax Forms and Instructions. (Rev. Proc. 2004-71) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11465. A letter from the Secretary, Department of the Treasury, transmitting notification of the Secretary's determination that by reason of the public debt limit, the Secretary will be unable to fully invest the the portion of the Civil Service Retirement and Disability Fund (CSRDF) not immediately required to pay beneficiaries, pursuant to 5 U.S.C. 8348(l)(2); jointly to the Committees on Government Reform and Ways and Means.

11466. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOEKSTRA: Committee of Conference. Conference report on S. 2845. An act to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes (Rept. 108–796). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 870. Resolution waiving points of order against the conference report to accompany the bill (S. 2845) to reform the intelligence community and the intelligence-related activities of the United States Government, and for other purposes (Rept. 108–797). Referred to the House Calendar.

Mr. HOEKSTRA: Committee of Conference. Conference report on H.R. 4548. A bill to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 108–798). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FRELINGHUYSEN (for himself, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. LOBIONDO, Mr. FERGUSON, and Mr. GARRETT of New Jersey):

H.R. 5430. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes; to the Committee on Homeland Security (Select), and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 5431. A bill to amend the Oil Pollution Act of 1990 to prevent oil spills and increase liability limits, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DELAY:

H. Con. Res. 531. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Eighth Congress; considered and agreed to.

By Ms. MILLENDER-McDONALD:

H. Con. Res. 532. Concurrent resolution commending the Aero Squad After School Program at Tomorrow's Aeronautical Museum in Compton, California, as well as other youth aviation programs that expose young minorities to the field of civil aviation; to the Committee on Transportation and Infrastructure; considered and agreed to.

By Mr. LINDER:

H. Res. 870. A resolution waiving points of order against the conference report to accompany the bill (S. 3845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; considered and agreed to.

By Mr. DELAY:

H. Res. 871. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Ninth Congress; considered and agreed to.

By Mr. DELAY:

H. Res. 872. A resolution appointing a committee to inform the President that the House is ready to adjourn; considered and agreed to.

By Mr. CHABOT:

H. Res. 873. A resolution expressing the sense of the House of Representatives that the terms of the Commissioners of the United States Commission on Civil Rights are staggered, beginning and ending upon the expiration date of the vacant position, and that Commissioners appointed to fill unexpired terms should serve only until the expiration date of the term for which they were appointed to finish, but may be eligible to be appointed to a new, subsequent term; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself, Mr. ROHRABACHER, and Mr. LEVIN):

H. Res. 874. A resolution supporting the establishment and full funding of a staff exchange program between the House of Representatives and the Parliament of Ukraine, the Verkhovna Rada, as soon as possible; to the Committee on International Relations.

By Mrs. MALONEY (for herself and Mr. GEORGE MILLER of California):

H. Res. 875. A resolution amending the Rules of the House of Representatives respecting the availability of legislation on the Internet; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XII.

469. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Resolution No. 298 memorializing the United States Congress to provide for a domestic energy policy that ensures an adequate supply of natural gas, including developing the appropriate infrastructure, embraces a concerted national effort to promote greater efficiency and produces a political consensus to open promising new areas for environmentally responsible natural gas production; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 126: Mr. GUTIERREZ.

H.R. 685: Mr. GUTIERREZ.

H.R. 734: Mr. GUTIERREZ.

H.R. 857: Mr. CUMMINGS.

H.R. 869: Mr. MICHAUD.

H.R. 1168: Mr. GUTIERREZ.

H.R. 1323: Mr. GUTIERREZ.

H.R. 1563: Mr. MCGOVERN, Mr. CAPUANO, Mr. RYAN of Ohio, Mr. CUMMINGS, and Ms. WOOLSEY.

H.R. 2060: Mr. FERGUSON.

H.R. 2107: Mr. GUTIERREZ.

H.R. 2133: Mr. CARTER.

H.R. 2182: Mr. ANDREWS.

H.R. 2823: Mr. BACA.

H.R. 2911: Mr. KENNEDY of Rhode Island and Mr. FRANK of Massachusetts.

H.R. 3281: Mr. BERMAN.

H.R. 3634: Mr. VAN HOLLEN.

H.R. 3676: Mr. GUTIERREZ.

H.R. 3847: Mr. UDALL of New Mexico.

H.R. 4035: Mrs. DAVIS of California.

H.R. 4169: Mr. ANDREWS.

H.R. 4284: Mr. REHBERG, Mr. MARIO DIAZ-BALART of Florida, Mr. FRANKS of Arizona, and Mr. SAM JOHNSON of Texas.

H.R. 4575: Mr. NADLER.

H.R. 4585: Mr. GUTIERREZ.

H.R. 4605: Mr. GUTIERREZ.

H.R. 4769: Mr. GUTIERREZ.

H.R. 4936: Mr. ANDREWS.

H.R. 5001: Ms. LOFGREN.

H.R. 5071: Mr. MENENDEZ.

H.R. 5126: Mr. PAYNE and Mr. BRADLEY of New Hampshire.

H.R. 5144: Mr. WEXLER.

H.R. 5304: Mr. VAN HOLLEN.

H.R. 5320: Mr. MENENDEZ.

H.R. 5410: Mr. GUTIERREZ and Ms. SCHAKOWSKY.

H.R. 5429: Mr. HUNTER and Mr. BALLENGER.

H.J. Res. 22: Mr. ANDREWS.

H.J. Res. 109: Mr. OWENS.

H. Con. Res. 503: Mr. NADLER.

H. Con. Res. 522: Mr. GALLEGLY.

H. Res. 570: Mr. MOORE.

H. Res. 586: Mr. FRANK of Massachusetts.

H. Res. 869: Mrs. CUBIN, Mr. BURTON of Indiana, Mr. HERGER, Mr. COBLE, Mr. GUTKNECHT, Mr. JONES of North Carolina, and Mr. LEWIS of Kentucky.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

130. The SPEAKER presented a petition of Mr. Dale W. Hogeland, a Citizen of Norwell, MA, relative to a notice of fraud, and petitioning the United States Congress for redress of grievances; to the Committee on Ways and Means.

131. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 492 of 2004 memorializing the United States Congress to introduce and pass appropriate legislation which seeks to provide comprehensive service to help non-traditional students complete their college degrees; jointly to the Committees on Education and the Workforce and Ways and Means.

EXTENSIONS OF REMARKS

IN HONOR OF GEORGE STRYDIO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor George Strydio for his support and remarkable work in helping others who are living with cancer. Mr. Strydio was honored at the Bayonne Community Mental Health Center's cocktail reception on October 27, 2004, in Bayonne, NJ.

At the age of 67, Mr. Strydio underwent a life-changing experience during a battle with non-Hodgkin's Lymphoma, a type of cancer. After surviving chemotherapy, several cases of pneumonia, and other health complications, including learning how to walk again, he decided to channel his energy into helping others with the disease. He devoted two years to visiting cancer patients before determining that he should establish his own support organization, which he named the Community Cancer Support Group.

The group is a valuable resource consisting of a team of people who reach out to offer support, encouragement, and hope to cancer patients. The Community Cancer Support Group holds monthly meetings and brings in guest speakers that address the educational, psychological, spiritual, and medical needs of its members.

Mr. Strydio grew up in Bayonne and was an outstanding high school football and baseball player. At one time a catching prospect for the Brooklyn Dodgers, Mr. Strydio shifted his focus in 1970 to teaching Okinawa-style martial arts called Isshin Ryu. After more than 30 years, he is still teaching at St. Peter's College in Jersey City.

Today, I ask my colleagues to join me in honoring Mr. Strydio, a champion in many respects, for his courageous battle with cancer and his establishment of the Community Cancer Support Group.

HONORING CONGRESSMAN AMO HOUGHTON

SPEECH OF

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. SLAUGHTER. Mr. Speaker, I rise today to commend two colleagues who will not be here when the next congressional session begins—Congressman AMO HOUGHTON and Congressman JACK QUINN. It has been a true honor to work with them. They will be greatly missed.

While we did not share the same political party, that fact never prevented us from working together to improve Upstate New York. These two men had very different backgrounds: JACK QUINN was a union steelworker and teacher before entering politics; AMO HOUGHTON was head of Corning Glass Works. Yet, they are good friends who have represented the working families in their districts well and with grace.

In 2002, when a State redistricting plan proposed to match these two men against each other, I think their statements at the time reflect their character and friendship:

"In my heart, I don't want to knock out Jack Quinn," HOUGHTON said. "He's an extraordinary guy."

"I hope it is not against my good friend, Amo Houghton," QUINN said. "If it is, I'll just invite him to dinner, maybe take our wives, and talk about what is best for the people of western New York."

Through their committee posts, both moderate Members fought for the interests of New York State.

As the former chairman of a Fortune 500 company, AMO HOUGHTON understood how the Federal Government could play a role in sustaining and creating local businesses. As a senior member on the House Ways and Means Committee, Representative HOUGHTON partnered with me to help create and maintain the wool duty relief program, which is credited with stemming the loss of manufacturing jobs in the suit industry. Duty relief on imported wool suiting fabrics has proven critical to the survival of Hickey-Freeman, a high-end suit manufacturer that has long operated in Rochester.

I was privileged to work closely with Representative QUINN after the redistricting process in 2002 when we came to share the city of Buffalo. JACK went out of his way to introduce me to the area and its people. He is truly the "Big Man from Buffalo." As one example of his effort to improve the local economy, we cohosted a widely attended forum with local manufacturers to discuss what action the Federal Government must take to ensure that western New York and the rest of the United States will remain competitive in the manufacturing sector.

I will miss the partnership I enjoyed with both men, and their decency and respect for this institution. I have heard it said that legislation is the art of compromise, and both of these men understood that principle. We need more people with the ability to reach across the aisle.

I know that this is not the last we will hear from either of them. Both of them still have much to contribute to public discourse and Upstate New York.

I wish both of them the best of luck and continued success in their future endeavors.

HONORING CONGRESSMAN AMO HOUGHTON

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FOSSELLA. Mr. Speaker, I rise today to honor and pay tribute to my distinguished colleague from the State of New York, Congressman AMO HOUGHTON. He is retiring after 18 years of esteemed public service as the Congressional Representative of the citizens of the 29th District of New York. Prior to his service in the U.S. Congress, Representative HOUGHTON was an established and well respected businessman. A former CEO of a Fortune 500 company, Mr. HOUGHTON was able to bring those skills to Washington to the benefit of the legislative process. His ability to work with both sides of the aisle made him an effective and powerful legislator. Known as a moderate Republican and fiscal conservative, Congressman HOUGHTON actively worked with a coalition of moderate Republicans to pursue meaningful budget reforms. Additionally, history will record Mr. HOUGHTON as one of the early leaders driving reform of the Alternative Minimum Tax. On behalf of the residents of the State of New York, I would like to thank Representative HOUGHTON for his exceptional service in the U.S. Congress. It has been a pleasure to serve with him, and his presence among the New York delegation will be sorely missed. Mr. Speaker, I would like to take this opportunity to congratulate Mr. HOUGHTON on a job well done, and wish him the very best in the years ahead.

REMOVE WELDON REFUSAL CLAUSE FROM OMNIBUS SPENDING BILL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mrs. MALONEY. Mr. Speaker, last month, the Republican majority pushed through Congress a $388 billion omnibus spending bill that very few people had a chance to read.

The Weldon provision was slipped into this enormous bill which severely alters the state of reproductive healthcare in this country. It gags America's doctor's and it jeopardize's women's health.

Without education and without knowledge and information, women are being forced to make life-changing decisions about their reproductive health.

This is not only wrong, it's un-American. The Weldon provision is nothing but another

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

attack on a woman's right to choose in an effort to dismantle Roe v. Wade. After all, why is it necessary?

Federal law already protects medical professionals who refuse to take abortion training.

Is this what American women can look forward to under the new Republican "mandate?"

The rolling back of their fundamental rights, an elimination of their healthcare options, and an undermining of their representation in Congress.

I, for one, certainly hope not, but this action does not look good and should put us all on alert.

I urge my colleagues to remove the Weldon provision from the FY05 Omnibus spending bill.

IN HONOR OF THE URBAN LEAGUE OF UNION COUNTY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Urban League of Union County for its exceptional service to the community. The Urban League celebrated its 60th anniversary at the 34th Annual Equal Opportunity Day Dinner on November 12, 2004, in Newark, New Jersey.

The Urban League was originally established to help African Americans secure economic independence and work for civil rights. Decades later, it has grown and expanded to assist the entire community with health needs, employment services, housing assistance, and educational opportunities.

The Urban League offers the residents of Union County a wide range of services to improve their quality of life. The Economic Development and Employment Department offers assistance with interview techniques, job referrals, career counseling, and job placement. In addition, it offers a Summer Youth Employment Program and a Work Opportunity Program for welfare recipients, as well as evening classes on computer literacy.

Working diligently to address important health issues, the Urban League has created the Adolescent Pregnancy Prevention and Assistance Program, which works to positively influence teenagers by educating and counseling them about relationships, sexual development, and other related issues.

The organization has also established a Housing Community Development Department, which provides counseling on a variety of housing issues including mortgages, consumer credit and budget management, weatherization, and rental assistance. Other services include grant programs, emergency homeless programs, and Federal Emergency Management Assistance.

Today, I ask my colleagues to join me in honoring the Urban League of Union County for six decades of outstanding service to the community. Its extensive services will continue to help improve the lives of countless individuals and families throughout Union County.

TRIBUTE TO McCULLOUGH WILLIAMS JR. OF YOUNGSTOWN, OH

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. RYAN of Ohio. Mr. Speaker, my remarks today are to pay tribute to the life of my friend, McCullough Williams Jr. of Youngstown, Ohio.

Mr. Williams has long been active in service to the community. He served as Third Ward Councilman, Housing Coordinator for the City of Youngstown, and President of the Youngstown City Board of Education. He was appointed by the Governor to the State of Ohio Board of Funeral Directors and Embalmers where he served as President. Mr. Williams was also a member of the National Board for Funeral Directors.

As well as being the founder of the Sterling-McCullough Williams Funeral Homes of Warren and Youngstown, and the former owner of numerous other businesses, Mr. Williams was a member of the Centenary United Methodist Church, where he served as trustee, the Roberts Deliberating Club, Youngstown State University Penguin Club, Charter Member of the Youngstown Mahoning County Convention and Visitors Bureau, Rising Sun Masonic Lodge No. 90 A&FM, Member of the National Parliamentarian Association, and Life Member of the NAACP.

Mr. Williams has been awarded the Buckeye Elks Community Service Award, the U.S. Small Business Administration Ohio Minority Advocate of the Year, the Ohio Expo Businessman of the Year, the Youngstown-Warren Regional Chamber of Commerce Outstanding Leadership Award, the Martin Luther King Jr. Recognition Award, the YWCA Man of the Year Award, NAACP Ebony Man of the Year Award, the Curbstone Coaches Hall of Fame, the Ebony Life Hall of Fame, the YSU Alumni Relations Distinguished Citizen Award, and the Ohio Governor Bob Taft Award for 50 Plus Years of Marriage and Community Service.

Mr. Speaker, I had the honor of attending Mr. Williams' funeral service. It was obvious to everyone who heard his family speak that McCullough Williams was an extraordinary individual who's caring and commitment to the community guided his life of service. His family is a great testament to his life. They will keep his values and passion alive. In short, our community and our country are better off because Mr. Williams lived. My prayers are with Mr. Williams and his family, and we honor his life here today.

IN SUPPORT OF H.R. 4670

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. HOLT. Mr. Speaker, I rise today to introduce letters of endorsement for the Center for Scientific and Technical Assessment Act of 2005 (H.R. 4670). I have introduced the enabling bipartisan legislation with Mr. HOUGHTON, Mr. MORAN of Virginia, Mr. HONDA, Mr. GORDON, Mr. McDERMOTT, Mr. WAXMAN, Mr. OLIVER, Mr. GREENWOOD, Mr. CASTLE, Mr. VAN HOLLEN, Mr. FROST, Mr. BERMAN, Mr. RUPPERSBERGER, and Mr. EHLERS.

The Center for Scientific and Technical Assessment would be a bicameral and bipartisan resource providing Congress with highly respected, impartial analysis and assessment of scientific and technical issues and would enable Congress better to oversee the Federal science and technology programs, which receives over $130 billion, annually. Finally, the Center also would help the Congress to better understand complex technical issues by providing timely information to members of Congress and our Committees before we have to make difficult voting decisions and funding tradeoffs. There is growing support for H.R. 4670 among our Nation's best science and technology professionals. I submit the following letter of endorsement by several professional societies for H.R. 4670:

OCTOBER 7, 2004.

Hon. RUSH HOLT,
House of Representatives, Washington, DC.
Hon. AMO HOUGHTON,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES HOLT AND HOUGHTON: The following engineering professional organizations are writing to express our support for your bipartisan bill, H.R. 4670, to establish a Center for Scientific and Technical Assessment (CSTA).

America's national security and economic well-being demand that the United States remain the world's leaders in advanced technology in the 21st century. However, technological development is advancing with unprecedented speed and complexity in a truly global environment and other countries, for the first time in U.S. history, are now threatening America's scientific and technological preeminence. Members of Congress, now more than ever, need to have access to objective, timely, and sound science, engineering and technology-related assessment pertinent to legislation and the complex policy issues before them.

The sheer volume and complexity of the technological data facing federal legislators necessitate some mechanism for balanced, non-partisan and technologically-informed analysis provided in a judicious manner. A Center for Scientific and Technical Assessment as envisioned in H.R. 4670 would satisfy these criteria by operating under the highly respected Government Accountability Office (GAO), being overseen by a bipartisan, bicameral Technical Assessment Board (TAB) consisting of Members of Congress and the Comptroller General of the GAO, to provide nonpartisan peer reviews of all CSTA reports.

We are encouraged that this bill takes into consideration the GAO's successful technical assessment pilot program as well as the GAO study "Technology Assessment: Providing Independent Assessments of Technologies," for guidance when crafting this legislation. We feel that H.R. 4670, if passed, would provide a valuable service to members of the House and Senate in making informed decisions on the complex technological issues of the times.

We look forward to working with you and your staff in advancing this important legislation.

Respectfully Submitted,

American Association of Engineering Societies (AAES).

American Society of Civil Engineers (ASCE).

American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE).

American Society of Mechanical Engineers (ASME).

Federation of Materials Societies (FMS).

The Institute of Electrical and Electronics Engineers—United States of America (IEEE-USA).

National Society of Professional Engineers (NSPE).

Optical Society of America.

ON THE OCCASION OF THE BIRTHDAY OF MRS. LENA ROBERT MURRELL-WHITE

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BUTTERFIELD. Mr. Speaker, I rise today to salute the American mother in the embodiment of Mrs. Lena Roberta Murrell-White. She has raised nine children and has nurtured a throng of grandchildren and great grandchildren. Her labor helped to build ships during World War II, supported the effort during the Korean War, sent a son off to the Vietnam War and provided more sons and daughters that have helped to build the American economy. Through her strong faith in a loving God she has brought light to her community in Camden, New Jersey. Mrs. Murrell-White was born and raised in the great State of North Carolina. She spent her formative years in the town of Greenville in Pitt County, North Carolina. Upon graduation from high school she moved to Camden, New Jersey where she married and raised her family. Now, at the age of 84 this paragon of mothers has neither slackened her pace, eased her resolve nor retreated an inch. She remains faithful to the Lord, committed to her family and solidly supports her community. So today she is to be commended for her efforts and receive the heartfelt gratitude of the Congress of the United States of America.

IN HONOR OF NICK STARITA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Nick Starita for his exceptional community service and passion for helping others. Mr. Starita was honored at the Bayonne Community Mental Health Center's cocktail reception on October 27, 2004, in Bayonne, New Jersey.

Mr. Starita has devoted more than 30 years of service to the United Cerebral Palsy (UCP) Association of Hudson County. During his extensive time at UCP, he has helped the organization expand and diversify its services. His contributions include helping UCP establish a second facility, securing greater accessibility to therapy services, and developing new programs to better serve Hudson County residents. The organization also offers an Adult Special Needs Program to help those who are developmentally disabled and require special medical assistance, and a day care program that works with both able-bodied and disabled children. The time and passion Mr. Starita has dedicated to UCP throughout the years has transformed the organization into an extensive network that includes three facilities and services ranging from advocacy to accessible transportation. Mr. Starita has demonstrated his strong leadership skills as UCP's executive director for the past 16 years and previously, as a member of the Board of Directors for 13 years.

Always striving to help others, Mr. Starita has volunteered at the A. Harry Moore School and served on the boards of numerous community and civic organizations, including the State Interagency Coordinating Council, the Alliance for the Betterment of Citizens with Disabilities, the Center for Enabling Technology, and the Boy Scouts Council, to name a few.

Mr. Starita has received awards from numerous organizations for his work, including the United Way of Hudson County, the PTA, the New Jersey State Parent Advisory Council for the Handicapped, and the Latin American Kiwanis Club of West New York.

Today, I ask my colleagues to join me in honoring Nick Starita for his outstanding service and tireless efforts to help the United Cerebral Palsy Association successfully achieve its mission to serve the people of Hudson County.

HONORING WORK AND LIFE OF DR. MELVIN DYSTER

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. SLAUGHTER. Mr. Speaker, I wish to honor the work and life of Dr. Melvin Dyster of Niagara Falls, New York, a family practitioner, who this past weekend was honored by the Niagara Falls Memorial Medical Center for 50 years of practicing medicine.

Dr. Dyster is 77 years old and still makes early morning rounds seven days a week at Niagara Falls Memorial Medical Center, sees patients at his office, and students at Niagara University in Lewiston, New York.

Dr. Dyster has had many accomplishments over the years. He started a Family Practice Residency Program in 1976 at the hospital to avert a shortage of primary care doctors. He became involved with a fledgling migrant worker clinic 25 years ago. He secured donated drugs for the clinic, and encouraged residents and medical students to become involved with the clinic, the County Health Department, and Memorial Medical Center, which now sends its mobile clinic to the farms in the area.

His accomplishments have led to many honors and awards. In 1995, Dr. Dyster was recognized as Doctor of the Year by the New York State Academy of Family Practice. He has received an honorary doctorate degree from Niagara University and the University of Buffalo Medical School Dean's Award for community involvement. He also received the Niagara University College of Arts and Sciences Dean's Award for his establishment of the Dr. Melvin B. Dyster Health Science Resource Center in 2003.

Dr. Dyster goes out of his way to provide services for those in need, working at the Hamilton Mizer Primary Care Center in Niagara Falls, which serves predominantly inner city residents.

Dr. Dyster is a consultant for the Niagara Falls City Task Force for Bioterrorism Preparedness, a member of Niagara County's Health Emergency Alert Response Team and an advisor on Memorial's Disaster Planning Committee.

Dr. Dyster's efforts on behalf of the Niagara Falls community extend beyond the medical world; he was instrumental in saving the former Niagara Falls High School from demolition, which has become a well used arts and cultural center.

Dr. Dyster is a retired full colonel in the Army Reserve and was chief of staff at the 865th General Hospital at the Niagara Falls Air Base.

I am honored to have such a caring and compassionate man as Dr. Dyster live and work in my district.

HONORING CONGRESSMAN JACK QUINN

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FOSSELLA. Mr. Speaker, I rise today to honor and pay tribute to one of my distinguished colleagues from the State of New York, Congressman JACK QUINN. In his six terms as Representative of the 27th District of New York, Congressman QUINN brought a strong and well respected voice to the United States Congress. His good nature and approachability made him a pleasure to work with, for both sides of the aisle. As Chairman of the Committee on Transportation and Infrastructure Subcommittee on Railroads, Mr. QUINN fought to preserve Amtrak as part of our Nation's infrastructure and worked tirelessly towards ensuring the safety of our railroads. He has used his seat on the Committee on Veterans to bring about needed reforms for our veterans and to raise awareness and appreciation of our Nation's heroes and their sacrifices. His role as Chairman of the House Republican Working Group on Labor provided an important link to keep the lines of communication open between labor leaders and the Republican party. Beyond his legislative accomplishments, Congressman QUINN made service to his constituents the cornerstone of his office, and it is this service that will be his legacy. On behalf of the residents of New York, I would like to thank Mr. QUINN for his exceptional service to the United States Congress. His presence, both in the House and within the New York delegation will be greatly missed. Mr. Speaker, I ask that my colleagues join me in congratulating Mr. QUINN on 12 remarkable years of service, and in wishing him and his family all the best in the years to come.

HONORING THE RECIPIENTS OF THE 2004 EXCEPTIONAL MERIT IN MEDIA AWARDS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mrs. MALONEY. Mr. Speaker, I rise today to congratulate the winners of the 18th Annual Exceptional Merit in Media Awards (EMMAs) which were presented by the National Women's Political Caucus earlier this year. This prestigious honor is given for excellence in media coverage of women's issues.

The 2004 EMMA honorees include:

The Liz Claiborne Award for Outstanding Reporting on Violence Against Women: Marie Claire, Lesley Jane Seymour, Editor-in-Chief.

Magazine Story, Winner: "Code of Dishonor", Clara Bingham, Vanity Fair Magazine.

Television, Exceptional Feature Story: "He Said, She Said", Melissa Cornick, ABC News.

Magazine Story, Runner-up: "Your Body is a Battle Ground", Kimberly Sevcik, Self Magazine.

Television, Exceptional Documentary: "Our Lifetime Commitment: Stop Violence Against Women", Denise Young Farrell, Lifetime Television.

Magazine Story, Runner-up: "Are You Ready to Really Understand Abortion", Allison Brower, Glamour.

Radio Segment: "Shoshone Sisters Fight for Land", Susan Shepard, Living on Earth, NPR.

Television, Special Topics: "Final Justice with Erin Brockovich, #315", LMNO Productions, Larry Goldman, VP Corporate Communications.

Special, Print: "Violently Ill", Jennifer Wolff, Self Magazine.

Television, News Story: "Women and the Media", PBS to the Contrary Television, Cari Stein, VP Corporate Communications.

Newspaper, Exceptional Feature Story: "The Complete Anita Hill", Florence Graves, freelance writer, 1994 EMMAs winner, The Boston Globe.

I was thrilled to have been a part of this special event by paying tribute to journalists who write meaningful and groundbreaking articles about issues affecting women. I believe that they should be commended for their talents, and I look forward to reading more of their work in the future.

IN HONOR OF COOKIE DAUGHTREY

HON. ROBERT MENENDEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the late Mrs. Cookie Daughtrey for her dedicated work in serving the community and those in need. Ms. Daughtrey was honored at the Bayonne Community Mental Health Center's cocktail reception on October 27, 2004, in Bayonne, New Jersey.

Mrs. Daughtrey was known for her tireless efforts to help those less fortunate than herself. Even as a child, she reached out to others and would often invite underprivileged peers over for dinner. She greatly helped the citizens of Bayonne by matching people with service organizations that offered the food, shelter, healthcare, or substance abuse treatment they needed. In addition, she coordinated food drives in City Hall for the past five years.

With a passion for community involvement, Mrs. Daughtrey participated in numerous groups, including the New Frontier Democrats, Ireland's 32, and the HIGHWAYS program. Additionally, she volunteered extensively at the Bayonne Democratic Organization and was on the Board of Directors for the Bayonne Community Day Nursery.

Born and raised in Bayonne, Mrs. Daughtrey worked as a welfare investigator for the city for 27 years, and was employed at Woolworth's department store.

Today, I ask my colleagues to join me in honoring the late Cookie Daughtrey for her deep commitment to serving others in her community. Her years of volunteerism helped countless individuals and she will be remembered fondly by all who knew her.

TRIBUTE TO WARREN G. HARDING HIGH SCHOOL MARCHING BAND

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. RYAN of Ohio. Mr. Speaker, my remarks today are to pay tribute to the Warren G. Harding High School "Raider" Marching Band from Warren, Ohio.

On November 25th, Thanksgiving Day, 2004, the "Raider" Marching Band represented Ohio's 17th District as it marched down Broadway in midtown Manhattan during the 78th Annual Macy's Thanksgiving Day Parade. The "Raider" Band was one out of 10 bands to be selected nationwide out of approximately 500 applicants annually. With 201 members strong, the band played "On Broadway" as it stopped in Herald Square to showcase its talent for the millions of onlookers and viewers at home. The event was aired live on NBC Thanksgiving Day.

Lynn G. Marlin is the Director of Bands at Warren G. Harding High School. A graduate from the Youngstown State University's Dana School of Music in Youngstown, Ohio, and Marygrove College in Detroit, she has been leading and instructing the band for 10 years and has been teaching for 30 years. Richard J. Rollo is the assistant Director of the Bands and also the head of the jazz department where he has been teaching for 22 years. He is an alumnus of Youngstown State University and Vandercook College of Music in Chicago. The percussion instructor is Mr. Kevin Kiler, majorette instructors are Nicole Horner and Amy Namola, and the "Raider" flag line instructors are Erika Campolito and Nikki Wynn.

In addition to outstanding musical accomplishment, the "Raider" Marching Band shows great strides toward high academic achievement. This year's winner of the Bob Hope/Macy's Foundation Band Scholarship is Aaron Baer, a senior at Warren G. Harding High School. Each band in the parade selected one student who best represented all of the great qualities of Bob Hope including leadership, musical talent, humor, and activeness in community service. Mr. Baer was selected by the "Raider" band and represented Warren G. Harding in the scholarship competition, winning a $5,000 scholarship based on an essay he submitted. The Bob Hope/Macy's Foundation also donated $5,000 to the "Raider" Band.

Students who participated in the 78th Macy's Thanksgiving Day Parade:

Tanasha Alexander, Noora Alie, Alicia Allen, Ariel Austin, Aaron Baer, Doug Baker, Beth Balas, Loryn Baldwin, Desa Banish, Kristen Banks, Ashlee Barksdale, Sarah Beitzel, Terrance Belser, Tern Belser, Taryn Benson, Jessica Benson, Amy Binko, Leracia Blalock, Joanna Bland, Rheadus Bland, Carin Boros, Frank Bosak, Daniel Bozek, Shala Brantley, Jazzmon Britton, Tim Brogdon, Jessica Brown, LaSheana Brown, Ashley Browning, Jessica Browning, James Brutz, Jordan Butler, Brittany Caimona, Vicki Capranica, Monique Carducci, Christopher Cargill, Justin Cargill, Samuel Carr, Jamie Carter, Meghan Caswell, Brieanna Catheline, Megan Chambers, Ryan Chambers, Stephen Chappell, Daniel Clever, Joey Cluckey, Bethany Clucky, Ashley Coleman, Kendra Coleman, Lamar Coleman, Angela Collazo, Amanda Comanescu, Chelsea Comanescu, Greg Dailey, Avery Danage, Zack Darno, James Davis, Matthew Davis, Dominique DeSanti, Savontae Diggs, Brittany Dowe, Stephen Drake, Dennis Drummond, Chris Dudley, Elissa Dukes, Matthew Dukes, Shani Dukes, Jessica Dunewood, Marcella Economos, Dillon Fishel, Megan Fishel, Gina Fisher, Meranda Gedded, Alycia Geddes, Gerry Gianoulos, Lindsey Glenn, Rickisha Goliday, Ciearra Grubbs, Autumn Hall, Chasity Hall, Patricia Hampton, Aron Hamrick, Courtney Harrel, Brian Harris, Krystyne Harris, Pasha Harris, Wil Harris, Mandy Hawkins, Camille Heller, Jordan Hice, Stephanie Horkey, Alicia Howard, Kaitlynne Hummel, Mark Hummell, Sara Hummell, Brittany Jackson, Jeremy Johnson, Tiara Jones, Alysha Joseph, Brittany Joseph, Tommy Kearns, Janelle Kellar, Brandon Kingery, Angela Knepper, Deanna Kuzenko, Justin Kuptz, Caritta Lewis, Amanda Lichty, Alexandria Limperos, Ebony Liptrot, Ricky Logan, Victoria Lopez, Ray Marchek, Thomas Mason, Jasmine Mauzy, Kellie McAllister, Tyecchia McBride, Marc McCarty, Brittany McDaniel, Jessica McDougal, Robert McIver, Meghan Mckenzie, Tabbitha Merten, Kiera Moore, Tonya Mocella, Sarah Moreton, Elizabeth Mosly, Donald Motley, Justin Mullet, Tabbitha Murphy, Vinitra Murray, Tzoulie Niforos, Nicole Oller, Ayla Oliver, Caullen Owens, Anna Patsy, Gino Pennachio, Kristie Perricellia, Justin Peters, Brittany Phillips, Josh Phillips, Christina Pingley, Tori Piper, Keisha Pugh, Robert Ragland, Adam Reed, Sarah Riffle, Cory

Rihel, Andy Rodgers, Melissa Rodriguez, Tiyauna Rudd, Megan Rupert, Rashanna Russ, Samantha Schaab, Michelle Seawood, Melissa Seawood, Charles Seay, Sophia Sebben, Krysta Simpson, Kelly Smith, Kayla Sparks, Sara Stainislaw, Brittany Stargell, Rachel Starr, Angela Stawiski, Anne Stewart, Erin Straniak, Maureen Sweet, Caleb Tatebe, Kiwanna Taylor, Michael Thomas, Kaycee Thompson, Matt Thompson, Carrie Turner, Rochelle Vinson, Alexandria Walker, Greg Walker, Jacque Walker, Dan Westover, Cara White, Gary White, Carie Whoreton, Daivon Williams, David Wilson, Alyssa Wolcott, Peter Wyndam, Tiffany Wynn, Yang Xu, Collin Yarnel, Mark Yauger II, Annette York, Christopher Younger.

HONORING FRANK VON HIPPEL, RECIPIENT OF THE GEORGE F. KENNAN PEACE LEADERSHIP AWARD

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. HOLT. Mr. Speaker, Frank von Hippel, a physicist and professor of public and international affairs at Princeton University, has had, and continues to have, a far-reaching influence on arms control and nuclear policy. He is without question one of the world's leading experts on nuclear arms control and non-proliferation.

Frank's many contributions include path breaking work on nuclear reactor safety, energy efficiency in automobiles, support of whistle-blowers, training of a large group of young policy scientists, and his current work on the safety of stored spent power-reactor fuel. He is the founder of the journal Science and Global Security, the leading peer-reviewed journal on technical issues of arms control and international security. He is a model to many people about how a scientist should contribute to the policy process.

On the occasion of the award of the George F. Kennan Peace Leadership Award, I would like to highlight Frank von Hippel's work with Soviet scientists that prepared the way for deep cuts in nuclear arsenals. This is only one aspect of Frank's many contributions.

During the 1980s Frank developed a working relationship with Soviet physicist Evgeny Velikhov. At the time, Velikhov was the deputy director of the I. V. Kurchatov Institute of Atomic Energy in Moscow, and he became the science advisor to Soviet President Mikhail Gorbachev. Through this relationship, Frank was able to launch a series of cooperative efforts between U.S. non-governmental organizations and the Soviet Academy of Sciences. These included the installation of devices to detect underground nuclear weapons tests, an arms control experiment to verify the presence of a nuclear weapon on Soviet warship, inspections of Soviet nuclear facilities, programs to safeguard and reduce Soviet stockpiles of nuclear weapons materials, programs to reduce the nuclear proliferation risk from former Soviet nuclear materials stockpiles and from former weapons scientists, and a joint U.S.-Soviet project to assess the potential for deep cuts in nuclear weapons arsenals. These activities provided a basis for U.S. and Soviet reductions in their nuclear arsenals.

Frank always knows his subject; his work is well reasoned and backed up with careful analysis. But his achievements show that he is much more than a technical expert. Frank is a great person to work with; everyone likes him. His generosity and, especially, his even temper, that have helped him forge international cooperation among scientists and governments. Frank is the first person I call when I have questions on nuclear weapons and arms control or any number of other subjects. He richly deserves this great honor.

IN HONOR OF CAPTAIN GILMAN G. UDELL, JR. ON THE OCCASION OF HIS RETIREMENT

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. KINGSTON. Mr. Speaker, I rise today to honor one of our Capitol Police Officers. On December 31, 2004, Captain Gilman G. Udell will retire after 33 years of serving the Congress as a member of the United States Capitol Police (USCP). Captain Udell spent the majority of his career, and finished as the commanding officer, of the USCP Hazardous Incident Response Division. Captain Udell was one of the six original members of the USCP bomb squad, first organized in the Spring of 1974. To exemplify Captain Udell's fine work in this area, one must review the threat environment over the last 30 years.

On March 1, 1971 a bomb exploded in a restroom on the first floor of the Senate wing of the Capitol, causing extensive damage. After that incident, the Department selected six officers to attend the basic bomb course at Redstone Arsenal in Huntsville, Alabama. When Gill Udell and the other original members returned to Washington after completing the training at Redstone Arsenal, their new unit became part of the Special Investigations Division.

Over the 30 years of its existence, the Bomb Squad has excelled at developing and adapting new tools and techniques for rendering safe procedures. Members of the unit work with other Federal agencies such as the FBI, ATF, DoD and DoE, as well as private contractors in the defense industry to stay current with new technology and to promote the development of new tools and techniques for the bomb technician community. Captain Udell has been instrumental in every measure of this development.

Although most of the calls received by the Bomb Squad each day turn out to be nothing harmful, there have been a number of incidents over the years in which the danger was real.

July 4, 1976: An individual was stopped who had been acting suspiciously, looking at the grates on the West Front. When searched, the suspect admitted having home-made explosive devices, 1″ x 6″ inch lengths of cardboard tubing with non-electric fuses. Each of these bombs packed the explosive power of about a quarter stick of dynamite. The devices were transported to Ft. Belvoir, where the ATF assisted in detonating them. The suspect had intended to light the devices and throw them into the crowd.

September 26, 1980: A Chevy pickup truck being used as an incendiary device tried to crash the South Wall of the Capitol building.

May 20, 1982: A hoax device consisting of red candles with a sparkly coating that looked like dynamite and a clock placed inside a shoe box inside a paper bag, was found in the office of the Clerk of the House.

October 18, 1983: At 1330 hours, a male foreign national entered House Gallery #10 with a device that consisted of two one-liter soft drink bottles filled with homemade black powder, a slide switch for control, flash bulb as an initiator, and a battery for a power source. The man stood up and, instead of exiting, walked down to the front, meanwhile trying to flip the switch on his device. Fortunately, the black powder mixture was not mixed correctly, so the device did not go off. The suspect was apprehended as soon as he walked towards the rail, and was eventually deported back to Israel after this event.

November 7, 1983: At 2255 hours, a detonation occurred on the second floor of the U.S. Capitol, opposite the Republican Cloak room, causing extensive damage. The device was constructed of 4 to 5 pounds of dynamite, a battery, electric blasting cap and watch, all placed in a gym bag. Credit for the explosion was claimed by a group calling itself The Armed Resistance Unit. Seven militants belonging to the group were convicted of this bombing in 1990.

August 20, 1984: A Molotov Cocktail was thrown and ignited on the East Front, Center Steps portico, by the 2nd floor entrance. One bystander, a Priest, was injured. The device consisted of a beer bottle filled with gas and containing a wick, and was ignited with a lighter. The perpetrator was arrested.

March 15, 1986: A letter bomb addressed to a senator was intercepted by the U. S. Post Office. The device, consisting of a hollow antenna segment filled with match heads, battery, and wire heating element, had been made by a prisoner and sent from a prison in Kansas.

April 19, 1988: The FBI called the Hazardous Devices Section for assistance. While executing a search warrant, FBI agents discovered deteriorated nitroglycerine-based dynamite in a suspect's closet. The HDS responded, removed, transported and destroyed the dynamite.

June 21, 1988: A hoax device designed to resemble a hand grenade was sent to a Congressman's office but was intercepted by the House Post Office. The item was detonated during render safe procedures performed by the Hazardous Devices Section.

December 5, 1990: A subject attempted to enter the Dirksen Senate Office Building with a hoax device consisting of three signal flares, a clock, wires and a circuit board.

January 3, 1995: Just three weeks after the Bomb Squad acquired its new, state-of-the-art Andros robot, a suspected pipe bomb was found at 3rd and Independence Ave., SW., and the Metropolitan police contacted HDS for assistance. When remote procedures could not open the device, it was placed in the bomb sphere truck and transported to the Marine Corps explosives range at Quantico, Virginia, where it was counter-charged and blown open. The device turned out to be a sand fuse belonging to METRO.

The Capitol Police Bomb Squad is rated by the FBI Bomb Data Center and staff of the Hazardous Devices School at Redstone Arsenal as one of the top bomb squads in the Nation. The unit has achieved recognition throughout the bomb technician community through their assistance to other agencies and service in offices and positions in professional associations and organizations.

Captain Udell successfully led the Unit through many changes as the Department's mission evolved in recent years. The unit that started with a home-made bomb truck put together from donated and surplus parts is today equipped with state-of-the-art technology. Captain Udell was one of the first to recognize the need for specialized training in Weapons of Mass Destruction and Hazardous Materials. Years before the Anthrax Letter was received in Senator DASCHLE's Office, all the HDS technicians were certified to handle nuclear, biological and chemical incidents.

Captain Udell was instrumental in the response to the Anthrax letter attack, which occurred just one month after September 11th, 2001. He led his hazmat trained bomb techs on emergency calls that appeared to never end. Prior to the Anthrax attack, there was typically one or two "suspicious powder" calls a month. That was soon to change. On October 15th, the Senator Daschle anthrax letter was opened in the Hart Senate office building. It was the 3rd, of a total of 56 "suspicious powder" response calls, for just that day. Captain Udell managed the teams' response, and being a certified bomb and hazmat technician himself, he jumped in and responded to calls with his team. The response and clean up of the anthrax incident encompassed nearly seven months until completion. Captain Udell worked tirelessly throughout the entire period, working long extended hours and rarely taking a day off. To Captain Udell, this was just doing his job; to his team, the Capitol Police, and the Congressional Community Captain Udell is a true leader and patriot in the protection of Congress.

After the Anthrax incident, Captain Udell played a critical part in the development and implementation of the police department's Hazardous Materials Response Team. He finished his career as the Commander of the newly formed Hazardous Incident Response Division of the Capitol Police. The new unit incorporated an "all hazards" response capability to deal with the new and emerging threats in the post 9/11 era.

Captain Udell started his relationship with the Congress as high school student in the Page Program. He has served the Capitol Police and the Congress in an exemplary manner throughout his career. He is a role model to those who follow in what it means to "protect the Congress"—the mission of the U.S. Capitol Police, which Captain Udell has never forgotten.

IN HONOR OF SUE SHAPIRO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Sue Shapiro for her active role in community organizations and years of dedicated leadership. Mrs. Shapiro was honored at the Bayonne Jewish Community Center's 52nd annual Sustaining Dinner Gala on October 23, 2004, in Bayonne, New Jersey.

Sue Shapiro's commitment to serving her community has been demonstrated by her steadfast involvement in local organizations. In the past, she has served as a member and trustee of the Bayonne Board of Education and was the second woman to serve as president of the Temple Beth Am.

Her most extensive service has been with the Jewish Community Center. As chairperson of the Health and Physical Education Committee for 24 of her 29 years of participation, Mrs. Shapiro has overseen a successful athletic program for youth and adults of Bayonne. She has also served as chair or co-chair of the Open Tennis Tournament, Winter Holiday Elementary School Basketball Tournament, Annual Golf Tournament, and Annual Sports Awards Program. In addition, she has successfully organized three reunions at the Jewish Community Center.

Throughout her years of involvement with these organizations, Mrs. Shapiro has continued to work as a dedicated employee for the Rexall Drug Company and Judge Harvey L. Birne.

Born and raised in Bayonne, Mrs. Shapiro was the wife of the late Harold Shapiro and is the proud mother of three sons and three grandchildren.

Today, I ask my colleagues to join me in honoring Sue Shapiro for her outstanding leadership and dedication to the community of Bayonne, New Jersey.

TRIBUTE TO MR. JOHN DIPOFI

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. SLAUGHTER. Mr. Speaker, it is with great sadness that I rise today to pay tribute to Mr. John DiPofi of Niagara Falls, NY, who passed away this week at the age of 106. He was the oldest living Marine in the United States at the time of his death.

Mr. DiPofi joined the Marines on November 10, 1922, and served for 3 years in Haiti. He was an expert rifleman and was assigned to guard the country's agricultural assets.

Mr. DiPofi was born in Italy and came to America in 1913 at the age of 15. He lived and worked in Niagara Falls after his tour of duty.

It was an honor to have Mr. DiPofi living in the 28th Congressional District. I was privileged to meet him last year and congratulate him on his good health and service to our nation.

I offer my sincerest condolences to Mr. DiPofi's family. The nation has lost a good soldier, and Niagara Falls has lost a good friend. His extraordinary life will never be forgotten.

RECOGNIZING LANCE CORPORAL PHILLIP G. WEST, USMC, WHO WAS KILLED IN ACTION IN IRAQ NOVEMBER 19, 2004

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. THOMPSON of California. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to Lance Corporal Phillip G. West, USMC, who was killed in action in Iraq November 19, 2004. Corporal West, a 19-year-old resident of Napa County, CA, answered his country's call and paid the ultimate price.

Corporal West served as a rifleman with the 3rd Platoon, India Company, 3rd Battalion, 1st Marine Division. He was on patrol in Fallujah when he was fatally wounded by an explosive device.

Corporal West was born and raised in Napa County. He was a lifeguard at the American Canyon Aquatics Center and taught many local youngsters to swim. He also played football for the Vintage High School Crushers in Napa.

Corporal West loved his country and he enlisted in the Marines immediately upon graduation from Vintage High in 2003. He was drawn to the Corps because, to him, it was "the best" and he wanted to be part of the best.

Corporal West was deployed to Iraq's Al Anbar Province in June. As a rifleman, he was often in combat situations, either on safety patrol or in directly confronting insurgents. He excelled at his job, was highly regarded by his unit and received a commendation from the Marine Corps for superior performance.

Corporal West died serving the country he loved, with comrades he loved and with the love of his family in his heart. Our nation is humbled and grateful for his sacrifice.

Mr. Speaker, it is appropriate at this time that we recognize Lance Corporal Phillip G. West, USMC, who gave his life in service to his country.

HONORING THE WOODCLIFF COMMUNITY REFORMED CHURCH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Woodcliff Community Reformed Church, which celebrated its 75th anniversary on November 18, 2004, in Jersey City, New Jersey.

Throughout the years, the Woodcliff Community Reformed Church has helped the residents of Jersey City by supporting local organizations, providing outreach programs, and aiding in the spiritual development of its congregation.

Its efforts to serve the community include establishing a program to feed the homeless and offering building space to local Alcoholics Anonymous groups. It has also been a major supporter of the local Boy Scout and Girl Scout troops in the area. The church's dedication to serving others has greatly contributed to the success and stability of the community, and its contributions to the surrounding areas are to be commended.

Today, I ask my colleagues to join me in honoring the Woodcliff Community Reformed Church for its 75 years of exemplary work within the community and its spiritual leadership in Jersey City, NJ.

COMMENDING HUMBERTO LOZANO LOPEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a unique American patriot and pioneer in the Tejano recording industry and the world of radio and broadcasting, my friend from our hometown of Robstown, TX, Humberto Lozano Lopez.

Humberto was just inducted into the Tejano Hall of Fame in Texas for his lifetime of excellence in broadcasting and for the extraordinary addition he has made to the tapestry of our lives through broadcasting—both music and community interest programming—composing, promoting Hispanic talent, and finally obtaining and operating the Lopez Broadcast System that now consists of several South Texas radio stations.

His introduction to radio came in 1955, while he was still in high school, conducting the American GI Forum Weekly Program on KCCT in Corpus Christi, TX. After graduation he continued this work he loved, and it took him all over south Texas and northern Mexico. In the early 1960s, he moved the family to San Antonio, where he branched out to television, and worked in the first U.S. Spanish Radio station, KCOR, and the first U.S. Spanish Television station, (KWEX).

His voice won him voice-over roles in some classic American movies—for voices of Spencer Tracy, Sidney Poitier, Anthony Quinn, and many more—and he dubbed several Hollywood movies into Spanish for broadcast into Mexico and Latin America. For his work in this venue, Humberto picked up an award for "Best Performance in Dubbing."

In the early 1970s, he returned to live in Robstown and work in Corpus Christi. He began as program director for KCCT, spicing up the classic station with a new motto, "Radio Jalapeno—Caliente." While in Corpus Christi, he worked for a while in print journalism for the Corpus Christi Sun Newspaper, as sales manager and columnist.

In the early 1980s, he longed to put his management skills and talent to use in a larger sphere, and applied with the FCC to own his own station. He quickly began acquiring radio stations in South Texas under the Lopez Broadcast System, which currently includes: KTMV–TV, Corpus Christi; KTMV–TV, Victoria (UPN affiliate); KTMV–TV, San Antonio; KMIQ 104.9 FM, Robstown-Corpus Christi; KINE 1330 AM Robstown-Kingsville; KXTM 107.7 FM, Benavidez; KHMC 95.5 FM, Victoria; and KLMO 98.9 FM, San Antonio. He continues to explore expanding Lopez Broadcast System into other markets such as College Station, San Angelo, and Houston.

Humberto's most memorable experiences included interviewing the widow of Mexican legend, Pancho Villa; Texas' first Hispanic Congressman, Henry B. Gonzalez; and the members of Battalion 201, the World War II Mexican Battalion. Easily, his most rewarding experience is the continuing success of the Lopez Broadcast System, which serves our home community in South Texas. Humberto's philosophy is: "It's not about how much money someone may earn but the accomplishments and lives you touch—which leaves a legacy of hope."

He is supported by the love of his life, his wife Minerva Rodriguez-Lopez; their children: Mario Humberto, Luis Homero, Larry, Manuel, Carlos, Humberto II, Ernesto, Mena Lamar, Melinda, Ray, Lisa, and Mary Helen; their 27 grandchildren—Mario Humberto II, Michael Anthony, Marissa, Celina, Carissa, Crista, Lizette, Lynsey, Ashley Nicole, Manuel Omar, Mireya, Alejandro, Gabriella, Laura Lynn, Carlos Eric, Crystal, Katherine, Ernesto Nicholas, Raul Jr., MiaMar Minerva, Isabella, Giselle Fey, Cristian Esai, Ray Jr., Amy Desiree, Nayeli, and Orlando DeLeon II; and their 2 great grandchildren, Mario Humberto III, and Michael Anthony.

I ask my colleagues to join me today in commending my dear friend, Humberto Lozano Lopez, for the amazing achievement so far in his lifetime and for his recent induction into the Tejano Hall of Fame.

HONORING THE BALLOU SENIOR HIGH SCHOOL MARCHING BAND

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. NORTON. Mr. Speaker, I rise today to recognize and honor the District's own Ballou Senior High School Marching Band for its recent extraordinary achievement at the Home Depot National Battle of the Bands Competition. The band, numbering 86 members, placed second among eight bands in a competition which included 110 entrants in the initial field. Ballou deserves recognition from the House of Representatives not only because of this notable accomplishment. I ask the Congress to recognize the Ballou Marching Band also because these students, led by their able and devoted band director, Darrell Watson, overcame nearly impossible odds.

The high school is located in one of the city's most disadvantaged and besieged communities. The students have lived with unusual human tragedy, including the fatal shooting of two fellow students this year. Also in 2003, the school was closed for more than a month because of an accidental mercury spill. At the end of the school year, many of the problems of the school were blamed on allegations of poor leadership and the principal was dismissed.

This is not an atmosphere conducive to producing award winning bands. Yet, the Ballou Marching Band's band director and the new principal, Daniel Hudson, persevered. However, talent, intelligence, diligence and dedication could not cover the $70,000 needed to travel to California to compete. The often struggling families of the students, and their inner-city community certainly did not have such funds. Still, the band and their school did not give up. They sought help from the business community, alumni and others. Many were moved by the determination of the students. Among the many contributors who made the trip possible were Federal Express—inspired by a Ballou alumna who was a vice president—Lockheed Martin, Embassy Suites Hotels, and William C. Smith and Company. The outpouring of love and support that the Ballou band received was inspired not only by the need, but by the students' own determination and efforts in doing car washes and selling dinners to earn funds for the trip.

The concrete show of confidence in these children enabled the band's participation and its prize-winning finish. In fact, the competition was razor close, and Ballou almost came away with the top prize. Its reward was a trip to Disneyland and the opportunity to play in the holiday parade. The larger and lasting reward is the sense of accomplishment the students received and the opportunity to broaden their horizons and expectations concerning where hard work and high aspirations can lead. On a visit to the school, I was moved to see the effect of the band's achievements on the entire student body, which gathered to celebrate the band with principal, teachers and staff all present. The band director, Darrell Watson, spoke of the numerous compliments he received, including words of praise concerning the exemplary behavior of the members of the band. Principal Hudson is leading the students to transfer the band's achievement to academic achievement as well for the student body.

I am proud that the band represented the city so well and proud to represent the band, the school, and the community in the Congress of the United States. Last week I wrote to President Bush to ask that the Ballou Band march in the upcoming Inaugural Parade. Considering what the band has achieved and the obstacles the students have overcome, I believe that the band and the school deserve this national recognition. Mr. Speaker, the Ballou Senior High School Marching Band deserves the accolades the band is receiving since returning from California. I ask the House of Representatives to add its own congratulations as well.

HONORING MARCELLUS'S GIRLS VARSITY SOCCER STATE CHAMPIONSHIP

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to an extraordinary group of athletes, the Marcellus Girls Varsity Soccer team.

Marcellus captured its second consecutive Section 3, Class B state title with a 6 to 0 win over Fredonia, ending their season with an overall record of 23–1–1.

The Marcellus Mustangs lived up to their season long No. 1 ranking with a decisive victory over Fredonia led by senior striker Jenna Farneti scoring three goals and two assists. Amy Ware and Hannah Vaughn struck the final blows to the nails in the coffin adding three more goals with Meghan Mannion and Alyssa MacLachlan contributing the assists.

While acknowledging these five, outstanding athletes for their efforts in the championship game is well deserved; any member of a team knows that victory isn't possible without the contributions of all team members and coaches.

Coach Laurie Updike, Jenna Farneti, Rachel Farneti, Stephanie Gosson, Kelly Hanlon, Sarah Holden, Jocie Jankowski, Alyssa MacLachlan, Meghan Mannion, Ashley Martin, Lauren Longo, Alyse O'Brien, Sarah Potter, Cahterine Scott, Amanda Stessen, Hannah Vaughn, Katie Walter, Amy Ware, Jennifer Young, Katie Young, Katie Zimmerman, Emily Zimmerman, Emmy Potter, Meghan Kaminska are all equally valued components of the Marcellus perennial powerhouse.

A special recognition is also deserved to those whom support Marcellus's fine athletes, the parents, teachers, students and fans. You were all instrumental in the Mustang's success.

I commend the Marcellus Girls Varsity Soccer team for their dedication and congratulate them on a triumphant season. Your continued success reflects your tireless work ethic.

Congratulations to the Champs.

HONORING THE IRONBOUND COMMUNITY CORPORATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Ironbound Community Corporation, a multiservice organization that has made amazing contributions to the city and residents of Newark. The Ironbound Community Corporation celebrated its 35th anniversary on October 22, 2004, at the Mediterranean Manor in Newark, NJ.

Guided by a desire to ensure justice and equality for all people, the Ironbound Community Organization provides a variety of programs and outreach services and offers assistance in areas such as family literacy, multilingual adult education, family assistance and development, and senior citizen care. In addition, it develops programs for children, adolescents, environmental projects, and general neighborhood issues, with the goal of improving the lives of those living in and around the ethnically and culturally diverse Ironbound neighborhood. More than 700 people benefit daily from the services this wonderful organization provides.

Each year, the Community Corporation honors those who have contributed greatly to the organization's success. This year's honorees include Gabriella Morris, Joseph DiVincenzo, Antonio Matinho, David and Florence Schnegelberger, Bernadine Fillmore, and Eva Harris.

Today, I ask my colleagues to join me in honoring the Ironbound Community Corporation for 35 years of dedicated and honorable service working to improve the lives of the people of Newark. Its broad range of programs and services has greatly impacted the community and will no doubt continue to benefit the lives of countless people in the years to come.

RELEASE NOBEL PEACE PRIZE RECIPIENT AUNG SAN SUU KYI

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. PENCE. Mr. Speaker, I rise today to highlight recent and profoundly heartbreaking situations in the brutal authoritarian dictatorship of Burma. For nearly two decades, the ruling military regime has sought to crush any and all opposition to their complete domination of the country.

The military junta's actions have led to the unjust imprisonment of over 1,000 political opponents, including the world's only imprisoned Nobel Peace Prize recipient, Aung San Suu Kyi. While indications recently hinted at the release of most, if not all, of these political prisoners, once again the regime has proven that no trust can be lent to their promises. Just days after the promising release of a handful of democracy activists, the military junta informed Aung San Suu Kyi that her sentence would be extended one more year.

Mr. Speaker, even more appalling, recent reports indicate that five Burma Army battalions are involved in slash and burn campaigns in ethnic minority controlled areas in eastern Burma. These actions follow an all-too-familiar pattern of tactics employed by the regime to stifle resistance by anti-regime, ethnic minorities. Military are actively burning villages and crucial rice supplies. Perhaps a greater outrage is the military then land mining the empty villages, and most times, the paths to and from that village so people are unable to return. There is no other intention in these actions than extermination.

As a strong advocate for children, I am saddened that the nearly 7,500 displaced villagers recently fleeing to the jungle include numerous children. The child mortality and malnutrition among these displaced people are staggering. Not only the children are suffering the effects of this displacement. With nowhere to go, many families are divided and many people die of preventable, treatable diseases.

Mr. Speaker, I add my voice to others in this great nation that continue to seek freedom and democracy for the people of Burma. I strongly object to the continued imprisonment of Nobel Peace Prize recipient Aung San Suu Kyi, and call for her immediate release. I also encourage the Administration to take whatever measures necessary to exert more pressure on the ruling military regime.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. WHITFIELD. Mr. Speaker, I rise in strong opposition to a provision inserted in the FY 2005 Omnibus Appropriations Act. Title 1 section 142 states "Any excess animal sold under this provision shall no longer be considered to be a wild-free roaming horse or burro for purposes of this Act." This section completely reverses the goal of the Wild Free-Roaming Horses and Burros Act of 1971, which was aimed at stopping wild horses and burros from being harvested for commercial poses without limitation.

The Bureau of Land Management, BLM, oversees approximately 261 million acres. More than 29 million acres of this land is used for wild horse and burro grazing. BLM's responsibilities with regard to caring for wild horses and burros were created by the Wild Free Roaming Horses and Burros Act in 1971. Although the act's primary concern is caring for wild horses and burros, it also permits BLM to lease this land for several purposes, such as grazing, mining, and parks. The act and subsequent regulations require BLM to manage wild horses and burros on public lands and protect them from unauthorized capture, branding, harassment, death, and ensure their humane care.

Current law prohibits the sale of wild horses and burros for processing into commercial products. Section 142 will undermine these efforts by allowing wild horses and burros that are at least 10 years old or have been put up for adoption three times to be auctioned. As a cosponsor of the American Horse Protection Act, along with 227 other Members, I am appalled that wild horses and burros could possibly be captured for slaughter.

Horses that are sent to slaughter are often crammed into double decker trailers, where conditions are so bad that many horses arrive at the slaughtering facility injured. Moreover, since there are no export tariffs on horse meat, no profits from this industry remain in America. The profits go directly to Belgium and France, which is where the owners of the only slaughter houses in the United States live. More importantly, the provision is a devastating blow to the equine industry, because they have worked diligently to protect horses from slaughter.

Section 142 was inserted during conference negotiations, leaving many members unaware of the new provision and its impact. In addition, no stand-alone legislation has been introduced and, to my knowledge, the House Resources Committee had not seen this language. Because this provision was inserted behind closed doors, no congressional authorizing committee had an opportunity to comment on this provision and its impact. Additionally, no hearings have been held to get feedback from BLM on possible alternatives. In fact, since 1988, every Department of Interior Appropriations bill has included language that states, "Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractor." Coincidently, this language was left out this year. I believe that if this language was brought before the full House for a vote as stand-alone legislation it would fail, because clearly the majority of the House has gone on record opposing the slaughter of horses.

Mr. Speaker, it does not speak well of this institution when individual members of the House and Senate can change 16 .years of policy by sneaking a provision into the Omnibus without disclosure, discussion, or public knowledge. Horses are part of our American heritage and hold a favored status. They are not food animals in this country and, unlike cows, pigs, and chickens, they should not be bred, raised, or gathered for slaughter.

THE CURSE HAS STRUCK OUT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MARKEY. Mr. Speaker, in celebration of the victory of the Red Sox in the World Series, I have an offering for the House, with apologies to Ernest L. Thayer entitled, "The Curse Has Struck Out."

The outlook wasn't guaranteed for the Red Sox nine this year
Since 1918 our boys had left us crying in our beer.
And when they lost twice in New York, and then at home again
A pall-like silence fell over the loyal Red Sox fans.
A straggling few got up to go in deep despair.
"Wait 'til next year," they said. Resignation filled the air.
The rest clung to that hope that springs eternal in the human breast.
"It ain't over 'til it's over" they muttered half in jest.
They thought, "If only our boys could put some bat on that ball,
We'd put Bambino's curse to rest once and for all."
But then Ortiz let fly a homer, to the wonderment of all.
And Johnny Damon, bases loaded, tore the cover off the ball.
And when the dust had lifted on that memorable night
We had come back from three games down, the Curse was in our sights.
Then from all of Red Sox Nation's throats there rose a wild call,
It echoed on the Common, it shook Faneuil Hall.
It pounded on the River Charles, and splashed upon the Bay.
The Yankees were all through, kaput, a World Series we would play.
And they rolled out to St. Louis, jewel of the Midwest.
The Cards had won their league with ease, but now they faced a test.
Were they ready for the Boston boys? The town was dressed in red.
The fans could not be nicer, the team was so well led.
But the Red Sox took the first three games, competing nobly one and all.
They overcame their errors, they answered every call.
And as Game Four proceeded, and a Series win now loomed,
All New England shivered with the thought we might still be doomed.
Henry shifted in his seat, Hope in Werner burned,
Epstein checked his numbers, Lucchino's stomach churned.
What deus ex machina would fall down from the sky?
What Bucky Dent-Bill Buckner ghost might steer things all awry?
Keith Foulke climbed up upon the mound, ball burning in his hand.
The Curse stepped up to face him, to make a final stand.
There was ease in the Curse's manner as he stepped into his place.
There was pride in Bambino's bearing, a smile on the Curse's face.
And when, responding to his fans, he lightly doffed his hat,
No stranger in the crowd could doubt.'twas the Curse at the bat.
A nation's eyes were on him as he rubbed his hands with dirt.
60,000 tongues applauded when he wiped them on his shirt.
Then, while Foulke rubbed the ball into his shifty hip,
Defiance flashed in the Curse's eye, a sneer curled on his lip.
And now the leather-covered sphere came hurtling through the air,
And the Curse stood a-watching it in haughty grandeur there.
Close by the portly batsman the ball unheeded sped—
"I just can't hit that," said the Curse. "Strike one!" the umpire said.
From the canyons of Manhattan, there rose a muffled roar.
New York fans were screaming, "Would the Curse really be no more?"
"Kill him, kill the umpire," they shouted in Yankee land.
The Curse looked smug. In 86 years the Curse had never fanned.
With a smile of overconfidence, the Curse's visage shone.
He stilled the rising tumult, he bade the game go on.
He signaled the Red Sox closer, and once more the dun sphere flew.
But the Curse couldn't hit it, and the umpire said, "Strike two."
"It's over," thought the Cardinals fans, who are brought up so well.
But the Curse gave a scornful look and an eerie silence fell.
They saw his face frown stern and cold, they saw his muscles strain.
And they really thought the Curse wouldn't let that ball go by again.
The sneer has fled from the Curse's lip, the teeth are clenched in hate.
He pounds, with cruel violence, his bat upon the plate.
And now the pitcher holds the ball, and now he lets it go.
And now the air is shattered by the force of the Curse's blow.
Oh, all across this favored land the sun is shining bright.
The band is playing happily and our hearts are oh so light.
And Red Sox Nation smiles and laughs, and little children shout.
And there is pure joy in Beantown—
The Curse has struck out.

IN HONOR OF FRANK CARINE, JR.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Frank Carine, Jr., for his outstanding public service and demonstrated commitment to community participation and leadership. He was named the 2004 Honoree of the Year by the Sicilian Citizens Club on October 23, 2004, in Bayonne, NJ.

Mr. Carine has dedicated more than 27 years of his life to law enforcement. His service includes time on the municipal, county, and federal law enforcement teams. For the past 18 years, he has worked with the U.S. Department of Justice and Drug Enforcement Agency and is currently a Supervisory Special Agent in the Newark, NJ, division.

Within the law enforcement community, Mr. Carine has established himself as an exceptional leader as a three-term president of the Federal Law Enforcement Officers Association, New Jersey Chapter 2. His leadership abilities are also clearly demonstrated through his positions as vice-president of the Nicholas Capodice Association, secretary for the Holy Family Father Club, executive board member of the Sicilian Citizens Club, and chairman and co-chairman of fundraisers for the Boy Scouts of America.

In addition to his years of public service, Mr. Carine has contributed his time and energy to helping others, including coaching Bayonne youth soccer teams. His extensive community involvement includes being a third degree member of the Knights of Columbus Council 371, as well as a member of the Italian American Police Society of New Jersey, the Federal Agents PBA local 121, and the Honor Legion of the Police Departments of New Jersey. In addition, he serves on the Annual Blue Mass Committee for the Archdiocese of Newark and the Hudson Liberty District Committee.

Mr. Carine was born and raised in Bayonne, New Jersey. He received his bachelor's degree in criminal justice from New Jersey City University (formerly Jersey City State College) and graduated from the New Jersey State Police Academy in Sea Girt, NJ, and the DEA/FBI Academy in Quantico, VA.

Today, I ask my colleagues to join me in honoring Frank Carine, Jr., for his years of dedicated service to law enforcement and his significant contributions to the community.

TRIBUTE TO TERRY MELCHER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Terry Melcher, a prominent record producer and songwriter and a personal friend of mine, who recently passed away. I send the deepest sympathies to his wife, Terese, his son, Ryan, and his mother, Doris Day.

Anyone who knew Terry would claim that he was a talented man. He started his career in the music industry as a solo singer, but later he and future Beach Boy Bruce Johnston paired up and formed the group Bruce & Terry. They made several hits together and then went on to become part of the group, the Rip Chords. Together the Rip Chords recorded the 1964 hit, "Hey, Little Cobra".

Also, during this successful time, Terry's career included producing. He produced the top selling version of Bob Dylan's "Mr. Tambourine Man" and others, including the Byrds' "Turn, Turn, Turn" while with Columbia Records. He also worked his magic with the Mamas and the Papas, Wayne Newton, Paul Revere and the Raiders and Ray Cooder. In addition to his work Terry took time to be involved in the community; he was a board member of the Monterey Pop Foundation and a producer of the Monterey Pop Festival in 1967. This event rose to fame as stars such as Jimi Hendrix, The Who, Janis Joplin and Otis Redding emerged onto the national scene.

However, Terry was probably best known for his work with the Beach Boys, who once recorded an album at his studio in Carmel Valley. Terry co-wrote the song "Kokomo" and performed on their album "Pet Sounds". "Kokomo" was used in the movie "Cocktail", where it garnered a Golden Globe nomination in 1988 for best original song.

Terry continued his involvement with entertainment throughout his life and was the executive producer of his mother's shows: "The Doris Day Show", on CBS from 1968 to 1972 and then later, in the mid-80's, "Doris Day's Best Friends". He continued his involvement in the community and helped run his mother's charitable activities, including the Doris Day Animal Foundation. He was also a supporter of the Boy Scouts of America and the Monterey County Sheriff's Office.

Mr. Speaker, Terry Melcher was a man who shared his gift of music with others and valued the Central Coast community. I would again like to extend my deepest sympathies to Terry Melcher's family at their loss.

DISTRICT OF MARYLAND, HOME OF CHAMPIONS: KUDOS TO SUITLAND, POTOMAC, SHERWOOD, DEMATHA, SENECA VALLEY AND MAGRUDER HIGH SCHOOLS

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. WYNN. Mr. Speaker, I rise today to congratulate several of our great high school sports teams in the 4th Congressional District of Maryland for their outstanding seasons. Congratulations to Suitland and Potomac High Schools who both recently won state football championships.

Potomac High School located in Oxon Hill, Maryland rose to victory beating Hereford High School 19 to 12 to win the 2A title championship. Led by Coach Eric Knight, Potomac was finally able to achieve the title that had slipped through their fingers the previous season. In winning the state championship Potomac also became the first team in Maryland history to end the season with a 14–0 record.

Suitland High School located in Suitland, Maryland, led by Coach Nick Lynch and standout junior linebacker Navorro Bowman, beat Damascus High School 14 to 7 to win the 4A title championship. Although Bowman had been pinpointed as the obvious star of the team, the humble young player still managed to praise his fellow teammates including his aggressive offensive line, which did an excellent job to help seal the victory. Navorro Bowman who has already been offered a scholarship at the University of Maryland appears to be a young man on the move who has a bright and promising future ahead of him.

Congratulations are also in order for DeMatha High School in Hyattsville, Maryland, which ended the season as the number one boys soccer team in the region. Sherwood High School in Sandy Spring, Maryland should also be recognized for ending a great soccer season with their boys' team ranked number three and their girls' team number seven in the area.

In addition Seneca Valley High School in Germantown Maryland ranked number four in the top ten for volleyball, while Magruder High School in Rockville ranked number six.

I am extremely proud of the achievements of these young people from my Congressional District. I am sure that all the citizens of Maryland's 4th Congressional District share my enthusiastic admiration for their hard work, sportsmanship and teamwork. Athletics plays an important role in the development of our youth, and teaches valuable life lessons in cooperation, camaraderie, and valor. The famed football coach Vince Lombardi once said that individual commitment to a group effort—is what makes a team work, a company work, a society work, and a civilization work.

ON THIS DAY OF REMEMBRANCE: AMERICA'S VETERANS DESERVE BETTER

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BURTON of Indiana. Mr. Speaker, on December 7, 1941, over 2,200 brave servicemen and women sacrificed their lives protecting the freedoms we have come to cherish. Now, sixty-three years after the devastating attack on Pearl Harbor, America has over 26 million veterans who have selflessly dedicated themselves in service to our great country and sacrificed to guarantee Americans the freedoms we enjoy today.

Unfortunately, rather than receiving the full respect they deserve, our nation's veterans are now faced with a recently released Department of Veterans Affairs (DVA) directive (VHA Directive 2004–045) that exposes them to tremendous risk. The directive grants optometrists—non-Medical Doctors (MDs)—in the VA system privileges to perform laser eye procedures under the supervision of an ophthalmologist—a fully trained and certified MD. While I fully understand that the Directive mandates the procedure will be supervised, I am also aware of the fact that supervising a procedure is not the same as actually performing the procedure. As a result, allowing an operation to be performed by a non-surgeon could potentially jeopardize patient safety, and ultimately the quality of care provided to our veterans.

As eye health deteriorates with age, more and more older Americans are faced with the need for eye surgery. And just when our aging veterans need this care the most, they are now faced with the prospect of having their surgery performed by someone who hasn't been through intensive surgical education or training. This new policy blatantly imposes a substandard level of health care on our veterans.

Currently, only one state—Oklahoma—permits optometrists (non-MDs) to perform laser eye surgery, while 35 other states have outright prohibited this type of procedure. In fact, 14 states, including Indiana, have debated and soundly rejected similar measures—seven states in this calendar year alone. But regardless of individual state restrictions, the DVA directive allows an eye care professional to practice anywhere in the VHA system, "up to the limits" of their license. As a result, optometrists with no formal surgical education or training will be able to go to Oklahoma, take a 16 hour course, pass the Oklahoma optometry certification exam, and then go anywhere in the country and practice laser eye surgery on any veteran in any VHA facility. Thus, in states that have prohibited this type of threat or rejected Oklahoma-like legislation, optometrists will be practicing surgery on veterans against the wishes of state lawmakers.

As a proud veteran of the U.S. Army, I find it shocking that this practice has been allowed to come this far. And I'm not alone in my belief that medical doctors who are specifically trained to reduce surgery-related risks should be the only ones legally permitted to carry out these delicate laser eye procedures. In fact, in a national poll of U.S. veterans, 95 percent said it was important for a licensed medical doctor, specializing in eye care, to conduct eye surgery.

Any medical operation has the potential to cause adverse affects. In older populations—such as those served by VHA facilities—the rate of adverse events tends to increase for any surgical procedure. Therefore, it makes no sense that this very population—those most in need of a medical doctor's training and education to determine the safest surgery for their overall health—be needlessly exposed to the very real threat of having a non-MD operate on them. It should be our highest priority as American citizens to help ensure the safety of those who have so proudly and bravely defended our great country. All U.S. veterans deserve to have quality health care performed by medical doctors with the proper education and training.

IN HONOR OF YOLANDA FERNANDEZ-QUINCOCES

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Yolanda Fernandez-Quincoces for her remarkable accomplishments in dance and music and her exceptional artistic contributions to the community over the past few decades.

Ms. Fernandez-Quincoces's extensive career includes teaching, choreographing, and producing. In 1974, she founded Yolanda's Academy of Music and Dance, which has developed young talent in New Jersey for 30 years. In addition to managing the school, she has taught classes in the gifted and talented program in Union City and in the Woodrow Wilson School for the Integrated Arts. Under her dedicated instruction, more than 38 students have won recognition in statewide talent search competitions and many have continued their dance training at prestigious institutes such as the New York City Ballet's School of American Ballet, the Joffrey Ballet, and established universities.

Her professional credits include a position as a teaching liaison between the New York City Ballet and New York City Opera and the Woodrow Wilson School. Ms. Fernandez-Quincoces was also involved with hosting and producing a television arts program on Cablevision, and has made several guest appearances on other shows. In addition to her current projects, she is a member of the National Education Association, the Dance Educators of America, and the National Guild of Piano Teachers.

For her exceptional work, Ms. Fernandez-Quincoces has received numerous awards, including "Teacher of the Year" for Union City, Hudson County, and the State of New Jersey, and "Outstanding Choreographer" for three different productions from the Dance Educators of America in New York City. Most notably, she was also honored at the Statue of Liberty Centennial Celebration with other well-known artists, performers, and political figures.

Ms. Fernandez-Quincoces emigrated from Cuba to the United States when she was three years old. She began studying ballet at the age of five, training at the New Jersey Ballet, Oneida's Dance Studio, and the American Ballet Theatre. Ms. Fernandez-Quincoces also received a bachelor's degree in music education from New York University and, in addition to her dance training, is also an established pianist.

Today, I ask my colleagues to join me in honoring Yolanda Fernandez-Quincoces for her years of outstanding teaching and choreographing. She has demonstrated remarkable passion for the arts and has influenced the lives of many with her instruction and creative works.

TRIBUTE TO SHEILA PETERSON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. ESHOO. Mr. Speaker, I rise to honor Sheila Peterson, who was recently honored with the highest award of Sacred Heart Schools, the St. Madeleine Sophie Medal by the Schools of the Sacred Heart in Atherton, California.

Sheila and her family have had a long connection to the Sacred Heart Schools. First, she had a great aunt who was part of the convent in St. Charles, Missouri. Next, her mother, Winifred Carreras Sullivan went to Jackson Street and Lone Mountain, where she made great lifelong friends. Winnie married Raymond Sullivan, later a distinguished Justice of the California Supreme Court, and Sheila, the eldest of their five children, "met" the Sacred Heart at Broadway in the 7th grade.

Ever since, Sheila has found a connection and a place with Sacred Heart. To quote Sheila, "Sacred Heart/Menlo/Atherton is our place: The first generation was my great aunt; the second was my mother; the third, my sisters and I; the fourth, the Peterson and Sullivan cousins. And at present, my son is on the English faculty and our cousin, Elizabeth is the new Alumni Director. I hope that someday, at some Sacred Heart School, they will find the same satisfaction that I received from helping here".

Over the years, Sheila's involvement with Sacred Heart has taken many forms. She has served as a Room Mother (sometimes for all three of her children), Parent Club Head, substitute teacher, soccer coach, and Auction worker in the Main Building Basement. She has had a hand in sports activities, field trips, drama, the Booster Club, the school's Annual Fund, two Capital Campaigns, and ultimately helped to plan the Centennial Celebration for Sacred Heart. Sheila has recently been working as the Events Coordinator, and as always, doing an extraordinary job.

In 1987, Sheila served on the Board of Trustees. With the support of her husband, Ron, and three children, Molly, Katie, and Michael, she guided the school through the Loma Prieta earthquake, subsequent discussions and contentions about repair or razing, tight finances, a small endowment, and the coed Prep in the early stages. All these weighty issues took time and great commitment. Sheila served with distinction and her prudent, wise leadership has benefited Sacred Heart Schools immensely.

Mr. Speaker, I ask my colleagues to join me in honoring this great and inspiring member of our community, Sheila Peterson, as she is honored with the St. Madeleine Sophie Medal.

TRIBUTE TO REPRESENTATIVES AMORY HOUGHTON AND JACK QUINN

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BOEHLERT. Mr. Speaker, as the 108th Congress comes to a close, I would like to honor two of New York's greatest legislators—Rep. AMORY HOUGHTON (NY–29) and Rep. JACK QUINN (NY–27), for their outstanding careers in Congress. Unfortunately, Mr. QUINN and Mr. HOUGHTON have decided to retire at the end of the 108th Congress. As Dean of the New York Republican Congressional Delegation, I would like to express my gratitude and appreciation for their dedication and commitment to their constituencies.

Mr. HOUGHTON, a nine-term Member of Congress and founder of the influential Republican Main Street Partnership, has a legacy of supporting moderate social programs, while encouraging fiscal responsibility and much needed tax relief for hard-working Americans. HOUGHTON is also the founder of the John Quincy Adams Society, an issues forum that brings together moderate officeholders with top business leaders, which has been instrumental in strengthening the moderate movement.

I have had the distinct pleasure of working alongside Mr. HOUGHTON for the past 18 years, and his vision for a less partisan and more effective Congress is truly inspiring. Mr. HOUGHTON worked diligently on more equitable tax and health politics, in his role on the Ways and Means Committee. His counsel and fair-minded manner were always so valuable to myself, and all Members of Congress.

As a senior member of the Transportation and Infrastructure Committee, I have had the distinct pleasure of working closely with Mr. QUINN. Mr. QUINN, a six-term Member of Congress and Chairman of the House Transportation and Infrastructure Committee Subcommittee on Railroads, has worked tirelessly on a variety of transportation issues, the largest of these being Amtrak and its preservation as part of our Nation's infrastructure.

Mr. QUINN also served as co-chair of the House Labor Working Group, advocating on behalf of organized labor with the Republican Leadership. Possibly the most important task to Mr. QUINN was ensuring a fair wage for all workers, as a leader and supporter of sensible labor policy. As a fellow New Yorker, I see the invaluable contribution of organized labor's representation of working men and women, and commend Mr. QUINN for his unwavering leadership on this issue.

As Members of Congress, we are judged on our records, and I can say with great enthusiasm that Mr. HOUGHTON and Mr. QUINN are men of honesty and integrity. Their work ethic and inspiring ideas, as well as their leadership, will be sorely missed. I am proud to not only call them colleagues, but also friends.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to bring my colleagues attention to a provision included in the Fiscal Year 2005 Appropriations Omnibus bill, H.R. 4818, titled, "Federal Energy Regulatory Commission Salaries and Expenses." The language included in this section declares that it is the intent of Congress for the Federal Energy Regulatory Commission (FERC) to have exclusive jurisdiction over the siting and approval of Liquefied Natural Gas (LNG) terminals. This language seems to target a pending lawsuit by the State of California challenging the placement of a LNG facility. Although the language is non-binding, I am concerned with the possible repercussions of this provision, as well as the method in which it was added to the bill.

My home state of Rhode Island is currently examining a proposal regarding a LNG terminal in Providence. Members of the Rhode Island Congressional delegation and state officials have been in active discussions with all federal and local agencies that would be affected by this terminal to ensure that the region is properly informed of the hazards of a potentially expanded or new LNG facility. Rhode Island's unique geography and narrow waterways would force the LNG tanker ships to travel through densely populated areas to reach the terminal. The citizens of Rhode Island and our Congressional delegation have justly requested that all safety concerns are addressed before the facility is considered due to the ships close proximity to residential and businesses areas. There is also an increased potential for environmental damage due to dredging, as well as concerns for how increased tanker traffic will affect the commercial fishing industry, which is already under tremendous stress. Further, the U.S. Coast Guard recently responded in a letter to my office that the security of the LNG ships would be a shared Federal, State, local, and industry responsibility.

I understand the FERC's assessment that the shipment of LNG is engaged in foreign commerce, however, this statement severely limits the process and dangers involved with shipping LNG. The delivery of LNG, especially in populated areas such as Rhode Island, greatly impacts the lives of those who live near the transport route. Also, the state and local law enforcement agencies that will be called upon to ensure the public's safety will continue to be stretched thin. Excluding the involvement of the state from the consideration of a LNG terminal is inconsistent with all the information my office has received from various inquiries that unequivocally proves that state and local agencies would be greatly impacted by the construction of a large facility. The federal government is also ignoring the critical expertise and knowledge that can be gained by including state and local experts in this process.

I am also extremely disappointed with the closed-door method that was used to add this language to the omnibus. Supporting the FERC's exclusive jurisdiction over the siting and approval of LNG terminals is an extremely important decision that is worthy of a full debate in Congress. By including controversial language in an omnibus at the end of the 108th session of Congress, there is no opportunity to amend or strip the bill of this or other, harmful provisions. I hope that my colleagues will join me in more closely examining the full impact of this issue on every state in the next Congress. I look forward to an open debate that will include the input of those citizens and local officials who are most affected by the inclusion of this language in the omnibus. Thank you.

IN HONOR OF REVEREND TYRONE CHESS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Reverend Tyrone Chess for his deep commitment to serving others. Reverend Chess was honored at the Holy Ghost Tabernacle's Tenth Annual Banquet Anniversary celebration on November 7, 2004, in Jersey City, New Jersey.

Throughout the years, Reverend Chess has provided a strong spiritual foundation for the members of his community. As pastor and founder of the Holy Ghost Tabernacle Ministries, he has spent years attending to the spiritual needs of his congregants. His tireless service and willingness to help people in need has helped to enrich the lives of so many.

For more than 21 years, he has been active in community and civic affairs, where he has held a variety of leadership positions. Reverend Chess served as the political and social chairperson of the Interdenominational Ministerial Alliance, and is currently the division director for the Hudson County Consumer Affairs and Constituent Services Divisions.

Reverend Chess was born in Jersey City, New Jersey. He attended Essex County College and the American Fellowship Seminary, and received his bachelor's degree in theology from the Adonai Temple Christian Center Bible Institute. He and his wife, Martha, are the proud parents of five children.

Today, I ask my colleagues to join me in honoring Reverend Tyrone Chess for his outstanding spiritual leadership and years of service to his congregation and community in Jersey City, New Jersey.

TAIWAN'S NATIONAL DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, on behalf of my constituents, I wish to extend to Taiwan President Chen Shui-bian my congratulations on the occasion of the Republic of China's National Day which was celebrated on October 10th.

Under President Chen's leadership, Taiwan's economy continues to grow and people continue to enjoy high standards of living. To bolster Taiwan's economy, President Chen has improved Taiwan's trade relations with the People's Republic of China. Moreover, President Chen continues to work for an early breakthrough in Taiwan's dialogue with the PRC.

In the meantime, Taiwan's relationship with the United States is becoming ever stronger. Bilateral trade between Taiwan and the United States topped $65 billion last year and Taiwan is our eighth largest trading partner. Taiwan and the United States share many values in common such as attachment to freedom; democracy and human rights.

I would like to personally thank President Chen for his support of our war against global terrorism and developmental assistance to a number of African nations.

To President Chen I say "good luck and good fortune". I remain hopeful that our relations will continue to be strengthened in 2005. Certainly, the able leadership of Ambassador David Lee has helped to further our relations with the government and people of Taiwan.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. McCOLLUM. Mr. Speaker, I rise today in reluctant support of the FY 2005 Omnibus Appropriations Bill. I am disappointed that we are only now finishing the nine appropriations bills that should have been completed months ago. I am even more disappointed that this bill is inadequate in meeting the Nation's education, health care, and environment needs. It is outrageous that anti-environmental and anti-choice provisions have been slipped into this legislation without previous consideration by this House.

I will vote for this bill today because it is $4 billion closer to meeting our Nation's investment responsibilities that would be in the case under a continuing resolution of last year's funding levels. While this bill includes $14 billion more for our top domestic priorities, this increase pales in comparison to the $280 billion in tax cuts for this year alone.

Congress must work to do a better job of balancing our priorities. I will continue to work to ensure that we make responsible investments for working families in the future.

BOB DIX, PUBLIC SERVANT

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. PUTNAM. Mr. Speaker, I rise today to pay tribute to a dedicated public servant who has served this institution with distinction.

During the 108th Congress, Bob Dix served as my staff director on the Government Reform Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census. In that capacity, Bob assembled a remarkable team of experts that assisted the subcommittee in conducting oversight on a number of areas crucial to our domestic and national security.

Over a period of 17 months, the subcommittee held 39 substantive hearings, ranging from the implementation of the President's Management Agenda and E-Gov initiatives to the threats posed at our Nation's airlines and seaports. Bob was the lead staff member of my Corporate Information Security Working Group, which was a public/private partnership that was tasked with creating a uniform set of safe-practice information security standards for businesses, government and consumers. In the process, Bob has distinguished himself as a leading expert on the cutting edge technology issues of our times.

Bob Dix has accepted the position of Vice President of Government Affairs and Corporate Development for Citadel Security Software, Inc., and I would like to take this opportunity to thank him for his service to the subcommittee and his commitment to public service.

IN RECOGNITION OF THE 150TH ANNIVERSARY OF THE PUBLIC MUSEUM OF GRAND RAPIDS, MI

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. EHLERS. Mr. Speaker, I rise today to give recognition to the 150th anniversary of the founding of the Public Museum of Grand Rapids, Michigan, located in Michigan's Third Congressional District, which I represent.

The Public Museum of Grand Rapids is a collections-based educational organization that explores and celebrates the world and our place in it. It seeks to educate and delight the public, contribute to the well-being of its community, and enhance the quality of life in west Michigan.

Founded in 1854, the Public Museum has been owned and operated by the city of Grand Rapids since 1906, serving a broad regional audience of all ages. It is Michigan's oldest museum open to the public and the State's third largest museum, hosting visitors annually from every Michigan county, U.S. State and Canadian province and many foreign countries.

The Public Museum's beginnings date back to December 17, 1854, when a group of amateur historians, scientists, and collectors of antiquities gathered to form the Grand Rapids Lyceum of Natural History. By 1868, the Lyceum had allied itself with a group of interested high school students to form an actual museum with rooms open for "public inspection" in the city's Central High School. Increasingly, the museum shifted away from the display of natural curiosities and oddities, and acquired systematic collections that were useful tools in teaching about human culture and the natural world. A new name was adopted that emphasized the museum's expanded educational role as an operation of the Board of Education: The Kent Scientific Institute Museum. By 1917, the museum occupied two adjacent mansions in the downtown area, was a chartered department of municipal government, and had developed a huge lending program of instructional materials and mounted specimens and artifacts for use in schools.

In 1936, the institution was renamed the Public Museum to better reflect its citizen ownership and operation and multidisciplinary, program-focused character. It had a professional staff and had seen a great increase in historical collections and programs as well as permanent installations. In 1938, the museum's board matched a WPA grant with a bequest and built an innovative, modern building that looked and acted more like a department store than a traditional museum. Inspired by the writings of Newark Museum director John Cotton Dana, the museum was populist in philosophy and presentation, marketing itself in 1940 when it opened as being "as convenient as your corner store, and friendly as your neighbor." By 1964, an incredible growth in service-oriented programming had necessitated building additions and the construction of the Roger B. Chaffee Planetarium along with the acquisition of the 143-acre Blandford Nature Center. The Voigt House, an unusually well-preserved, late-19th century residence, was acquired in 1974 with all of its original furnishings and archives. It is a house museum that balances the didactic historical displays developed in the main museum, especially those focused on furniture design, manufacturing and marketing.

In the late 1970s, even as it became the first museum in the Nation to be accredited by the American Association of Museums, 1971, it was evident that expansion was necessary again in order to maintain standards and better serve a growing audience. In 1982, an extraordinary public planning process was begun that resulted in the creation of a master plan for the museum's growth on a new site in the heart of downtown Grand Rapids. This culminated on the museums 140th anniversary in 1994 with the debt free opening of its 155,000-square-foot VanAndel Museum Center. In total, $42 million was amassed from more than 25,000 public and private donors for its completion, with major support coming from the VanAndel family.

Community-based exhibition development, object conservation and program development were planned, fabricated and implemented simultaneously with the structure, resulting in multiple exhibitions exploring regional urban, social and industrial history, ethnology, regional art, and environmental education. The museum boasts numerous unique features, including a fully operational 1928 amusement park carousel and completely restored 1928 Mighty Wurlitzer theater organ.

With growth came new opportunities. Professional staff was expanded. Citizens formed a private foundation in support of museum programs that now manages assets of more than $6 million. The city of Grand Rapids renewed its commitment to operations, while facilitating and encouraging the museum to become entrepreneurial. In response, annual institutional attendance climbed to nearly double the city's population simultaneous with the Public Museum's third award of AAM accreditation (1996). The museum staff manages a collection that now includes nearly 1 million objects in more than 350,000 record groups.

A new temporary exhibition program was initiated, which reached new heights of success with the organization of a proprietary exhibition of The Dead Sea Scrolls, organized in collaboration with the Israel Antiquities Authority. Between mid-February and June 1, 2003, the exhibition hosted a record 235,541 visitors, having an economic impact on the region of $9 million. It was the second-most-attended temporary antiquities exhibition worldwide in 2003.

As 2004 draws to a close, the museum is again poised to expand both with new programs and exhibitions as well as a new 140,500-square-foot, state-of-the-art Community Archives & Research Center providing excellent preservation of the permanent collection and expanded public access. The center houses not only museum collections, but also the archives of the city of Grand Rapids and the county of Kent, which collaborate in its planning and operation.

Mr. Speaker, I hope you will join me in congratulating the Public Museum of Grand Rapids on the occasion of its 150'h anniversary. Its long history of service to the west Michigan community is laudable indeed and we look forward to its continued work in the future.

THE RECOGNITION OF MR. ROBERT BAUMANN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. PALLONE. Mr. Speaker, it is with great pleasure that I rise today in recognition of the endless accomplishments of Fire Fighter Robert Baumann who has served the Middletown Township Fire Department for 47 years. Fire Fighter Robert Baumann joined our community in 1957 as a member of the Belford Engine Fire Co. #1 and has continued to volunteer his time, intelligence, and experience to the public ever since. I am honored to acknowledge someone of Mr. Baumann's courage and strength.

During his tenure in our community, Mr. Baumann has been reliable and energetic in all his services. Mr. Baumann is a man who realizes the value of life and would give up his own to save another. Fire Fighter Robert Baumann is a true hero.

The Middletown Community is grateful to have had a man of such character with us for all these years. At the age of 75 Mr. Baumann continues to volunteer his time to the Fire Police Unit by responding to calls from all hours of the night and day, on holidays and weekends. Mr. Baumann has always been there with the unit at fires, assisting the police department when power lines are down, or during any other type of emergency.

Mr. Speaker, I feel privileged to recognize a man of Fire Fighter Robert Baumann's experience who has served our community with such dedication. Once again, I ask that you join me in congratulating Fire Fighter Robert Baumann on a life of public service, and wish him the best of luck in his future endeavors.

A TRIBUTE TO RAMONA WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Ramona Williams for her dedication to strengthening early education for our children and volunteer efforts to strengthen our community.

Ramona is a life-long resident of the Bedford Stuyvesant community of Brooklyn and does not plan to move. She attended Public School 297, which her two younger children attend now. She graduated from J.H.S 126 and Eli Whitney High School. She has three beautiful children: Jessica, 14, Vanessa, 9, and Jerome, 5, each of whom have a dream of greatness.

Following her high school graduation, Ramona began work as a substitute teacher at Round Table Child Care Center, eventually becoming a head teacher. She enjoys creating curriculum and cultural activities for her students and assisting parents in helping their children. After 16 years of empowering her students, her personal horizon expanded and she accepted a position as Parent Coordinator for Mark Hopkins Intermediate School 33. Ramona works closely with the principal, P.T.A. and as a liaison between the community and school.

As a single parent raising three children and working full time, Ramona finds it important to further her education and has enrolled at the College of New Rochelle pursuing a Bachelors of Social Work. She is a member of the Greater Free Gift Baptist Church Inc., where the pastor is the Rev. William Raymond Whitaker, Jr., Th.M, whom she thanks for his spiritual leadership and wisdom.

Ramona's concern for her church and community has led her to focus on fundraising and organizing outreach events for teenagers, which included finding them summer employment. She also sings in the Tabernacle Choir. Forever thankful in all areas of her life, personal and community, she is grateful for those who inspire her as she strives to make this a better place for others. Her unconditional love and thanks goes to her parents and siblings, and the sparkles in her eyes—Jessica, Vanessa, and Jerome ("Jay").

Mr. Speaker, Ramona Williams has been a leader in our community through her consistent efforts to improve the quality of education for all of our children. As such, she is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING BARBARA COHEN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GERLACH. Mr. Speaker, I rise today in recognition of Barbara Cohen on the occasion of her retirement from the Phoenixville Chamber of Commerce where she has served as the Executive Director since 1992.

Barbara Cohen has led an extraordinary and exciting life. Born in Philadelphia, she has always displayed energy and determination in all aspects of her life. Her childhood consisted of piano lessons, Hebrew School, Girl Scouts, National Honor Society, and international travel. Barbara was her class valedictorian at Northeast High School in 1959 and, from there, she went on to Temple University where she earned a BS in education and a minor in political science. After graduation, Barbara began teaching 4th grade while attending University of Pennsylvania's Graduate School of International Relations.

Barbara was married in 1964 and, shortly after her wedding, Barbara and her husband served their country by moving to Germany for three years where she taught military servicemen and women general education courses they needed to finish their high school educations.

In 1983, ten years after Barbara and her family moved back to Pennsylvania and settled in Valley Forge, Barbara went back to school and earned her Masters degree in interior design from Drexel University. During this time, she was also a full-time mother, driving her children to and from soccer practices, dancing lessons, Hebrew School and many other activities.

In addition to her busy schedule and many accomplishments, Barbara has been actively involved in her community since returning to the States in the 1970's. Barbara serves as a volunteer guide for the Friends of Independence National Historic Park, and as a volunteer guide for the Foundation for Architecture that gives walking tours of historic sites in Philadelphia. Barbara has also served as a board member for the Chester County Tourist Bureau and for the Schuylkill River Greenway Association. Barbara spearheaded an EPA brownfields initiative grant for Phoenixville Borough as Director of the Phoenixville Area Economic Development Corporation and Executive Director of the Chamber of Commerce. And she has provided unparalleled leadership and direction for a wide variety of public improvement and revitalization efforts in Phoenixville. Due to Barbara's tireless efforts, almost 4 million dollars has been raised in the revitalization effort and the Borough now stands on the threshold of a magnificent resurgence.

Mr. Speaker, I ask that my colleagues join me today in honoring this extraordinary woman for the years of good work she has done at home and abroad and for the many distinguished and remarkable contributions she has made to this community and the people whose lives she has graciously touched.

TRIBUTE TO EPWORTH MANOR

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Epworth Manor for its service to the community, and to congratulate all those involved with the facility on its celebration of 85 years in operation.

Throughout this nation's history, taking care of the elderly has never been more critical to our progress than it is now. With so many citizens reaching the age of retirement while having the ability to live longer due to advances in medical science, the services that care centers provide have become vital to a community's subsistence. The legacy of consistent service that the Manor as built throughout the last 85 years has helped to earn people's trust, making them more willing to seek medical help when in need. Facilities like Epworth Manor allow a region to thrive because of the assurance that quality health care is available, and its impact has been invaluable.

Established in 1919 when the Central Pennsylvania Conference of the Methodist Church purchased the S.S. Blair Mansion, the facility, formerly known as the Methodist Home for the Aged, initially housed fourteen residents. After numerous expansions, extensive remodeling, and investment in new technology, Epworth Manor has expanded into a 144-bed comprehensive health care facility.

Epworth Manor has demonstrated an unyielding enthusiasm and care for the public which it serves, and its employees have worked diligently throughout its tenure, instilling a sense of pride and comfort into the area's citizens. The center has not only enriched the lives of its residents, but of those in the surrounding communities who have undoubtedly benefitted from the outstanding service that they have repeatedly provided.

For its incomparable generosity, service to the community, and unabated commitment to excellence, Epworth Manor deserves the highest recognition. The center continues to grow and maintain a high level of quality, providing an example that all businesses should follow. I congratulate Epworth Manor on its 85th anniversary and eagerly await its future progress.

ALL LEGISLATION SHOULD BE AVAILABLE ON INTERNET 24 HOURS BEFORE A VOTE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mrs. MALONEY. Mr. Speaker, last month Congress passed the FY2005 Omnibus Appropriations Bill. The version that passed the House included a provision that would allow Appropriations Chairmen access to IRS tax returns. Once this provision was noticed, the

Senate passed a resolution to strip it and the House was forced to go back into a pro forma session to adopt the Senate language. Two years ago, outrage followed the passage of an omnibus bill that included indemnification language for vaccine makers against autism lawsuits.

Earlier this year, I introduced H.R. 4971, the Restoring Democracy to the United States Congress Act. This legislation sought to enact a series of reforms that I believe would have prevented this from happening. If the bill was law, among other things, it would have required the legislation to be online in a searchable form for a minimum of 24 hours before we voted on it.

As an opportunity for Members to clearly state that the current manner in which we often consider legislation is not good for the institution, I am introducing legislation that would require all legislation be available to the public on the Internet and in a searchable form for a minimum of 24 hours before a vote could be considered.

INCREASING THE PUBLIC DEBT LIMIT

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Ms. McCOLLUM. Mr. Speaker, I rise today in strong opposition to S. 2986, legislation to raise the debt limit by a total of $800 billion, to $8.18 trillion. This marks the third time in three years that Congress has been forced to vote to raise the debt limit and burden our children and grandchildren for decades to come, raising the debt limit by a total of $2.2 trillion since 2001.

It is completely irresponsible to be voting to raise the debt limit today without taking additional measures to put our fiscal policy back on track and institute the common sense pay-as-you-go rules which were in effect from 1990 through 2002 requiring that both tax cuts and spending increases be paid for.

Five tax cuts in four years, soaring defense spending on the war in Iraq, in addition to our stifled economy have turned the record surpluses inherited by President Bush into a record deficit of $413 billion in the past fiscal year.

Unfortunately, we are not considering a reform of our current fiscal policies today, allowing our national debt to continue to rise. As a result, the amount of interest on the national debt—the "debt tax"—that each American family will have to pay will climb to $9,400 by 2014. America's growing debt will ensure that our taxes will go toward paying interest on our debt instead of keeping our nation safe and strong, strengthening Social Security, or improving education for our children.

I will not vote to raise the debt limit by $800 billion today, and will only support an increase of the debt limit along with the reinstituted common sense fiscal policy reforms.

RECOGNIZING THE DEDICATION OF THE SOLANO COUNTY GOVERNMENT CENTER COMPLEX

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mrs. TAUSCHER. Mr. Speaker, I rise to recognize the December 16, 2004 dedication of the Government Center Complex in Fairfield, California, the county seat of Solano County.

The new Government Center Complex is the most ambitious capital improvement project in the history of the county and I laud the project's energy efficiency measures.

The Government Center Complex contains a six-story County Administration Center that achieves the lowest energy cost per square foot for any government facility in the State of California.

The Government Center Complex also contains a five-level parking structure with over 1,000 parking stalls, 20 electric vehicle slots, and a rooftop photovoltaic solar array that generates 119 kilowatts of clean, emissions free power.

Again, I commend county staff and the county's private partners on the timely and fiscally responsible completion of what is truly a landmark building for the citizens of Solano County.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. HOLT. Mr. Speaker, I rise in reluctant support of the conference report on H.R. 4818, the FY 2005 Omnibus Appropriations bill. Though there are many important and laudable provisions contained in this spending bill, I am troubled by other specific provisions and by the process that this bill has followed.

I am pleased that the bill provides an increase in funding for national security and counterintelligence operations at the Federal Bureau of Investigation. Unfortunately, this Congress has failed in its effort to pass comprehensive intelligence reform legislation, which would ensure that this money is being spent appropriately and that the efforts of our agencies are coordinated.

I am pleased to see that this conference report provides $1.3 billion for Education Impact Aid, $24 million more than last year. This program provides funding for military impacted schools such as those in the towns of Eatontown and Tinton Falls. I am also pleased that the bill includes $250 million for the community college initiative, which will fund workforce development partnerships between community colleges and employers.

Despite these provisions, we have more work to do to fully fund what should be a top priority for this Congress—education. One day after we passed the reauthorization of the Individuals with Disabilities Education Act, IDEA, we underfunded aid to schools by $1.7 billion. Considering the rising cost of higher education, I am disappointed that the bill does not increase the maximum Pell Grant Award. We cannot keep the maximum Pell grant award at $4,050 and expect families to be able to afford college.

I am deeply troubled that this bill includes such a restrictive limitation on funding for a woman's constitutionally protected right of choice. Specifically, this bill prohibits use of funds to pay for health benefits coverage that includes coverage of abortion. It also protects health care providers who refuse to provide this needed service. Such measures are designed to limit women's rights, and have no business in this bill.

I am disappointed that the Community Oriented Policing Service, COPS, program has been cut by $142 million. Many of the towns in my district have received funding for police officers through this program, which has made our communities safer. It simply makes no sense to be taking cops off the street at a time when they are more needed than ever.

I am also troubled that this spending bill cuts the budget for the National Science Foundation, NSF, by $62 million from last year's inadequate appropriation. The work of the NSF provides the basic scientific underpinnings for the most advanced technological research and development in the world. We cannot hope to remain the world's most scientifically advanced nation if we continue to shortchange our researchers.

I am disturbed by the economic situation in which we find ourselves. Congress was forced to increase its debt limit by $800 billion—and that is on top of debt increases of $450 billion in 2002 and another $984 billion in 2003. The increase in the debt ceiling in just the past 3 years is almost 2.5 times the entire Federal debt accumulated between 1776 and 1980.

We are in this situation because of the choices of the President and the Republican majority. They chose to prioritize tax cuts for the wealthy, rather than adequately maintaining balanced budgets and protecting the Social Security and Medicare Trust Funds. They chose to engage in a costly, dangerous, and unnecessary war in Iraq, which has sapped our ability to combat al Qaeda and fund important domestic priorities. They chose to bundle funds for 13 Government departments rather than engaging in a robust debate justifying the policies and priorities that we are asking the American people to pay for.

Perhaps most disturbing about this appropriations bill is the process that it has followed. The infamous provision allowing unprecedented authority for Members of Congress and staff to access the private tax returns of individuals and businesses demonstrates that our budget process is broken. This provision was slipped into a 3,000 page bill which Members had no time to read before voting. The process has become corrupted by the Republican majority, which has evidently decided that enacting pet projects and controversial items that cannot pass on their own merit, are more important than debate, compromise, and good governance.

Mr. Speaker, I support this bill because it will allow the important work of the Federal

Government to continue. However, I hope that next year's appropriations process reflects a greater commitment to funding important priorities and following a fair and thorough legislative process.

CONGRATULATING DOBBS FERRY HIGH SCHOOL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mrs. LOWEY. Mr. Speaker, I rise today to recognize Dobbs Ferry High School for winning the 2004 New York State Class C Football Championship.

Through hard work, commitment and by always keeping their eye on the ball, this team completed a perfect 13–0 season en route to the title.

This championship continues the rich tradition that Dobbs Ferry High School has established on and off the football field. By winning this title, Dobbs Ferry has now won the state title two of the last three years. Dobbs Ferry is only the fifth school ever to win a state title in multiple football classes.

By applying the principles of fair play, good sportsmanship and constructive competition to sports and all other walks of life, the school has become a shining example for others to follow.

Mr. Speaker, I ask my colleagues to join me in honoring Dobbs Ferry High School on their accomplishment, and I wish them the best of luck in defending their title next season.

A TRIBUTE TO PHYLLIS SHERARD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Phyllis Sherard for her dedication to educating our youth and strengthening our community.

One of the best kept secrets about Phyllis is that she was actually born in Norfolk, Virginia, arriving in New York via North Carolina at the age of four. In spite of this, she boastfully claims to be an authentic product of Brooklyn, having resided in this wonderful borough of New York all of her life.

As the eldest of six siblings, her parents instilled values and traits in her that have become her trademarks. Many people describe her as a born leader who is capable, responsible, compassionate, dependable, and motivational. No matter how high or wide the obstacles, Phyllis' attitude is always, "We can handle it!"

In 1985, Phyllis joined the NYC Board of Education. She always wanted to teach but was encouraged to pursue commercial studies while in high school. However, through her experiences, she realized how important it is to get involved in the education of our children. Following the path that she now says was her destiny, she joined the staff of Project 17—the Drug Prevention Education Program in Community School District 17. Initially, she had second thoughts about the position because she had to take a cut in pay. That was 20 years ago and needless to say, it has been the most fulfilling work of her life. The position opened doors for Phyllis to work with thousands of children, directing, intervening, and changing paths for so many children and their parents. Because of her ability and commitment, she was selected to serve as the Special Assistant to the Superintendent for Parent Involvement.

Phyllis is most proud of implementing The First Clergy Conference, a series of Saturday African American Studies for parents, The Cultural Awareness Summer Program for children, the Christmas Toy Drive, Family Literacy Program, Computer Literacy for Parents, youth conferences, and a general equivalency program for young mothers, as well as working with parents to coordinate the first math, science, & technology parent conference. She currently directs drug prevention education programs for Region Six, which is comprised of 109 schools. This has been the most challenging experience for her. She has also implemented an evening counseling program for at-risk students and their families.

Phyllis is a graduate of Long Island University, where she earned a B.A. in Political Science and a Masters degree in Supervision and Administration. She is the proud mother of Darryn and Jade-Lynn and the proud grandmother of grandson, Darryn Scott.

Mr. Speaker, Phyllis Sherard has been instrumental in strengthening the educational experience for children in our community. As such, she is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring this truly remarkable person.

TOBACCO QUOTAS AND BUYOUTS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GRAVES. Mr. Speaker, recently, after years of debate over the government run tobacco program, this body ended a system that limited per-acre tobacco sales to protect prices for growers and others holding quotas. As a compromise, we agreed to a buyout that provides tobacco quota holders $7 per pound on their allotment paid out in equal installments over 10 years. These installments are paid out of a Tobacco Trust Fund to quota holders and eligible producers; however, the Tobacco Trust Fund is also designated to pay for program losses incurred by USDA.

We must not let bureaucratic red tape shortchange the promise we have made to these quota holders and eligible producers. We have an obligation to ensure that they receive what they have bargained for. There are many questions that need to be resolved. We need to clarify and ensure that USDA will follow the intent of Congress. The agriculture committees in the House and Senate should hold hearings to resolve the following issues before we move forward. Issues that should be addressed include: Whether the buyouts are assignable to other parties; are there restrictions on quota holders selling their shares in the private market if they need their payments now and cannot wait 10 years; and what safeguards are in place to assure that these allotments are paid out over the next 10 years?

The projected estimates for this program are $10.1 billion over 10 years, with the program fully offset by funds from the Tobacco Trust Fund. We have made a promise to these holders and producers, and we must not let misguided direction reduce that promise.

RECOGNIZING BRONSON ARROYO OF BROOKSVILLE, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. GINNY-BROWN WAITE of Florida. Mr. Speaker, I rise today to recognize and praise Bronson Arroyo: the fine athelete, hometown hero, and member of the major league baseball world champion Boston Red Sox. I am proud that the hometown he represents is Brooksville, FL, in my 5th congressional district.

Bronson Anthony Arroyo was born in Key West, FL on February 24, 1977. Bronson is a 1995 graduate of Hernando High School in Brooksville, FL, where he excelled in baseball and basketball. He and his wife Aimee still enjoy the comfort of Central West Florida by making it their off-season home.

In 2003, Mr. Arroyo entered the Boston Red Sox organization. In their farm system he pitched a minor league perfect game, won the Red Sox Minor League Player of the Year Award. In 2004, as part of the Red Sox regular pitching rotation, Bronson won a World Series ring.

Mr. Arroyo is often recognized for his athletic accomplishments, and I would also like to recognize him as a role model for our community. Mr. Arroyo runs a pitching clinic for the United Way, serves food for the Red Sox Foundation, and speaks with school children as part of his community outreach.

Mr. Speaker, it is my privilege to represent Bronson Arroyo, and I am proud to praise him on the floor of this house.

HONORING DOWNINGTOWN WEST GIRLS SOCCER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GERLACH. Mr. Speaker, I rise today to honor the Downingtown West High School Girls Soccer team for their 2–0 win over the Moon Township team for the 2004 Girls Soccer PIAA Class AAA Championship.

Downingtown Girls Soccer last won the PIAA Class AAA Championship back in November of 2001 after a 7–0 victory and the team was determined to repeat that victory this year.

The Downingtown West Whippets were led by the senior co-captains, Adrienne Weisser and Jill Conaboy. The two co-captains worked against adversity with the challenge of revamping their team after the Downingtown High School split into two separate schools: Downingtown East and West in 2003. In the post-season of 2003, the Whippets were determined to work on their game and improve after a late season slump that year and they continued to improve with each game they played.

The Whippets traveled to Hershey, Pennsylvania to play in the finals against Moon Township. In the final game, the Whippets proved to be a strong team with superior skills and easily won their next PIAA Class AAA Championship by shutting out Moon Township 2–0.

Mr. Speaker, I ask that my colleagues join me today in honoring the players, coaches, and support staff of Downingtown West High School Whippets for their drive, determination, and commitment to excellence that led them to an outstanding season and the Class AAA championship. The team is comprised of: Kelsea Fortino, Amanda Marino, Jess Dean, Megan Miller, Captain Jill Conaboy, Lauren Sutcliffe, Katie Shannon, Jessica Stevens, Becky Edwards, Sarah Phillips, Katelyn Capps, Captain Adrienne Weisser, Colleen Flanagan, Ali McNeil, Bethany Warren, Christine McLaughlin, Caitlyn Coleman, Christine Thurwanger, Anne Collinson, Ashley Harrington, Kelly Peterson, Emily Fenimore, Sarah Halprin, Amber Reardon, Amber Werner, Coach Rob Smith, Varsity Assistants Mary Schanne and Kelly Cross, JV Head Coach Mike Huffman, Athletic Trainer Joe Iezzi and Assistant Athletic Trainer Jessica Korn.

ON THE RETIREMENT OF THE NASA B-52B LAUNCH AIRCRAFT

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. THOMAS. Mr. Speaker, I rise today to honor the retirement of the B–52B launch aircraft, tail number 008, the oldest NASA aircraft and B–52 on flying status. This aircraft is flown by the National Aeronautics and Space Administration's (NASA) Dryden Flight Research Center at Edwards Air Force Base, California, which is in my district. I am especially proud of those who have worked over the years with the B–52B, making history and providing vital research data for our nation's aerospace programs.

The B–52B is an important piece of our nation's aerospace history, and I am pleased to note that it will remain on display on Edwards Air Force Base for future generations to visit. Visitors will be able to trace the aircraft's history through mission markings along the side of the aircraft that document every research flight it made.

Beginning on June 11, 1955, this aircraft worked on some of the most significant projects in our nation's aerospace history, including the X–15 hypersonic plane, which contributed to the developments of the Mercury, Gemini, Apollo and space shuttle programs. Between 1959 and 1068, the B–52B was the launch aircraft for many of the missions of the X–15, or wingless lifting body aircraft, that contributed to the space shuttle's development. Additionally, through this program, these missions explored areas of high aerodynamic heating rates, stability and control, human physiological phenomena, and other problems commonly experienced with hypersonic flights.

Several remotely piloted aircraft used the B–52B for launching in the 1970s and 1980s. During this time, NASA studied spin-stall, high angle of attack, and maneuvering characteristics. In addition, this was the launch aircraft to develop and test the parachute recovery system for the space shuttle's solid rocket boosters. The aircraft was also used in several tests for the shuttle's drag chute deployment system, which was later installed on the shuttle orbiters.

Most recently, the B–52B was the launch aircraft for the X–43A hypersonic research program. In March of this year, the X–43A flew freely at a speed of Mach 7, carried by the same pylon that carried the X–15. The final flight of the X–43A on November 16 flew a record-breaking speed of approximately Mach 10, almost 10 times the speed of sound, at an altitude of approximately 110,000 feet. The X–43A missions provided research in the area of ultra high-speed flights, such as increasing the affordability, safety and flexibility of such flights.

I commend the many men and women who have worked on the B–52B 008 and its research missions, and I thank them for pushing the envelope in aerospace research.

A TRIBUTE TO HILMA SHANNON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Hilma Shannon, who through hard work and determination has realized her dream to teach in the United States, serving a vital role in the education of our diverse community.

Hilma was born in the Republic of Panama in the City of Colon to Enos Williams and Lillian Francis. Her education in Panama consisted of training in elementary education in both high school and college. She taught school in Panama for 7 years. In 1971, Hilma married and, now, has one daughter, Gavianna. In 1974, she immigrated to the United States and settled in Brooklyn. Her first job was at the Ace of Suede Leather Cleaners where she worked for 10 years.

Hilma's command of the English language needed a lot of work and with the assistance of her daughter, she read and studied constantly to improve her grammar, diction, and general ability to communicate in English. In 1984, she applied for a job with the New York Board of Education to fulfill her dream of teaching again. She was assigned to work as an educational assistant in 1985 at Walt Whitman I.S. 246. Her work included visits to the homes of students who were chronic absentees to encourage their consistent attendance. She took advantage of the Board of Education's Career Ladder program to become a teacher, graduating in 1989 from the College of New Rochelle with a Bachelor of Arts degree majoring in Education and Psychology. In addition, she completed a Masters in Guidance and Counseling and an Advanced Certificate in Guidance and Counseling. Upon completing both degrees she received the prestigious Lester Crow Award and was offered an adjunct position in the Guidance Graduate program.

In 1992, Hilma was assigned to Abraham Lincoln High School as a Bilingual Spanish Guidance Counselor and is there today. She has worked with students from various cultural and linguistic backgrounds. She coordinates "La Herencia Hispana (Lincoln's 1st Spanish Club), the Young Scholars program, The Choice Program, the Liberty Partnerships program with Kingsborough Community College just to name a few. At Lincoln High School, she has also taught Art Appreciation in the after-school program in addition to serving as a full-time Guidance counselor. She participates in Lincoln's Key Club-European Exchange program traveling with the club members to Italy, Austria, Czech Republic, and recently to Denmark.

Lastly, Hilma is a Jehovah Witness and dedicates time to helping others understand the Bible. She is the proud grandmother of grandson Kumar, and the mother-in-law of Jerome.

Mr. Speaker, Hilma Shannon serves as an inspiration to us all through her accomplishments and commitment to educating our children. As such, she is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring this truly remarkable person.

CONFERENCE REPORT ON H.R. 1350, INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. McCOLLUM. Mr. Speaker, I rise in support of H.R. 1350, the Conference Report to reauthorize the Individuals with Disabilities Education Improvement Act (IDEA).

I commend the House and Senate conferees for putting the best interests of the students first in this reauthorization and reaching a compromise between parents, teachers, school administrators, and school districts. This legislation has my support because it responds to the needs of special education teachers and the children they serve.

My vote in favor of H.R. 1350 when it passed the House originally was because of the work our committee did on provisions improving early identification and the goal for full funding. Yet I did have strong reservations about the sections pertaining to discipline and the definition of highly qualified teachers. At the time, I was assured that my concerns and those of my colleagues would be addressed in the Conference Committee. The conferees were able to craft a compromise that will receive broad bipartisan support today in the House.

When a child is identified as having a disability at an early age, their parents and teachers are better able to address their needs and ensure they are integrated into the regular educational setting and curriculum. I have worked hard to secure funding for newborn hearing screening programs, which save schools millions of dollars in special education costs by ensuring early detection and intervention of infants with hearing loss. Further efforts to increase early identification, as H.R. 1350 will accomplish, will save our schools millions more in special education costs.

I believe strongly that Congress must provide the funding promised nearly 30 years ago, and I have introduced legislation that would accomplish this goal. While this bill today does not require mandatory full funding, it is a step in the right direction in fulfilling the commitment we made our states and local school districts to provide 40 percent of the cost of IDEA. We owe it to our students, their families, and our communities, and I will continue to work with my colleagues on both sides of the aisle to make this promise a reality.

Because of the efforts of my colleagues, as well as families, teachers, and school administrators across the country, we are, today, able to put the needs of students and families first. I urge my colleagues to support this important piece of bipartisan legislation that will move us forward in our goal to provide an equal, quality education for all students.

TRIBUTE TO MRS. MARIE PRINGLE

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to pay tribute to Mrs. Marie Pringle who is retiring as a senior budget analyst for the General Administration and Coordination Service in the Office of the Deputy Assistant Secretary for Budget at the Department of Veterans Affairs (VA). She began her career with VA in July 1983. Mrs. Pringle has served her entire VA career in the Department's Office of Budget. During her tenure, VA's budget has grown from $25 billion to $73 billion with over 222,000 employees.

Mrs. Pringle's career spans more than 30 years of federal service. She began her federal service in 1972 at the Department of the Army, Office of the Assistant Secretary for Intelligence, Directorate of Foreign Intelligence, Scientific and Technical Branch, as a clerk typist GS–4. Next she served with the Department of the Army's Office of the Surgeon General, U.S. Army Medical Department Personnel Support Agency. In 1978, she accepted a position in the Department of Energy, Energy Information Administration, as a budget analyst. In 1981, she accepted a position at Steuart Petroleum Company in Washington, DC. After 2 years as a motor fuels inventory accountant, Mrs. Pringle returned to public service with the Department of Veterans Affairs.

Mrs. Pringle has received numerous awards in recognition of her exceptional performance throughout her federal service career. She is a graduate of the Department's prestigious Leadership VA program, Class of 1992. She also was a member of the American Association of Budget and Program Analysts (AABPA).

Mrs. Pringle received a Bachelor of Science degree in Marketing from George Mason University. She is a native of Washington, DC, and currently resides in West River, Maryland, with her husband Darian. The Pringles have been sponsor parents for midshipmen of the United States Naval Academy and enjoy sailing and cruising on their trawler, the *Galileo*.

Mr. Speaker, as a member of the Budget Committee, as well as Chairman of the Subcommittee on Benefits of the Veterans' Affairs Committee, I can appreciate how challenging it can be to deal with the federal budget. When the committees review VA's five-volume budget submission each February, we see the industrious work of Mrs. Pringle and her associates on behalf of the Secretary. I commend Mrs. Pringle for her more than 30 years of dedicated public service to our nation and to those who have worn the military uniform.

CONGRESSIONAL TRIBUTE TO JOHN T. LEWINSKI

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to an outstanding local official in Michigan's First Congressional District. John T. Lewinski will be leaving the Gogebic County Board of Commissioners in January after 18 years of service. His years of work on behalf of his community represent the very best of Northern Michigan.

Mr. Lewinski's dedication to service should not surprise us though. As a member of the Greatest Generation, he joined the Navy during World War II, and served in the Pacific as a Navy Seabee in Guam. Like so many of his generation, John Lewinski returned home and worked to improve the country he risked his life to protect.

From 1966 to 1983, Mr. Lewinski was a forester's aide with the Gogebic County Forestry Department, working to preserve the Upper Peninsula's treasured forests. In January 1987, he joined the Gogebic County Board of Commissioners for the first time.

Since then, John Lewinski has served as chairman of the Gogebic County Board of Commissioners, chairman of the Airport Board, chairman of the Gogebic County Transit Board, chairman of the Community Mental Health Board, chairman of Western U.P. Substance Abuse, a board member of the Community Action Agency, and in 2002, as the chairman of the Upper Peninsula Association of County Commissioners.

Mr. Speaker, John T. Lewinski has had an extraordinary career of service to his community and to our Nation, and I am sure that he will continue his work even after he steps down as a county commissioner. I know that his wife of more than 50 years, Patricia, his three children and five grandchildren are very proud of him, and they should be.

John Lewinski's commitment to his family and his community serves as an example to all of us. I ask the U.S. House of Representatives to join me in honoring him, and thanking him for his service.

HONORING THE BROOKHAVEN HIGH SCHOOL STATE CHAMPIONSHIP FOOTBALL TEAM

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TIBERI. Mr. Speaker, it is with great pride that I rise to recognize the Brookhaven High School football team, the Ohio Division II state champions. The Bearcats' victory over Avon Lake in the championship game capped a season marked by one success after another.

Led by Coach Tom Blake, Brookhaven simply overpowered its opponents on its way to a perfect 15–0 season. Over the course of the year, the Bearcats outscored their opponents by an incredible 579–98 margin, and their record included four shutout victories. Their 42–21 win in the state championship game ended Avon Lake's 29-game win streak.

As important as anything else, Brookhaven becomes the first Columbus City League football team to win a state title in the 34 years since Ohio instituted a playoff system. It is something that all City League coaches, players and fans can take pride in.

As a Columbus public schools graduate, I offer my congratulations to Coach Blake, Principal Robert Murphy, the Bearcat football team, students and supporters. All have earned the right to be called state champions.

A TRIBUTE TO ROBERT SANTIAGO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Robert Santiago for his dedication to strengthening our neighborhoods and improving the lives of our citizens through his work in various community based organizations.

Robert was born in Brooklyn to Norberto and Heriberta Santiago first generation immigrant parents who migrated from Puerto Rico during the mid 1940's. He attended P.S. 285 and 67, Sands JHS 265 and graduated from Eastern District High School. He graduated with honors from Queens College where he majored in Political Science with a minor in Spanish. After a year at the University of Illinois, College of Law, he returned to New York to complete his studies not realizing the journey would take an additional 10 years. He eventually graduated from Rutgers University School of Law in 1986. In between, Robert became an Army officer, did his masters work at Long Island University in economics and found time to raise a family of three sons.

Briefly practicing law in Fort Greene, he discovered that his true calling was elsewhere.

His employment varied from working in several different New York City agencies to owner and operator of several business ventures.

Through the auspices of Colony South Brooklyn Houses, Robert as director of educational programs was able to increase the amount of funding for their educational and day care programs. Educational programs he helped begin for at-risk and homeless youngsters residing in East New York and Brownsville communities remain successful and continue to operate today. He has also served as a consultant on various projects related to community school building and educational development in post-secondary education.

Presently, Robert serves as the executive director of Highland Park Community Development Corporation, a community based organization with a mandate to develop programs and projects that will help improve the quality of life in the northern Brooklyn communities in the areas of education, housing, safety, and economic development.

Mr. Speaker, the record is clear that Robert Santiago has been a leader in our community through his consistent efforts to improve the quality of life of those in need. As such, he is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring this truly remarkable person.

KURT BUSCH—2004 NASCAR NEXTEL CUP CHAMPION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. BERKLEY. Mr. Speaker, today I join millions of NASCAR fans in honoring the extraordinary achievement of an outstanding son of Nevada, Kurt Busch—the 2004 NASCAR NEXTEL Cup Champion.

Born in Las Vegas, and a graduate of Durango High School, Kurt developed his racing skills at age 14, driving Dwarf Cars to victory at a speedway in nearby Pahrump, Nevada, earning the title of Rookie of the Year in the State Championships. Still a teenager, Kurt won honors as Rookie of the Year for his exciting exploits racing in the Legend Cars Nationals, and shortly thereafter was awarded the same title for his tremendous performance in the Late Model Stock Southwest Series. By 1998, Kurt became the youngest NASCAR Touring Champion with a record-setting victory in the Featherlite Southwest Series.

My favorite raceway, and one of the world's greatest speed venues—the Las Vegas Motor Speedway, is Kurt's home track, where he accelerated his drive to the pinnacle of NASCAR in just four racing seasons. His exciting racing style and "go for it" attitude truly reflect the spirit of Las Vegas, from where he hails. In 2001, as part of the legendary Roush racing team, Kurt was recognized as NASCAR's Rookie of the Year, setting the stage for a fabulous string of victories and top–10 finishes in 2002 and 2003.

This year, Kurt and the Roush team more than lived up to Nevada's State Motto: Battle Born. With Kurt at the wheel, the team overcame a staggering gauntlet of bad breaks during their dramatic run for the NEXTEL Cup, including a blown motor, blown tires, wheels falling off, spin-outs, and crashes. Despite tire and wheel problems in the final race, which would have sidelined lesser teams, Kurt, beating the odds in true Las Vegas fashion, piloted Number 97 to a thrilling finish for the Roush crew, winning the NEXTEL Cup.

At just 26 years of age, Southern Nevada's own Kurt Busch has reached the top of America's most-watched sport. It is a pleasure to recognize in the CONGRESSIONAL RECORD the great performance of a great competitor from Las Vegas, Nevada, the 2004 NEXTEL Cup Champion, Kurt Busch.

REMEMBERING PEARL HARBOR

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BACA. Mr. Speaker, I rise today to pay tribute to the American patriots who lost their lives on the fateful day of December 7, 1941.

In the greatest defining moment of the world's most defining war in our history, over 2,400 Americans were killed and more than 1,100 were wounded at Pearl Harbor, including hundreds of innocent civilians.

As costly as it was in the lives of our men and women in uniform, in military assets, and in esteem and pride, Pearl Harbor was a watershed moment for America.

December 7, 1941 marked the turning point for our Nation and determined the future of our foreign policy. America changed from a Nation turned inward to a strong and unified superpower, steadfast in our commitment to champion and defend the ideals of freedom and democracy.

Pearl Harbor caused our Nation to wholeheartedly commit to winning World War II, changing the course of our Nation's history and the world's future.

The catastrophic loss of American soldiers led to our country becoming the America we live in today. At home and abroad, we fight for the ideals of social and political equality. This policy was founded in the aftermath of Pearl Harbor and continues to be our Nation's moral compass.

This day should not be remembered with hatred or bitterness. It should be a day to honor the bravery of our men and women and remembered as the day our Nation was united and our sacrifices consecrated.

We learned in World War II that no single nation holds a monopoly on wisdom, morality or right to power, but that we must fight for the weak and promote democracy. These are the difficult lessons learned in 1941 and enshrined in Pearl Harbor.

HONORING ANTIETAM BOYS SOCCER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GERLACH. Mr. Speaker, I rise today to honor the Antietam High School Boys Soccer team for winning the Pennsylvania State PIAA Class A Boys Soccer Championship.

The Antietam Mounts played a vigorous game against the Trinity Christian Falcons. The game was extremely competitive with both teams fighting to win. But in the end, the Mounts pulled out a 4–2 win. This win marked their first state title.

During the championship game, the Mounts were without one of their key players, Christopher Dock. Dock, a junior midfielder and a starter for the entire season, injured his left knee during Tuesday's semifinal win. The Mounts were able to overcome the loss of a key player and still turn in a win.

Today, the Mounts are looking ahead to next season and possibly another state championship. However, the team will lose seven seniors, including one of the team's highest scorers, Eric Kleiman, who scored 87 points and several game winning points.

Mr. Speaker, I ask that my colleagues join me today in recognizing the players, coaches, and support staff of the Antietam High School Boys Soccer team for their drive, determination, and commitment to excellence that led them to their first Pennsylvania state title. The team is comprised of: Matt Nuding, Ryan Hummel, Tony Furillo, Jared Melot, Vince Baro, Corey Hertzog, Austin Lee, Austin Keller, Seth Cerra, Kyle Cerra, Shawn Troxel, Mitch Weglos, Adam Cubbler, Maarten Koostra, Eric Kleiman, Steve Le, Madison Reece, Dan Pardo, Chris Laverty, Tom Talarico, Matt Stauffer, Pete Smith, Adam Kozlowski, Drew Gilbert, Eric Shank, Tyler Galczynski, Ian Burke, Joseph Stoltz, Scott Kiedeisch, Chris Reed, Coach Milt Scholl, Coach Charlie Weaver, Coach Ralph Hertzog, and Managers Abbey Weaver, Jordan Cunningham, and Dayna Goheen.

THE NEED FOR POSTAL REFORM

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to call my colleagues' attention to an urgent issue that we must address in the opening months of the next Congress.

Early next spring, the Postal Service will file for a rate increase, to be implemented in 2006. Unless Congress acts, that rate increase will be one of the largest in history—at least 15 percent, or 6 cents on a First Class stamp. That will cripple an industry already in trouble, and reverberate through our entire economy.

It would be irresponsible and reckless for us to sit back and do nothing.

The Postal Service is the center of a $900 billion industry, employing 9 million Americans in such diverse fields as manufacturing, advertising, publishing, and finance. This industry comprises 8.5 percent of the Gross Domestic Product.

The cost of doing nothing will be steep, for the Postal Service, for the 9 million Americans whose jobs rely on the mail, and for every American who sends a birthday card, pays a bill, or orders something from a catalog or online.

Reforming the Postal Service is a crucial responsibility. The Postal Service operates under a rigid, 30–year-old legal structure that does not take into account the technological advances of the past decades. It is saddled with nearly $70 billion in retiree health costs, worker's comp claims and pension payments. Each year, the labor and infrastructure costs facing the Postal Service rise, while the volume of mail continues to fall. This is a "death spiral" that can only be reversed by Congressional action.

Let me make clear what will happen if we fail to act.

A failure to act is the equivalent of a backdoor tax on every sector of the American economy.

A small business that now spends $5,000 a year on postage would be hit with a nearly $1,000 rate increase. And an industry like financial services would get slammed with an increase of over $600 million in postage costs annually.

Even though we're trying to postpone Internet taxation, a failure to act would raise the cost of online purchases, because consumers will pay more for shipping and handling.

Overall, the American public and American businesses will waste over $20 billion in unnecessary payments to the Postal Service over the next decade.

This does not have to happen. We have the framework for responsible, comprehensive Postal Reform in the form of legislation that has been approved unanimously by my committee, the Government Reform Committee, and by the Senate Governmental Affairs Committee.

This legislation will force the Postal Service to act more like a business, while also resolving two issues related to the Postal Civil Service Retirement System Funding Reform Act of 2003. This act placed an unusual burden on the Postal Service, making it the only major agency in the government responsible for funding the military portion of its employee retiree benefits. The Act also required the Postal Service to place into escrow any money saved through the legislation—and I believe we should free this money, to allow the Service to make some cost-reducing and productivity-enhancing capital improvements.

I have worked with the Government Reform Committee's ranking minority member, HENRY WAXMAN, as well as Representatives JOHN MCHUGH and DANNY DAVIS to craft legislation that will allow the Postal Service and the industry that relies on it to survive well into this century.

I urge my colleagues to come back next year ready to pass meaningful Postal Reform. There are critics who will say the bill costs too much. I say the cost of not acting is what we really cannot afford.

CONGRATULATING BONNIE JONES ON HER RETIREMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MILLER of Florida. Mr. Speaker, I rise today to congratulate Bonnie Jones on her retirement as the Escambia County Supervisor of Elections.

A fixture in Escambia County politics, Bonnie Jones was appointed Escambia County Supervisor of Elections by Governor Lawton Chiles on August 1, 1994 to fill the vacancy of Mr. Joe Oldmixon. Mrs. Jones was officially elected on November 8, 1994 and was reelected without opposition in 1996 and 2000.

Born and raised in Pensacola, Florida, Bonnie gained employment with the Elections office at the young age of eighteen. Her love of democracy and Northwest Florida lead the way to her involvement with other community organizations, such as the Rotary Club of Pensacola, the Board of Directors and Secretary for the Ronald McDonald House, the Woodham High School Advisory Board, and the Pensacola Pen Wheels. Currently she is a member of the Florida State Association of Supervisors of Elections, the Elections Center Professional Education Program, the Pensacola North Rotary, the Chamber of Commerce, and the Woman's Board of the Baptist Health Care Foundation.

With a partisan atmosphere surrounding the 2000 elections, Bonnie was a fair and steadfast public servant in Escambia County. She was diligent in ensuring every vote was counted, including the large number of military absentee ballots arriving from overseas. Her foresight and wise choice to use the optical scan prior to the 2000 Elections prevented problems in the county with dimpled and hanging chads, which other Floridians experienced.

Today, I salute a woman who has dedicated her life to ensuring liberty and defending the principles of this country. Her exemplary service has guaranteed that the United States will continue to prosper as the world's greatest democracy.

Mr. Speaker, on behalf of the United States Congress, I would like to congratulate Bonnie Jones on her retirement and wish her many more years of success and happiness.

A TRIBUTE TO JOELLE BAILEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Joelle Bailey for her accomplishments in the field of business and efforts to improve the manners of all people in our community.

Joelle has over 20 years experience in catering, event planning and the restaurant business. Little did she know that a position at Essence Magazine would serve as the impetus for her to enter the food and hospitality industry. At a very young age, Joelle's mom Marie felt very strongly about manners and etiquette and instilled those values in Joelle and her sister Yves. Joelle has taken these values and turned them into a lifetime mission not only for herself but to assist and instruct others in these areas.

Joelle has learned through some of the best working positions at the Vista Hilton, Marriot and Plaza Hotels and LSG Sky Chefs. She received her formal training at the French Culinary Institute and Sky Chefs. By 1994, she opened Classic Catering which is a full service event planning and catering business that caught the attention of the New York Times, Daily News, NY Post, 98.7 KISS FM and WOR 710. In June 2004, Joelle was featured in the Daily News' "Spotlight On Great People" by Clem Richardson. Publicity aside, Joelle is pleased that her clients and guests approve of her fabulous catering and cooking skills. Currently, Joelle writes several columns, sharing her knowledge on entertaining, etiquette and menu and recipe suggestions. Some of Joelle's most memorable clients have included: The New York Urban League, Diana Ross, Mt. Sinai Hospital, Russell Simmons, Suzanne Taylor, The United Way, Bill Cosby, Children's Television Network, Jackie Robinson Foundation, New York Bar Association, New York University, Columbia University and many more.

Joelle shares her love for young people by teaching courses in the art of etiquette, table manners, sophistication, food, nutrition and basic "101" cooking skills. She teaches these classes for the community in different schools and also in her home. Each event is sponsored with her own personal finances. Adults are welcome as well. Additionally, her very own etiquette/cookbook will be launched next year and a food show is in the works.

On her son Issiah's 3rd birthday March 27, 2004 Joelle launched a not-for-profit foundation called Issiah W. Simms Foundation to help children improve their etiquette and manners. Eight years ago, Joelle realized that she was not satisfied with the etiquette and manners of today's children, teens and even adults. For her, there was a major state of emergency existing in society that needed to be addressed. This concern led her to form the Issiah W. Simms Foundation.

Joelle is fortunate to have wonderful and insightful parents Hubert and Marie Valbrun, mentors (stepmother, Rosette Waynne), teachers and friends who are supportive of her work. She has a degree in Liberal Arts from Pace University and an MBA from Liberty University. She dreams of opening a finishing school that would be free to her Brooklyn community.

Mr. Speaker, Joelle Bailey has been a leader in our community through her entrepreneurial accomplishments and efforts to create a more civil society. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING 35 YEARS OF COMMUNITY SERVICE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Martin Luther King Observance Committee of Morristown, NJ, in my congressional district, which this year is celebrating its 35th Anniversary.

The committee, a local public service group, has solicited the involvement of the total Morris County community, and especially its young people, in its annual services commemorating the birth of Martin Luther King, Jr., since 1970. This celebration of faith, endurance, and commitment is a tribute to the rich legacy of the life and works of Dr. King.

The Observance for 2005 marks the 20th year that Dr. King's birthday will be commemorated as a national holiday. As an expression of local unity and in recognition of this important event, the Martin Luther King Observance Committee is inviting the Morris Clergy Council to cooperate with the committee in jointly sponsoring the commemorative services on Monday, January 17, 2005.

The Martin Luther King Observance Committee will use for a theme "The Dream of Peace is Dedicated Wholly to Truth." Each of us still makes a difference. Each of us needs to trust, to hope, to care, and to have the courage to make our democracy work for all of us. Yes, today we face great uncertainty and trepidation. Nevertheless, we will pull together as a community and nation during time of crisis. We are Americans indeed.

From those individuals who spearheaded the initial celebration, the late Rachel Viola Jones and Dr. Felicia B. Jamison, the planning efforts has broadened to include members of the Morris Area Clergy Council, with representatives from all major faith traditions. In addition to the two founders, other volunteers who assisted in the early years included Emma L. Martin, George Dorsey, William "Jack Harris, Reginald and Emanueline Smith, Flora Webb, Norman Jean Matthews, Woody Huff, Elizabeth Lubar, Cecelia Dowdy, Rabbi Z. David Levy, and the Rev. Charles Marks.

The core planning committee is continuing to carry on tradition of excellence for this great program and has grown to include dedicated volunteers. Some of those individuals include Charles Jamison, Jr., James Mack, Janet Bonar, Patricia Johnson, Esq., Barbara Klingsporn, Mae Williams, Ronnie Rogers, Elie Sims, Nadine Alston, Rabbi Donald Rossoff, James Vance, Horace Melton, Marian Sykes Johnson, Gerald Martin, Dorothy C. Parker, Agnes Boyd, Rev. Paul Ratzlaff, and the Rev. Jerry M. Carter, Jr. Pastor of the Calvary Baptist Church, Minister Dr. David Hollowell, Dr. Judy L. Banks.

Mr. Speaker, I am quite certain that the Martin Luther King Observance Committee will continue in the years ahead to promote the cause of equality and educate our community in helping to promote opportunities for our young people to pursue productive, fulfilling lives. I ask you and my colleagues to join me in congratulating the Martin Luther King Observance Committee of Morristown as they celebrate 35 dedicated years of serving our community, and especially Chairwoman, Dr. Felicia Jamison.

RECOGNIZING THE LINK BETWEEN CARDIOVASCULAR RISK AND KIDNEY DISEASE

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. KIRK. Mr Speaker, I call attention to the link between cardiovascular risk and kidney disease. On December 6, 2004, the Congressional Kidney Caucus, in cooperation with the National Kidney Foundation, sponsored a luncheon in which Dr. George Bakris, MD, from Rush University Medical Center in Chicago, spoke on this troubling trend. I submit Dr. Bakris' remarks for the RECORD:

CARDIOVASCULAR RISK AND KIDNEY DISEASE

Kidney disease is a silent killer, in that, there are no signs or symptoms until you lose >70% of your kidney function. A 50% loss of kidney function increases your risk of a cardiovascular event (heart attack, stroke, sudden death, heart failure) to more than double that of the general population. The risk of dying from a cardiovascular event, if you've lost 50% or more of your kidney function, is similar to that of having had a heart attack. Aggressive measures to achieve guideline goals (JNC7, ADA, NCEP) for blood sugar (HbAlc less than 7%), blood pressure (less than 130/80mmHg) and cholesterol levels (less than 200mg/dl) reduce both cardiovascular risk and risk of kidney disease progression. According to the most recent NHANES 1999–2000 data only 7.3% of Americans with diabetes, the most common cause of kidney disease achieve all three of these goals.

The crisis of chronic kidney disease is that it is "under-diagnosed, under-treated," and the relationship of chronic kidney disease to cardiovascular disease, "under-recognized." It is now estimated that 1 in every 9 adults—approximately 20 million Americans—has chronic kidney disease and most don't know it. The morbidity (hospitalizations, disability) associated with cardiovascular events in people with kidney disease is significantly higher than people without kidney disease. This translates into very high expenditures on the part of Medicare as well as lost wages and a reduced work force due to this disease. At the current rate of increase in kidney disease, we can expect a doubling of the number of people with kidney failure by 2010 at a projected cost of 28.3 billion dollars annually. Therefore, reducing risk of cardiovascular disease and development of kidney disease requires a preventive strategy.

SIKH-OWNED GAS STATION BURNED DOWN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BURTON of Indiana. Mr. Speaker, in the early hours of Thanksgiving morning, two Sikh brothers, Sarabjit and Sukhjinder Singh, arrived for work at the gas station they owned, only to find it burned to the ground with racist graffiti scrawled all around the burning rubble.

I am glad to say that this sad incident was immediately reported to the local Chesterfield County police, to the FBI, and to the Civil Rights division of the U.S. Department of Justice, and all are now diligently working to make sure that whoever perpetrated this heinous crime is brought to justice.

It seems obvious from the graffiti left at the scene that whoever committed this crime intended to target Muslims—not Sikhs—proving that this unknown arsonist was not just a bigot, but an ignorant bigot. If they had been Muslims, this would still be a senseless and horrific crime, and one to be condemned in the strongest possible terms, because to attack innocent practitioners of any religion for the acts of a handful of misguided fanatics is inexcusable.

But these men were Sikhs. Sikhs are not Muslims; they are not Hindus. Sikhism is a noble independent religion that traces its roots back hundreds of years. It is not part of any other religion. Furthermore, Sikhs believe in one God and in equality for all—an ideal that forms one of the very pillars of our own society.

Swift prosecution and severe punishment of the perpetrators of this crime is the best way to combat this type of bigotry. I am sure every Member of this House joins me in urging the police, FBI, and Justice Department to promptly and thoroughly investigate this matter and bring the perpetrator or perpetrators of this crime to justice. I am sure all of my colleagues will also join me in extending our best wishes and prayers to Sarabjit Singh, Sukhjinder Singh, and their families during this traumatic time.

Mr. Speaker, I hope that one day—a day in the not too distant future—we will live in an America where this type of crime, born out of ignorance and fear, is forever a thing of the past.

INTELLIGENCE OVERSIGHT RESPONSIBILITIES

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. HYDE. Mr. Speaker, now that Congress is close to passing landmark legislation that will help our intelligence community, it is time to take a closer look at streamlining congressional intelligence oversight responsibilities. I believe the time for change is now and I am pleased to share with my colleagues a recent editorial in the News-Leader, Florida's oldest weekly newspaper, which explores some of the options once again available to us:

[From the News-Leader, Dec. 3, 2004]

JOINT INTELLIGENCE COMMITTEE OVERDUE

The collapse of Congressional efforts to reform the intelligence community dominated the news just before Thanksgiving. The proposed legislation embodied many of the major recommendations of the 9/11 Commission for fixing the executive branch's intelligence problems. Largely overlooked in this reform debate is Congress' failure, so far, to do enough to address its own problems. Yet the 9/11 panel noted that "of all of our recommendations, strengthening Congressional oversight may be the most difficult and important." The commission also pointed out that, "Congressional oversight for intelligence and counterterrorism is now dysfunctional."

The main reason this critically important congressional responsibility is malfunctioning is because it is spread amongst too many committees. That is why the 9/11 Commission urged Congress to replace the current fragmented oversight arrangement with either a House-Senate joint committee or single panels in each congressional body with exclusive oversight and legislative power.

Consolidation along these lines would drastically reduce the time high level intelligence community officials spend on Capitol Hill repeating over and over again the same briefings and testimonies to the various committees now exercising jurisdiction over intelligence activities. Redundant congressional demands are becoming so time-consuming that it is increasingly difficult for these senior officials to discharge their primary duties of attending to the many security issues confronting this nation.

The need to reform Congress' oversight of the intelligence community has been recognized by some members of Congress for years. Henry Hyde, currently chairman of the International Relations Committee in the House of Representatives, proposed legislation to create a Joint Intelligence Committee in 1984. He spelled out what he had in mind in numerous forums, including op ed pieces that appeared in major newspapers. Nearly 17 years ago, Hyde's idea was the top recommendation of the Republican members of the Iran/Contra Committee. Among those endorsing the Hyde initiative were Dick Cheney, Mike De Wine and Orrin Hatch, who served with Hyde on the Iran-Contra Joint Committee. All of these political figures remain major players in Washington.

The reluctance of Congress to get its own house in order is politically understandable. A Joint Intelligence Committee would require a number of committees and their powerful chairmen to sacrifice their jurisdictions over intelligence matters. But given what is at stake, it is time to subordinate such parochial concerns to the national interest.

To really, be effective, a Joint Intelligence Committee must have both oversight and legislative authority. Otherwise, those committees with an interest in intelligence issues will try to recapture their lost purviews. Historically, those committees have been Armed Services, Judiciary, Appropriations and Foreign/International Relations. To mollify these traditional bailiwicks, membership on the joint committee should include representatives from each of these committees. The panel must be small to ensure secrecy and promote individual responsibility and accountability. To encourage bipartisanship, neither political party should have more than a one-vote edge. The committee staff should be composed of apolitical professionals.

In summary, the time has come to think outside of the box and adopt radical congressional reforms to meet national security challenges in the post 9/11 world. The 9/11 Commission put it best when it warned that "the other reforms we have suggested—for a national counter-terrorism center and national intelligence director—will not work if congressional oversight does not change too. Unity of effort in executive management can be lost if it is fractured by congressional oversight."

A TRIBUTE TO KEYONA DAVIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Keyona Davis for her academic and extracurricular accomplishments as well as her commitment to the church and civic organizations.

Keyona was born and raised in the borough of Brooklyn. She is the second daughter of Brenda and John Davis. Currently, she is a senior at the Brooklyn High School of the Arts, where she maintains a 3.0 grade point average and has been continuously on the Honor Roll. She is now enrolled in a Sociology course at New York City Technical College. Keyona is featured in "Who's Who Among American High School Students."

Keyona has been involved in many extra curricular activities that have helped shaped her to become the young woman she is today. For 2 years, she participated in a teen dance company that performed in competitions including the Eastern Dance Association, International Dance Challenge, and ESPN's own dance competition. She is a member of the Berean Baptist Church's Ministry of Sacred Dance where dance is used to present God's message. Keyona is a Girl Scout of the Greater New York area where she has acquired skills to assist in planning various scout activities and setting an example for young girls and her peers. Keyona gives back to her community by donating clothing and volunteering at her church's annual Thanksgiving feed the homeless program.

As an independent young woman, Keyona has had many jobs since the age of 14. She was a camp counselor at the Professional Center for the Arts Dance Camp, clerical assistant at the Office of Children and Family Services, and at the New York State Child Support Office in 2002. She is currently a Senior Operations Specialist at Chase Bank. These employment experiences have helped Keyona grow mentally and gain an understanding of being a positive part of the workforce.

After graduation this June, Keyona plans to be a pre-law student at a 4-year university. A long-term goal has always been to become a prosecutor and a part-time dance teacher. Iyanla Vanzant once said, "Faith and fearlessness fuel your dreams!" Keyona tries to live by this motto with her strong focus and dedication to things she loves.

Mr. Speaker, Keyona Davis, through her accomplishments and maturity, serves as an outstanding role model for all of our young people in the community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable young lady.

RETIREMENT OF RITA THOMPSON

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. HUNTER. Mr. Speaker, I rise today to recognize and honor Rita Thompson upon her retirement from the House Armed Services Committee after 30 years of loyal and dedicated service to the United States Congress.

Rita grew up in southwestern Virginia and before coming to work for Congress, she worked for the Department of the Army in the Pentagon for 5½ years.

Rita began her career on Capitol Hill in January 1974 with the House Armed Services Committee. During her years on the committee she has worked on the Personnel Subcommittee, and directly with the General Counsel and the Staff Director. For the past 20 years she has held the position of Professional Staff Member and served as the committee's senior administrator, managing a multi million-dollar annual budget, and organizing Congressional travel, among many other duties. As a result of her position and responsibilities, Rita has regularly interacted not only with Members of Congress, but also with Senators, foreign dignitaries, and high ranking military officials.

Rita's committee service has spanned six presidents, seven committee chairmen, and seven staff directors. I speak for myself, past chairmen and ranking minority members, and any and everyone who has had the privilege of working with Rita, in thanking her for her tireless work and dedication to the House Armed Services Committee.

Rita's charm has always been a trademark of her personality. In a place where many people come and go, Rita has been a symbol of commitment and dedication from which many of us could learn. I congratulate her on her retirement and thank her for over three decades of honorable service to this Congress and her country. On behalf of the House Armed Services Committee and the United States Congress, I wish you the best of luck as you begin this new chapter of your life.

TRIBUTE TO WILLIAM NEIDIG

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. ESHOO. Mr. Speaker, I rise to honor William Neidig, who was recently honored with the prestigious St. Madeleine Sophie Medal by the Schools of the Sacred Heart in Atherton, California.

Bill grew up on the east coast and graduated from Princeton University with an engineering degree before coming West to attend the Business School at Stanford University. After graduation, Bill and his wife Christy settled in Palo Alto because of the city's outstanding public school system, and Bill began in the real estate business.

Fate intervened and the Neidig's enrolled their daughter Stephanie in the kindergarten at St. Joseph's. Bill says that growing up he had never really known a nun. But after meeting the Religious of the Sacred Heart he came to appreciate the well educated women who have devoted themselves to educating his children, and he was sold on the school and wanted to help out.

Bill joined the Building and Grounds Committee in 1990 and joined the board of trustees in 1991, where he has continued to serve ever since, except for a mandatory one year sabbatical. In this capacity, Bill worked diligently to maintain and upgrade the facilities and grounds at Sacred Heart. He has been involved in upgrading St. Joseph's classrooms, offices, and science lab. He developed Spieker Pavilion, the Main Building, the Aquatics Center, the West Wing and the library, the football field, the track and tennis facilities, and most recently the Performing Arts

Center. At no other time in the history of Sacred Heart Schools Atherton has so much been accomplished in such a short time period.

Bill has also served on the Finance Committee, where his familiar cry, "Less is more, but will it do everything you need?" has been a guiding principle in the financial decisions of the school.

Bill knows how to ask the right questions and get the right answers. Whenever something needs to be done, he can be counted on to make sure it gets done. He has been extraordinarily giving of his time and talent, and his support for Sacred Heart Schools is an inspiration to all.

Mr. Speaker, I ask my colleagues to join me in honoring this great and inspiring man, William Neidig, as he is honored with the St. Madeleine Sophie Medal.

RECOGNIZING CHRISTOPHER EARLEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher Earley, 2004 graduate of Chillicothe High School.

This year Christopher completed a distinguished career as a wrestler at Chillicothe High School, under the tutelage of coaches Dave Kinnen and Ken Stull. Christopher was named to the All District Wrestling Team in 2003, and a State Wrestling Qualifier in 2003 and 2004. During his senior season Christopher enjoyed a great deal of success, as he won the Coach's Award, was named to the Midland Empire All-Conference, and won the District Wrestling Championship. Christopher was also a four-year letterman in wrestling. His academic achievements are equally impressive, as he was the recipient of four consecutive academic letters at Chillicothe High School as well.

Mr. Speaker, I proudly ask you to join me in congratulating Christopher Earley and wishing him continued success. Christopher is a great role model for student-athletes in our state, and I am proud to serve him in the United States Congress.

IN HONOR AND REMEMBRANCE OF PETER V. KILBANE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Peter V. Kilbane—United States Veteran of WWII, thirty-six year member of the Cleveland Police Department; and most significantly, devoted family man; and friend and mentor to many.

Mr. Kilbane's life centered around his unwavering commitment to his family, to community, and to our nation. He embraced his Irish heritage, and embraced the values, traditions and ethics taught to him by his parents, Mihal Moor and Honora Joyce. Together, Peter and his beloved wife of sixty-two years, Margaret Mary, offered these vital life lessons to their children: Karen, Grace Ann, Peter G., Peggy, and Mary. He will also be remembered as a loving father figure to Mary Lou Wallish, and to the memory of Harry Spencer.

Mr. Kilbane served our country with honor and courage. His decorated service during WWII reflected his heroic actions in France, Belgium, Holland and Germany, including the Battle of the Bulge. From the front lines fighting for liberty during the war, to the front lines fighting crime along the streets of Cleveland, Mr. Kilbane exhibited the same unyielding dedication and concern for others. He worked in every district within the Cleveland Police Department, and held the position of Lieutenant of Special Operations, Detective Bureau, when he retired in 1987. Beyond his professional commitments, Mr. Kilbane consistently reached out into our community. He held board positions and was an active member of many civic organizations, including St. Malachi Parish, the Holy Name Society, the Fraternal Order of Police, the Emerald Society, and the Retired Irish Police Society. In 2000, the Retired Irish Police Society named him the Retired Irish Police Officer of the Year.

Mr. Speaker and Colleagues, please join me in honor, gratitude and remembrance of Mr. Peter V. Kilbane—a man of heart, courage and integrity, who lived life with a joyous focus on family, friends and helping others. I extend my deepest condolences to his beloved wife, Margaret Mary, to his children, grandchildren, great-children and to his extended family members and many friends. His kindness, heart and courageous service has served to uplift our Cleveland community, and his shining legacy, spirit and memory will live on forever within the minds and hearts of all whom knew and loved him well.

IN HONOR OF ADM SAMUEL LEE GRAVELY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. RANGEL. Mr. Speaker, I rise to honor the life of an extraordinary American, ADM Samuel Lee Gravely, Jr.

Admiral Gravely passed away recently, but he leaves behind a legacy of stunning accomplishment, which undoubtedly renders him as one of the most significant figures in American military history.

Admiral Gravely was born in Richmond, Virginia on June 4, 1922. After attending Virginia Union University for 2 years, he enlisted in the Navy Reserve in 1942 and was trained as a fireman apprentice.

In 1943, he participated in a Navy program known as V–12, which was designed to select and train highly qualified men for commissioning as officers in the Navy. As part of his V–12 training, he attended the University of California in Los Angeles and the Midshipmen School at Columbia University in New York City.

On December 14, 1944 Admiral Gravely successfully completed midshipman training, becoming the first African American commissioned as an officer from the Navy Reserve Officers' Training Course, ROTC.

As a newly commissioned ensign, his first duty assignment was at a naval training station in Illinois, where he was assistant battalion commander for new recruits. Following that assignment, he began his seagoing career as a sailor aboard the PC 1264, one of only two World War II ships with a predominately African-American crew.

In April 1946 he left active duty, but remained in the Naval Reserve. He returned to his hometown of Richmond, Virginia, and completed his bachelor's degree in history. Soon after obtaining his degree he was recalled to active duty during the Korean war. His service during that time earned him a Legion of Merit Award, Bronze Star, and the Meritorious Service Medal.

In the 1960's, Admiral Gravely became the first African-American to command a navy warship when he was appointed executive officer, and later, acting commanding officer of the destroyer *Theodore E. Chandler*. That momentous milestone was just one of many in Admiral Gravely's career.

Some historic firsts that he has achieved include: the first African-American to command an American warship under combat conditions since the Civil War, USS *Taussig*; the first African-American to command a major naval warship, USS *Jouett*; the first African-American admiral; the first African-American to rise to the rank of vice admiral; and the first African-American to command a U.S. fleet, commander, Third Fleet.

Admiral Gravely belongs to a group of African-American military heroes whose belief in self and country gave them strength to overcome incredible obstacles and reach unprecedented heights. In so doing they have given hope and pride to the generations that have proceeded them.

Known as a quiet and unassuming man, his life exemplified the words of the politician Adlai Stevenson, who once said "Patriotism is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime." If this is the measure of a patriot, then Admiral Gravely was one of our greatest.

I find it appropriate to end with Admiral Gravely's own words: "Perseverance is the ability to steadfastly proceed to your goal despite all obstacles. It is the ability to overcome." The spirit of Admiral Gravely will always be with us, just as his words will forever ring true.

HONORING DR. TAMMIE LEE DEMLER

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. REYNOLDS. Mr. Speaker, it is with great pleasure that I rise to pay tribute to Dr. Tammie Lee Demler of Wheatfield, NY, for recently being honored as both a New York State Senate "Woman of Distinction" and the "2004 Pharmacist of the Year."

Since receiving a Doctor of Pharmacy degree from the University at Buffalo School of Pharmacy, Dr. Demler has received a number of accolades. She became the President of the Pharmacists' Association of Western New York (PAWNY), and this year was named "2004 Pharmacist of the Year" by the association. Dr. Demler currently serves as the Director of the University's Psychiatric Pharmacy Post Doctoral Residency Program where she mentors graduate students. She has made numerous contributions to both the association and the pharmacology profession.

Dr. Demler received another prestigious award from the New York State Senate this past June, being named a "Woman of Distinction." The award was created to honor women throughout New York that have played an important role in "adding strength, understanding, and inspiration to the diversity and quality of life" in the state; I can think of no one more deserving of this award that Dr. Demler.

Dr. Demler spends much of her free time working for the betterment of the community, such as helping organize the "Taste of Buffalo," a very important annual event. Dr. Demler has made a considerable and lasting contribution to both her profession and our community, and for that she deserves our deepest gratitude.

Mr. Speaker, I ask that this Congress join me in congratulating Dr. Tammie Lee Demler for being named as both a "Woman of Distinction" and the "2004 Pharmacist of the Year."

IN HONOR AND IN MEMORY OF LCPL BRAD FAIRCLOTH OF MOBILE, AL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BONNER. Mr. Speaker, I rise today to honor the life of a young man from the First Congressional District of Alabama who recently made the ultimate sacrifice in the defense of freedom abroad.

Lance Corporal Brad Faircloth, a native of Mobile, Alabama, was assigned to the 1st Battalion, 8th Marines, based at Camp Lejeune, North Carolina. In July of this year, Brad's unit was deployed to Iraq in support of ongoing military operations in that country. It was there that, on November 25, 2004, he was killed while he and other members of his unit conducted house-to-house searches in Fallujah, Iraq, looking for members of that country's insurgent movement.

Brad set a standard of excellence and displayed the qualities of discipline, devotion, and dedication to country that are hallmarks of men and women throughout the long and distinguished history of the American military. Following his 2002 graduation from Murphy High School in Mobile, Alabama, and after one year as a student at Delta State University in Mississippi, Brad chose to join the Marine Corps. In recent days, many members of his family said he did so in large part in response to the terrorist attacks of September 11, 2001, because he felt he should do his part in the fight to protect his country. Brad was an extremely conscientious and dedicated marine, and he was honored recently with the presentation to his family of three Purple Hearts and the Distinguished Service Medal.

Mr. Speaker, I feel certain his many friends in Mobile County and his comrades in the United States Marine Corps, while mourning the loss of this fine young man, are also taking this opportunity to remember his many accomplishments during his brief 20 years, and to recall the fine gift they each received simply from knowing him and having him as an integral part of their lives.

I urge my colleagues to take a moment and pay tribute to Lance Corporal Brad Faircloth and his selfless devotion to not only our country and the freedoms we enjoy, but to a people who are but now in the infancy of a new life—a new freedom—in their own land.

We should also remember his mother, Kathleen Faircloth-Smith; his stepfather, Paul Smith; his grandparents, Dewey and Helen Faircloth; his uncle, Tim Faircloth; and his other family members and many friends. Our prayer is that God will give them all the strength and courage that only He can provide to sustain them during the difficult days ahead.

It was Joseph Campbell who said, "A hero is someone who has given his or her life to something bigger than oneself." Make no mistake, young Brad Faircloth was not only a dedicated marine who made the ultimate sacrifice serving in the uniform of his country, but he was also a true American hero.

TRIBUTE TO LA HABRA HIGH SCHOOL AS THEY CELEBRATE THEIR GOLDEN ANNIVERSARY

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute to La Habra High School in La Habra, California as they celebrate their Golden Anniversary.

For the past 50 years, La Habra High School has been more than just an institution for learning; it has become the pride and joy of a community. The teachers and administration work together to inspire students to become life long learners. The school boasts alumni that are not only productive members of society, but have paved a path for future generations to follow. Most importantly, the students of La Habra High School understand the importance of learning and the value of a proper education. Over the years the school has earned many distinctions including the coveted Blue Ribbon Award by the U.S. Department of Education.

Mr. Speaker, La Habra High School has proven to be a first rate educational institution that fosters a positive learning environment for the future of our children. I ask my fellow colleagues in Congress to join me in congratulating the teachers, administrators, alumni, students and parents as they celebrate the school's 50th Anniversary.

IN HONOR OF HENRY MELLO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. FARR. Mr. Speaker, Congresswoman ANNA ESHOO, Congresswoman LOIS CAPPS, Congresswoman BARBARA LEE, Congressman GEORGE MILLER, Congressman MICHAEL HONDA, Congressman JOE BACA, Congressman MIKE THOMPSON, Congressman TOM LANTOS, Congressman PETE STARK, Congressman BOB FILNER, Congresswoman ZOE LOFGREN, Congresswoman DIANE WATSON, Congresswoman LUCILLE ROYBAL-ALLARD, Congressman HOWARD BERMAN and Congresswoman MAXINE WATERS join me as I rise in honor of a good friend and outstanding public servant, former California State Senator Henry Mello. Henry passed away on September 4, 2004, but will always be remembered for his dedication to the communities of the Central Coast. He will be greatly missed by his family and friends, but his legacy will live on in many ways.

The son of Portuguese immigrants, Henry was born in 1924 in the rural community of Watsonville, where his mother's family had been farming apples since 1874. He had an eye for business and left Hartnell College after one year to work with his family on the apple farms. At the age of 29, Henry founded John C. Mello and Sons Cold Storage and ran it for 20 years before selling it to Del Mar Food Products in 1973. By this time Henry had found his true calling: public service.

In 1966 Henry officially began his political career with his election to the Santa Cruz County Board of Supervisors. He was not afraid of politically charged issues, and in 1972 composed a motion disapproving the United States' involvement in the Vietnam War. Because of his dedication to his constituents and his commitment to the Monterey Bay area, he was elected to the California State Assembly, serving from 1976 to 1980. Henry was then elected to the State Senate, rising quickly to prominent positions, including the majority whip from 1981 to 1992 and the majority leader from 1992 until he left the legislature in 1996.

While in the legislature, Senator Mello was an ardent supporter of many vital segments of our population, especially senior citizens. Senator Mello authored legislation to enact the first programs focusing on Alzheimer's-Respite Care, Adult Day Health Care and the Multipurpose Senior Services Programs. He founded the Senior Legislature and passed legislation to combat elder abuse. In the 20 years that Senator Mello served in the legislature, he authored more than 120 bills on aging and long-term care that have become the law of the land in California.

However, Henry's service and advocacy extended far beyond just one subject. He was also a strong supporter of our ocean's health, authoring legislation to protect fisheries, working to keep off-shore oil away from California's coastline, and petitioning for the Monterey Bay National Marine Sanctuary. He has created many lasting legacies on the Central Coast, including Wilder Ranch and Grey Whale State

Parks, which are enjoyed by thousands of people each year. He also supported the creation of the Center for Agroecology and Sustainable Food Systems at the University of California, Santa Cruz, which has made tremendous strides in organic and sustainable farming practices worldwide.

When Fort Ord was slated to be closed by the U.S. Army, Senator Mello introduced legislation to create the Fort Ord Reuse Authority to help the state and the region handle the largest base closure in U.S. history. He was also proactive in transferring this area into civilian use, and helped create the California State University, Monterey Bay on the former base. He was a co-author of the Mello-Roos Act of 1982, which provided funding for education and other public projects through tax-exempt bonds. Following the Loma Prieta earthquake, Henry secured a temporary sales tax increase to help the devastated communities of the Central Coast, a measure which proved to be invaluable to the local governments in their efforts to rebuild. In his hometown, he is perhaps best known to the general public for helping to raise funds to rebuild the performing arts center in Watsonville after it was destroyed in the earthquake. It was opened in 1994 as the Henry J. Mello Center for the Performing Arts, which was particularly fitting because Senator Mello was known for contributing his musical talents on the piano for many state and local functions.

Mr. Speaker, Henry Mello was the consummate public servant and master of the art of compromise. His legacy to the State of California is felt through the landmark legislation that he passed as well as through those whose lives he touched personally. Many of us in the California Congressional Delegation worked closely with Henry throughout our public service careers, and we all wish to extend our deepest sympathies to his wife, Helen, and his sons Stephen, John, Michael and Timothy.

RECOGNIZING KYLE MARCOLLA

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kyle Marcolla, 2004 graduate of Chillicothe High School. Kyle accepted a golf scholarship at the University of Missouri—Columbia where he is currently a member of the Men's Golf Team.

Kyle is an outstanding golfer, and I know the University of Missouri is excited about his commitment to the fine golf program in Columbia. I also suspect that Chillicothe High School's Golf Coach John Musser wishes that Kyle could remain on his team for many more years, as he has proven time and again that he belongs to an elite class of high school golfers. Kyle was named a Midland Empire All Conference golfer in 2001, 2002, 2003, and 2004: his entire career at Chillicothe High School. He was a 3A State Qualifier in 2001, District Champion in 2002 and 2004, and 3A All State Top 15 in 2002, 2003, and 2004. In 2003, Kyle won a grueling competition to become Missouri State Champion. The St. Joseph News-Press named him Golfer of the Year in 2003 and 2004. In addition to these accolades, Kyle is the holder of several state golfing records.

Mr. Speaker, I proudly ask you to join me in congratulating Kyle Marcolla and wishing him continued success. Kyle is a great role model for aspiring golfers in our state, and I am proud to serve him in the United States Congress.

IN HONOR AND REMEMBRANCE OF JUDGE ANNE KILBANE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Judge Anne Kilbane of the 8th Ohio District Court of Appeals—fearless sponsor of justice, inspiring role model, and friend and mentor to many. Her untimely passing marks a great loss for her family, friends and colleagues, and for the people of our Cleveland community whom she served with the highest level of commitment, integrity and honor.

Judge Kilbane's unwavering reliability and strong work ethic were gifts from her parents, the late Thomas B. Kilbane and Nora Kilbane, who emigrated from Ireland to Cleveland. She worked at the Cleveland Health Department, then began her studies at the Cleveland-Marshall College of Law, where she graduated in 1976.

Elected to the bench in 1988, Judge Kilbane's unequalled work ethic and uncompromising professional integrity quickly garnered the respect of most, and ruffled the feathers of some. Armed with a sharp legal mind and even sharper focus on the public she served, Judge Kilbane shattered the status quo by fighting for transparency in and out of the courtroom.

Mr. Speaker and colleagues, please join me in honor and remembrance of Judge Anne Kilbane. The courage, vision and integrity that defined her life will be greatly missed along the halls and in the courtrooms of the 8th District Court of Appeals—and will be greatly missed within the hearts of her many friends, including my own. I extend my deepest condolences to her friends and family members, especially her brothers and sisters: Patrick, Mary, Judith, Kathleen and the memory of Thomas, Bryan and Bridget.

Judge Anne Kilbane's life was lived with joy, energy and in unwavering service to others. Her eternal faith in humanity and in the power of justice will continue to serve as an unyielding example and unending force of truth within our legal system, and within the minds and hearts of all who knew and loved her well. Her journey as a first-generation American from the old neighborhoods of Cleveland, to the 8th Ohio District Court of Appeals, reflects all that she was, and all that she gave to us—the possibility to achieve one's dreams; working in service to others; the courage to stand up for what is right; and the integrity to never back down. And Judge Anne Kilbane will forever inspire us all.

STATE OF THE AFRICAN AMERICAN MALE AND OVERREPRESENTATION IN AMERICA'S PRISON SYSTEMS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. RANGEL. Mr. Speaker, today I, like many members of the Congressional Black Caucus, am moved to speak about the state of the African American male and their alarming overrepresentation in the American penal system.

Sweeping changes in crime control and the drastic modifications of sentencing policies have led to a staggering increase in prison populations. Ironically, although the country is experiencing a decrease in crime rates, the inmate population is increasing. According to the Justice Department's Bureau of Justice Statistics, the increase in inmate population is largely due to "truth-in-sentencing" laws that limit early releases, mandatory drug sentences, get tough anti-crime policies enacted in the 1980s and 1990s, and "three strikes and you're out" laws for repeat offenders. Over 2,000,000 prisoners are now held in Federal and State prisons and local jails. Nearly 925,000 Americans are convicted of felony offenses in American courts each year and some 600,000 are incarcerated as a result.

As the national inmate population has increased, the impact on minority communities has been devastating. Two-thirds of the prison population are now racial and ethnic minorities, and for African American males in their twenties, one in every eight is in prison or jail on any given day. Even more upsetting is that African American males born today have a one in three chance of going to prison during their lifetime, compared to a one in seventeen chance for white males. At year-end 2003, African American inmates represented an estimated 44 percent of all inmates with sentences of more than one year.

Despite the notion that the Scales of Justice is blind, it is no secret that racial bias plays a deplorable role in the disproportionate conviction and sentencing of African American men compared to their racial counterparts (who are charged with the same or a similar offense). In addition to racial bias, the high rate of minority involvement in the system reflects a complex set of social, economic, and community problems often tied to poverty, lack of access to education, and unemployment.

While some would assert that "if one does the crime, then he must do the time," it is imperative to remember that once these individuals have done their time and "repaid their debt to society," they should not be thrown back into the fray without the proper tools they need to overcome the factors that initially led to their involvement in the criminal justice system. The transition from prison life is inherently difficult, especially for individuals who have served a lengthy sentence and received little preparation for life in a law-abiding society. In addition to be being stigmatized with a conviction, former offenders face challenges finding employment, housing, health care, and public assistance. Often they are also alienated from their families and communities. All of these negative outcomes contribute to increased recidivism, public health risks, homelessness, unemployment, and disenfranchisement.

Perhaps the most significant costs of prisoner re-entry are the impact on children, the weakened ties among family members, and destabilized communities. The long-term generational effects of a social structure in which imprisonment is the norm and law abiding role models are absent are difficult to measure but undoubtedly exist.

African American males are a critical component of African American families and communities. I, like my CBC colleagues, remain poised to take action to reverse the negative trends surrounding African American males and their incarceration and to reinforce this group's positive characteristics.

It is for this reason that Congress members JOHN CONYERS, Jr., BOBBY SCOTT, and I introduced H.R. 5075, which identifies programs and policies that would encourage the successful reentry of incarcerated persons into the community after their release. For similar reasons, I have continually pushed for the reauthorization of the Community Safety through Recidivism Prevention Act (The Second Chance Act of 2004).

Consequently, I co-sponsored Congressman ROB PORTMAN's bill, H.R. 4676, to reauthorize the grant program of the Department of Justice for reentry of offenders into the community and to establish a task force on Federal programs and activities relating to the reentry of offenders.

While members of the CBC and other conscientious national and state legislators have worked to reform the prison system and provide programs and policies that eliminate many of the barriers that ex-offenders face upon reentry, there is still much work to do. We will continue to fight for the passage of federal legislation to provide former offenders eligibility for public housing assistance, funding for students loans and grants, and assistance in retaining or re-establishing voting rights. We will also continue to push for legislation that would provide tax incentives to businesses that hire former felons, helping them to become self-sufficient upon reentry.

I sincerely believe that we can assist these men, our brothers, to reach their potential when they return to society. I know that this requires the creation of a support system that begins during their incarceration and continues after their release. I believe that we must not give up on these men, but provide them with the resources they need—during and after their incarceration—to contribute to their families and society in a meaningful way.

HONORING CONGRESSMAN AMO HOUGHTON

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. REYNOLDS. Mr. Speaker, it is with great pleasure that I rise to recognize Congressman AMO HOUGHTON of Corning, New York, as he retires from the U.S House of Representatives after 18 years of exemplary public service.

Throughout his time in the U.S. House of Representatives, AMO HOUGHTON was one of those individuals who showed us what a noble calling public service can be. AMO has been a bright, compassionate and valued leader, and he retires as one of the most respected members of Congress, on either side of the aisle. And despite his great responsibilities, AMO always remained deeply rooted in his community, and in our Western New York values.

Throughout his entire career, he remained a fiscal conservative committed to responsible government spending. As the sixth ranking Republican on the House Ways and Means Committee, AMO has played an important role in ensuring that our Nation's tax policy was shaped with the best interests of New Yorkers in mind. His service on the International Relations Committee and as vice-chairman of the Subcommittee on Africa allowed him to use his deep understanding of international affairs to manage important foreign relations matters. AMO also earned a reputation for terrific constituent service; it is easy to see why, for he truly cares about the well-being of each and every one of his constituents.

I salute AMO HOUGHTON for all that he has done for Western New York and New York state in his time here in Congress. Our community owes him a tremendous debt of gratitude. I will certainly miss his friendship, his intelligence, and his warm personality; but I wish him all the best in all his future endeavors.

Mr. Speaker, I ask that this Congress join me in thanking Congressman AMO HOUGHTON of Corning, New York, for his years of service to Western New York, New York state, and our Nation, as a member of the U.S. House of Representatives.

HONORING MOBILE, ALABAMA'S BAKER HIGH SCHOOL MARCHING BAND FOR ITS PARTICIPATION IN THE 2004 MACY'S THANKSGIVING DAY PARADE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BONNER. Mr. Speaker, I rise today to honor the members of the Baker High School Marching Band for their participation in the 2004 Macy's Thanksgiving Day Parade in New York City.

Baker High School, located in Mobile, Alabama, is without question very proud of the efforts of its band. For several months, the 220 members of this group, both musicians and flag corps participants, worked tirelessly in preparation for a performance which took place in front of thousands of men, women, and children lining the streets of Manhattan, and for an audience of millions watching the parade on television here in the United States and around the world.

The members of the band spent the past two years holding multiple fundraisers to raise the money necessary to make this trip to New York. These efforts, which included gift wrapping, selling coupon books to friends and neighbors in the Mobile area, and bagging groceries at local supermarkets, were extremely successful and provided the band with the means to travel to this event. Even the recent devastation caused by Hurricane Ivan could not dampen either the enthusiasm or determination of these fine young men and women to participate in this Thanksgiving Day tradition.

The one hour, 45-block walk down Broadway from Central Park to 34th Street in lower Manhattan gave the band and flag corps ample opportunity to demonstrate its abilities, and they did not disappoint. The total of 96 songs performed by the band were enthusiastically received by the thousands along the parade route, and their talents were showcased even further when NBC gave the band the chance to perform for its nationwide television audience on that morning's broadcast of the "Today Show."

Mr. Speaker, the residents of Mobile, Alabama, are extremely proud of all of the young men and women who participated in this event. I ask my colleagues to join with me and with the families of all of these students in praising them and their band director, Tripp Morris, for a fine showing for south Alabama and a fine performance for the entire country.

A TRIBUTE AND CONGRATULATIONS TO MR. ALI RAZI

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and congratulate Mr. Ali Razi on his accomplishments during the past year as President of the Building Industry Association of California, Baldy View Chapter. As President and Member of the Board of Directors, Mr. Razi has toiled to meet the growing demand for quality, affordable housing for San Bernardino County residents.

A graduate of King's College, London University, Mr. Razi earned a degree in Civil Engineering, and later obtained a Master's Degree in Business Administration. Following graduation, Mr. Razi went on to lecture at Tehran Polytechnic University, and in 2002 received an Honorary Doctorate in Humane Letters from California State University, San Bernardino. In addition to serving as a cardinal investor in higher education, Mr. Razi has distinguished himself as an eminent force in housing development and construction.

Prior to 1984, Mr. Razi served as Principal and CEO of Ira Engineering and Construction Company, heading the construction of large international projects. In 1984, Mr. Razi cofounded the Stratham Group, a major owner and developer of Southern California real estate. Since then, the firm has acquired and developed more than 10,000 apartment units, single family homes and parcels of land. Mr. Razi received personal recognition as Builder of the Year for 2000 by the BIA, Baldy View Chapter. In 2003, his company was acknowledged as building company of the year.

Throughout his career, Mr. Razi has held a series of prestigious titles. He has demonstrated diligence to education and dedication to successful land development. I am proud to recognize Mr. Razi's achievements and honor him for his steadfast efforts this year as President of the BIA of California, Baldy View Chapter and grant him my best wishes in his future development endeavors.

IN HONOR OF THE HONORABLE BRUCE McPHERSON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. FARR. Mr. Speaker, I rise today to honor a dedicated and passionate public servant, my friend, the Honorable Bruce McPherson. Senator McPherson recently left office after eight years representing California's fifteenth district in the California State Senate. He has served the residents of the Monterey Bay Area as a state senator since 1996, and had previously served two terms as a member of the State Assembly for the 27th district. Though term limits have ended his career as a State Senator, Bruce leaves behind a lasting legacy of service and bipartisanship that I wish to honor here today.

Senator McPherson spent twenty-six years in the newspaper business with the Santa Cruz Sentinel, always staying active in the community that he loved. However, it was after I stepped down from my seat in the Assembly to run for Leon Panetta's seat in Congress that Bruce heard the call of elected office. After a successful campaign, he became the first Republican to represent Santa Cruz in the legislature since 1976, and since then has continued to win every local election in which he has run.

While in the legislature, Bruce has focused on several key issues, chief among them was education. In fact, while still a private citizen, he took the lead to enhance local education programs, such as creating a literacy program for the county while he was president of the local Rotary Club. This commitment continued as he worked to pass two state school bond measures, and worked annually to lower class sizes and keep them low. His position as Vice-Chair of the Senate Education Committee was a platform for him to work cooperatively within his chamber, as well as with the Assembly and Governor's office on difficult budget decisions.

As one of the Monterey Bay Area's legislators, Senator McPherson also put environmental issues in the forefront of his agenda. He supported the statewide ban on oil drilling off our coasts; helped with the purchase of over 7,000 acres in north Santa Cruz County for preservation; and authored legislation to protect water quality in our oceans.

Looking to take his message statewide, Bruce ran for Lieutenant Governor in 2002, a role he took on with a personal passion after the tragic loss of his son, Hunter. After this unimaginable loss for Bruce and his wife, Mary, they continued their positive and issues-oriented campaign in their son's name.

Mr. Speaker, Bruce McPherson leaves the California Senate having accomplished many goals for his constituency and for the state. As he looks forward to spending time with his family, I wish to honor his work and dedicated public service, and to wish him happiness and success for the future.

TRIBUTE TO MR. EDWARD O. WAYSON, JR.

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to pay tribute to my friend, a true American patriot, Mr. Edward O. Wayson, Jr.

Ed Wayson passed away on December 4, 2004 and his funeral was held today in his beloved city of Annapolis, Maryland. For all who attended today's service, it was clear that Ed was a man of incredible character and integrity. He was a man who touched so many lives personally and professionally through his humor and sheer joy of life. He believed in making the most of every moment he had and I speak for many when I say his moments were far too few in number.

Ed Wayson was a dear friend of mine and I would like to also pay tribute to his family. He is survived by his brother Boone, his wife of eight years Jeannine, his mother Ruth Ann, his first wife Beth along with their daughters Sarah and Anne, and his stepdaughter Kacey. Ed Wayson was a very successful man on many levels, but he was most proud of his family. It was impossible to have a conversation with Ed without him mentioning Sarah or Anne. I would like to extend my sincerest thoughts and prayers from my family to his.

Ed Wayson was an active citizen who embraced the American democratic experience fully. Through political campaigns, local charities, lobbying, foundation work, and serving on boards including the Anne Arundel County Bar Association and the Annapolis—Anne Arundel Chamber of Commerce—Ed did not just talk about making a difference, he worked to make the world better for all of us.

During the funeral service today, it was said that this quote from Abraham Lincoln best describes Ed Wayson, and I would have to agree. "Character is like a tree and reputation like its shadow. The shadow is what we think of it; the tree is the real thing." Ed Wayson was the real thing and the world is a better place for him.

GAS STATION BURNED OUTSIDE RICHMOND; CRIME MUST BE PROMPTLY AND FULLY PROSECUTED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, I was disturbed to learn that on November 25, a gasoline station outside Richmond, Virginia was burned. It was owned by two Sikh brothers. From the graffiti that appeared on the charred remains, it appears that due to their turbans, the person who committed this horrible crime thought they were Muslims affiliated with Osama bin Laden.

It is important to note that whoever the victims of this brutal crime were, it is a terrible act that must be fully and quickly prosecuted. Blaming all Muslims for the terrorist acts of a few is unfair, bigoted, and intolerant. But it is interesting that the victims of this crime were not even members of the targeted group.

Sikhism is a distinct religion from any other, including Hinduism and Islam. It is monotheistic and believes in the equality of all, including equality for women. Our Sikh friends have made many contributions to this country as lawyers, doctors, engineers, farmers, computer specialists, and in many other fields. One Sikh, Dalip Singh Saund, was even a Member of this House from California, serving from 1959 to 1963. He was the first South Asian to be elected to Congress.

The President of the Council of Khalistan, Dr. Gurmit Singh Aulakh, has written to the Chief of Police in Chesterfield County asking for a swift investigation of this incident. He received a prompt response from the police chief stating that the incident is being fully investigated and those responsible will be caught and prosecuted.

It is unfortunate that incidents like this still occur in America. Three years after September 11, people are still attacking anyone they perceive as foreign. This must be stopped. This kind of hate crime does not advance America or its ideals; it only harms our national unity at a time when we are most in need of it.

Mr. Speaker, I would like to place Dr. Aulakh's letter into the RECORD.

COUNCIL OF KHALISTAN,
Washington, DC, November 29, 2004.

Col. CARL R. BAKER,
Chief of Police, Chesterfield County Police Department, Chesterfield, VA.

DEAR CHIEF BAKER: As you know, on November 24, a gas station owned by Sarabjit Singh and Sukhjinder Singh, two Sikhs, was set on fire. Graffiti, including "Go back to Bin Laden," "F*** Arab gas," and "Never Again Indian Monkey N*****," was sprayed on a dumpster behind the charred station.

This is clearly a hate crime and it is unacceptable. I urge you to prosecute this crime to the fullest possible extent. Do not let the people who perpetrated this crime think they can get away with it.

This would be an unacceptable crime if the owners of the stations were Muslims, as the perpetrators apparently thought they were, or members of any other group. But they are not. They are Sikhs. Sikhism is an independent, monotheistic, revealed religion that believes in the equality of all people, including gender equality. It is not part of either Islam or Hinduism. The perpetrator of this crime didn't even hit the target he intended to hit!

Sikhs are religiously, culturally, and linguistically distinct from any other people in the world. The Sikh Nation has declared its independence from India and is currently under Indian occupation. Sikhs are working to free our homeland, Khalistan.

The incident at the gas station is a setback for the American ideal of freedom for all people and those responsible must be fully and swiftly punished to protect these Sikh businessmen and protect the system of freedom under law.

I urge you to take all appropriate action to bring the criminals to justice.

Sincerely,
DR. GURMIT SINGH AULAKH,
President.

RECOGNIZING DONALD SHERMAN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Donald Sherman of Independence, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 82, and in earning the most prestigious award of Eagle Scout.

Donald has been very active with his troop, participating in many scout activities. Over the many years Donald has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Donald Sherman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF THE 125TH ANNIVERSARY OF ST. COLMAN PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the leaders and members of St. Colman Parish, of Cleveland, Ohio, as they celebrate 125 years of faith, guidance and support, embracing generations of citizens throughout our westside Cleveland community.

In 1880, St. Colman Parish was formed to serve the spiritual and cultural needs of the Irish-American residents of this neighborhood. Since that time, St. Colman's has evolved into a parish community that reflects the racial and cultural diversity of the community it serves, wholly embracing and celebrating the brilliantly diverse mosaic that is the rich fabric of the people of this parish.

St. Colman's historical and bright legacy of social justice, community outreach, cultural preservation, educational programs and spiritual guidance, continues to emanate along these streets, offering tangible services and assistance to citizens of all ages. Restoring broken homes and broken hearts is the continuing legacy of St. Colman's Parish.

Mr. Speaker and colleagues, please join me in honor and recognition of every leader and member of St. Colman Parish, as they celebrate 125 years of cultivating faith, hope and heritage for generations of families within our Cleveland community. We also rise in honor and memory of the struggle, sacrifice and triumph of the founding members of this parish, who journeyed to America with little more than faith, hope and the grit to survive. Love and faith still radiates from St. Colman Parish, encircling this neighborhood with light, strength and hope rising on the dawn of a brand new day.

OSSIE DAVIS AND RUBY DEE: AMERICAN ARTISTS AND ACTIVISTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. RANGEL. Mr. Speaker, I rise to commend the life and work of Ossie Davis and Ruby Dee, two prolific artists whose achievements have immeasurably impacted the livelihood of African American artists and the African American community as a whole. Together, they helped to knock down the exclusionary barriers placed upon minority artists, effectually ushering in a new age of American art and culture in which the contributions of African American artists have been, for the first time in our history, recognized and appreciated. The pair were recently honored at the annual John F. Kennedy Center for the Performing Arts, in celebration of their life's work.

Appearing in more than 20 films, the talented Ruby Dee has enthralled audiences in notable stage appearances such as her role in *A Raisin in the Sun* and *The Balcony*. The recipient of countless cultural awards, Ms. Dee continues to push the boundries of the preconceived notions of women in film and theater. She has written plays, musicals and several books of poetry, eventually turning her stories into the 1998 critically acclaimed one-woman show, *One Good Nerve*. Truly a trailblazer in her own right, Ruby Dee has played a vital role in the progression of the arts in our country.

An actor, playwright, producer, screenwriter and director, the impressive career of Ossie Davis spans more than half a century. Having written and directed such memorable films and plays as 1970's *Cotton Comes to Harlem* and 1961's contentious exploration of segregation, *Purlie Victorious*, the works of Mr. Davis are long-lasting in depth and scope. A gifted actor, Ossie Davis has shown his versatile talents in a bevy of roles and memorable performances.

In a time of limited opportunities for African-American actors, both Ms. Dee and Mr. Davis sprung from the Harlem cultural scene before meeting on Broadway and forging their legendary partnership, later on pledging their lives to one another as husband and wife. Together, Ossie Davis and Ruby Dee have appeared in more than 50 films, featured in several Spike Lee efforts, including *Jungle Fever, Get on the Bus, School Daze* and the classic *Do the Right Thing*. Also appearing in *Malcolm X*, Mr. Davis plays himself, reprising his passionate eulogy at the funeral of the slain civil rights leader.

Ossie Davis and Ruby Dee have presided as vanguards of political activism. They have been tireless proponents of the civil rights movement in America as well as staunch opponents of the McCarthyism witch-hunts; the duo has unquestioningly worn the mantle of public defenders for the past several decades. They helped organize and then graced the dais of the first fundraising dinner held by the Congressional Black Caucus and gave us, in Ossie's speech, the direction we have since sought to follow. Ossie told us that "It's not the man, it's the plan," and that admonition has sustained us and created an institution that has grown and prospered through many changes in leadership over the years.

I am personally indebted to Ossie and Ruby for their many contributions to my own Harlem community, including Ossie's service as chairman emeritus of the Board of the Apollo Theater Foundation. Without their efforts, there is no question that our Nation would be less committed to the great moral challenges of our lifetime. The African-American community, as well as the country as a whole, owes them both a debt of gratitude.

HONORING CONGRESSMAN JACK QUINN

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. REYNOLDS. Mr. Speaker, it is with great pleasure that I rise to recognize Congressman JACK QUINN of Hamburg, New York, as he retires from the U.S. House of Representatives after 12 years of exemplary public service.

Throughout his time in the U.S. House of Representatives, JACK represented both his constituents and the institution with grace and integrity. He loved his country, his community and his family, never straying from the strong values he was raised on.

Throughout his entire career, JACK always acted with the best interests of New Yorkers in mind. As the chairman of the House Republican Working Group on Labor, JACK was the "go-to guy" in our conference on a wide variety of labor-related issues. His positions on both the Transportation and Infrastructure Committee and the Veterans' Affairs Committee allowed JACK to do important work on behalf of our Nation's veteran community and passenger rail systems, employees and customers, issues that were of great importance to him.

While he distinguished himself as a Member of Congress and earned the respect of colleagues on both sides of the aisle, JACK was also notable for his esteemed academic career, his knowledge on a wide variety of issues, and his deep commitment to serving his constituents.

I salute JACK for all that he has done for western New York and New York State in his time in Congress. He has been a close personal friend of mine, and I am proud to have worked closely with him here in the House and back at home in western New York.

Mr. Speaker, I ask that this Congress join me in thanking Congressman JACK QUINN of Hamburg, New York, for his years of service to western New York, New York State, and our Nation, as a member of the U.S. House of Representatives.

IN HONOR OF THE MARTIN LUTHER KING HIGH SCHOOL SOCCER TEAM

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. NADLER. Mr. Speaker, I rise today to honor the Martin Luther King High School Soccer Team, which has achieved a New York City Public School Athletic League record 5th consecutive title this year. Part of the oldest High School sports league in the nation, the MLK soccer team has battled many of the top teams in the City and has continually prevailed.

Having been nationally ranked the last 6 years and boasting an overall record over the last 9 years of 221 wins, 14 losses, and three ties, a 93 percent winning percentage, the MLK soccer team has once again reclaimed a championship they have held for 8 of the last 9 years. This is the all-time record for number of championships held by any New York City public school. The team is coached by Martin Jacobson, who has been with the team during the entirety of this its impressive run. In addition to being recognized and written about in a number of local newspapers, the team's accomplishments have also been acknowledged by the Students Sports Soccer website, which ranked them 25th out of soccer teams in the country this year. Many players have not only been driven to succeed on the soccer field, but have gone on to renowned colleges around the country.

I am pleased to congratulate the Martin Luther King High School's Soccer Team. The team's Awards dinner, being held at the School on December 16th, will rightfully honor a group of talented people who I am proud to represent in the 8th Congressional District of New York. I wish them all a joyous celebratory dinner and many more successful seasons.

TRIBUTE TO MARGARITA HUNT-TEJADA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated her life to serving the people of her community. Mrs. Margarita Hunt-Tejada, District Manager for Community Board #4 in the Bronx, NY will be retiring after 40 years of service.

In her role as District Manager for Community Board #4, Mrs. Hunt-Tejada oversees the delivery of city services to over 140,000 people. She assists in the development of long range strategies as well as plans for their implementation. Under her strong leadership many of the programs and projects advocated by the board are coming to fruition, such as the Bronx Community Court House, the High School for Law, Government and Justice and the East 153rd Street Bridge. In addition, Mrs. Hunt-Tejada can take great pride in the fact that she has helped to get the Bronx Terminal Market Project underway. This project will provide for a large scale shopping mall, a hotel and a much sought after conference center. More importantly, it will create hundreds of new jobs for Bronx community residents.

Prior to her role as District Manager for Bronx Community Board #4, Mrs. Hunt-Tejada served the people of the Bronx in various other leadership positions, including Director of Community Affairs at the Bethel Christian Church, Assistant Office Manager at M. Singer and Sons, located at the Bronx Terminal Market, and Associate District Manager for Bronx Community Board #4.

Believing that there can be no greater vocation than caring for and serving the needs of others, Mrs. Hunt-Tejada has worked tirelessly to help improve the lives of people throughout the Bronx. As a result of her unyielding dedication and hard work over the past four decades, hundreds of thousands of people in her community have been able to enjoy a higher standard of living.

Mr. Speaker, for her many years of outstanding service, I ask that my colleagues join me in paying tribute to this remarkable woman.

RECOGNIZING JUSTIN REYNOLDS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Justin Reynolds of Independence, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 82, and in earning the most prestigious award of Eagle Scout.

Justin has been very active with his troop, participating in many scout activities. Over the many years Justin has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Justin Reynolds for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR AND RECOGNITION OF DR. HENRY T. KING, JR., CANADA'S FIRST HONORARY CONSUL IN CLEVELAND AND NORTHEAST OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in tribute to Dr. Henry T. King, Jr., as Canada's First Honorary Consul in Cleveland and Northeast OH, and of the opening of a Canadian consulate office in Cleveland.

Dr. King has been a long-time friend of Canada. As U.S. Director of the Canada-U.S. Law Institute, he has hosted the Institute's annual law conference at Case Western Reserve University School of Law for the last 19 years. Dr. King is a member of the American Bar Association and former chairman of its Section on International Law and Practice. He is currently U.S. Chairman of the Joint ABA/CBA/Barra Mexicana Working Group on the Settlement of International Disputes.

Dr. King is a founder and co-chairman of the Greater Cleveland International Lawyers Group. He is also a member and former chairman of the Northern Ohio District Export Council. In addition, he is a member of the Corporate Counsel Committee of the American Arbitration Association and is an advisory board member of the Institute for International and Comparative Law of the Center for American and International Law, formerly the Southwestern Legal Foundation.

Dr. King's strong interest in international law and justice goes back to his days as a young lawyer shortly after the Second World War when he joined with U.S. Supreme Court Justice Robert Jackson as a prosecutor at Nuremberg. This experience had a strong effect on his views of international law and relations, as is evident from his writings on global justice, international human rights, national and international security, sovereignty, and international courts.

Henry King is a graduate of Yale Law School and has an honorary degree of Doctor of Civil Laws from the University of Western Ontario. He was awarded lifetime membership in the Canadian Bar Association. He is a Professor of Law at Case Western Reserve University School of Law and Of Counsel to the law firm of Squire, Sanders & Dempsey in Cleveland.

Mr. Speaker, I am truly pleased that the people of Canada, in their wisdom, turned to Dr. Henry T. King, Jr., to be the Honorary Consul for Cleveland and Northeast Ohio. Canadians as well as the people of Greater Cleveland will be well represented in this most important international relationship.

BAT FOR THE CURE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. WEINER. Mr. Speaker, each year, about 33,000 Americans die from prostate cancer and 256,000 are diagnosed for the first time. Aside from lung cancer, the disease kills more men than any other form of cancer.

On November 8, 1999, Ed Rendell, one of the country's foremost baseball authorities, was diagnosed with prostate cancer. Early detection and the care of doctors like Nicholas Romas at St. Luke's-Roosevelt Hospital Center in New York City saved Ed's life.

In late 2002, Ed founded Bat for the Cure, a non-profit charity dedicated to the eradication of prostate cancer. With its prominent Board of Directors, including Bob Costas, Mario Cuomo, Len Elmore, Kathy Giusti and John Hennessy III, the charity has raised hundreds of thousands of dollars to fight the disease.

The organization has also enlisted well-known sports stars who are joining in the fight, such as Dustin Baker, Frank Robinson, Tom McCraw, Bob Watson, Don Baylor, Dave Winfield, and Rafael Palmeiro. Many of these celebrities have personal experiences with the tragedy of cancer.

Fortunately, prostate cancer is one of the slowest growing cancers, so proper detection and treatment can save lives. With Bat for the Cure's support, St. Luke's-Roosevelt, the hospital that saved Ed Randell's life, is now helping many other cancer patients become survivors.

Mr. Speaker, I urge my colleagues to make prostate cancer research and early detection a national health care priority. Congress should act without delay to double prostate cancer research funding at the National Institute of Health, fully fund the National Cancer Institute, and save prostate cancer research at the Veterans' Administration.

STATE OF THE AFRICAN AMERICAN MALE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. LEE. Mr. Speaker, I rise to discuss the State of the African American Male conference, a national initiative of the Congressional Black Caucus and the Congressional Black Caucus Foundation to focus our Nation's attention on solutions to the escalating crisis in the Black community.

This past Friday, December 3, I hosted this national initiative in Oakland. Included were a visit to a prison college program, free health screenings at the conference and concurrent solutions-focused workshops. It was attended by nearly 400 people, more than 60 of whom were formerly incarcerated individuals.

The focus of the Oakland conference was on solutions for formerly incarcerated individuals and the challenges that prevent them from smoothly re-entering our communities. The Oakland Police Department reports that some 80 percent of the 114 homicides committed in Oakland in 2003 involved people on parole or probation. For that reason, I felt compelled to focus the conference in my district on the steps that we as a community and as Members of Congress can take to begin to reverse this alarming trend.

The Oakland Conference was an important opportunity for us to examine closely what were the factors associated with the failure of our corrections system. I wanted to look at the needs and solutions for successful re-entry to our communities.

On the morning before the afternoon conference, I invited my distinguished colleague from the Judiciary Committee, SHEILA JACKSON-LEE, and members of the clergy to join me for a visit to San Quentin College. Offering an Associate of Arts degree, the college program at San Quentin prison is the only on-site, degree-granting college program in the entire California corrections system. It is one of only a few in the United States. It is an extension site of Patten University in Oakland, California. The curriculum at San Quentin includes courses such as American Government, literature, ethics and communication.

Without the warden and without other prison officials present, we spent nearly an hour listening carefully to five prisoners who are serving sentences of various lengths. These gentlemen described the rewards of getting a college education while serving their sentences. Even a prisoner serving a life sentence described the positive influence it has had on his life and that he encourages other prisoners to get an education. Another prisoner told us how his bond with his school-age daughter was strengthened by their sharing each other's homework. He talked of the pride he felt at being able to help her with her math for the first time. Yet, these prisoners reported that it is often difficult to maintain the motivation to make major life changes when it takes nearly two weeks for them to receive their mail from loved ones, and costs them $15 for a ten-minute telephone call.

When family and community ties are so essential to a successful transition, then why do we permit such barriers to be erected between prisoners and the people who care most about them?

The difficulties these prisoners face during the re-entry process are further exacerbated by the fact that since 1994, Pell grants have been denied to individuals who are incarcerated. Why do we permit such barriers to remain when it is clear that education and job training are essential to a successful transition to our communities?

These funding cuts are part of a broader trend that began in 1977, when the California Department of Corrections eliminated rehabilitation from its mission and since then its mission has been solely to punish. When I was in the California Assembly, my colleagues and I attempted to correct this, but were prevented by a prevailing, but ill-informed "tough on crime" ideology. It is outrageous and immoral and in my district in the City of Oakland, we saw the consequences in 2003 in the 114 homicides.

Cost benefit analyses demonstrating the value of college over prisons are well known and well documented. When it is clear that college is better than prison, why do we continue to incarcerate more black males than we educate?

At the Oakland conference, education was just one area of the re-entry process that we examined. In addition, health screenings were provided in the areas of HIV, prostate cancer, hypertension, diabetes and cholesterol, and all tests were free and open to the public. Provided by National Black Nurses Association, Kaiser Permanente, the Ethnic Health Institute and California Prevention and Education Project this component of the program addressed basic health concerns of Black men.

Congressman DANNY DAVIS, who began the State of the African American Male initiative, joined Congresswoman JACKSON-LEE and me for the Conference. Solutions Conferences have been held around the United States in order to create a clearinghouse of best practices. In the Oakland Conference in my district, Topics for the concurrent Solutions Workshops included: Re-Entry Programs; Record Expungement; Sentencing Alternatives; Employment and Training; Health; Housing; Education; and Funding Sources. When the workshop moderators reported out their solutions, it was abundantly clear that the expertise and assistance and innovative programs exist.

Mr. Speaker, I was proud to announce at the Oakland Conference that one Congressional Black Caucus Foundation Scholarship per year in my district will be designated for a formerly incarcerated person. I was also proud to announce that a second event will be held on Saturday, January 22, 2005 where I will bring together 60 attorneys from the Charles Houston Bar Association and the San Francisco Bar Association to provide record expungement assistance to formerly incarcerated individuals. This will be an opportunity for several hundred people to get a clean slate.

What is needed, Mr. Speaker is for such programs to become a national priority.

Rather than setting up people in the correction system for failure by offering them little means of turning their lives around, we must restore Pell grants to incarcerated individuals. One of the programs in Oakland—Project Choice—provides support services to prisoners before they get out and stays with them. But Project Choice only has funding to support 40 of the 3,000 people paroled each year to Oakland.

Without programs like San Quentin College, Project Choice and others, without the support of their families and communities, these prisoners will return to the life that led them to prison in the first place. As a nation, we must provide alternatives. This is not only a matter of public safety, but is truly our moral responsibility. It is our obligation as members of the human race.

HONORING HERITAGE ELEMENTARY SCHOOL STUDENTS, THOMPSON'S STATION, TENNESSEE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mrs. BLACKBURN. Mr. Speaker, Tennessee is known as the "Volunteer State" because we have a proud tradition of giving back to our community and our country. Today the students at Heritage Elementary School in Thompson's Station, Tennessee are reaffirming our state's reputation for volunteerism by working to support America's military families. Our men and women in uniform have sacrificed for our security, and their families bear a burden each and every day. The students at Heritage Elementary have made it their mission to give all they can to Operation Stork Support, a program that presents gift baskets to expectant mothers in the Fort Campbell community. These moms-to-be are separated from their loved ones by war, but we can help lessen their burden and show them how much we care. The Heritage Elementary students have raised $740 in pennies—that's 74,000 pennies—for Operation Stork Support. I thank them for their contribution, their concern, and not least, their love for our military families.

UNDERSTANDING ISLAM AND DEFENDING FREEDOM—LIFT THE DE FACTO GAG ORDER ON NOBEL PEACE PRIZE LAUREATE SHIRIN EBADI

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. HOLT. Mr. Speaker, it was religious freedom that brought the Pilgrims to America's shores. In our beloved Constitution and Bill of Rights, we affirm our steadfast commitment to freedom of expression and freedom of the press as pillars of our democracy. Consequently, it pains and embarrasses me, as an American that the executive branch of our government continues to betray our democratic values and preclude Ms. Shirin Ebadi, the 2003 Nobel Peace Prize Laureate, and other distinguished Muslims from publishing their views for all Americans to read.

Ms. Shirin Ebadi is the first Iranian and the first Muslim woman to receive the Nobel Peace Prize. She is a distinguished lawyer, scholar, and teacher. President Bush has praised her tireless work as a champion of democracy and human rights. She represents Reformed Islam, and argues for an interpretation of Islamic law which promotes international respect for universal human rights. She is devoted to religious freedom, even to the extent of risking her own life, for example, to defend the rights of other faiths inside Iran. In short, she personifies precisely the type of Islamic voice of faith and scholarship with whom our nation should be in dialogue.

Why then is our government, through self-defeating U.S. Treasury Department Regulations, imposing a gag order on Ms. Ebadi? Why are Americans who attempt to help Ms. Ebadi publish her writings now being threatened with severe fines and lengthy prison sentences?

The current over-reaching Treasury Department regulations are demonstrably short-sighted, counterproductive, and unrepresentative of American ideals. That is why I have written to President Bush urging him to reverse to reverse this policy and demonstrate anew America's commitment to freedom of speech, freedom of the press, and the free flow of ideas. I ask unanimous consent that my self-explanatory letter be reprinted in its entirety at the conclusion of my statement. The intent of the regulations, I presume, is to prevent giving beneficial trade revenue to governments that support terrorism, but preventing the publication of ideas is a clumsy, foolish way to try to protect Americans.

Ms. Ebadi's views are the antithesis of those of Osama bin Laden. She is in the same tradition as Solzhenitzen, Sakharov, Sharansky, Walesa, and Havel—all of whom risked their lives to condemn Soviet repression, thus helping give hope to their oppressed countrymen and women and end the Cold War. America should extend Ms. Ebadi and others like her the same support. That would be in keeping with the democratic values and ideals of the American people that have been championed by Democratic and Republican Presidents alike since from the founding of our republic until recent years.

Instead, unbeknownst to many Americans, the Bush Administration continues to enforce unreasonable regulations that silence Ms. Ebadi's voice in America just as effectively as if the Iranian mullahs imprisoned and silenced her, as they have on numerous occasions in the past.

CONGRESS OF THE UNITED STATES,
November 24, 2004.

Hon. GEORGE W. BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to urge you to take immediate corrective action to defend America's commitment to freedom of speech, freedom of the press, and the free flow of ideas. Specifically, I ask you to overturn existing trade-related regulations of the U.S. Treasury Department and substitute new regulations that will allow Ms. Shirin Ebadi from Iran to be heard and published as widely as possible in the U.S. and abroad. More generally, the regulations should be changed to allow public speech and communications around the world.

Ms. Ebadi, a distinguished Muslim jurist, lawyer, scholar, and teacher, was awarded the Nobel Peace Prize in 2003. You have praised her tireless work as a champion of democracy and human rights. She represents Reformed Islam, and argues for an interpretation of Islamic law which promotes international respect for universal human rights. She is devoted to religious freedom, even to the extent of risking her own life, for example, to defend the rights of the Ba'hai community in Iran. In short, she personifies precisely the type of Islamic voice of faith and scholarship with whom our nation should be in dialogue.

Yet, Ms. Ebadi is now prohibited by U.S. Treasury Department regulations from writing and working with American editors to publish her memoirs in the U.S. These regulations are counterproductive for multiple reasons:

They silence Islamic proponents of freedom, democratic reform, tolerance, and universal human rights.

They prohibit Americans from contracting or collaborating with Ms. Ebadi and authors from other restricted countries to create or revise new books for Americans to read, or pay them in advance.

They prohibit American editors, publishers, and agents from working professionally on new or existing books with Ms. Ebadi and other distinguished authors in restricted countries.

Under threat of severe fines and lengthy prison sentences, they prohibit American publishers, editors, and agents from marketing or promoting Ms. Ebadi's writing and those of other pro-democracy authors from restricted countries in the Islamic world and elsewhere.

The practical consequence of these regulations is that American publishers simply cannot do business with Ms. Ebadi and other authors like her and cannot publish their books. Furthermore, Americans who want to receive more information and learn more about society and culture in Iran, Sudan, and Cuba are limited now to reading what has already been written in such restricted countries. These regulations of the U.S. Government silence Ms. Ebadi's voice in America just as effectively as if the Iranian mullahs imprisoned and silenced her, as they have on numerous occasions in the past.

This policy and the underlying Treasury Department regulations are demonstrably shortsighted, counterproductive, and unrepresentative of American ideals. They urgently need to be replaced by less restrictive and proscriptive regulations that are reflective of American values and democratic traditions and that are consistent with the spirit and letter of the laws enacted by Congress in 1988 and further clarified in 1992 to ensure the free flow of information and ideas in international trade. The revised regulations clearly should enable Americans to contract, pay in advance, and work freely with Ms. Ebadi on revisions of her existing work and the creation of additional writings and to market and promote her writings without constraints.

Mr. President, you have the authority and power to rectify this betrayal of America's commitment to freedom of speech, press and religion. It is also noteworthy that the bipartisan 9/11 Commission has warned that if the U.S. does not act aggressively to define itself in the Islamic world (including the encouragement of more open societies), the Islamic extremists will gladly do the job for us. Accordingly, the 9/11 Commissioners recommend, in relation to the war on terrorism, that the U.S. Government use non-military means in addition to force to define anew what we stand for, and to lead by example in promoting freedom, democracy, and respect for universal human rights.

I can think of no clearer or easier example for America to set than for you to take whatever action is necessary, as a matter of urgency, to enable Ms. Ebadi to publish her writings in America.

Sincerely yours,

RUSH HOLT,
Member of Congress.

DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 4818

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Ms. SCHAKOWSKY. Mr. Speaker, yesterday's vote on H. Con. Res. 528 is about much more than just eliminating a provision that Republicans sneaked into the Omnibus Appropriations bill. While that provision would have eroded existing privacy protections of American taxpayers, today's vote also highlights the growing abuse of legislative power and abuse of the public trust by the Republican leadership. It is also about priorities and meeting our nation's needs.

I opposed the massive spending bill when it was considered on the House floor on November 20, 2004, because I was certain that, without carefully examining it, I might be voting for inappropriate, irresponsible, or even embarrassing provisions. Sure enough, that is the case. The provision the Republicans inserted into the spending bill which would allow Members and staff on Congressional committees to "sneak and peak" at taxpayers' confidential tax filings, and, which H. Con. Res. 528 corrects, is just one example of the controversial changes and omissions included in the 3,000-page Omnibus package.

The Omnibus Appropriations bill includes another serious threat to taxpayers' privacy, one that we are not fixing today. Behind closed doors, the Republicans stripped from the massive bill a House-passed amendment which would have prohibited the Internal Revenue Service from using private bounty-hunters to collect back taxes. That provision, which enjoyed strong-bipartisan support, would have prevented 2.6 million tax returns a year from being turned over to private debt collectors with personal financial stakes—receiving 25 cents on every dollar in making people "pay up." This policy all but openly condones strong-arm collection tactics. Additionally, while IRS employees must respect taxpayer privacy or be liable, the bounty hunters will have no such restrictions. They are free to do as they please, and we have no reason to believe that they will not abuse the power the Republicans want to give them in order to increase their profits at the expense of taxpayer privacy.

Furthermore, 6 million employees are in danger of seeing the 40–hour work week eroded because of another glaring omission from the Omnibus Appropriations bill. In a blow to America's workers, the Omnibus fails to include the Obey-Miller amendment to the Labor-HHS Appropriations bill that passed the House. That bipartisan provision, which also passed the Senate, would have ensured that the Administration's new overtime rules do not harm Americans who depend on overtime to make ends meet, instead keeping in place a vital protection and keeping them from having to work longer hours for less pay.

There are also provisions included in—or excluded from—the bill that would undermine a woman's right to choose, undercut environmental protections, and put workers' retirement security in jeopardy if their employers chose to convert from defined benefit to cash-balance plans. But, unfortunately, it is not only the policy riders and omissions that are harmful to millions within our country. The funding levels of too many vital programs are shameful and jeopardize our citizens and our future.

For instance, the Community Oriented Policing Services (COPS) Program, which has helped put thousands of police officers on our streets, is cut by roughly 20-percent. The Small Business Administration's budget is reduced by 18-percent. There is no funding for the 7(a) loan program, which is the SBA's flagship program for helping small businesses get access to capital. Although we are bringing home new veterans every day, the funding level for veterans' health care is at least $1.3 billion less than what the bipartisan Veterans' Affairs Committee says is needed just to maintain the current level of services. The President's own No Child Left Behind Act is underfunded by $9.6 billion. Many key housing programs are slashed. Housing for the elderly was cut by $27 million, and housing for people with disabilities was cut by $9 million. Assistance for the homeless also saw a $9 million cut. Community Development Block Grants are funded at $212 million less than current levels. Contrary to Congress's call in 2002 to double the National Science Foundation's budget over the next five years, the omnibus cuts NSF's funding by $61 million below Fiscal Year 2004's level. While those cuts may seem small, they could truly decimate those programs, many which were already severely underfunded. At the same time that millionaires are not being asked to give up one penny of their tax cuts, investments that will make our country stronger are being cut.

Despite its containing controversial changes to the law and gross underfunding of essential government services, facts only known to a handful of powerful Republicans, my colleagues and I were given only a few hours to read the bill which funds 13 government departments, dozens of domestic agencies, and is one of the largest government funding bills to come before Congress. Not even the most accomplished speed-reader could have gotten through the bill in time, which is exactly what its authors were counting on when they rammed the bill through in one day. Such treatment of a bill of such importance is a discredit to the institution of Congress and a serious disservice to our country. One resolution fixing one issue cannot make up for the abuse of power and the abuse of the American taxpayer, employee, student, senior, and family that H.R. 4818 embodies.

DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 4818

SPEECH OF

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. SCOTT of Virginia. Mr. Speaker, I support this provision to fix the misguided insertion in the Omnibus Appropriations bill allowing Congressional staff to view individual tax returns. However, I protest the process through which that insertion, and others, were inserted into a 3,000-plus page spending bill without the knowledge of most members and without an opportunity to correct all of them.

One such additional insertion is a provision which effectively eliminates one of our most effective tools to fight crime—the Federal Prison Industries program. Study after study—some of them covering as much as 16 years of follow-up data—have shown that inmates who participate in the Federal Prison Industries program are more likely to be employed and less likely to commit crimes than those who do not take part. And corrections officials tell us that Federal Prison Industries are critical to their maintaining safety and security in the prisons by giving inmates something productive to do with their time. Crime victims and the inmates' dependents benefit, as well. Last year alone, inmate workers paid more than $3 million from their wages in the form of restitution to victims and support payments to dependents.

Inserting provisions in a 3,000-plus page bill with no opportunity to know about them or review them prior to voting on them, not only violates House rules against legislating on an appropriations measure, but violates principles of transparency and regular order in legislating, as well.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. DELAURO. Mr. Speaker, on rollcall no. 543, Technical corrections in the enrollment of the Bill H.R. 4818, I was absent due to a medical family emergency. Had I been present, I would have voted "aye."

HONORING D.C. UNITED AS THE MAJOR LEAGUE SOCCER CHAMPIONS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. NORTON. Mr. Speaker, I rise to congratulate D.C. United on winning the Major League Soccer Championship Cup on November 14, 2004. D.C. United beat the Kansas City Wizards 3–2 to win its fourth MLS championship in the league's nine-year existence. Alecko Eskandarian scored United's first two goals, leading D.C. to the MLS title. D.C. United has been the District's most successful sports franchise in recent history and has been called the most successful club in MLS history. The team is a metaphor for the extraordinary progress our city itself has made—balanced budgets and surpluses, retaining and attracting homeowners, and a renaissance in economic development throughout the District of Columbia.

The mighty Black and Red recently celebrated their triumph with a victory rally at RFK Stadium, giving more than 1,000 fans an opportunity to get up close and personal with players, pose for pictures and get autographs. During the rally, Mayor Anthony Williams hailed the "dedication, teamwork and vision" of the champs, declaring November 17 "D.C. United Day" in the nation's capital. Team captain Ryan Nelsen thanked "the 12th man", the great fans of D.C. United.

In a season dominated by news about the signing of our big catch, 15 year old soccer phenom Freddy Adu, first-year coach Peter Nowak moved the focus off the media hype and with his team-oriented philosophy steered United to capture its first Cup since 1999. Nowak said, "They have real attitude and a winning mentality, they're always going to come first and they're always going to be the winners. They shared my vision and they got the cup at the end."

Giving Adu his "props," however, Freddy became the youngest player ever to win a championship in a major U.S. professional team sport. The unassuming teenager, though, preferred to focus on the team's accomplishments rather than his own.

D.C. United also won championships in 1996 and 1997. Unfortunately, after its 1999 MLS Cup, the team missed the playoffs in 2000, 2001 and 2002. But the road back to the top of the league became painted with hard work, patience and a determined eye toward winning the Cup back.

The team is currently conducting its annual United Holiday Toy Drive benefiting Children's National Medical Center. They invite the public to bring donated toys to RFK Stadium and receive a free set of signed player cards. The toy drive is just one of the United's four community outreach programs. Kicks for Kids provides 10,000 disadvantaged youth with free game tickets, meal vouchers and promotional items; United donates much-needed items such as youth soccer equipment and school supplies to area non-profit organizations; and team coaches and players run six free children's soccer clinics each year.

Mr. Speaker, I ask Congress to recognize D.C. United for its spirit and excellence on and off the field, as the nation's capital celebrates the Major League Soccer Champions.

COMMEMORATING THE CONSULATE GENERAL OF JAPAN AT KANSAS CITY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to recognize and commemorate the services of the Consulate General of Japan at Kansas City to the six-state region of Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota and to note, with sadness, the closing of the Consulate as of December 31, 2004.

Since the Japanese Pavilion at the 1904 St. Louis World's Fair first intrigued and delighted tens of thousands of visitors, the links between Japan and the heart of the American Midwest have grown in strength and diversity. As investment, trade and educational exchanges have increased over the last 50 years, so too have the number and scope of contacts and contracts between these six states and Japan.

The Japanese government has been proud to host Governors from the six-state region as honored guests, along with United States Senators and Representatives, business leaders and leading scholars. In return, Ambassadors, Diet members, and even the Emperor and Empress of Japan have visited the heart of America. But there is much more to the relationship than VIP visits and official statements. The Consulate General of Japan at Kansas City has served the six-state region for 25 years in promoting economic development, fostering cultural exchange and understanding, and in providing consular services to the Japanese citizens and U.S. citizens in this region.

More than one hundred Japanese companies have operations within the region and the Consulate has been a significant factor in facilitating and encouraging such investments to the economic benefit of the region through increased employment and economic activity. These companies employ over six thousand Americans. Exports out of the region to Japan exceed $900 million per year.

The Consulate has actively promoted and sponsored cultural fairs and activities throughout the region to foster better cultural understanding and exchange. Examples of cultural activities are the Annual St. Louis Japanese Festival and the Greater Kansas City Japan Festival. The Consulate has assisted almost three hundred regional educators to experience Japan first hand through the Fulbright Memorial Teachers Program. Over eight hundred Americans have participated in the Japan Exchange and Teaching Program. Nearly 100 university and graduate students have participated in scholarship programs provided by the Ministry of Education of Japan. Currently, almost 2,000 Japanese university students are enrolled in public and private universities throughout the 6-state region. In addition, the Consulate has coordinated cultural gifts in the form of gardens, gateways, and statuary to numerous local communities. The Consulate has supported and promoted 28 different sister cities and sister state relationships.

The Consulate has provided consular services to the 4,500 Japanese nationals living in the six-state region and, over the years, the Consulate has issued more than 30,000 visas to American citizens wishing to work, study, or live in Japan.

Over the last 25 years, the Consulate has been active in working to resolve trade issues specific to the region and, as an example, the current Consul General, Takao Shibata, has been actively involved in efforts to resolve beef trade limitations imposed out of concern for BSE exposure.

Since arriving in Kansas City in July 2002, Consul General Takao Shibata and his lovely wife Mieko Shibata have become a valuable part of our community. They will be missed by me and the citizens of Missouri's Fifth Congressional District.

The people of Kansas City and the six-state region regret the closing of the Consulate, but we look forward to a continuation of our close relationship with Japan, and the provision of consular services by the Consulate General of Japan at Chicago.

STAKES IN THE UKRAINIAN ELECTION

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. LEACH. Mr. Speaker, history unfolds at an unpredictable pace. While we've been preoccupied with "Iraq and our own elections at home, dramatic events have shaken Ukraine for the past fortnight. They must not be overlooked or their implications misunderstood.

Once again in the former Soviet empire, we are witnessing the courage of the human soul and the lengths to which oppressed people will go to seize freedom.

In Ukraine, a country besieged in the last century by two of mankind's greatest 'isms' of hate—fascism and communism—a populace has risen against another kind of 'ism'—corruptionism. We are now witness to the power of the individual standing up against forces of injustice and oppression. We are also witness to the continuing saga of a people aspiring to shape its own destiny, clear of the shadows cast for centuries by powerful neighbors.

At issue is the question of freedom and its transforming effects. Democracy implies more than elections. It implies integrity of process, and when that integrity is lacking, the charade of stolen elections can be more debilitating than unabashed authoritarian rule.

There are geostrategic as well as philosophical dimensions to the Ukraine situation that need to be understood in the broad context of the region and its history.

Geopolitically, Ukraine is a large expanse about the size of Texas, with a population of nearly 48 million people, stretching from the wheat fields along a line between Warsaw and Moscow to the palm trees of Yalta, on the Black Sea. The Ukraine was the breadbasket of the old Soviet Union; today, it is an economic and political hinge between the European Union and NATO on the one hand, and the Russian Federation and the Asian landmass, on the other. The western, Ukrainian-speaking half of the country looks to Warsaw and Berlin, Paris and Washington; eastern Ukraine, with its Russian-speaking population, looks more to Moscow. Language creates cultural divisions, but the forces of political cohesion are strong. Both population groups are committed to independence and undiluted Ukrainian sovereignty.

So, in addition to democracy, at issue is Russian imperialism. Instability in Ukraine can only strengthen the hand of an increasingly authoritarian Kremlin. By contrast, a genuinely free election in Ukraine would not only enhance national solidarity but encourage democratic forces in the rest of the former Soviet Union, not least within Russia itself.

Those committed to democracy anywhere in the world should not hesitate to identify with aspirations of the Ukrainian people. Ukraine may be on the distant side of Europe from the United States, but our countries are bound by a common heritage and an inalienable urge for freedom. As Taras Shevchenko, the 19th century Ukrainian poet, wrote: "It makes no difference to me / If I shall live or not in Ukraine / Or whether any one shall think / Of me mid' foreign snow and rain / It makes no difference to me . . . It makes great difference to me / That evil folk and wicked men / Attack our Ukraine, once so free / And rob and plunder at will / That makes great difference to me."

So far courageous Ukrainians have succeeded in halting a fraudulent election. Sensing political winds blowing from a new direction, the once docile supreme court has, startlingly, done an honest job, erasing an injustice and calling for a new election. But the outcome is still in doubt. There is plenty of opportunity before the court-ordered runoff for status quo authorities to attempt, once more, to subvert the democratic process. There can be little doubt they will try to do so. For the KGB alumni who dominate the Kremlin, Ukrainian democracy is more than an embarrassment. It is a threat to their power and wealth and, for some, to their dream of restoring the Russian empire.

No one wishes to poison relations with Russia, but free elections are not an issue on which the United States should or, indeed, can compromise without sullying its principles. Nor need we respect the threat of those who are so fearful of losing power that they hint of promoting a division of Ukraine into western and eastern parts. Separatism mis-serves the Ukrainian people. It is a trend that Russia, grappling with Chechnya and other non-Russian regions, can only endorse at great risk.

Differing with Russia may be politically awkward, but once the flame of freedom is ignited, the U.S. and other western democracies have no ethical choice except to stand up in support of the people of Ukraine. The march to freedom in Poland, Czechoslovakia and other former communist-bloc countries has shown that the risk of an outbreak of destabilizing violence is far greater in situations where the popular will is suppressed than in those where it is allowed to find full expression.

The Ukrainian election set for December 26 is one of the seminal events of this new century. As members of the American people's House, we are obligated to express our support for the aspirations of Ukrainians.

REFLECTION OF EIGHT YEARS SERVICE

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. LAMPSON. Mr. Speaker, after serving in the People's House for the past eight years, and having the honor of being the voice of Southeast Texas in Congress, I now finally have time to reflect on the accomplishments I've been able to achieve. These are goals that came both from my personal service, and from the work I've been able to do to make the communities within Texas's 9th Congressional District a better place to live.

None of the things I have done would have been accomplished without a true team effort. The local communities, through their leaders, were able to build a communications network that allowed my work here to reflect the needs and interests of the people within the 9th Congressional District. It's been an honor to do that and we did so successfully.

Some of those successes include my work on transportation issues. As southeast Texas's only Member of the House Transportation Committee, I'm especially proud of being able to help bring hundreds of millions of dollars to the region to create jobs and improve the area infrastructure. This includes the work I did to prevent coastal erosion, where I was able to help initiate studies by the U.S. Army Corps of Engineers to determine what's causing erosion along upper Texas coast, and how we can slow or stop the loss of protected wetlands, and the potential adverse impact on sports and commercial fishing activities, which impacts the livelihood of many southeast Texans.

We were also able to do a great deal of work to improve highways, airports and airways, waterways, and railways, all of which are important and have provided a better quality of life and economic development opportunities for my constituents. The salt water barrier on the Neches River, which allows for the deepening and widening of Sabine Neches Ship Channel, will further strengthen our waterways while also protecting the Big Thicket National Forest. These activities will also further improve and strengthen the area's petrochemical industry, an important part of both the southeast Texas and national economies, and an industry that provides thousands of good, solid jobs for hard-working Texas families.

I am also proud of my work on the House Science Committee, and to serve as the ranking Member of the Subcommittee on Space and Aeronautics. My primary work was to promote development of space, and I also introduced the Space Exploration Act in the beginning of my third term. The goals of this initiative were picked up by the President and set before this Nation as a national initiative, which gives me great deal of pride. NASA needs a larger, important vision to work on, and my proposals always had this concern in mind. We need to continue seeing a growth in civilian space exploration and research. Such activity has the exciting potential of increasing our advances in medicine, technology, education, and the overall positive growth of our great nation. We must always emphasize research and development of science and mathematics, and I can think of no better way to achieve this than through our future in space.

Child safety legislation has also been a top priority from my first days in Congress. My biggest success was the creation of the Congressional Caucus on Missing and Exploited Children, which I founded following the tragic death of a young girl, Laura Kate Smither, in the Friendswood part of the 9th Congressional District. We passed legislation that created the Cybercrime Center, passed many bills like the Amber Alert program, and introduced the Bring Our Children Home Act in the 106th and 107th Congresses, and this year that bill received a hearing by the Chairman and Ranking Member of the House International Relations Committee. I'm very proud of our efforts to reach out to countries around the world for children of parents of dual nationalities. I wrote and delivered a resolution regarding the development of a best practices guide on the Hague Convention on the Civil Aspects of International Child Abduction, which was a further step in encouraging compliance with international treaties and allies. One of the most important accomplishments of the Caucus is raising awareness with law enforcement and communities nationwide on the issues of child safety and Internet safety. I hope to see this good work continue in future Congresses, as the bipartisan cooperation and spirit with the Caucus always led me to believe that Members of both parties can find common ground on many problems facing our country. With last year's creation of the Senate caucus on child safety, I know this issue will continue to receive that important attention even after my last day here.

I also want to thank my hard-working staff both in Texas and Washington, who fought hard and effectively served the people of southeast Texas. These talented and diligent individuals supported me on every level, and made it possible for me to have one of the most effective constituent services operations of any Member's office. My staff assisted numerous constituents with getting issues resolved with Social Security and disability, Veterans Affairs benefits, and immigration cases. It truly is wonderful to support retired Americans, new Americans, and Americans who have proudly served in the armed forces to protect our freedoms. I am so proud of all that my staff has done for the people of southeast Texas, and know that they will all go on to wonderful and bright professional futures.

I also want to thank my family for their support and, of course and most importantly, their willingness to let me take the time to fight for our communities. I appreciate their love and support of my efforts so much, for without them none of what I did in Congress would have been possible. We come from a family of teachers, with my wife teaching special education at Vincent Middle School in Beaumont. Both my daughters are trained teachers as well; Hillary, who's currently not teaching because of her family and children, and Stephanie who's a 6th grade math teacher also in Beaumont. Our family understands what education means to all of us and our opportunities, and as a family we have made a commitment to help other families have easier access to educational opportunities.

In closing, let me say that this is not an ending to my public service. I've spent the last 34 years of my life doing things to make my communities better—my goal now is to help all citizens of our country, particularly those who I represent in southeast Texas, to focus on issues that impact us daily, and to see what all of us can do to make our communities better places to live. So as I say my final words on the House floor, let me echo the words of one of our country's greatest leaders, Attorney General Robert Kennedy, who said, "It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and . . . those ripples build a current which can sweep down the mightiest walls of oppression and resistance." Thank you, and God bless.

TRIBUTE TO REPRESENTATIVE CALVIN DOOLEY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. CROWLEY. Mr. Speaker, I rise to pay homage and respect to my retiring colleague Congressman CAL DOOLEY of California. So much can be said of CAL, but he is a true leader in the Democratic Party.

It was CAL who was at the forefront of the New Democratic Movement in our country. He saw the opportunity to say that the issues of business and the values of the Democratic Party are not in direct conflict. While he may not be the household name of a Bill Clinton—it is the ideas and organization of CAL DOOLEY that helped this country create a President Bill Clinton, a new 21st Century Economy and usher in a return of a Democratic Party disciplined to bring about economic benefits and quality for life changes for people while recognizing that Government is not always the solution.

He was a true pioneer in creating the New Democrats in Congress and making them the powerhouse they are today—a respected organization of people who think outside of the box for real solutions to real problems to help real Americans. CAL was a leader in making our party more globally focused, encouraging free trade and recognizing the benefits to all parties of open economic borders. Whereas isolationism was in the past the default policy of Democrats, he worked to pry us onto a new path—a path of economic globalism. The result—the USA is an even stronger economic powerhouse than in the past.

While the people of his district have been recognizing him and thanking him for his leadership on their issues for 7 straight terms now we in Washington are now realizing our loss to this Chamber and to the thinking of our Party. We thank you and we appreciate you and less, we are still listening to you.

TRIBUTE TO THE CITY OF NILES, MICHIGAN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. UPTON. Mr. Speaker, I rise today to honor and congratulate the City of Niles, Michigan for the dedication of its downtown "streetscape" project. Over the past two years countless individuals tirelessly worked to bring this project to this remarkable pinnacle. With the addition of new streetlights, new planters, new patterned filled sidewalks, new drinking fountains, new benches, and new trash receptacles, the folks of Niles now have a tremendous downtown to be proud of. I had the great privilege of recently visiting the new streetscape and it is terrific.

The finishing of the "streetscape" couldn't have come at a more appropriate or meaningful time as families and friends come together to celebrate the holidays. Volunteers have diligently worked stringing garlands along fences, threading strands of lights into the trees, and placing ribbons and wreaths on the new historic streetlights, all in an effort to make the downtown ready for its holiday celebration.

Southwest Michigan and especially the folks of Niles truly have a magnificent historic downtown to cherish for years to come. On behalf of the Sixth District of Michigan I would like to especially pay tribute and give thanks to everyone who volunteered and worked on preserving and beatifying this great city.

HONORING CIVIL AIR PATROL CADET 1LT BRIAN M. MOONEY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BISHOP of New York. Mr. Speaker, I rise today in honor of the life and contributions of Civil Air Patrol Cadet 1LT Brian M. Mooney. The Civil Air Patrol, an Auxiliary of the United States Air Force, is dedicated to educating the American public on air related topics and providing emergency services and disaster relief efforts.

During First Lieutenant Mooney's extensive tenure as a Suffolk County Cadet, he exemplified what it means to be a dedicated and passionate member of the Civil Air Patrol. After originally joining the Air Patrol as a member of the COL F.S. Gabreski Squadron in 1998, Cadet Mooney worked hard to help that squadron earn a Unit Citation for 1999. In 2001, First Lieutenant Mooney became Commander of Suffolk County Cadet Squadron 5, where he served diligently until his 21st birthday.

Sadly, First Lieutenant Mooney passed away prematurely on October 16, 2004. First Lieutenant Mooney was truly an individual respected by his community and he will continue to be remembered as someone who always had a kind word for friends and strangers alike. Mr. Mooney's loving family, surrogate mother and all of his friends and compatriots in the Air Patrol will miss his dedication to life and to his duties as a Squadron Commander.

In a fitting and lasting tribute to the many contributions First Lieutenant Mooney made to the Air Patrol organization, I was pleased to learn about a recent decision to rename Squadron 5 after Brian M. Mooney. This will undoubtedly serve as a reminder to young cadets that their unit respects the outstanding works of former Squadron members.

In December of 2000, First Lieutenant Mooney received one of the Air Patrol's highest honors by earning the illustrious General Billy Mitchell Award. Named for BG Billy Mitchell, this commendation represents a significant achievement requiring a strong work ethic and an exhaustive knowledge of aerospace issues.

First Lieutenant Mooney's experience in the Civil Air Patrol could serve as a guide for all young cadets. Early in his tenure, Mooney was elected Vice-Chairperson for the Long Island Group Cadet Advisory Council and following his work there, was elected Chairperson for the LI Group and was named as a Member of the New York Wing Cadet Advisory Council.

First Lieutenant Mooney's work as Commander shows the overwhelming pride that he had in his unit and in his fellow cadets. One year after becoming Commander, Mooney was named Long Island Group's Cadet of Distinction 2002, and during the course of only two years of his service in the Air Patrol, Mooney was responsible for increasing recruitment for his squadron from five to forty-plus cadets.

I can think of few individuals more suitable for recognition by this body. First Lieutenant Mooney's work with the Civil Air Patrol influenced numerous cadets on Long Island and the members of the Squadron now bearing his name will sorely miss him. First Lieutenant Mooney shows that selfless dedication to a cause and dogged pursuit of one's goals reflect positively on the community as a whole.

First Lieutenant Mooney's brief life was filled with extensive contributions to family and fellow cadets alike, and I appreciate the opportunity to commemorate his work in the Civil Air Patrol. I would also urge that the current cadets in the Brian M. Mooney Civil Air Patrol Squadron memorialize First Lieutenant Mooney's achievements by continuing his good works.

A TRIBUTE TO KATHY TAVOULARIS ON HER RETIREMENT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. COX. Mr. Speaker, I rise today to pay tribute to a great Californian. Kathy Tavoularis is retiring from her position as the Executive Director of the Republican Party of Orange County, where she has directed the day-to-day operations of the county Republican Central Committee for over a decade.

Kathy began her involvement with the county party as a college intern in 1991, and was hired in 1993 as Office Director.

Kathy represents so much of the diversity that makes Orange County such a lively and interesting place. She was born in Montreal, Quebec in 1970 to George and Maria, who had emigrated to Canada 10 years earlier from Greece. She grew up outside of Chicago, Illinois and became a life-long fan of the Chicago Cubs and the Chicago Bears. Kathy is fluent in Greek and conversational in Quebecois French from her days in Canada. She has also traveled extensively in Europe.

She graduated from California State University, Long Beach, earning a B.A. in Political Science, with an emphasis in Politics and Policy Formation. Kathy worked three jobs at once to pay her way through college and received her degree after only 3 years.

Kathy has been a dedicated member of the Orange County Republican Women Federated, the Orange County Young Republicans, an appointed Member of the California Republican Party, and has worked at the 1996, 2000 and 2004 Republican National Conventions.

Kathy regularly attends St. John the Baptist Greek Orthodox Church in Anaheim, where she is active in Bible Study and Early Church History Classes.

On behalf of my colleagues, let me join the many friends, co-workers and admirers in wishing Kathy Tavoularis nothing but the best in her future endeavors. She leaves behind an enormously positive legacy for the residents of Orange County, local community leaders, and in helping to make Orange County "the most Republican county" in America.

INTERNET TAX NONDISCRIMINATION

SPEECH OF

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. CANNON. Mr. Speaker, first, I would like to commend the House and Senate for passing the 3 year extension on the moratorium for Internet taxes and the President for signing the bill last Friday. I am pleased that we were able to extend the moratorium, I agree with the gentleman from Wisconsin, the Chairman of the Judiciary Committee, that the moratorium should be made permanent. I look forward to working with him and others next year to achieve this very important goal.

Second, for clarification purposes on the grandfather of states that tax Internet access, I wish to offer an explanation distinguishing the difference between the pre-October 1998 and pre-November 2003 dates as found in Section 1104.

While both sections use the term "Internet access," Section 1104(a), the provision for pre-October 1998 taxes, applies only to the states that were lawfully taxing Internet access before the original enactment of the Internet Tax Freedom Act in 1998. The definition of "Internet access" that applies to the Section 1104(a) grandfather clause is the definition as set forth in the 1998 Internet Tax Freedom Act, as the amended definition does not take effect until November 1, 2003. Those states that were grandfathered under the Internet Tax Freedom Act from 1998 to 2003 will continue to be grandfathered under Section 1104(a).

Section 1104(b), the provision for pre-November 2003 taxes, applies only to those states that were taxing telecommunication services purchased, used, or sold by an Internet access provider to provide Internet access, such as Digital Subscriber Line (DSL) access technology, if they were doing it lawfully prior to November 1, 2003. The amended definition of "Internet access" in the Internet Tax Freedom Act is effective November 1, 2003 and applies to section 1104(b). Section 1104(b) expires November 1, 2005 in order to eliminate any "tax on Internet access" (as defined in Section 1104(10)) regarding telecommunications services purchased, used or sold by an Internet access provider for the purpose of providing Internet access.

Finally, in making the Internet Tax Freedom Act technology neutral, this law now protects consumers from taxes on all Internet access technologies, including dial-up, DSL, cable modem, satellite and wireless. A consumer may even purchase Internet access from two Internet access providers without the threat of taxes. He may use one service to browse the Internet and the other service primarily for e-mail and content services. Both Internet access services are protected from state and local taxation under this law. This law is a significant accomplishment on behalf of all American consumers and maximizes consumer choice and access.

RECOGNIZING THE SERVICE OF RICHARD E. MEADE

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. NUSSLE. Mr. Speaker, the circle and legacy of service to the United States continues every year without end here in Congress.

Members of Congress and our professional staff arrive and depart, and because that departure may seem to go without notice, those who depart may wonder whether their service has in fact made a difference, and in some manner secured the blessings of liberty for ourselves and our posterity.

I cannot bear witness to all that I have encountered in this circle of service, but, I will try for the departure of one very special friend.

Richard E. Meade has served me, the Congress, and the United States of America professionally, effectively, and unselfishly for over fifteen years.

He has served me as my Chief of Staff for both my Iowa Congressional office and the House Budget Committee.

During his tenure, his professional approach was one identified with integrity of purpose, quality of work product, and sincerity and honesty to every person he encountered, from the Speaker of the House to a citizen from Iowa.

One of the many beauties of America is that our freedom is more precious and important than any one person, and yet, without that "mere person" who is willing to serve freedom, respect freedom, and defend freedom, freedom could not exist.

Richard E. Meade is such a person who during his life has been willing to serve, respect and defend American freedom, and in doing so, has helped secure the blessings of liberty for all of us, and for his lovely wife Elizabeth and their precious daughter Constance.

Soon, memories of that service, like the memories of the service of so many others, may fade, and good people will step forward and continue in the legacy of quality service to the freedom we have all come to expect and too often take for granted. The circle of service continues.

My humble words of appreciation cannot, and will not, equal the quality and quantity of service you provided me and our country, but Rich, I offer them with my ultimate respect and sincere gratitude for your many years of dedication to me and our liberty. Mr. Speaker, I simply say, Rich Meade, thank you for my freedom!

SENATE—*Wednesday, December 8, 2004*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Faithful God, who stretches out the Earth above the waters, Your Name is great and Your goodness extends to all generations. Thank You for Your protection. You make wars to cease, destroying the weapons of those who fight against Your purposes. Today, guide our lawmakers with Your justice and keep them as the apple of Your eye. Instruct them in Your wisdom and hide them under the shadow of Your wings. Help them to find light in Your laws and knowledge in Your instructions. Give them patience as they grapple with issues and wisdom to seek Your guidance.

Bless and strengthen the many staffers who provide the wind beneath the wings of our leaders. Bring to them a bountiful harvest for their many months of faithful toil.

Bless all who mourn the loss of Stan Kimmitt. He will be greatly missed.

We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will begin consideration of the conference report to accompany the intelligence reform bill. We have a number of Senators who desire to speak, and we hope to lock in a time for a vote later this afternoon. As announced last night—and again we will try to lock all of this in shortly, after discussion with the Democratic leadership—we are working toward beginning the vote sometime around 2 to 2:30 today. This will have to be adjusted depending on how many people do want to speak and how long they want to speak. We continue to have Members who are adjusting their schedules, who will be traveling today, and thus we will, in a very unusual fashion, keep the vote open until sometime around 5 or 5:15 today to accommodate individuals' schedules.

The actual time in terms of bringing the bill to the floor was dependent upon the House schedule, and as everyone knows, and our colleagues know, that bill was passed last night. We will shortly begin to address that bill here formally on the floor. Once all of our colleagues have had the opportunity to discuss the bill, we will proceed to the vote.

I expect later today, tonight, the Senate will adjourn sine die, and that will be following the disposition of the intelligence reform conference report. There will be additional wrap-up items that we will address, including some of the executive nominations before we close sine die.

INTELLIGENCE REFORM BILL

Mr. President, let me also say, with respect to the intelligence bill we will pass today, it is the most sweeping reform of our intelligence community since the beginning of the CIA. This is a huge accomplishment for the United States of America and for the U.S. Congress and, indeed, for the President of the United States, but most importantly for the American people whose safety and security are first and foremost in all of our minds.

The reform of our intelligence community is not going to end today, and we have seen that in the debates. In many ways this is a major leap forward, but we all understand in this changing environment that intelligence community reform and the strengthening and improving of our intelligence is an ongoing process, and debates and recommendations will continue well into the future. This body will continue to respond in an expeditious manner, as has been demonstrated over the last 4, 4½ months since the release of the 9/11 Commission report.

With the step that is going to be taken today in this body, our country will be safer from those plotting against us. The bill provides for much improved coordination, much improved communication within our intelligence community.

We have heard it argued by many people that it does not go far enough, and then we hear it argued that it goes too far. Again, it is not a perfect bill. There is never a perfect bill or piece of legislation that comes to this body, but it is a very strong bill, and we clearly are not going to let the perfect be the enemy of the good.

We must adapt. Our intelligence capabilities must adapt. By passage of this legislation, we demonstrate we are adapting and will adapt. But reform is an ongoing process.

I have a few more remarks to say on the intelligence bill, but let me turn to the assistant Democratic leader for comments about the schedule over the course of today, and then I will make a few more remarks.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting Democratic leader is recognized.

Mr. REID. Thank you, Mr. President.

TIME AGREEMENTS

Mr. REID. Mr. President, we are very close to being able to wrap up the time agreements on the most important legislation that is before us. Two efficient staff people are now typing as we speak. I think we should be able to vote around 3 o'clock or something like that. They are adding up the time now. Senator BYRD has indicated he wants 2 hours, leaving a half hour for the managers or the leader, if he wants that time before the vote. So we are almost there. Within a few minutes that should be able to be completed. I think we should get that done as quickly as we can.

DEATH OF STAN KIMMITT

Mr. REID. Mr. President, I just want to say one thing before we get into debate. I think it is appropriate today to mention the death of Stan Kimmitt. Stan died last night. We have had a lot of familiarity with him here. He was in the cloakroom yesterday. Some may not recognize him by name, some of the new people here, but he was a fixture on the Democratic side of the Senate.

He served for 11 years as Secretary of the majority under Senator Mansfield when he was the majority leader. He was also elected Secretary of the Senate from 1977 to 1981. He was well known.

He was a World War II combat veteran, and he spent 25 years in the Army. He served in combat in both Korea and the European theater. He was awarded the Silver Star and the Legion of Merit.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I am not going to dwell on this other than to say it is people like him who have such a love for this institution they have worked in, that even though they leave, they are back. He had a very good business downtown but came here all the time.

As the Chaplain in his prayers talks about the Senate family, Stan Kimmitt was truly a part of the Senate family. I express my condolences on behalf of the entire Senate to his wife and his family.

The PRESIDENT pro tempore. The majority leader is recognized.

THE INTELLIGENCE REFORM BILL

Mr. FRIST. Mr. President, today is a signature day in what has been a Congress of milestone achievements. Our last vote this year will be on one of the most consequential legislative initiatives of this session, intelligence reform. The road to this moment has been filled, as we have all witnessed and participated in, twists and turns. Our hearts still run with the emotions of the attacks on our Nation on 9/11. Our sorrow became our resolve to protect our homeland with all of the tools that could possibly be at our disposal.

Under the President's leadership, al-Qaida was chased from Afghanistan, and that country was freed. To head off an imminent threat, our country toppled Saddam Hussein from his dictatorship in 3 short weeks.

To begin the process of making our country safer here at home, we created the Department of Homeland Security. And now we take another large step forward—not the last, but another large step forward—by recognizing that our intelligence community needed reorganization, responding to that reorganization, and doing that reorganization for the first time in 50 years. Change is never easy—the summer and fall have been proof of that maxim—but big change is on the way for our intelligence community, change that will serve our country to make it safer and more secure.

I can't credit enough the careful and thorough work of the chairman of the Senate Governmental Affairs Committee. At my request she cancelled all summer plans and, with her counterpart on the Senate Governmental Affairs Committee, Senator LIEBERMAN, began work immediately on this critical project, literally hours after the 9/11 Commission issued its report. From beginning to end she has brought her talents and skill to an extremely difficult issue. Chairman SUSAN COLLINS demonstrated tremendous leadership. The Senate and the Nation are in her debt.

This day cannot go by without also thanking many other Members: Senator LIEBERMAN, the ranking member; members of the Governmental Affairs Committee, and the Senate conferees; Senator WARNER, who stepped in to lend an able hand in this last week; Senator JON KYL, whose patience has been remarkable; Senator TED STEVENS, our very experienced hand who has dealt with all of the programs under review in this bill for decades and whose continued interest and leadership and focus on implementation of this bill will be absolutely critical; Senator TOM DASCHLE, who joined hands with me and said right after the report was released that we would work together in a bipartisan way to generate a complex bill in a responsive, expeditious way that would respond to the recommendations put forth by the 9/11 Commission.

That product has been developed and will be delivered to this body shortly and will be voted on this afternoon. The legislation is not perfect. It does not solve every problem. But the legislation was not designed to solve every problem. Specific problems were identified by the work of the Commission and Congress in reviewing operations in the intelligence community in the years leading up to the 9/11 attacks. To the best of our ability, we have produced legislation that, with the visionary leadership from the President and his Cabinet, will serve to make America safer.

I can't emphasize that last point enough. Today we are safer than we were before 9/11, but we are not yet safe. Active and engaged Americans around the world and here at home are our first and our best line of defense against a philosophy that seeks and is committed to doing us harm. This legislation is an important tool in a war against terrorism, but it is not one-stop shopping for our country's needs. It should help in making sure that our intelligence assets are deployed wisely, that information developed is shared broadly, that our strategy to fight this war evolves effectively, and it will accomplish those things.

The families who lost their parents, their children, their relatives, their close friends on that tragic day in New York and Pennsylvania and Washington, all deserve our constant dedication in the Congress to buttress the war on terror. This conference report is our latest contribution, not our final contribution, to that conflict. No one should have to suffer the horror and anguish of the 9/11 events again.

I will close by saying that when we act later today, we will have acted on that hope. We will have kept our charge as Members to stand on behalf of America in her defense. And we will have stood and made a lasting difference that is a fitting capstone to the 108th Congress.

I thank all Members for their patience. I appreciate them for their diligence and dedication since the end of July, working nonstop to bring this bill to the floor and ultimately see it through to passage today and later signature by the President of the United States.

INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to consideration of the conference report to accompany S. 2845 which the clerk will report.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes, having met, have agreed that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment, and the House agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of December 7, 2004.)

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, in a discussion with the Democratic leadership, we have come to an agreement that gives us a pretty good template for the organization during the course of the day. This will be useful, and I will ask unanimous consent shortly to allocate time for the people who have come forward and said they would like to speak prior to the vote.

As part of this, the managers will have time right before the vote—up to 30 minutes, but probably that much time will not be used before the vote—to add closing statements.

I ask unanimous consent that debate on the conference report be limited to the list below:

Senator COLLINS will be controlling 45 minutes; Senator LIEBERMAN, 45 minutes; Senator BYRD, 120 minutes, to begin at 12:30 p.m.; Senator STEVENS, 5 minutes; Senator ROBERTS, 10 minutes; Senator ROCKEFELLER, 10 minutes; Senator DURBIN, 15 minutes; Senator WARNER, 30 minutes; Senator LEVIN, 15 minutes; Senator GRAHAM of Florida, 15 minutes; Senator COLEMAN, 10 minutes; Senator CARPER, 5 minutes; Senator SPECTER, 20 minutes, and his comments will follow Senator LIEBERMAN's comments this morning.

I further ask that following the use or yielding back of the time, the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate.

Mr. REID. Mr. President, reserving the right to object, I will ask a couple of things: One, that the time for quorum calls run off of the time equally against everybody. I suggest that those people who have time come over and use it. Senator BYRD will be here at 12:30. That time is locked in for 2 hours. I think this is fair and reasonable. I will also ask the distinguished majority leader if we will be able to—this vote is not close or controversial in any way, and nobody is trying to do anything untoward. People on both sides may not be here at whatever time the vote begins.

The PRESIDENT pro tempore. Is the Senator asking that the time be charged against all those who have time, or just against—

Mr. REID. I ask unanimous consent that the quorum calls—when they are in effect—be charged against everyone except Senator BYRD at 12:30. After 12:30, it would be charged against him also. So the time during quorum calls I ask be charged against all speakers equally. Otherwise, we are going to wind up with more people—

The PRESIDENT pro tempore. The Chair is constrained to ask the Senator to modify that. The occupant of the Chair has asked for 5 minutes. That could entirely wipe out the amount of time I have allocated to me.

Mr. REID. It would not if it is done on a proportionate basis. Well, if the vote does not occur until 7 o'clock, I don't really care. I will withdraw that request and we will let things fall where they may.

Mr. FRIST. Mr. President, for clarification, this is a plea to our colleagues to be here and be speaking on the floor of the Senate. We are trying to do an awful lot, so we can start the vote around 3 o'clock. It will likely finish around 5:15. In order to accomplish that, we cannot be sitting in quorum calls. We need the people wishing to speak to be here on time and to be available. Check with the managers.

The PRESIDENT pro tempore. May the Chair suggest that the time for quorum calls be charged against the next person in line to speak and put these speakers in order?

Mr. FRIST. Mr. President, since we have not talked to each individual, I don't want them necessarily to have to come in this order. I think we can leave it with the understanding that we need speakers here to work with the floor managers and to have no down time over the course of the morning and, if so, we are going to ask people to try to shorten their remarks.

Mr. REID. Parliamentary inquiry, Mr. President: If in fact we don't lock in a time for the vote, and Senators decide not to come and speak, we cannot have a vote until they finish their time; is that right?

The PRESIDENT pro tempore. I am informed that if one Senator does not appear, or does not use his or her allocated time, that will not delay the Senate from voting at the time specified.

Mr. REID. Well, so there is no confusion, it is my understanding this adds up to about 3:45 this afternoon.

The PRESIDENT pro tempore. The Chair is so warned by the Parliamentarian not to have a debate with the Senator, but the Senator is correct.

Mr. REID. Mr. President, I ask unanimous consent that the vote occur no later than 4 o'clock, and that it could occur more quickly if the time is used up.

The PRESIDENT pro tempore. Is there objection to the leader's request as modified?

Mr. SPECTER. Mr. President, for clarification, I will follow Senator LIEBERMAN for 20 minutes. So it is Senator COLLINS and Senator LIEBERMAN, and then I am up for 20 minutes?

The PRESIDENT pro tempore. The Senator is correct. The Chair's understanding is that this becomes the order for Senators to speak.

Mr. FRIST. No, Mr. President. We have no specific order. The unanimous consent request was granted that Senator SPECTER follow Senator LIEBERMAN, and that is the only specific request. The order, otherwise, has not been determined. Senator COLLINS will speak, then Senator LIEBERMAN and Senator SPECTER.

Mr. REID. Reserving the right to object, Senator DURBIN would like to speak after Senator SPECTER.

The PRESIDENT pro tempore. Is there objection? Without objection, the modified request is agreed to.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Maine.

Ms. COLLINS. Mr. President, in New England, we have an old expression: The difficult we do immediately; the impossible takes us a little longer.

The Intelligence Reform and Terrorism Prevention Act of 2004 before us today at times seemed to be an impossible goal. So it took us a little bit longer. It has been a long and arduous journey to reach this point today, but the extraordinary perseverance of the 9/11 Commission, the families of the victims of the attacks on our country, the conferees, our talented staff, our leaders, and, most of all, the President of the United States brought us to this point today.

We would not be at this historic moment without the informed, strong, and bipartisan leadership of my good friend, the Senator from Connecticut, Mr. LIEBERMAN. I am deeply grateful to him for his leadership and for working in partnership with me.

When Senator LIEBERMAN and I were first assigned this task by our Senate leaders back in late July, we pledged to work together and to recognize that when it comes to matters of national security, there is no place for partisanship. We worked from the very beginning to forge a bipartisan bill, and I am very pleased that the conference agreement we bring before the Senate today is a bipartisan agreement. I am confident that later today it will receive a strong bipartisan vote. But it was Senator LIEBERMAN's determination, his leadership, and his commitment to this cause that made it possible. It has been a great pleasure to work with him, and I look forward to many future collaborations.

I am also very proud of all of our colleagues on the Homeland Security and Governmental Affairs Committee. They worked so hard. From the very first hearing that we held in late July to the completion of the conference agreement over the weekend, they were there every step of the way. No leaders of a conference could ever have had more devoted and dedicated conferees than Senator LIEBERMAN and I had.

We were also fortunate to be blessed with an outstanding staff. Both Senator LIEBERMAN's staff, and my staff, headed by Michael Bopp, have worked countless hours over the last 4½ months. They sacrificed family vacations, and they have sacrificed a great deal of sleep. They have been here night and day working because they so believed in this legislation. We could not have done it without them.

On the House side, I want to thank Speaker HASTERT. His chief of staff devoted hundreds of hours to assisting in these negotiations. Congressman PETE HOEKSTRA and Representative JANE HARMAN led the conferees on the House side. They did outstanding work. They were absolutely committed to the principle of crafting legislation that would make America safer and more secure.

Throughout this process, President Bush has provided outstanding leadership. I would say that without the help of the President of the United States and his Vice President, we would not be here today. Their intervention at critical points throughout the debate was absolutely essential in helping us to forge the compromises that were necessary to move this bill along.

We all owe a great debt to the members and the staff of the 9/11 Commission. I have worked very closely with the chairman and vice chairman, Gov. Tom Kean and former Representative Lee Hamilton. The work they did, their leadership, their investigations, their interviews of 1,200 people in 10 countries provided a solid foundation for the recommendations they made and for the reforms included in this bill.

I am very pleased that we have their endorsement. They said:

> We believe this is a good bill and a strong bill. We believe it will make our country safer and more secure. We also believe that the essential elements of the Commission's recommendations remain intact. We are of

the firm view what this conference report deserves the support of the House and the Senate.

But, Mr. President, perhaps the greatest debt of all is owed to the families of the 9/11 victims. In their profound loss, they found courage and determination. Their knowledge has contributed greatly to our debate, and their passion constantly reminded us of why we are here and what is at stake. They never let us give up. They refused to let us fail.

I am grateful to Senator FRIST and Senator DASCHLE for assigning our committee this important task. They showed great confidence in us, and I am pleased we did not let them down.

This legislation addresses the alarming flaws in our national intelligence structure that were so horribly and painfully exposed on that black September morning more than 3 years ago. It does what nearly a half century of studies and legislation calling for intelligence reform failed to do. It is legislation whose time has finally come.

The legislation implements the major recommendations of the 9/11 Commission. We are rebuilding a structure that was designed for a different enemy in a different time, a structure that was designed for the Cold War and has not proved agile enough to deal with the threats of the 21st century.

We have transformed that structure into one with the agility needed to respond to international terrorism, rogue states, the proliferation of weapons of mass destruction, and the other challenges and threats of the 21st century.

The legislation reforms the intelligence community and it gives us the tools to respond to threats of which we may not even be aware at this point.

It is fitting that this legislation comes to a final vote during the week when we pause to remember the events of December 7, 1941. Just as the National Security Act of 1947 was passed to prevent another Pearl Harbor, the Intelligence Reform Act will help us prevent another 9/11.

I am not saying that this legislation will prevent future terrorist attacks, but it will increase the capabilities of the intelligence community and help us improve the opportunity to better detect, prevent, and, if necessary, respond to attacks on our country.

The four primary components of this legislation are the creation of a director of national intelligence, the establishment of a national counterterrorism center, the creation of a civil liberties board, and strong information-sharing provisions. There are also many other provisions in this bill that improve border security, that improve transportation security, that set a new direction in our foreign policy.

This is a comprehensive approach that embodies many—indeed, most—of the recommendations of the 9/11 Commission.

The new director of national intelligence will be a strong position with clear and effective authority to build and execute the intelligence budget. The DNI will be a dramatic improvement over the structure we have today. For the first time, we will have, in the words of Secretary of State Colin Powell, an empowered quarterback for our intelligence team.

To illustrate why this is important, why these authorities are crucial, let us consider a passage from the 9/11 Commission Report. In late 1998, it had become apparent to CIA Director George Tenet that al-Qaida was a growing and deadly threat to the people of this country, so on December 4 of that year, he issued a memorandum that said the following:

> We are at war. I want no resources or people spared in this effort, either inside CIA or the Community.

Now, that is a pretty clear, concise, direct order from the head of the intelligence community.

According to the Commission, the memorandum had virtually no impact. One reason it had so little overall effect on mobilizing the resources of the intelligence community is that the Director of the CIA, beyond the direct control of the CIA, has very little authority over the funding, the people, and the other resources in the intelligence community. This legislation will ensure that in the future, when such a clear, concise order is issued, it will mobilize and galvanize the resources we can bring to bear.

The second important key component in this bill is the creation of the National Counterterrorism Center. This will build on the good work already being done by the Terrorist Threat Integration Center created by the President through an Executive order. The NCTC will help demolish the information stovepipes that the 9/11 Commission found and it will replace them, it will turn them into conduits for information sharing across the intelligence community. The NCTC will also conduct strategic operational planning to coordinate the agencies that are planning our response to al-Qaida and the other threats to our national security.

Throughout the debate on this bill, in addition to improving the ability of the intelligence agencies to cooperate and coordinate their efforts, we have also been mindful of our troops fighting on the front lines in the war against terrorism in Afghanistan and Iraq. Both Senator LIEBERMAN and I are privileged to serve on the Senate Armed Services Committee. I contend that our current system has not always served our troops well. It did not predict the insurgency that has cost us so many lives in Iraq. We owe it to our troops on the battlefields, as well as to our civilians at home, to improve the quality of intelligence they receive, and I believe, as does Secretary Powell, this bill will do just that.

I emphasize that nothing in this bill in any way hinders or impairs military operations or readiness. To the contrary, I believe this legislation will help improve the reliability and the quality of intelligence provided to our troops.

Another important provision of this bill would implement the recommendations of the 9/11 Commission by creating a civil liberties board. As we increase the power of Government to deal with the threat of terrorism, we must be mindful to preserve those freedoms that define us as Americans. We would be handing the terrorists a victory if we were to compromise the civil liberties Americans cherish. This board will help make sure we strike the right balance.

Finally, other key provisions of this bill, for which Senator DURBIN deserves great credit, are provisions that will improve the sharing of information across our intelligence agencies and throughout the Federal Government. We know from the extensive review of the 9/11 Commission that various agencies throughout our Government had pieces of the puzzle that had it been assembled might have allowed them to prevent the attacks on our country on 9/11. We need to make sure we have a culture in our Government of assembling the pieces of that puzzle, of sharing information. I believe the Counterterrorism Center, the information-sharing provisions, and having a DNI will all improve and remedy that problem.

The 9/11 Commission has told us repeatedly of the valiant and talented men and women we have in our intelligence agencies, and I salute their good work. I believe today that we will be giving them the tools they need to be more effective. This legislation provides those good people with a good structure.

Time, commitment, and perseverance have brought us this far. I urge my colleagues to join us in completing the journey by giving this landmark legislation an overwhelming vote later this afternoon. This legislation will implement the most sweeping significant reforms of our intelligence community in more than 50 years. The reforms are long overdue, and they will help to make our Nation more secure.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to join with Chairman COLLINS in recommending the adoption of this conference report on the Intelligence Reform and Terrorism Prevention Act of 2004 which, of course, implements the key recommendations made by the 9/11 Commission Report.

I begin by thanking Senator COLLINS for her extraordinary leadership in this effort. In the 16 years I have been here—and it is self-evident to the Presiding Officer and others that I am much the senior of Senator COLLINS—I have never had a better legislative experience.

This task came to us quickly. There was an enormous amount of work to do. As I said yesterday, it was a long and winding road we walked down, but we ended up where we needed to be and where the Nation needed us to be, and it simply could not have happened without SUSAN COLLINS' leadership. She has an extraordinary sense of purpose and principle. She understands the difference between right and wrong and, in a legislative context, perhaps, the difference between better and worse because that is often where we are. She is a persistent and very effective negotiator, knows when to hold them and when to fold them.

She is a wonderful person—I think maybe I should be that explicit and that doesn't hurt around here, either, because it gains the confidence of the people who work with her. Part of her being a great person is her great sense of humor which got us through some of our darker moments.

I was thinking one of the great moments in the process was when we decided, late in the process, that the original title we gave to the central position we created, the National Intelligence Director, would have the acronym NID. It doesn't resonate the strength that we wanted. Some member of our conference with an inferior sense of humor said it would lead to a lot of "NIDpicking." A lot of laughter led to the change of the title to the Director of National Intelligence, the DNI. You can feel the force radiating. We laughed a lot about that and about a lot of other things.

It is a familiar saying in public service and life, and certainly in campaigns, that victory has a thousand parents and defeat is an orphan. This is a victory for the American people. Many people have a right, here in the Senate, on the 9/11 Commission, the families of the 9/11 victims, the President of the United States, the Vice President of the United States—so many people can say, and we might say: Without their involvement this would not have happened. But nobody, really, can say that more or feel that more than Senator SUSAN COLLINS of Maine. I thank her very much for her friendship, for her partnership, for her leadership here, and I, too, look forward to working with you in many similar collaborations in the years ahead.

Before I get to the substance of the bill, I do want to say something about the process here. As we end the 108th session of Congress, unfortunately a session that was very often polarized and partisan, it is really great—besides the specifics of this accomplishment that is so critical to our national security—that we have ended it with a bipartisan, nonpartisan triumph. It ought to send a message to the American people, and perhaps just as important to us here, that we are capable of doing this. When the chips are down, we are capable of getting together across party lines and doing what is right for the country. That, ultimately, is why we all came here. That gives us the greatest satisfaction and, incidentally, it is probably the smartest and most productive thing we can do politically as well.

This simply would not have happened in the Senate without the chairman of the committee on Homeland Security and Governmental Affairs, and ultimately the chairman of the conference, Senator COLLINS, setting exactly that tone. I thank PETER HOEKSTRA on the House side, JANE HARMAN, and all the members of the conference committee for all they contributed.

This legislation is a testament to the courage and persistence of the families of the victims of September 11. Their personal sacrifices, transformed into a steadfast devotion to see this bill to passage, will help make the rest of America safer. This bill was conceived in the memory of their husbands and wives, their sons and daughters, their mothers and fathers and brothers and sisters, and simply would not have been possible without the constancy of effort and the increasingly sophisticated advocacy by the surviving family members. I thank them.

We have worked hard for this historic agreement because we believe, quite simply, that the security of our Nation depends on it. There were various times at which people in this Chamber and the other body said we were moving too quickly; what was the cause for haste? I can tell you it didn't seem we were moving too quickly to Senator COLLINS and me. But what was the cause for our haste? Our enemies, our terrorist enemies, al-Qaida and their ilk, are not waiting, as we know. They are here. They are planning. We are at peril. Accordingly, we approached this task with a real sense of urgency, a grave and growing sense of urgency because we know we face a clear and present danger from terrorists.

The bill before us today is a landmark achievement because, as others have said and will say throughout the day, for the first time in over half a century we are going to modernize our national intelligence structure to meet the new challenges we face in today's world. With this bill, we recognize we can no longer keep the American people safe simply by projecting military force abroad. The world has changed. Our terrorist enemies today make no distinction between soldiers and civilians, between foreign and domestic locations when they attack us. To defeat them, we must have the best possible intelligence about their plans before they strike so we can stop them before they strike.

This legislation moves us toward that goal significantly by transforming our intelligence community from a Cold-War model—and after all, it was at the outset of the Cold War that the current structure was conceived—a Cold-War model that shared information only if there was a need to know, to a 21st-century model that will share information to maximize the intelligence community's substantial resources and expertise and, yes, guarantee greater returns for the billions and billions of dollars of taxpayer money that are invested in intelligence to protect the American people.

The 9/11 Commission supports our compromise. Chairman Kean and Vice Chairman Hamilton said in a statement:

> We believe this is a good bill and a strong bill. We believe it will make our country safer and more secure.

They support this compromise because it implements the Commission's key recommendations to establish that DNI and a National Counterterrorism Center that will improve coordination and collaboration, as the Commission puts it, "to forge unity of effort" between the 15 intelligence agencies scattered throughout the Government, and to ensure that, unlike up until now, someone is genuinely in charge.

I said to a business executive in my home State this morning, talking about this bill, explaining why I couldn't be with him today at a meeting in Connecticut, that if anybody in business really got inside and looked at how we are spending the billions of dollars we do on intelligence, they—well, they wouldn't believe it because no one is in charge.

The Commission indicted the status quo of America's intelligence community. The 9/11 Commission report is an indictment of the status quo. Those who pick and try to look for loopholes in this reform have to remember that the status quo failed to protect the American people on 9/11 and it has failed in different ways to provide us with the quality, accuracy and reliability of intelligence that we need.

Vice Chairman Hamilton memorably told our committee in our hearings on this Commission report:

> A critical theme that emerged throughout our inquiry was the difficulty of answering the question: Who's in charge? Who ensures that agencies pool resources, avoid duplication and plan jointly? Who oversees the massive integration and unity of effort to keep America safe? Too often [the 9/11 Commission said] the answer is no one.

The fact is, below the level of the President no one has been in charge of overseeing the entire intelligence community and its multibillion-dollar budget. Today, as testimony before our committee validated, no one is clearly in charge of the hunt for Osama bin Laden. No one has had the authority to knit together the efforts of the 15 disparate agencies working on intelligence for the American people, and, therefore, no one has ultimately been accountable for the deadly mistakes that have been made.

This legislation changes all of that, putting a clear command structure in place so that in the future the puzzle pieces will be put together, the dots will be connected, and so, I hope, pray, and believe, we will never have to suffer through another attack like the one we did suffer through, and still do, on September 11, 2001.

I wish to briefly discuss some of the key provisions, starting with intelligence reform.

Under our current intelligence structure, the CIA Director has to perform three jobs: acting as the President's principal intelligence adviser, overseeing the intelligence community as a whole, and directing the CIA. The 9/11 Commission reported what many had said before: The tasks are simply too much to expect of any one person.

So we have created a Presidentially appointed, Senate-confirmed Director of National Intelligence, who will lead the national intelligence community but be separate from the Director of the CIA. The DNI will be the President's principal intelligence adviser and will focus exclusively on breaking down those barriers that have obstructed information sharing and professional collaboration in the public interest. With the CIA Director in charge of daily CIA operations, the DNI will be able to forge that unity of effort which we need to better protect the American people.

The DNI will exercise significant budget authority over the intelligence community both in the development and the execution of the budget, and he or she will consult closely with the Secretary of Defense, the Director of the CIA, the head of the FBI, and other intelligence leaders on both funding and personnel issues.

The DNI will have unprecedented authority in the implementation and execution of all funding under our national intelligence program.

Our bill makes clear that the DNI will have the power to "develop and determine" the intelligence budget and that the Director of the Office of Management and Budget must apportion the national intelligence program funds at the "exclusive direction" of the DNI. The DNI is further responsible for managing the appropriations by "directing the allotment and allocation" of appropriations through the heads of Departments containing the elements of the intelligence community. Just to make sure there is no slow-walking in moving those funds forward, the Department comptrollers must then allot, allocate, reprogram, or transfer funds—in the words of the report—"in an expeditious manner."

The DNI will have a major hand in the appointment of key officials across the intelligence community, thus elevating the authority of that position. He or she will recommend appointment of the Director of the Central Intelligence Agency to the President. The Secretary of Defense will have to obtain the DNI's concurrence in appointing the heads of the National Security Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency. The Secretary will consult with the DNI before appointing the Director of the Defense Intelligence Agency. The Secretaries of the Departments of Energy, Homeland Security, Treasury, State, and the Attorney General will need the concurrence of the DNI to appoint the heads of intelligence agencies under their immediate jurisdiction and under the DNI's overall jurisdiction. That is real authority in this new office.

The DNI will also have significantly expanded authority to transfer personnel and funds beyond those of the current DCI so that he or she may react quickly to changing threats and direct intelligence resources where they are needed.

In addition to creating the DNI, this conference report will create—as recommended by the Commission—the National Counterterrorism Center and a series of National Intelligence Centers to ensure that critical national security issues are addressed with maximum coordination and teamwork.

This may well be the most significant process we have begun with this bill, the authority of DNI, but creating a model, and a model built on the most effective, modern corporate models of joint team efforts to deal with problems. But it really deals directly and grows out of the experience of the Pentagon post-Goldwater-Nichols, in joint warfare.

This says when we have a critical national security problem the best way to deal with it will be to create a center to deal with it, a table at which every element of our Government involved in dealing with that problem is present so they can collect intelligence together, analyze it together, and then plan how to combat the problem.

Specifically created in this bill, of course, is the National Counterterrorism Center which will seek to make ensure the disastrous disconnect between the FBI and the CIA that occurred prior to 9/11 will never occur again. It will develop plans, assign roles, and monitor the agencies' implementation of those plans in order to thwart the next terror attack.

This is not a narrowly focused, constricted center. The Center's planning will be at the strategic level such as how do we best win the "hearts and minds" of the great majority of people in the Muslim world. It will be at the tactical level—for instance, how we are going to capture Osama bin Laden.

The National Counterterrorism Center Director will be confirmed by the Senate and it will report to the Director of National Intelligence, and in some cases to the President himself.

Let me talk about those other centers.

This bill creates one other center to deal with a most pressing threat to our security: that is, the proliferation of weapons of mass destruction. This part of the bill was inserted as a result of the leadership of the majority leader, Senator FRIST. It is an enormous step forward in dealing with the threat of WMD.

These are the central structures of the intelligence reform, but our legislation goes beyond that. The 9/11 Commission documented that, in a period preceding September 11, 2001, potentially helpful information available to one part of the Government was not shared with others which could have used it.

This legislation takes that direction from the Commission to heart and requires the President to establish a network of technologies and policies that will resolve conflicts between the need to share and the need to protect sources and methods. It will create and allow us to use the best technology to make sure we are sharing and culling and filtering and applying the vast amount of data we get from our intelligence networks most effectively.

Beyond intelligence reform, this bill contains much more. In fact, the 9/11 Commission made 41 recommendations to protect our Nation from terrorism. In August, Senator McCAIN and I drafted legislation to address them all. I am pleased and proud to say I am grateful for the conferees, to the Senate, and to the House that most of those initiatives have become part of this conference report.

For example, the 9/11 Commission observed that many of the actions necessary to protect us in the war against terror also involves a consolidation of governmental authority and the increased presence of government in our lives to protect us. In response, the Commission called for "an enhanced system of checks and balances" to protect the civil liberties that define us as Americans. In fact, this conference report creates a Privacy and Civil Liberties Oversight Board.

The Board will have two functions. First, to advise the President and Federal agencies at the front end of policymaking and, second, to conduct oversight at the back end, investigating and reviewing Government actions to determine whether executive branch officials are appropriately respecting the individual freedoms of the American people.

The 9/11 Commission also recognized the futility of combating terrorism only by military means. Of course, we have been, and will continue, doing our best to capture and kill all the terrorists we can as soon as possible. But we understand that ultimately what is required to stop the growth of terrorism are initiatives of foreign policy, diplomacy, economics, and of politics.

Our legislation—this conference report—includes many of the provisions recommended by the Commission which will do just that, including increased American foreign assistance to Afghanistan and a renewed U.S. commitment to Pakistan. It provides enabling authorities to help us win "the struggle of ideas" through the greater funding and use of much more imagination in American broadcasts to the Islamic world. It calls for broadening and growth of scholarships and exchange programs between the United States and the Muslim world, with students and faculty going back and forth.

The bill also takes aggressive measures to prevent attacks, as well, by targeting terrorist travel, improving screening at entry and exit points, and securing identification documents.

Our legislation requires secure identification for travel documents for all travel into the United States. This was a topic about which much was said and debated in the conference, and before, during, and after House adoption of this conference report yesterday. I guess the conferees, in their wisdom, decided some of the immigration reform in the House bill would have weighted the bill down and inhibited or prohibited its passage. It is urgently needed and we cannot afford to do that. We will get to that next year.

Make no mistake, this conference report contains some tough antiterrorist law enforcement measures, and some tough immigration enforcement measure. It specifically implements the 9/11 Commission Report recommendation for the Federal Government to establish minimum standards for birth certificates, driver's licenses, and personal identification cards. Those provisions will help decrease fraud so terrorists are not able to hide their identity. They will not deprive the States of the right that States understandably want, to determine, not the form of the driver's license, but who is eligible to receive a driver's license within their States.

Other measures in this conference report will go far to tighten border security. It will increase the number of border guards, immigration officers, and detention beds for those who are being held for legal action and other action to determine their immigration status and whether they should be deported. No longer will we have a case, as in the past, where a challenge is made to someone's immigration status but they are allowed to wander and disappear into the vastness of America. There will be thousands of new beds created, detention facilities, to hold those people while their cases are being reviewed.

We added a provision allowing the Government to deport anyone who has received military training from a terrorist organization. The Government will also be able to obtain a Foreign Intelligence Surveillance Act warrant for anyone engaging in terrorist activities even if they are not clearly connected to a specific terrorist organization. That is common sense, but it is not in the law now.

To better safeguard the Nation's transportation networks, this legislation also requires the Department of Homeland Security to produce a national transportation strategy that evaluates the risks faced by all modes of transportation, not just aviation, and sets some clear priorities and deadlines for security needs.

We also have included measures to help first responders, the hundreds of thousands of men and women, largely in uniform, some out, at the local and State levels. We want to help them obtain interoperable communications equipment so in a crisis they can talk with each other and work cooperatively.

I have long believed if we are going to make sense of what happened on September 11 we need to look back honestly with clear eyes and honest hearts. The 9/11 Commission's extraordinary work enabled us to do just that. Its 587-page report did not close the book on September 11. It will never be closed. The legislation does not close the book on September 11. It will live alongside December 7 as a day that will live in infamy throughout American history and America's future.

The work on this conference report and its adoption today will open a new chapter for a safer America. Chairman Kean has said:

> Our biggest weapon of defense is our intelligence system. If that doesn't work, our chances of being attacked are so much greater. So our major recommendation is to fix that intelligence system and do it as fast as possible.

That is exactly what this historic legislation does.

In this Congress, this President fulfills our constitutional duty to provide for the common defense of our Nation. I said before that many can claim to be parents of this victory. Members of both parties in Congress, leaders of both parties, bipartisan leadership in this Chamber certainly stood by Senator COLLINS and me all the way. This simply would not have happened without the support of the President of the United States, the Vice President of the United States, and their staffs, working hard and long to do something that institutions and government do not do easily, which is to change. If it was easy, the 20-some-odd attempts made in the last half century to reform our intelligence system would have worked, would have succeeded. They did not.

This is about to succeed because of the effort that has been made across party lines in the national interests by everyone from the President of the United States to every single Member of Congress who worked hard on this measure.

Maybe I should add another thank you. Maybe I should go from the President to our staffs. Senator COLLINS has said the legions of staff members on both sides of the aisle and both sides of the Capitol put their lives on hold and worked through nights and weekends for the cause of a safer America. I particularly thank Kevin Landy on my staff, whose work started with the legislation to create the 9/11 Commission—that was a story in itself—and who has been single minded in his devotion to crafting this legislation in a way that was real and excellent. I also single out the work of Majority Staff Director Michael Bopp, and all of his team. Michael has terrific legislative skills and leadership abilities and has served the conference and the country extraordinarily well. On my staff I also thank my staff director Joyce Rechtschaffen, and Dave Barton, Mike Alexander, Raj De, Christine Healey, Holly Idelson, Beth Grossman, Larry Novey, Jason Yanussi, Kathy Seddon, Dave Berick, Mary Beth Schultz, Tim Profeta, Fred Downey, Andrew Weinshenk, and Donny Ray Williams, Leslie Phillips, Bill Bonvillian and Laurie Rubenstein. I could go on and on. Many other staffers of other Senators contributed much to this bill and I thank them. I would especially like to thank Marianne Upton and Joe Zogby from Senator DURBIN's staff. And I particularly express my personal appreciation, in this and so many partnerships we have been involved in, to Senator JOHN MCCAIN of Arizona, and to his staff. We worked in close partnership to craft the legislation implementing the 9/11 Commission recommendations. Many provisions were adopted in the Senate and are integral parts of the conference report. I thank them all.

I come back to the beginning to particularly thank my colleague and friend, our chairman, Senator SUSAN COLLINS of Maine.

I ask unanimous consent to have printed in the RECORD two documents from the 9/11 Public Discourse Project regarding driver's licenses and military chain of command.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET: DRIVER'S LICENSES, 9/11, AND INTELLIGENCE REFORM

WHAT HAPPENED IN THE 9/11 PLOT

The hijackers obtained 13 driver's licenses (two of which were duplicates) and 21 USA or State-issued identification cards (usually used for showing residence in the U.S. or a State).

The driver's licenses themselves were all legal, that is, they were not forged. But they were not all legally obtained. Seven hijackers used fraudulent means (false statements of residency) to acquire legitimate identifications in Virginia.

Their fraud in obtaining driver's licenses did not arise from them being undocumented aliens. All the hijackers entered the United States with proper immigration documents, but several had committed fraudulent acts to get them.

One hijacker who obtained a driver's license when he was in status was out of status on 9/11. Another hijacker whose documents clearly showed that he was out of status and had overstayed his 30-day visitor's visa did not seek or obtain a driver's license. He used his passport to prove identification and board the aircraft.

Based on what we learned in the 9/11 story, we recommended stronger immigration enforcement to catch terrorists who were exploiting weaknesses in America's border security. We recommended greater attention to terrorist travel tactics and information sharing about such travel.

We also recommended strong Federal standards for the issuance of birth certificates and other sources of identification, such as driver's licenses, to avoid the identity fraud that terrorists can exploit.

We did not make any recommendations to State governments about which individuals should or should not be issued a driver's license.

Specifically, we did not make any recommendation about licenses for undocumented aliens. That issue did not arise in our investigation, as all hijackers entered the United States with documentation (often fraudulent) that appeared lawful to immigration inspectors. They were therefore "legal immigrants" at the time they received their driver's licenses.

WHAT THE PENDING CONFERENCE REPORT (FOLLOWING THE COMMISSION'S RECOMMENDATIONS) WOULD REQUIRE

The establishment of new standards to ensure the integrity of the three basic documents Americans use to establish their identity-birth certificates; State-issued driver's licenses and i.d. cards; and social security cards.

New standards to ensure that the applicant for the identity document is actually the person the applicant claims to be; and improvements to the physical security of the document.

States would receive grants to assist them in implementing the new standards.

WHAT H.R. 10 REQUIRES

H.R. 10 requires that before issuing a driver's license a State would need to verify that each applicant:

Is a citizen of the United States;

Is an alien lawfully admitted to permanent residence status in the U.S.;

Has conditional permanent residence status in the U.S.;

Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the U.S.; or

Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the U.S. (There are additional requirements but these are the key ones).

Only citizens and permanent residents could receive driver's licenses; all others with documentation would have temporary driver's licenses issued for the length of visa stay or not more than one year if there is no definite end to the period of authorized stay. Undocumented aliens could not receive licenses.

OBSERVATIONS

It is important to have national standards on driver's licenses, passports and other identification documents.

There is no doubt hijackers used State-issued documents to get through a lot of checkpoints. For this reason, we believe Federal minimum standards for such State-issued documents are important.

Whether illegal aliens should be able to get driver's licenses is a valid question for debate.

The debate over this issue ought not to hang up the hundreds of provisions in the conference report that would strengthen intelligence, improve information sharing, strengthen transportation and border security, improve American foreign policy, and support first responders.

We would also note that if the hijackers presented visa documentation that appeared valid to DMV officials (as they apparently did), they would still have been issued temporary driver's licenses for the duration of their visa, under the provisions in the House bill.

FACT SHEET: THE CONFERENCE REPORT AND INTELLIGENCE SUPPORT FOR MILITARY OPERATIONS

1. THE PROPOSED REFORMS DO NOT CHANGE THE CHAIN OF COMMAND FOR CONTROL OF NATIONAL INTELLIGENCE ASSETS

The warfighter today can call upon real-time intelligence support from the military services (like the Air Force), from his joint forces command (like CENTCOM), and from national agencies (like the signals intelligence analyzed by NSA).

The bill does not affect support relationships between combat units and military services (like the Air Force).

The bill does not affect support relationships between combat units and the joint forces command to which they are assigned (like CENTCOM). It would not affect CENTCOM's management of the assets assigned to that command. So, for example, the bill would have no effect at all on the support relationship between the soldier in the field and a JSTARS aircraft or Predator UAV assigned to CENTCOM's intelligence component, its J–2.

Assets, like satellites, that are run by national agencies are managed for the benefit of the whole US government. That is why these are called "national" agencies. The chain of command for operational decisions about those assets therefore goes outside of DOD under the status quo.

Under President Bush's executive order (August 2004), DCI Goss has the duty to set the requirements and priorities for collection by these agencies. The DCI also has the authority to "resolve conflicts in the tasking of national collection assets. . . ."

Under the conference report these same authorities simply move from the DCI to the DNI, for "resolving conflicts in collection requirements and in the tasking of national collection assets of the elements of the intelligence community."

At the operational level, the job of getting national assets in support of the warfighter is managed by the unified combatant commands with the help of the Joint Staff's J–2 and the J 2's National Military Joint Intelligence Center.

None of the current practices for the allocation of national assets would change as the focal point for national coordination moves from the DCI to the DNI.

2. THE SPECIFIC CONCERNS ARTICULATED BY JCS CHAIRMAN GENERAL MYERS IN HIS LETTER OF OCTOBER 21ST WERE ADDRESSED IN THE CONFERENCE REPORT

General Myers' letter of October 21st (attached) did not register any concerns about the chain of command in operational intelligence support for the warfighter.

General Myers focused only on budget matters, where he specifically requested that:

(a) "the budgets of the combat support agencies should come up from the agencies through the Secretary of Defense to the National Intelligence Director"; and

(b) "it is likewise important that the appropriations are passed from the National Intelligence Director through the Department to the combat support agencies."

This latter point, on "this vital flow," is the one—the only one—singled out for a "recommendation that this critical provision be preserved in the conference."

It was.

In the conference report, the appropriations do not go to the National Intelligence Director. The appropriations for national intelligence go through the heads of the relevant departments.

With the help of OMB, the DNI can direct allotment or allocation of these funds, but the flow of funds goes through the department to (in DOD's case) the combat support agencies:

"Department comptrollers or appropriate budget execution officers shall allot, allocate, reprogram, or transfer funds appropriated for the National Intelligence Program in an expeditious manner."

Thus the conference report accepted the recommendation of General Myers for how to direct the flow of funds.

Even on the issue of budget preparation, the conference report addressed the concern raised by General Myers.

In the conference report, the budgets from the combat support agencies come up through the Secretary of Defense. If the combat support agencies are not national intelligence agencies and are covered under the appropriations for joint military intelligence or for tactical intelligence and related activities, the proposed DNI participates with the Secretary of Defense in developing the final budget for them. For these combat support agencies the authority of the Secretary of Defense remains exactly as it is now.

If the combat support agencies are also national intelligence agencies (which is the case for the National Security Agency, the National Geospatial Intelligence Agency, and the National Reconnaissance Office), the proposed DNI would develop and determine the national intelligence program budget "based on budget proposals provided . . . by the heads of agencies and organizations within the intelligence community and the heads of their respective departments and, as appropriate, after obtaining the advice of the Joint Intelligence Community Council."

Thus, in the conference report, the Secretary of Defense has input into budget preparation for these national agencies both directly and through his participation in the proposed Joint Intelligence Community Council.

3. THE COMMISSION CONSIDERED DOD CONCERNS IN THE PREPARATION OF ITS RECOMMENDATIONS

Commissioners and Commission staff discussed DOD concerns about intelligence reorganization with Secretary Rumsfeld. Under

Secretary of Defense for Intelligence Cambone, Director of the National Security Agency General Hayden, the Director of the National Geospatial Intelligence Agency General Clapper, and many others. General Hayden and General Clapper have spent their careers in providing military intelligence support for the warfighter.

Commissioners and/or Commission staff made three investigative visits to HQ Central Command and HQ Special Operations Command. They interviewed officers at HQ Northern Command and HQ Joint Special Operations Command. They interviewed users of intelligence in the field, in Afghanistan and Pakistan.

4. A BETTER STRUCTURE ENABLES BETTER MANAGEMENT

The Commission never took the view that reorganization solves all problems. A better structure enables better management.

Numerous specific management reforms are needed, in areas such as human intelligence collection; common standards for information technology and network capabilities; more efficient use of available experts; improved language skills; standardized processing of raw intelligence; and better all-source analysis.

What we found is that these and other management reforms falter in an unmanageable intelligence community. A better structure makes it more likely that such urgent management reforms will succeed.

Appendix: Letter From Gen. Richard Myers to HASC Chairman Hunter

Chairman of the Joint
Chiefs of Staff,
Washington, DC, October 21, 2004.

Hon. Duncan Hunter,
Chairman, Armed Services Committee, House of Representatives, Washington, DC.

Dear Mr. Chairman: As we discussed during our recent telephone conversation, I know that you and the conferees are discussing intelligence reform and the intelligence budget process. This is a vitally important subject as we look at the effectiveness of the intelligence provided by our combat support agencies. It is my belief that the responsibilities of the Secretary of Defense for the operation of these agencies, including budget preparation and execution, should be addressed as the conferees proceed to a final bill. In this regard the budgets of the combat support agencies should come up from the agencies through the Secretary of Defense to the National Intelligence Director, ensuring that required warfighting capabilities are accommodated and rationalized and ensuring that the Secretary meets his obligations. For appropriations, it is likewise important that the appropriations are passed from the National Intelligence Director through the Department to the combat support agencies. It is my understanding that the House bill maintains this vital flow through the Secretary of Defense to the combat support agencies. It is my recommendation that this critical provision be preserved in the conference.

The combat support agencies provide critical combat intelligence capabilities important to the day to day operations of our armed forces, including, of course, combat operations. Establishing the budget process in this manner would allow the combat support agencies to continue their outstanding support to the warfighters, our on-going counterterrorism efforts, and the men and women of our nation's armed forces serving in harm's way.

Sincerely,

Richard B. Myers,
Chairman, Joint Chiefs of Staff.

Mr. LIEBERMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, before the Senator from Pennsylvania is recognized, I have a unanimous consent request.

Mr. President, I ask unanimous consent Senator McCain be allocated 5 minutes of my time at some point during the debate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I will be putting into the record a list of the Senate conferees because each of them contributed in extraordinary ways to this bill. I will be making comments about some of them and their particular contributions later in the debate today.

Mr. LIEBERMAN. I ask unanimous consent that Senator Carper of Delaware be given 5 minutes to speak at an appropriate time of the time allotted to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I begin by congratulating the chairman, Senator Collins, and the ranking member, Senator Lieberman, for their extraordinary leadership in the beginning of the legislative process which has culminated in where we are today and their steadfast determination in pursuit of this bill throughout many arduous months.

Senator Collins and Senator Lieberman took up at the direction of the majority leader and the Democratic leader in structuring hearings which began at the end of July of this year immediately after the Democratic National Convention. They proceeded in August in an unprecedented way where the regular schedules were interrupted, a difficult thing to do in a campaign year. They reconvened the Governmental Affairs Committee on which I served and the committee members were advised of schedules difficult to do in a campaign season when many Members are up for reelection but the legislative objective was of paramount importance and the committee responded and the committee pursued the hearings and came up with the legislation.

I believe what we have here is really a battlefield victory over the Department of Defense. The essential issue has long been a turf struggle, and I think we have taken a short step, but a significant one, in the legislation which is presented in the conference report today.

I do not think we should overstate where we have come, but I think, at the same time, we need to recognize we have stepped significantly forward, albeit a single step, as a result of the insistence of the President of the United States who deserves commendation for his leadership in the final stages of this matter to bring the legislation where it is today.

Where we have had a good bit of discussion on the issue of chain of command, I think realistically that has been more smoke than substance. But, at any rate, the key participants in the House of Representatives were satisfied so the bill did come to a vote in the House, and the Senate is ready to take the matter up today.

A great deal of credit is obviously due to the families of the 9/11 victims in their insistence that the 9/11 Commission be formed. And then great credit is due to the 9/11 Commission itself in structuring a report, which was filed in July, and then putting considerable pressure to have their report enacted.

I think, to repeat, the realities are that the final legislation is short of where the 9/11 Commission would like to have gone either with respect to budget control or with respect to day-to-day operations, but in the tortuous process of making changes in the intelligence community, the 9/11 Commission has been a catalyst here in a very important way.

It became apparent, when 9/11 occurred, that had there been proper coordination among the intelligence agencies that 9/11 might well have been prevented. There was that FBI report out of Phoenix about the suspicious character who was interested in learning how to fly a plane, not concerned about takeoffs or landings. That FBI report never got to the proper line in FBI headquarters in Washington.

Then, the CIA knew about the two al-Qaida operatives in Kuala Lumpur, but that information was never transmitted to the Immigration and Naturalization Service. It was not in the INS computers. Those al-Qaida operatives got into the United States and were two of the pilots on 9/11.

Then there was the FBI report out of Minneapolis with Special Agent Colleen Rowley, who wrote a 13-page, single-spaced report which finally received public attention, finally came to the attention of the key officials of the FBI.

The Judiciary Committee held hearings in June of 2002, and there was surprise and consternation that the appropriate test under the Foreign Intelligence Surveillance Act had not been applied. Had that material been known and had we been able to pick up the trail of Zacarias Moussaoui at an early date, again the case was building that 9/11 might well have been prevented, had these facts come to the attention of the appropriate authorities and been collated and put all under one umbrella.

So the need was imperative for revision and reform of the national intelligence system.

I had seen this need when I chaired the Senate Intelligence Committee back in the 104th Congress. At that time I introduced S. 1718, which contained very material changes in the national intelligence community. I will not put that legislation in the RECORD at this time. I have done so on prior debates. But it was apparent at that time there needed to be a revision of the national intelligence community. While the Director of the Central Intelligence Agency had paper authority, he did not have budgetary authority or day-to-day control sufficient to really put all of the intelligence operations under one umbrella.

Following 9/11, after the report from Colleen Rowley came to light in June of 2002, the administration agreed there should be a new Department of Homeland Security. Senator LIEBERMAN and I introduced S. 1534, 30 days after 9/11, on October 11 of the year 2001. The hearings were held and there was considerable debate, and the legislation languished and had a lot of opposition. It finally came to the Senate floor in the fall of 2002. Then, as what frequently happens, the House passed a bill and left town, leaving us with the option of either taking their bill in October of 2002, which was an election year, or putting the matter over, which would have gone to spring.

At that time, Senator LIEBERMAN and I made an effort to give the new Secretary of Homeland Security authority to direct—not to task or not to ask or not to request but to direct—the other intelligence agencies. It seemed to us when you were creating a new Department that this was the time to make some fundamental changes in the national intelligence structure. But the administration was opposed.

I talked to Secretary Ridge, Vice President CHENEY, and I talked to the President, and there was opposition, as concerns had been expressed to putting any agency or any instrumentality or any unit between the CIA and the President. It seemed to me—and I made this argument—that would not have been the case. But we were unable to make that modification. That is where the status of the record lay, until the 9/11 Commission came into operation and filed its report in July of this year.

Immediately thereafter, Senator MCCAIN, Senator LIEBERMAN, Senator BAYH, and I introduced a bill which tracked what the 9/11 Commission wanted done. When the Governmental Affairs Committee took up the issue, with the hearings in July and August, it seemed to me we needed a bill which gave a great deal more authority to the National Intelligence Director than where the committee was heading, and I introduced S. 2811, which gave the National Intelligence Director authority. I am not going to make that bill a part of the RECORD. It has already been made a part of the RECORD in prior debates.

The committee report did not give the National Intelligence Director day-by-day authority, which, as I say, I thought it should have. I offered an amendment which had cosponsors, including the former chairman of the Senate Intelligence Committee, Senator SHELBY; the present chairman of the Intelligence Committee, Senator ROBERTS; and many others who had very extensive experience on the intelligence structure for the country. I offered that amendment on the floor, and it was defeated by a vote of 78 to 19, so that the National Intelligence Director in the Senate legislation was not given day-to-day operation.

It was my thought then, and continues to be my thought, that if we raised the bar a little higher, perhaps in the negotiations—as we know, as a practical matter, in a House/Senate conference there are compromises—we might have ended up with a stronger Director than we have at the present time. In the course of the negotiations with the House, the budgetary control was not maintained.

So what we have today is a step forward. But there is a great deal more, in my judgment, of which the National Intelligence Director needs to have effective control over in the national intelligence community. But again, this is a step forward, not a big step but a significant step, and it is something upon which we can build.

It would be a colossal mistake to reject this bill with the thought of going back to the drawing board next year to begin again what we have accomplished, putting us on another plateau from which we can work.

We have in this legislation significant improvements on transportation security, on terrorist travel and effective screening, on border protection, immigration and visa matters, on terrorism prevention. We do have those areas of very significant improvement.

I believe that Congress is going to have a big job of oversight now, to see precisely what is done by the new National Intelligence Director. We have changed our Senate procedures to make permanent the Intelligence Committee so there will be some institutional knowledge there without the shift on 8-year terms. I served 8 years on the Intelligence Committee and had an opportunity to chair the committee in the 104th Congress. That continuity will be very important.

On the Appropriations Committee on which I serve, we have structured a new intelligence subcommittee. In the line of seniority, I may have the opportunity to chair that subcommittee. That is something I am thinking about. I am reluctant to give up the subcommittee on Labor, Health, Human Services, and Education, but when we move forward from this point on the restructuring of the national intelligence community, this is a very significant period and is something to which I am giving personal consideration.

The creation of the new National Counterterrorism Center is a significant step forward. That has been an outgrowth of the mistake recognized by the intelligence community from 9/11. That had been in process, and this legislation takes a very important step beyond what is in existence at the present time, putting it into a statutory form. I have conferred with the top officials of the FBI, and the Judiciary Committee has oversight over the FBI. This is something which requires very substantial oversight.

It is my hope, depending on how the Judiciary Committee is structured next year, that this is something which the Judiciary Committee can accomplish. But the Intelligence Committee and the Governmental Affairs Committee and perhaps other relevant committees, Armed Services Committee, will have a big job in not resting on our laurels on legislation which will be enacted today. We ought not to take too much solace in laurels, although though it is justifiable to some extent. But there is a great deal more which needs to be done to see to it that there is the kind of coordination and that we have made a successful attack on the cultures of concealment which are present in the intelligence community.

I have seen that culture of concealment from the work that I have done on the Judiciary Committee on oversight for the past 24 years. I saw that culture of concealment in the Central Intelligence Agency in the 8 years I was on the Intelligence Committee. It may be that what has happened with the events of 9/11 and with the pressure of the 9/11 Commission, with the legislation on the Department of Homeland Security, that the intelligence community has been sensitized, perhaps even more than sensitized, perhaps more accurately stated, bludgeoned by congressional criticism and by public criticism over their failures to coordinate intelligence activities which, had they been coordinated, 9/11 might have been prevented.

In conclusion—the two most popular words in every speech—I urge my colleagues to adopt this legislation. I further urge my colleagues in both this body, the Senate, and the House to be vigilant, to pursue oversight, to see to it that the ultimate objective of coordination and centralized direction is obtained with this legislation as a significant starting point.

Far from perfect, it nonetheless provides a valuable foundation for future legislation and puts us on the path to meaningful intelligence reform. As such, I believe it is preferable to act now on a finite number of matters that can be accomplished immediately. Any attempt in the future to enact intelligence reform legislation from scratch, especially reform of intelligence budget matters, will be subject to the bitter turf battles involving the self-protection of entrenched bureaucratic prerogatives that have characterized this and past efforts at reform. And while the contentious issues of State driver's license standards and refugee asylum must be addressed, it is far better to do so in the context of hearings and additional input from interested parties. But simply starting over in the next Congress will likely accomplish little, if anything. Passage of this legislation—which includes a statutory requirement for the issuance of Presidential guidelines assuring that the statutory responsibilities of the heads of various departments of our government will not be abrogated—will provide a legislative base for Congress to build upon, while preserving the requisite military chain of command.

Valuable preliminary objectives have been accomplished in this legislation, consistent with the recommendations of the 9/11 Commission. This legislation creates a Presidential-appointed, Senate confirmed director of national intelligence, DNI, who, while not serving as the head of CIA, will (1) oversee national intelligence and provide all-source analysis on specific subjects of interest across the U.S. government, and plan intelligence operations for the whole government on major problems such as counterterrorism; (2) manage the national intelligence program and oversee the agencies that contribute to it; and (3) "manage and direct" the tasking of collection and analysis. The legislation also will establish a national counterterrorism center, with a Senate-confirmed director, for developing joint counterterrorism plans covering key missions, objectives to be achieved, tasks to be performed, interagency coordination of operational activities, and the assignment of roles and responsibilities in the consolidated counterterrorism mission. Also, under this bill the President must establish a national counterproliferation center which, as envisioned by the provision's sponsor, Majority Leader FRIST, implements a key recommendation of my 1999 Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction. And the legislation will enable the implementation of other policy objectives that I have favored such as expansion of the electromagnetic spectrum to enhance first responder interoperability, deployment and use of explosives detection equipment at airport screening checkpoints, improved watch lists for passenger prescreening, improved border security, including an increase in full-time border patrol agents and detention beds, an increase in criminal penalties for alien smuggling, and for those who seek to use weapons of mass destruction, an increase in the number of serious criminal offenses designated as "Federal crimes of terrorism," improvements in financial crime enforcement and terror financing abatement, authority to use our Foreign Intelligence Surveillance Act powers against "lone wolf" terrorists, authorization to share grand jury information about terrorist threats with State and local officials, and development of a national strategy on terrorist travel and travel documents.

Many crucial objectives were not achieved, however. The budget execution authority deemed essential for the DNI to exercise genuine control over the intelligence community has been removed from the bill, so that the appropriation for the national intelligence program does not go directly to the DNI, and the DNI does not have authority to direct the allocation of funds to the various elements of the intelligence community. Further, the top line budget figure for the national intelligence program will be kept secret, and thus intelligence spending will remain unaccountable to the American people. The DNI is left with the power to "develop and determine" the national intelligence program budget, which is effectively the same authority that the current DCI is given over the National Foreign Intelligence Program budget by executive order. Also, personnel and transfer authority has been further diluted in this final legislation. Specifically, while the DNI can move intelligence community funds in their year of execution, the heads of the intelligence community agencies will have a right of refusal over any reprogramming or transfer exceeding 5 percent of their agency's aggregate budget, or exceeding $150 million, or involving the termination of an acquisition program, e.g., satellite procurement. Personnel transfer is also tightly circumscribed and can be accomplished only with the approval of the Office of Management and Budget.

Beyond budget and transfer authority, the new DNI has not been granted authority that approximates what I consider to be the appropriate level of operational control over the various elements of the intelligence community. The DNI also does not have, as the 9/11 Commission recommended, "hire and fire" authority over senior intelligence community officials, but rather has the right of concurrence in the hiring of senior intelligence community officials and the right to be consulted in the appointment of the head of DIA. Nor does the DNI control information infrastructure standards.

I also believe that the failure to include a statutory inspector general weakens the oversight of the new DNI and thus raises additional privacy and civil liberties concerns.

Finally, the legislation sets up an inadequate structure within which the DNI must operate. I had initially proposed that the DNI serve as the head of an independent agency, or department, and the final Senate bill arrived at a similar "National Intelligence Authority" to house the office of the DNI and the national counterterrorism center. Contrary to the concepts conceived in the Senate, the NCTC and the DNI's officers under this legislation will be housed within the office of the DNI. In other words, there is no power base from which the DNI can operate. He will have no "troops" other than those that filter through the NCTC and the office, and no actual authority with which to influence, direct, or control intelligence community entities and personnel.

These shortcomings must be addressed in future legislation if we are to have an intelligence apparatus that can be effective against 21st century threats, while protecting constitutional rights.

It will not be easy, however, to overcome the ingrained bureaucratic tendencies to protect turf and the status quo. It has recently been reported that the Department of Defense fought extremely hard during the conference committee negotiations to further reduce the powers that would be accorded to the DNI. My experience in attempting to enhance the budget and operational authority of the Director of Central Intelligence in 1996 led me to the conclusion that the same turf battles existing prior to 9/11 would endure during the process of formulating this most recent attempt at intelligence reform. Unfortunately, this is precisely what has occurred this year and, like in 1996, the Pentagon has successfully attenuated intelligence reform legislation.

Thus, while we have gained marginal advantages over current law and practice in this legislation, the conference report in its totality should be viewed as the basis for building upon the powers of the DNI in future legislation. Conversely, if we reject this bill, it is "back to the drawing board" when we reconvene with an entirely new set of priorities to tackle in the next Congress. This delay will allow reform opponents the time and renewed vigor to marshal their resources in opposition to changing the status quo. It is far less likely that we will accomplish anything meaningful on intelligence reform next year if we must start from scratch, lacking the momentum of the 9/11 report and without the pressure of the congressional and presidential elections.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, we gather today in the Senate for an historic occasion. What we are about to consider is a conference report on the Intelligence Reform and Terrorism Prevention Act of 2004. In about 250 written pages, we will literally rewrite the laws governing the intelligence community of America.

This is an historic moment. It is rare, if ever, that the Congress rises to the occasion as it has with this legislation. It is rare, if ever, that we can find a bipartisan consensus on an item of such controversy. Yet we have achieved it. The National Security Intelligence Reform Act will make America safer. It will force our Government to modernize the way we collect and use intelligence.

This legislation was born from the tragedy of 9/11 and the determination of the victims' families that their loved ones would not have died in vain. These courageous survivors are the reason this congressional effort could not and did not fail. In their grief, many people tend to withdraw, to say that they will mourn in private. These victims' families, after a period of mourning, decided to step forward and to lead our country and our Government toward a safer America. Their dedication and their determination have resulted in this document.

The bipartisan 9/11 Commission gave us an excellent blueprint, a sense of urgency, and a constant reminder that we had to rise above our partisan differences. We all know about this report. It is so well known and so well read. It was even nominated as one of the great literary works. That is rare for a Government publication, but it deserved that nomination because it is well written, well thought out, well prepared. Governor Kean of New Jersey, Congressman Lee Hamilton of Indiana put together an extraordinary panel of Democrats and Republicans who brought us this report. And this report was our blueprint, as we sat down to write this historic legislation.

My personal contributions to this bill were in two specific areas. After three years of effort, we finally broke through the technical and bureaucratic obstacles to information sharing among our intelligence agencies by adopting a proposal which I suggested for a new government-wide approach, one with clear goals and clear authority to reach the goals. And for the first time, at the suggestion of the 9/11 Commission, we added to our intelligence efforts a privacy and civil liberties board which was crafted to ensure that we do not pay for our security with our freedoms. Let me salute those who made this possible, particularly on the Senate side.

Senator SUSAN COLLINS, chairman of the Governmental Affairs Committee, has really been an extraordinary leader. She is a close friend. We have worked on so many things together. I knew she would rise to the occasion, but I didn't know that she would have the endurance and the determination to bring it to this day. I watched as the conference committee drove on and on, day after day, hour after hour, week after week, month after month—many times appearing to disintegrate before our eyes. She never quit. She just kept pushing forward. She did it not just with a determination, but with such a unique understanding of what was in this conference report. She would dismiss critics in a moment if they misstated what was within the report. She knew it cover to cover. She was well prepared.

Had Senator COLLINS been doing this alone, she might not have achieved her goal. Standing by her side throughout was Senator JOE LIEBERMAN of Connecticut. Joe is my colleague in the Senate, a good friend, and a great Senator. I think what he did with SUSAN COLLINS was to demonstrate to America what Congress can do, that we can rise to the occasion, that we can put aside partisanship and have a genuine, honest discussion for the good of this country. That dynamic duo of Senator SUSAN COLLINS of Maine and Senator JOE LIEBERMAN of Connecticut, on our side of the Rotunda, were the guiding force.

I want to say a word about Congresswoman JANE HARMAN and Congressman PETER HOEKSTRA who, on the other side of the Rotunda, on the House Intelligence Committee, did an extraordinary job as well.

They would be the first to add that they could not have achieved any of this without extraordinary staff contributions. On my own staff, I salute Marianne Upton, who has put in more hours than you could possibly imagine, doing around-the-clock sessions, preparing different portions of this bill; Joe Zogby, an attorney on my staff who really carried the banner many times on issues of civil rights and civil liberties, oftentimes a lonely battle, not always successful but with a real determination and extraordinary skill that he brought to the Senate; and Shannon Smith, a member of my staff who looked at this bill from the perspective of defense issues and foreign policy issues. Those three, from my point of view, made my presence felt, even when there were times I could not be in conference committee meetings.

The path that led us to this point has not been without obstacles. We had to make major compromises in order to move the legislation forward. But this conference report proves that Congress could work in a bipartisan manner to bring together strength and wisdom and produce this significant bill.

Many people recall what happened on 9/11 and where they were when they learned of the tragedy. I remember. Everybody listening remembers. We also remember that late in the evening, after that sad and worrisome day, the Members of Congress, on a bipartisan basis, gathered on the steps outside and together sang God Bless America. How many times as I went through Illinois and across this country people would say: That was a good thing. We were sure glad you did it, to put aside your differences and to stand together.

That day was a precursor of this day because this day we will stand together again. There will be a vote today that will be a bipartisan vote, and it will be a clear and definitive victory for the passage of this legislation.

Let me speak to two or three areas that were of particular importance. First, the Privacy and Civil Liberties Oversight Board. The 9/11 Commission realized that one of the problems we have is when we give Government enough power to protect us, occasionally it overreaches. That has happened in virtually every war and in every period when there was a threat to our national security. Abraham Lincoln, who I believe to have been our greatest President, suspended habeas corpus during the Civil War. There were those who said he went too far in usurping the Constitution. During the period of World War I, when there was concern, we had the Espionage and Sedition Acts, which some believe was an overstepping of governmental authority. In World War II, Franklin Delano Roosevelt gave personal approval to the Japanese internment camps, where innocent Americans were, in fact, jailed and imprisoned when they had done nothing wrong, just for fear that they might. In the Cold War, with our fear of the Soviet Union, we went into the McCarthy era, questioning the patriotism of good Americans, destroying lives and careers in the process. During the Vietnam war, J. Edgar Hoover and the FBI compiled a list of suspects across America. The President compiled an enemies list.

This list goes on and on. It tells us that as we try to be safe, sometimes we go too far. The 9/11 Commission said we need to put into place something that is unique, has never existed in history. This Privacy and Civil Liberties Oversight Board will make certain they keep an eye on Government activity, make sure it doesn't violate privacy or civil liberties. I agree with the Commission when the Commission said to us "the choice between security and liberty is a false choice." I believe, the Commission believes, we can be both safe and free.

We can protect the lives of Americans, and we can also protect their liberties. That is what the Board is setting out to do.

As Governor Kean said in answer to a question I asked, this Board should be "disinterested" and it should not be speaking for the Government. It should be independent in its oversight of the Government and its activities. This Board will have the authority to obtain information, to ensure the Government is respecting our privacy and civil liberties. If someone outside of the Government refuses to provide needed information, the Attorney General will have authority to subpoena it.

There is an exception for the National Intelligence Director and the Attorney General to withhold information in the interest of national security. That is understandable, but members of the Board and the Board's staff will have high-level security clearances, so we expect that it will only rarely, if ever, be necessary to invoke this national security exception.

The Privacy and Civil Liberties Oversight Board will be required to report to Congress about its work on an annual basis. These reports, to the greatest extent possible, will be unclassified so we can all look at the activities of our Government when it comes to respecting privacy and civil liberties. This transparency will keep us informed. The bright sunlight will shine on these activities when it doesn't compromise national security. This Board will ensure that as we fight the war on terrorism, we will respect the precious liberties that are the foundation of our society.

The second area I worked in that I think may turn out to have historic importance relates to information sharing. When the 9/11 Commission Report came out a little over 135 days ago, they kept referring to one basic theme. This is what the report said:

> The biggest impediment to all source analysis—to a greater likelihood of connecting the dots—is the human or systemic resistance to sharing information.

I have really focused on this since 9/11. So many colleagues looked at different aspects of the challenge created by that terrible day. When I looked at information sharing, the first thing I did was turn to the FBI, the premier law enforcement agency in America, the top of the heap, the best and brightest when it comes to law enforcement. I asked the basic question: Tell me about the computers at the FBI headquarters on September 11, 2001.

Do you know what I learned? Just three years ago, if you looked at the computers at the FBI, you found computers with no e-mail capacity, no access to the Internet, no mechanism for word name search matching, and no capacity for the electronic transmission of photographs. Anyone listening—particularly younger people—have to shake their heads and say: Senator, they could have gone down to the local computer store and bought a basic computer that had all of this capacity.

What happened? Why did the FBI fall so far behind in technology? What happened was, in their vanity and in their bureaucratic protectionism, they said: We don't need to go to other firms creating computers. The FBI will create its own computer system.

They did and what a mess it was. On September 11, 2001, the technological capability of the FBI was virtually nonexistent when it came to computers. That is hard to imagine, isn't it?

As I spoke to every level that I could of Government leadership, including Vice President CHENEY; Attorney General Ashcroft; FBI Director Mueller, every one of them conceded that this was an obvious problem. Let me tell you something else. We asked the FBI and the Border Patrol to establish a common fingerprint database.

That makes sense, doesn't it? If we are going to bank all the fingerprints of suspects around America, wouldn't the Border Patrol want to have an integrated network of fingerprints they could check against the FBI base?

Let me tell you where we are on that. For more than six years, we have been trying to achieve this. For more than six years, we have been trying to get two agencies of Government to cooperate in comparing fingerprints. Earlier this year, the inspector general of the Justice Department reported it would take at least four more years to combine the systems.

I am sure a lot of people following this debate are saying: He has to be exaggerating. Why would it take ten years to reach the point that the fingerprints collected by one agency of the Federal Government could be compared to the fingerprint database of another agency?

It is a fact. It has to do with two things. First, it has to do with equipment. It has to do with technology. And second, it has to do with a mindset of cooperation rather than exclusion.

That is what led me to this whole issue of information sharing. I tried to encourage a debate on this issue when we created the Department of Homeland Security. I said to my colleagues on both sides of the aisle: It is great for us to talk about a new department bringing together all these agencies, but if they do not have compatible computer databases and the will to share, then we are going to lose out when it comes to information gathering.

I did not win that debate when we created the Department of Homeland Security, but I am happy to tell you that we have won the debate when it comes to this bill.

It is distressing to read chapter 8 of the 9/11 Commission's report entitled "The System was Blinking Red." It is hard to make sense out of the information-sharing breakdowns before September 11.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. On July 10, 2001, an FBI agent in the Phoenix field office sent a memo to FBI headquarters and to two agents on the international terrorism squads in the New York field office advising of the "possibility of a coordinated effort by Osama bin Laden" to send students to the U.S. to attend civil aviation schools—the famous Phoenix memo.

This Phoenix memo went into the system and virtually disappeared. On its face, this memo was fair warning. This memo was a flare that went off, climbed into the sky, and flashed a warning of danger, and no one noticed. This was July 10, 2001. The Phoenix memo went forward, and it disappeared in the sky without even notification.

The notice was there. Something needed to be done, but no one responded within the FBI or in the other appropriate agencies.

As we learned, the Phoenix memo was not an alert about suicide pilots. We learned the author was more concerned about a Pan Am 103 scenario. The fact is, whether they are talking about the Phoenix memo or what led up to the intelligence investigation involving Zacarias Moussaoui, we did not have a sharing of information among agencies that might have protected America and the 3,000 victims on September 11.

For well over two years, I have urged that we do something profound and historic. I thought about the Manhattan Project. That was a project, if you recall, that dates back to the attack on Pearl Harbor. Prior to that attack, Franklin Roosevelt had his atomic project that was looking into this new scientific research when it came to use of the atom. It was moving along at a snail's pace, and then came December 7, 1941. On that date, the President said we were shifting into a new approach. We want to know if we can use this new research in science to create atomic bombs, weapons that we may need in this war.

He shelved the commission that had been working on it and created a new group under the head of GEN Leslie Groves. GEN Leslie Groves, who was involved in the Army Corps of Engineers, dubbed it the Manhattan Project. What the general said was we are going to break all the rules. We are going to have Government leadership to develop this atom bomb, but we are going to turn to the academic side, the universities doing research, and we are going to turn to private business, and we are going to create what this country needs to defend itself. And we did. The Manhattan Project met its goal and produced the bombs that ended the Second World War.

I thought we needed something very similar when it comes to information sharing and technology in fighting this war on terrorism. This bill moves us in that direction. It creates an environment for us to have computers that communicate with one another, databases that can work with one another, information that can be shared. But all of the good words in this bill mean little or nothing if there is not the will in these agencies to make it happen, not only the person supervising this new environment, but each person who is involved at each agency to share this information and to make certain that we do not protect turf at the expense of protecting America.

Let me address one aspect of this bill—a bill which I am happy to support and will vote for—that is troubling to me. It is an aspect of the bill where we lost a provision in the conference which I think is very important.

That is a provision that was added in the Senate relative to the detention and humane treatment of captured terrorists. A provision in the Senate bill, which passed 96 to 2, addressed it. Unfortunately, the House Republican conferees insisted the provision be removed from the final version of the bill, so the bill is silent.

This is especially serious from my point of view because of the poor track record over the last several years when it comes to the use of torture.

In a January 2002 memo to the President, White House Counsel Alberto Gonzales concluded that the Geneva Conventions, which have guided us for decades when it comes to the humane treatment of prisoners, in the words of Mr. Gonzales were "quaint" and "obsolete."

In August 2002, the Justice Department sent a memo to Mr. Gonzales in which they adopted a new, very restrictive definition of torture. They stated that physical abuse only rises to the level of torture if it involves "intense pain or suffering of the kind that is equivalent to the pain that would be associated with serious physical injury so severe that death, organ failure, or permanent damage resulting in a loss of significant body function will likely result."

They also concluded that the torture statute, which makes torture a crime, did not apply to interrogations conducted under the President's Commander-in-Chief authority.

Under our Constitution, the President does not have the authority to make his own laws by creating a new definition of torture, and he cannot choose which laws he will obey. There is no wartime exception to our Constitution.

In November 2002, Defense Secretary Rumsfeld approved the use of coercive interrogation techniques at Guantanamo Bay. These included removal of clothing, using dogs to intimidate detainees, sensory deprivation, and placing detainees in painful physical conditions. According to a recent Red Cross report, the use of these techniques has grown "more refined and repressive" and constitutes torture.

There are so many unanswered questions about the administration's position on the use of torture. Mr. Gonzales said, "We categorically reject any connection" between the administration's torture memos and the abuses at Abu Ghraib, Guantanamo Bay, and elsewhere. But how can the administration reject these connections when the torture techniques that they approved for use in Guantanamo were being used in Abu Ghraib and elsewhere in Iraq?

Mr. Gonzales was recently nominated to be the Attorney General. I look forward to getting to the bottom of this issue when he comes before the Judiciary Committee in January.

The 9/11 Commission correctly concluded that the Iraqi prisoner abuse scandal has negatively affected our ability to combat terrorism. They wrote:

> Allegations that the United States abused prisoners in its custody make it harder to build the diplomatic, political, and military alliances the government will need.

As a result, the Commission recommended that the U.S. develop policies to ensure that captured terrorists are treated humanely. That is exactly what we did in the Senate bill. In fact, the Senate provision is similar to an amendment which I offered to the Department of Defense authorization bill requiring that the Department issue policies to ensure that they will not engage in torture or cruel, inhumane, or degrading treatment, a standard embodied in our Constitution and in numerous international agreements.

The Senate intelligence reform bill would have simply extended these requirements to the intelligence community. What possible basis could the House conferees have had for opposing this provision, turning its back on the Geneva Convention's basic standards that we have held in this country for decades?

I think what we have here, unfortunately, is a decision by the conferees to be less than explicit about America's commitment. We need to make certain that we stand by standards which America has preached to the world for decades, that we realize we are not just not talking about detainees captured by our Government, but the potential treatment of Americans and American soldiers facing detention.

For us to remove this provision from this new bill is troublesome to me.

I think the intelligence community should be held to the same standards as the Department of Defense, and taking this language out of the bill will make that very difficult to monitor, as I hoped we would be able to do.

As the 9/11 Commission report admonishes, we have to think more imaginatively to protect America and use information in a more sensible and thoughtful way. Intelligence is the first line of defense against terrorism. With this legislation, our intelligence gathering, analysis, and application will be significantly improved. No agency can do it alone. Collective vigilance requires mutual cooperation and not just within the executive branch. We need to do our part on Capitol Hill.

Congress needs to be part of this new concerted effort. I am ready to work with administration officials to make this happen. I salute President Bush, Vice President CHENEY, Speaker HASTERT, and many other Republican leaders who stepped up to make certain they did their part to pass this legislation.

As we have done on the Senate side, we have demonstrated that this kind of bipartisan cooperation makes America a safer place.

Finally, thanks to the decision of my colleagues on the Senate Democratic side, I step into the capacity of the Senate whip, the assistant Senate leader, in a few days. As a result of that, I will have new responsibilities on the floor and more demands on my time. It was necessary for me to step aside from my service on the Governmental Affairs Committee, which I really enjoyed during the period I have been in the Senate.

I am glad the last action of the committee was the passage of this important legislation. I think a lot of work that was put in in that committee paid off with the passage of it. I am going to miss this committee. I wanted to make certain that whoever would fill that slot would have the time to dedicate to its important work of protecting America.

I thank Governmental Affairs Committee Chairman SUSAN COLLINS, as well as Senator LIEBERMAN, for all of the kindness they have extended to me during my period on the committee. I hope I will be able to continue to help them in my new capacity as the Democratic whip of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Illinois for his comments. He has been an extraordinarily active member of the Governmental Affairs Committee. He has contributed to so many different investigations. Whether it was our review of mental health services for children or the food safety investigation, he has always been front and center in the committee's deliberations, as he has been with this intelligence reform bill. We will miss very much having him as a member of the committee, but I am grateful for his past service, and we hope he will return to the committee some day.

I know that two of the Homeland Security and Governmental Affairs Committee members are waiting to speak, so I will not prolong. I will talk more about my conferees, my wonderful, able group of conferees, later.

I ask unanimous consent that Senator CARPER be recognized next. He has already reserved time under the time agreement; to be followed by Senator COLEMAN, who has already reserved time under the time agreement; to be followed by the chairman of the Intelligence Committee, Senator ROBERTS, who similarly has reserved time. Two out of the three of these individuals were conferees on the bill. Two of the three also are members of the Governmental Affairs Committee. Each of them has played a significant role in bringing us to where we are today, and I am grateful for their support and involvement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. CARPER. Mr. President, I say to our chairwoman of the committee, Senator COLLINS, a heartfelt thank-you for the leadership and persistence that she and my good friend JOE LIEBERMAN have demonstrated to get us to this day.

I also say to the President, thanks for using some of that political capital. You picked up a little bit last month, and I am pleased you have decided to invest a little bit of it in a worthwhile cause.

I plan to vote for this bill. I was privileged to be a member of the committee in the Senate that developed the proposal under which this bill is based, and we are happy to be here for this day.

To the members of the 911 Commission who have worked hard for about 18 months, their staff, a lot of folks who lost loved ones who provided the impetus, really the wind beneath the wings for the Commission and really for this effort, I say just a heartfelt thank-you for their efforts, and I hope they are pleased with where we are today.

Is this proposal perfect? No. Few of mine are. Is it better? You bet it is. It is a real improvement.

Back in 1947, the year I was born, the CIA was born as well. The intelligence structure that was created around the CIA and Cold-War years that followed was a structure that was designed to enable us to win the war against communism, the Cold War. That war is over. We won that war. We have a new war that we are fighting today, and it is a war against terrorism.

Just as the one approach worked well for many years—our intelligence apparatus worked well for many years against communism—it does not necessarily mean it is going to work well against terrorism. In fact, it has not.

When I was a naval flight officer, when I was not flying in a P–3 airplane, one of my ground jobs was to be the air intelligence officer on the ground, briefing other crews for their missions. We had a crew over here that was flying a top-secret mission, needed information about it, and then another group over here with the same clearance that did not fly that same mission. We did not brief the crew that was not going to fly the mission. There was a need to know. If they had a need to know, we provided the information for them. If they did not have a need to know, we did not provide it for them. It worked well in naval aviation. It did not work so well when it came to sharing information across 15 different intelligence agencies on information about terrorism.

We had one agency that knew there were bad guys around the world who wanted to come here and hurt us. We had another agency that knew the names of the people who actually came in and actually could have said that these were some of those bad guys. We had another agency that knew folks were being trained to fly in airplanes, not to land them, not to take them off but to literally fly them straight and level. Among those 15 different agencies, I call them stovepipes, they had the information but they never talked. At least they did not talk enough. We did not put it together.

People talked about connecting the dots. That is exactly what did not happen. So we were not talking; we were not sharing information. There was a need-to-know mentality that existed and has existed for a long time with respect to our agencies. It has to change. This bill is going to change it.

Another problem we had, nobody was in charge. There was nobody to assess accountability and say you were accountable for not letting this happen. With this provision, we are going to have a powerful person put in place, nominated by the President, selected by the President. It has to be an extraordinary individual, somebody smart, somebody who enjoys the confidence of both sides of the aisle, somebody who will enjoy the confidence of the intelligence community, somebody who will be willing to work real hard. I am sure that person is out there. My hope is the President will find him. My hope is we will confirm that person.

Some people say this is not a perfect bill; there are some provisions they do not like maybe with respect to our borders, maybe with respect to immigration, maybe with respect to the rights and prerogatives of the military and making sure they are still in a position to be strong and provide the intelligence that is needed when it is needed to our battlefield soldiers.

This is not a constitutional amendment. This is not something that is in concrete. This is a bill. It is a bill that has been hard fought and a compromise has been well won, but it is not forever. To the extent we go forward and we find that changes need to be made, we can make them, and we should.

In conclusion, we have been working at this stuff for a long time. People have known the system was broke for a long time. We have had any number of recommendations and studies that said, fix this system and this is how to do it. We have not done it. Today we have the opportunity to change it and to take a real step in the right direction. We would be foolish not to. I am happy to say we are not foolish. We are doing the right thing. It is time to seize the day, and that is exactly what we are going to do.

My thanks again to all those who have worked so hard to get us to this point.

I yield back my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. LEVIN. Mr. President, will the Senator from Minnesota yield for a unanimous consent request, unless there was someone else who was in order here? I wonder if we could set up an order following the Senator from Minnesota, the Senator from Kansas be recognized, and then I be recognized following the Senator from Kansas.

Ms. COLLINS. That is fine.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I serve on the Governmental Affairs Committee. I served on the conference committee that helped draft this bill, and I am going to be very proud to vote for this bill this afternoon.

I wish to start and end by thanking the chair, Senator COLLINS, for her incredible leadership. This was not easy to do. When we left around Thanksgiving, there were a lot of folks who said this would not happen, that it could not be done. We had people who had some very strong opinions about a wide range of issues, and there were differences.

Leadership makes a difference. The leadership of Chairman COLLINS made a difference. The leadership of Ranking Member LIEBERMAN made a difference.

I will also note, I am sure before we finally vote on this the chairman will talk about staff. But I see Michael Bopp, who is the staff director and chief counsel of the Governmental Affairs Committee. Staff worked very hard. They did an extraordinary job. We were on break, weren't around, but folks were working day and night over holidays to give us this opportunity to get it done. I do want to compliment Mr. Bopp and all of the staff, on a bipartisan basis, including my own staff who worked so hard. America should thank them because this bill is good for America. This bill makes America safer.

As I look back on the opportunities I had in my first session of Congress, the 108th, I believe the passage of this bill is the most significant thing this Congress has done. We have made America safer. There are a lot of important achievements—Medicare reform, tax cuts—but in the end you can't have economic security without national security. Americans cannot live if they live in fear. The threat of terrorist attack is the greatest threat that faces America, and we have now taken substantial steps in making America safer. We make us safer, as I said before, by the creation of a Director of National Intelligence, a single person whom we can say is in charge.

I was struck during the hearings by my understanding of the statement of George Tenet that a few years before 9/11, he made a statement, sent out an e-mail, that we were at war with al-Qaida, but a lot of folks didn't know the war was happening. The CIA didn't talk to the FBI and the Defense Department was not coordinated with the CIA to the degree it needed to be for us to be as safe as we should be. This bill addresses that by creating a Director of National Intelligence to advise the President, to be the go-to person, the person we know is in charge. It then creates a National Counterterrorism Center so we can bring the best and brightest together to make America safer.

This bill is not the same bill the Senate passed, but it is a good one. At the beginning of our efforts way back in June, Senator CARPER, from Delaware, shared the credo that one of his constituents lived by: The main thing is to keep the main thing the main thing. I believe we have done that in this bill.

This bill implements both of the 9/11 Commission's most important recommendations. It creates a Director of National Intelligence to oversee and coordinate the effort in the intelligence community. A central problem the Commission identified was that prior to 9/11, no one was in charge of our intelligence operations. We have taken care of that problem.

It is important to note a lot of people were doing a lot of things and doing good things, but they were not sharing information, they were not coordinating efforts to the degree we needed. We had this concept that has been talked about on the Senate floor of silos, folks working in their own areas, doing a good job. But the reality is, to be effective, you can't work in a silo, you can't work in isolation; you have to work together so all the activities of all those involved in intelligence reflect similar priorities.

We have corrected that now. The DNI is in charge of intelligence. He has the power to shape the intelligence community over time. He can implement joint policies on personnel, training, information systems, and communications. The DNI also has a National Counterterrorism Center to lead our counterterrorism efforts. The Center will contain the best and brightest the Government has. Merely by creating these two new entities we take an important step forward. This is not about more bureaucracy; this is about more effective, focused, targeted efforts to improve the safety of America, to improve our intelligence efforts. It is a base upon which we can continue to move forward.

Like all legislation, this bill represents a compromise. On intelligence reform, we agreed to many of the provisions in the House bill. We gave the Department of Defense more of a say in how funds are allocated after Congress appropriates them. We agreed to keep the total amount of money spent on intelligence classified. But the House, in turn, has agreed to respond to many of our concerns with the rest of their original language.

This bill makes important reforms in immigration and law enforcement powers but omits the most controversial sections included in the House bill, and I believe that is wise. We need to address the issue of immigration reform. It is a critical issue. But we cannot allow our efforts to improve intelligence, we cannot allow our efforts to improve security to get pushed aside, to somehow get held up because we have not had the kind of debate and analysis and scrutiny we need to have in both Chambers on the important issue of immigration reform.

9/11 was a horrible tragedy. We saw the face of evil. We learned the desperate measures people will take to stamp out our way of life. But we have seen and we have learned. From learning I want to stress this in this process we had extensive hearings. We moved forward quickly, but we didn't rush to judgment. The Senator from Kansas, Senator ROBERTS, who chairs the Intelligence Committee, has been part of our discussions. He noted there have been decades of efforts to reform intelligence. We had a base to build upon, but we had not moved forward until today, and we have moved forward building on so much of what has been done in the past and building on a record, which we heard about from folks who headed the CIA, doing operations work today.

There was a very extensive analysis of what the needs are. We looked at the work of the Commission, the families of the victims, the history of intelligence reform, and we made a difference today. For that, Chairman COLLINS, Ranking Member LIEBERMAN, and all involved—and the President of the United States should be proud. The President of the United States played a tremendous role in getting this done.

One final point before I yield the floor. When we talk about intelligence reform, we do talk about the big things. We talk about creating a Director of National Intelligence and the National Counterintelligence Center. But I also want to take a moment to talk about what this bill does for the rest of us, some of the folks at the local level.

I come from Minnesota. It is a small State, located on our border with Canada. But, like her northern neighbors such as Maine, Minnesota can be a gateway for many of the goods and people crossing by boat, car, plane, and train. They may end up in Chicago or San Francisco or New York, but many come in through the border States. Homeland security starts with border security.

This bill recognizes that. It understands that when it comes to border security, it is going to be folks at the local level, not folks at the Federal level, who are going to be the first on the scene. That is why this bill contains a provision to ensure that State and local officials will be part of an integrated command system so first responders can communicate with each other. Communication and teamwork go hand in hand, and thanks to this bill, if we face another 9/11, local, State, and Federal officials will not only be ready but will be able to work as a team.

This bill also understands that border security takes resources and manpower by providing an additional 10,000 agents over 5 years to protect U.S. borders and unmanned aerial vehicles to monitor our border with Canada. This is good news for America and good news for places such as International Falls, MN.

International Falls is just a small town in Minnesota, but because of its location, this city is among the 50 busiest gateways in this country, admitting many hundreds of thousands of men and women through it into this country each year. I went there this August to see what was going on and to talk with people directly responsible for our border security, people like Paul Nevanen, director of Koochiching County's Economic Development Authority, and Glen Schroeder, the chief agent in charge of border patrol. People like Paul and Glen highlighted the difficulties they had just communicating with their Federal counterparts and the difficulty of adequately screening entry of people into the United States without proper technology and resources. After talking with the people at International Falls, I came back to Washington and fought hard for our folks on the border. This bill reflects that hard work. It gives them the resources and manpower necessary to support and secure our border.

This is a good bill. I am going to vote for it with a great sense of pride. There are some who may say we could walk away from this bill and hope for something better next year. That would be irresponsible. This bill makes America safer. Passage of intelligence reform will only become more difficult as time passes—unless, God forbid, there is another terrorist attack. In that case, of course, there will be another call for reform. But I submit that Congress will have failed in its duty to the American people if it waits until then to do anything.

We don't have to wait. We have a great bill before us. We have been provided with great leadership from Chairman COLLINS, from the ranking member, and the President's efforts. I applaud all of them. As I said before, I look forward to voting for this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, it is my understanding that I have allotted to me 10 minutes. I had originally understood it was 15. I ask the distinguished chairman of the Governmental Affairs Committee if she could yield me 5 minutes out of her time, which I know is precious, thus making it 15?

Ms. COLLINS. I am happy to yield to the distinguished chairman of the Intelligence Committee 5 additional minutes from my time. It is my understanding that the ranking member of the committee, the vice chairman of the committee, is also seeking some additional time.

In between, however, Senator LEVIN has set a schedule to speak. I appreciate the order amongst Members. I will also be happy to yield 5 minutes from Senator LIEBERMAN's time to Senator ROCKEFELLER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized for 15 minutes.

Mr. ROBERTS. I thank the Presiding Officer, and I thank the chairman.

Mr. President, one day after the 62nd anniversary of the attack on Pearl Harbor, and 3 years and 82 days after the 9/11 terrorist attacks on our country, we will now pass the National Security Intelligence Reform Act of 2004.

I rise in strong support of this conference report which is a remarkable first step in our goal to strengthen and improve our Nation's intelligence capabilities.

My colleagues, we should start—and others have said this, and it is certainly true—by recognizing Senator COLLINS and Senator LIEBERMAN and their staff for their efforts to get a bill which will have a positive impact on our intelligence community. They have put in a tremendous amount of hard slugging, sometimes very contentious and very difficult work, and overtime, since they began this effort back as of the 1st of August. I thank them. Together, we will have made a positive difference in behalf of our national security.

I would also like to thank President Bush for his instrumental efforts in getting this conference report moving. Without his leadership, this reform would still be in the midst of a turf and issue gridlock. The President knows that national security demands intelligence reform and that the status quo is not an option. So I thank the President for weighing in.

All one had to do is listen to the debate on this bill in the other body yesterday to understand that this bill by necessity is a compromise. When you compromise you do not get everything you want. In my case—and in the view of many who serve on the Senate Intelligence Committee—it does not do everything that I believe is necessary to clearly streamline the structure of our intelligence community. It is no secret that I believe we should have gone farther.

It is perplexing to me and a paradox of enormous irony that after the 9/11 investigation by both the Senate and House Intelligence Committees, after our Senate committee's WMD report, after the findings of the 9/11 Commission, after the report of the President's WMD commission, and after all of the hearings we have held within the appropriate committees and the Senate Intelligence Committee—we have held over 200 hearings this session, 60 percent more than the previous session of Congress—after all of this, and the knowledge of the attacks on the Khobar Towers, the USS *Cole*, and the embassy bombings, 9/11, terror attacks all over the world that we know are connected, that still some believe we do not need comprehensive reform or have or will vote against this legislation because they believe it is a rush to judgment or that the legislation did not include what they deem their top national security priority.

In this regard, some have argued that this bill will interrupt the military chain of command or prevent the men and women of the armed services from receiving crucial intelligence information. Certainly these arguments should not be ignored. But in the end, this legislation does very little to modify the chains of command within the intelligence community.

The tactical intelligence elements of the U.S. Government remain clearly and explicitly under the command of the Secretary of Defense.

The leadership construct for national intelligence assets remains largely unchanged. The Director of National Intelligence remains primarily a budget and policy leader for national intelligence assets.

Undoubtedly, the Director's budget and policy authorities are strengthened. But day-to-day operational control of our national intelligence collection agencies remains dispersed. The Central Intelligence Agency will now be led by an independent Director. The Secretary of Defense retains the operational control of the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office.

Note the word of all three agencies, "national."

These are not only combat support agencies, but national policy assets.

I cannot see how the existing chains of command have been seriously changed.

The history of the intelligence community does not support the opponents' second argument—that the Armed Forces will somehow be deprived of intelligence by a stronger Director of National Intelligence. The former DCI has always set requirements and priorities for collection by national assets. Moreover, neither the President nor Congress—certainly not this Member of Congress, a former marine—would ever permit the crucial intelligence needs of our military to be ignored by the Director of National Intelligence.

Certainly, the requirements of our men and women in the military must be met. That has been said over and over again, especially in the House. But we must also recognize that the principal user of national intelligence that is produced by our national intelligence agencies are our national policymakers, primarily the President of the United States, the National Security Council, and the Congress of the United States. The DNI must have authority to ensure that the intelligence requirements of the President and other national policymakers are met.

Thus, while the Department of Defense is by volume—everybody understands that, by volume—the largest user of national intelligence, we must not forget that our national collection assets at the CIA and at the NSA, the NRO and the NGA—what the critics call combat support agencies—serve our policymaking needs as well.

However, while this is not the best bill possible, it is the best possible bill. It is also a big step in the right direction.

As has been said it will create a Director of National Intelligence, or a DNI, who is separate from the Director of the CIA. It will give this Director, the DNI, marginally improved budget authorities over our intelligence community agencies. It will provide authority to conduct quality control checks of the analytic products of our intelligence community. It will also create a National counterterrorism Center which will, I hope, eventually serve as the Nation's true clearinghouse for terrorist-related intelligence. These are, in my view, very positive steps forward in our intelligence community.

I would also like my colleagues to take note of several other important and long overdue provisions in this bill. For example, this bill will consolidate what is now a needlessly complicated and expensive background investigation and security clearance process under one agency. Today, it takes too long to get good people in very crucial positions. Noting the debate in the other body, it is important to stress this bill will also bring important improvements to our Nation's border security.

I am not, however, under any illusions. This bill is not perfect. No bill is.

Senator COLLINS and Senator LIEBERMAN were forced to put the Senate bill through the filter of the demands of the House and still manage to get a bill that is a step in the right direction—a big step.

In conjunction with the administration, we in the Congress—more especially those of us who had the privilege of serving on the House and Senate Intelligence Committees—will need to nurture this new intelligence structure over the years and clarify as necessary the various authorities in order to make it effective.

For those who are uneasy with the unprecedented speed with which this bill was brought to this point, I would like to offer the reassurance that what we will pass today is certainly not the final chapter on the reform of our intelligence. After this bill becomes law, we will monitor its implementation and make any needed adjustments in subsequent years. If one looks at history, the process of amending and improving the National Security Act of 1947 began almost immediately following its passage. I expect that this bill will be no different. This bill is only the beginning of the intelligence reform process. Since July, several other Senators and I have made it clear that while we believe this bill has many good provisions, what it fails to do is create a leader of the intelligence community who is clearly in charge and as a result is fully accountable.

That does not make this a bad bill. It just means that Congress must continue to monitor and guide the intelligence reform process. We must continue the logical reform of our intelligence community. If we are not diligent, our newly created Director of National Intelligence could end up a director in name only. Our national security certainly demands better.

I am determined to work with my colleagues in this Congress and the administration to continue the process that has been started by this reform effort. This process will be difficult, but it is essential and we must persevere. President Eisenhower, a five-star general, a national hero, was unable to achieve the reforms he sought to unify the Department of Defense in the 1950s. Instead, President Eisenhower's reforms would have to wait another 30 years for the Goldwater-Nichols Act which made the U.S. military the very remarkable and unified force it is today.

The forces of the status quo beat back President Truman's efforts in 1947 to put military operations under the control of the Joint Chiefs of Staff and the unified commands that had shown their utility during World War II. Instead, in 1947, President Truman was forced to accept a National Security Act that codified a system in which the military services were loosely joined under a very weak Joint Chiefs of Staff organization that had no significant authority independent of the military services.

The compromise President Truman was forced to accept mirrors in many ways the compromise bill we are voting for today. But there is reason for optimism. That shell of a Joint Chiefs of Staff which was codified in 1947 did provide the foundation upon which the Goldwater-Nichols Act would build the remarkable unified command and control structure we have today.

In addition to serving as that important foundation, the Joint Chiefs of Staff also became a voice. That voice was independent of the military services turf interests in the debate over how to continue the process of the reform of our defense. That was the first step in the struggle that resulted in the Goldwater-Nichols Act and a major overhaul of the military command structure.

This bill does not give the Director of National Intelligence all of the authorities I would like to provide. It is my sincere hope, however, that it will at least create the same kind of voice, independent of the institutional interests that currently divide our intelligence community, a voice that can lead us toward the ultimate goal: a more rationally organized intelligence community with a clear chain of command and the real accountability that comes with it.

Since 1949, 24 attempts have been made to pass comprehensive intelligence reform legislation. I thank all concerned that we have been successful on the 25th attempt. It has been 3 years and 82 days since September 11. On behalf of the families of the victims of September 11 and on behalf of national security and every American, I am thankful we will not wait another day.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Michigan is recognized for 15 minutes.

Mr. LEVIN. I thank the Presiding Officer. I ask unanimous consent, instead of my proceeding, that the Senator from Florida be recognized and I be recognized following that; and following that, Senator ROCKEFELLER, and then we proceed to Senator BYRD, who, I understand, has agreed to begin at about 12:40 instead of 12:30.

I ask unanimous consent that be the order of debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. GRAHAM of Florida. Madam President, I am going to submit for the RECORD a fuller statement, but in deference to the limited time we have, I have a few brief comments on what I consider to be one of the most important enactments of my 18 years in the Senate.

This is an accomplishment which did not happen beginning this summer but rather has been underway for at least the 15 years since the fall of the Berlin Wall. I am extremely pleased we have now arrived at the point we may be in a position to enact serious intelligence reform for the first time in over 50 years.

There are many important aspects of this legislation. One, it will centralize the intelligence agencies, not as an end in itself, but to create the platform from which we can then decentralize. As Senator ROBERTS was discussing, in 1947, the various separate military branches—there was a Secretary of the Army, there was a Secretary of the Navy—were brought together under a Secretary of Defense. Then, 39 years later, that centralized organization was decentralized into the combatant joint commands that now are the principal warfighters for America.

That is exactly the process anticipated here. The only major difference is it will not take 39 years to get from centralization to decentralization.

A second aspect of this bill I point out, we have much work to do in the area of human intelligence. The case could be made that both the war in Afghanistan and the war in Iraq were a product of our inadequate human intelligence capabilities. We must make a major effort to rebuild our human capabilities. This bill takes a step in that direction through emphasis on more linguistic training in the Defense bill that was the establishment of what I refer to as the intelligence equivalent of the Reserve Officers Training Corps. We need many other initiatives to fill this gaping hole in our intelligence.

The third area—and I particularly commend Senator WYDEN and Senator LOTT and others involved in this—is to try to make our security classifications more truly an issue of security rather than agencies trying to bury their mistakes.

In this legislation we establish a new classification board that will review decisions that are made in the executive branch to determine if there has been an excessive use of secrecy. Our former colleague, Senator Pat Moynihan, used to say that secrecy is for losers. We do not want the United States to be in that category of losers.

What we are doing today is an important step. It is not by any means the last step. Let me mention a few things that will need to flow from our decision today. Some are rather tangential to the issue of intelligence reform. As an example, we are now requiring any visa applicant to have a face-to-face encounter with a visa agent. That may sound like an appropriate protection against inappropriate people getting access to the United States.

There are also, however, very practical matters. A country that will be of increasing significance to the United States is the country of Brazil. Brazil is a country which is the size of the continental United States plus a second Texas. It is the fourth largest country in population in the world. Today we have three places in which a person could get a visa. They are relatively close together. It would be as if the only place you could get a visa in the United States was Washington, New York, or Boston. We have to develop some strategy to make it more reasonable for persons around the world, but particularly in these large-sized nations that are so important to our economy, to be able to have reasonable access to the visa process.

The second part of this legislation relates to the United States relationship with Saudi Arabia. It points out that the Government of Saudi Arabia has not always responded promptly or fully to the United States request for assistance in the global war on Islamic terrorism.

I believe we need an enormous increase in the transparency of the relationship between the United States and Saudi Arabia, and that is a goal we have been retreating from. In the joint House-Senate report on the factors that led to 9/11, an 800-page report contained 27 pages on the role of Saudi Arabia in 9/11. Every one of those 27 pages was classified, so the American people in that and other instances have been denied access to the information about our relationship with Saudi Arabia. I hope the provision contained in this legislation will move us toward a greater frankness and candor in that important relationship.

Finally, this legislation places responsibility for important future actions in at least three places. One of those is the President. The President will have the responsibility for making a series of critical appointments so there will be the human beings responsible for implementing this legislation in a creative, dynamic manner.

He also must assure there is a value system in relationship to this new office and other positions which are also his responsibility to appoint. The most notable of these will be between the Director of National Intelligence and the Department of Defense. It will require continued Presidential involvement and monitoring to assure that relationship achieves rather than frustrates the objectives of this legislation.

The new Director of National Intelligence will have enormous responsibility. He or she will have to establish clear priorities for the intelligence community, and this will be reflected in the creation of additional national intelligence centers. These are the decentralizing units that have been established in the case of terrorism and counterproliferation and will be under the directive of the DNI to establish in other emerging threat areas. The DNI must also revise current budget priorities, particularly in areas such as research and development, to reflect response to our emerging threats.

He also will have to establish communitywide personnel policies that support the recruitment, training, and retention of the most effective intelligence community personnel.

Finally, there will be a responsibility here on the Congress. In the Senate, we have taken steps to reform our oversight of intelligence. No longer will there be an 8-year term limit. No longer will intelligence budgets go through the Defense subcommittee but, rather, through their own Appropriations subcommittees.

These are good starts. But we are also going to have to look at the culture of the congressional oversight committees, focusing much more on the future and the threats that are coming at us and relatively give less of our time to constant focus on the accidents that can be seen through the rearview mirror. By its nature, the intelligence community is going to create accidents from time to time. They need to be reviewed, but we cannot afford for them to be totally consuming in terms of our oversight responsibility. It is in the future that the threats are to be found, and it is our responsibility to be able to assure the American people that our intelligence communities are capable of identifying those threats and providing information to decisionmakers to mitigate the chances that those threats will become the next Pearl Harbor or the next 9/11 tragedy.

Madam President, in conclusion, I thank all the people who have played such a significant role. Obviously, Senator COLLINS and Senator LIEBERMAN deserve special notice. But there are many other people in this Chamber today, such as Senator ROBERTS and Senator ROCKEFELLER, who have played a continuing role in seeing that our intelligence community is able to serve its responsibility to the people of America.

Thank you very much.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent that I be allowed to yield 2 minutes of my time to the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I thank my friend from Michigan for yielding. I thank all those who worked on this bill. It is not everything we all would have wanted, but it is a large improvement, and I am proud to vote for this bill. I want to take a few brief minutes simply to praise the families from the New York metropolitan area who worked so long and hard on this bill.

Today we live in a cynical time. But these families showed that a small group of people, if they have the will and the fortitude and the strength and the courage, can move mountains, even here in Washington. Without the families, we would not have had a 9/11 Commission. Without the families, we would not have had a 9/11 bill. Without the families, we would not have had each House pass its own bills. And without the families, we would not have had the agreement we have come to now.

They are an amazing group. When you look into their eyes, as they carry their pictures of their lost husbands and wives and children and parents, you see the best of America and the best of New York. They are a beacon, a model of strength, of courage, of indomitability, and they can rest easier tonight, as we all can, that our world will be safer, and perhaps the horrible thing that happened to our city and our country on that tragic day of 9/11 will not be repeated, God willing, again.

Madam President, I yield the floor and thank my colleague from Michigan for his generosity.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first, I want to state how indebted we all are to the 9/11 Commission and to the families for their work in putting us on the road to reform. That road will reach a culmination today. It is appropriate that we spent the time we did to try to put together a bill which is comprehensive and the most dramatic reform in the intelligence community that we have had in many decades.

We in the Congress started out on that road with the goal of creating a strong Director of National Intelligence, or DNI. One milepost was to empower that Director with real budget power and adequate control over personnel in the intelligence community. Another milepost was the creation of a strong National counterterrorism Center, or NCTC, with the authority to conduct strategic counterterrorism planning and to assign roles and responsibilities for counterterrorism activities. The managers deserve great credit as the conference agreement represents a significant achievement in regard to those issues. Their work, the work of Senators COLLINS and LIEBERMAN, is a model of bipartisanship, and I heartily commend them for it.

The conference agreement contains a number of provisions that I proposed in the Senate-passed version. For example, it is critical that there be a customer focus instead of a top-down focus in setting intelligence collection and tasking requirements. There is language in this conference report to provide that customer focus.

The Senate bill contains language which I offered which precludes the NCTC Director from assigning specific responsibilities directly to components of the Department of Defense. That authority would have had a negative impact on the military chain of command. That authority should remain in the Department of Defense. The conference report retains our Senate language.

The legislation also contains a provision which I authored with Senator COLEMAN to stop money laundering and terrorist financing. The 9/11 Commission acknowledged that disrupting terrorist financing is one key to winning the battle against terrorism. Our provision strengthens bank oversight by imposing a 1-year cooling-off period on Federal bank examiners before they can take a job with one of the financial institutions which they oversaw. The need for this provision arose from our investigation conducted by the Permanent Subcommittee on Investigations which disclosed the weak anti-money laundering controls at Riggs Bank which resulted in highly suspicious financial transactions.

Among other problems, we were surprised to learn that the Federal bank examiner who oversaw Riggs and allowed the bank to continue operating for years with a deficient anti-money laundering program retired from the Government and immediately took a job at the bank, raising conflict of interest concerns. Our new provision will help eliminate such conflicts.

Our provision also directs the Treasury Department to conduct a study of current Federal anti-money laundering efforts and recommend improvements to the process for setting priorities so that we direct our efforts where they are most needed.

On the other side of the ledger, I want to talk about a number of provisions that were included in the Senate-passed bill but which are, unfortunately, absent from this conference report. We had a number of provisions in our Senate bill, on which we worked so hard, that are omitted from this bill. It seems to me the bill is weaker as a result.

One Senate-passed provision would have permitted the new DNI to transfer military billets among activities within the intelligence community but would not have permitted the new Director to transfer individual members of the armed forces, thereby avoiding the potential for the Director to interfere with the military chain of command. That was changed and it mystifies me as to why our provision was dropped.

Another Senate provision would have provided that the administration review certain Defense Intelligence Agency programs to determine whether they should be managed by the new Director of National Intelligence or by the Secretary of Defense rather than automatically transferring them to the new DNI without review. The conference report now gives that nonreviewable power to the new Director of Intelligence. The programs, then, that the new Director will have that kind of control over include the intelligence staffs of the Chairman of the Joint Chiefs of Staff, the intelligence staffs of the commanders, and the intelligence staffs of certain communications, and control over certain communications systems which support sensitive military command and control activities within the Department of Defense.

As I said, I am mystified why these two provisions, which were included in the Senate-passed bill, were omitted from the conference agreement. Did House Republicans object to those provisions even though those provisions addressed concerns that a number of us have and, as a matter of fact, that the Armed Services chairman in the House, Duncan Hunter, had about protecting the military chain of command and about the Department of Defense having a voice in budget matters which so directly and keenly affect them?

There are a number of other troubling omissions from the conference report. I happen to be one who agrees that we need a new strong director of national intelligence and a new NCTC, a new national counterterrorism center, with strong authority. But their creation will not solve all or even the most critical of the problems in our intelligence community. In fact, the creation of a stronger intelligence director makes it even more important that we enact reforms to ensure that intelligence assessments are not influenced by the policy judgments of whatever administration is in power and that a stronger DNI is not just a stronger political arm of any administration.

I am deeply troubled that the conference report does not contain critical provisions that were included in our Senate-passed bill on a bipartisan basis that were intended to promote independent and objective intelligence analysis.

The scope and the seriousness of the problem of manipulated intelligence cannot be overstated. History has too many examples of intelligence assessments being shaped to support an administration's policy goals, with disastrous results. Forty years ago Secretary of Defense McNamara invoked dubious classified communication intercepts to support passage of the Gulf of Tonkin resolution which was then used by President Johnson as the legislative foundation for expanding the war against North Vietnam.

Director of Central Intelligence Bill Casey heavily manipulated intelligence during the Iran Contra period. A bipartisan Iran Contra report concluded that CIA Director Casey "misrepresented or selectively used available intelligence to support the policy that he was promoting."

The intelligence failures before the Iraq war were massive. The CIA's failures were all in one direction, making the Iraqi threat clearer, sharper, and more imminent, thereby promoting the administration's decision to forcibly remove Saddam Hussein from power. Nuances, qualifications, and caveats were dropped. A slam-dunk was the assessment relative to the presence of weapons of mass destruction in Iraq. The CIA was telling the administration and the American people what it thought the administration wanted to hear.

In July of 2004, just a few months ago, our Intelligence Committee in the Senate issued a 500-page unanimous report setting out a long list of instances where the CIA or its leaders made statements about Iraq's WMD and, to a lesser extent, Iraq's links to al-Qaida, which statements were significantly more certain than the underlying intelligence reporting and more certain than the CIA's earlier findings.

In fact, the first overall conclusion on WMD in the intelligence committee's report was that "most of the key judgments in the Intelligence Community's October 2002 National Intelligence Estimate . . . either overstated or were not supported by the underlying intelligence reporting" regarding Iraq's programs of weapons of mass destruction.

These are life-and-death issues. We in Congress and the American people need to know that we are getting objective assessments on North Korea's nuclear program or Iran's nuclear intentions, for instance. We cannot have any doubt in our mind the intelligence assessments that we get represent the facts as they are objectively assessed and are not shaped to serve policy goals of the White House—this White House or any other White House.

We need a stronger national director of intelligence, but a stronger DNI must not simply be a stronger yes man for whatever administration happens to be in power at the time. When we wrote the Senate bill, we included provisions to promote the objectivity and independence of intelligence assessments and to provide a check on the new National Intelligence Director from becoming a policy or political arm of the White House. I am troubled that the conference report excludes some of those checks and significantly weakens others.

Perhaps the most troubling area in which this conference report falls short in that regard is the elimination of provisions which we had in our bipartisan Senate bill which gave Congress the tools to do effective oversight of the intelligence community. On this issue, the 9/11 Commission itself said that "Of all of our recommendations, strengthening congressional oversight may be among the most difficult and important." That is why during the Senate's consideration of the bill, we worked so hard to include provisions aimed at achieving that goal. The absence of these provisions from this conference report is deeply troubling.

The bipartisan bill that we passed here in the Senate contained language that required the new Director of Intelligence, the National Intelligence Council, the NCTC, and the CIA to provide intelligence not shaped to serve policy goals. The conference report omits that language.

The Senate-passed bill promoted independence of the NCTC by stating that the Director could not be forced to ask permission to testify before Congress or to seek prior approval of congressional testimony or comments. The conference report leaves out that provision.

The Senate-passed bill contained a provision requiring the DNI to provide Congress access to intelligence reports, assessments, estimates, and other intelligence information and to do so within a time certain.

The conference report omits that Senate-passed requirement giving us a tool to do oversight. There is a long, painful history of efforts in Congress, on a bipartisan basis, to obtain information from the intelligence community which have never been answered or have been slow-walked for weeks, months, and years at a time. It is unacceptable.

A more powerful DNI could make matters worse—or better. Congress is coequal to the executive branch on intelligence issues and it baffles me why any Member of Congress, over in the House where we had this opposition, would oppose strengthening our ability to access information and carry out our oversight responsibilities and to prod the intelligence community to give us objective facts without spin.

I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I was also troubled to find out that White House staff was actually present in the room during staff negotiations of these issues. It is my understanding that the White House objected to the Congressional oversight provisions during those discussions. I know these Senate provisions were strongly supported by both the Senator from Maine and the Senator from Connecticut. I know how difficult those discussions were and I appreciate that support very much. It was not a lack of trying on their part which led to the exclusion of these provisions. It was the opposition of the White House carried by House Republicans.

In the final negotiations leading up to the November 20 draft conference agreement, I even offered what I know the managers agreed was a reasonable compromise that would have simply required that the DNI report to Congress the status of outstanding requests for intelligence information from committee chairmen and ranking members. It is my understanding that the House Republicans and the White House opposed even that language. The record should be clear on this matter if we are to carry on the battle for stronger Congressional oversight, which is so essential.

Other provisions directed at the production of independent, objective intelligence were also included in the Senate-passed bill but were dropped from this conference report. For example, the Senate-passed bill created a statutory ombudsman to initiate inquiries into problems of politicization, biased reporting, or lack of objective analysis. This conference report weakens that provision by requiring merely that the DNI identify an individual—and that could be any individual, including the DNI him or herself—to fill that role.

The Senate-passed bill created a statutory inspector general in the office of the DNI with strong investigative powers. This conference report does not. Instead, it simply leaves it up to the DNI to create an IG or not.

The Senate-passed bill created a statutory Office of Alternative Analysis or "red team." This conference report weakens that by simply requiring the DNI to establish a process and assign an individual or entity—again, any individual or entity—to conduct the function of red teaming.

Let me summarize. While I am pleased that we were successful in creating a strong DNI and NCTC, I am deeply disappointed that we did not reach our destination in these other equally important areas.

Mr. President, on balance, I have concluded that I will vote for this bill, but I am concerned about what has been left out of this conference report. I think the managers share my concern about these omissions and would ask that they work with me to address these issues in the 109th Congress.

While we have the chairman of the committee on the floor, I thank her and Senator LIEBERMAN for the strong support they gave to the provisions I just described. We should give Congress the tools to do the oversight which is so essential if we are going to get independent, objective analysis. I don't know why the House—apparently Republicans who are carrying out the desires of the White House—took this position. But it weakens Congress. I want to create a record here, number one, acknowledging and thanking and commending our managers for the work they did in conference, trying to preserve our bipartisan provision, but asking, if I could, that they comment on what I just said relative to where the objection came from to these provisions that gave Congress the tools to do effective oversight over intelligence assessments, which we had in our bipartisan Senate bill, and whether I was correct in stating that.

Perhaps the Senator can answer on her own time as to whether the objection came from the House Republicans and the White House.

Ms. COLLINS. Madam President, the Senator from Michigan worked so hard to craft a series of provisions that were included in this bill. Unfortunately, the conference agreement does not include many of the provisions the Senator cared most about concerning access to information by Congress in order to ensure effective congressional oversight.

I think the loss of those provisions is unfortunate. On the Senate side, they had bipartisan support. I think it reflects a historic tension between Congress and the executive branch when it comes to oversight and the inadequate sharing of information with Congress.

This has been a problem in previous administrations, and it has continued to this day. So the Senator is correct that this objection did not originate with any of the Senate conferees, either Republican or Democrat, and it did reflect the views of the executive branch. I want to make it clear that regardless of whether we have had a Democratic President or a Republican President, that tension has existed over decades.

Mr. LEVIN. I thank the chairman of the committee.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I will spend a minute on separate intelligence-related matter before speaking about the bill currently before the Senate. In the time I have been vice chairman of the Intelligence Committee, I have worked hard to try to make sure that funds are channeled to where they ought to be in intelligence. For this reason, and with a great deal of reluctance, I am going to oppose the fiscal year 2005 intelligence authorization conference report, which the Senate will consider later today.

My decision to take this somewhat unprecedented action is based solely on my strenuous objection—shared by many in our committee—to a particular major funding acquisition program that I believe is totally unjustified and very wasteful and dangerous to national security.

Because of the highly classified nature of the programs contained in the national intelligence budget, I cannot talk about them on the floor. But the Senate has voted for the past 2 years to terminate the program of which I speak, only to be overruled in the appropriations conference. The intelligence authorization conference report that I expect to be before the Senate later today fully authorizes funding for this unjustified and stunningly expensive acquisition. I simply cannot overlook that.

My decision is shared by a number of my colleagues. Speaking for myself, if we are asked to fund this particular program next year, I will seriously consider and probably will ask the Senate to go into closed session so the Senators can understand, fully debate, become informed upon, and then vote on termination of this very wasteful acquisition program.

Mr. WYDEN. Madam President, I rise today to express my concern regarding a provision included in the Intelligence authorization conference report, which has been included in the intelligence reform legislation before us. I commend the efforts of both Chairman ROBERTS and Vice Chairman ROCKEFELLER for their hard work during the negotiations over this legislation. But I, like the vice chairman, do not support the continued funding of a major acquisition program which is unnecessary, ineffective, over budget, and too expensive. The easier path would be to step aside and let this program continue without dissent. In this case, however, I do not believe the continued funding of this program is the best way to secure our Nation and the safety of our troops and citizens.

The Senate Select Committee on Intelligence has raised concerns about the need and costs of this program for the past 4 years and sought to cancel this program in each of the past 2 years. This has not been a political issue, a Democratic or Republican issue, nor should it be. The members of the Senate committee have supported these efforts in a nonpartisan way with unanimous votes each time.

The Senate Intelligence Committee has determined that this program should not be funded based on firm policy judgments. Numerous independent reviews have concluded that the program does not fulfill a major intelligence gap or shortfall, and the original justification for developing this technology has eroded in importance due to the changed practices and capabilities of our adversaries. There are a number of other programs in existence and in development whose capabilities can match those envisioned for this program at far less cost and technological risk. Like almost all other acquisition programs of its size, initial budget estimates have drastically underestimated the true costs of this acquisition and independent cost estimates have shown that this program will exceed its proposed budgets by enormous amounts of money. The Senate Intelligence Committee has also in the past expressed its concern about how this program was to be awarded to the prime contractor.

I understand why funding for this program was included in the conference report. The administration requested it, the appropriators have already funded it, and the House wanted to maintain the funding. Nevertheless, I believe this issue must be highlighted because it is not going away. I wish more of my colleagues knew of the details of this program and understood why we are so convinced that it should be canceled. I encourage you to request a briefing, to come to the Intelligence Committee and let our staff explain why we believe we are right about this program. If you do, I believe my colleagues would agree with the members of the Senate Intelligence Committee and vote to stop this program next year.

I am pleased that the so-called "lone wolf" terrorist provision, which had passed the Senate twice since the attacks of 9/11, has been included in the intelligence reform legislation.

As all my colleagues who have read the 9/11 Commission Report know, the case of Zacarias Moussaoui—the "twentieth hijacker"—showed that current law was insufficient to address cases in which a foreign person is suspected of terrorist involvement but had no known connection to a terrorist organization. Current law under the Foreign Intelligence Surveillance Act, or FISA, required that the FBI show that any suspected terrorist must have links to a known foreign terrorist group before the special FISA court would issue an intelligence warrant to surveil or search the suspect. The Senate passed bill made this needed change and included reporting requirements necessary to ensure proper congressional oversight of how this provision was implemented. The bipartisan effort to enact this provision was led by Senators KYL and SCHUMER who proved that we can fight terrorism more effectively without giving up our privacy and cherished civil rights.

The 9/11 Commission identified the Moussaoui case as one instance where, if things had gone right and with a lucky break here or there, the disastrous attacks against the World Trade Center and the Pentagon may have been delayed, disrupted, or even stopped. I acknowledge the concerns some have expressed regarding the possibility this provision may be misused or unnecessarily extends the reach of the FISA statute. I believe that we can address these concerns with proper congressional oversight of how this authority is used and review of this provision prior to its 2005 sunset.

Mr. ROCKEFELLER. Madam President, I now turn to the business currently pending before the Senate, the National Security Intelligence Reform Act. I am pleased to be here at long last to speak in support of the National Security Intelligence Reform Act. After 5 months of endless work, led by Chairman COLLINS and Senator LIEBERMAN, we are poised to achieve what people thought was impossible. Some have criticized this legislation for being too hastily conceived or rushed to completion. To the contrary, this reform has been 50 years in the making and the issues have been the subject of 46 different commission reports. Most of them have suggested the same kinds of things we are doing here.

Now, under the extraordinary leadership coming from Senator SUSAN COLLINS and Senator JOE LIEBERMAN, our Nation will soon have a Director of National Intelligence who can begin to effectively coordinate our intelligence agencies for the first time since the creation of the National Security Act of 1947.

This critical reform was first suggested during the Nixon administration and was the central recommendation not only of the 9/11 Commission, but also the joint inquiry—not so well known in this body—that was conducted by both the House and Senate Intelligence Committees, working together over a period of 2 years ago.

The intelligence reform bill also establishes a National Counterterrorism Center where our analytical and operational efforts to combat terrorism, here and abroad, can be brought together in a coordinated way. This builds on the effort to centralize Counterterrorism analysis begun with the creation of the Terrorist Threat Integration Center.

But unlike TTIC, the new center will coordinate much more than just intelligence analysis. The NCTC, National counterterrorism Center, will be responsible for the strategic planning of all Counterterrorism operations across the Government. It will provide a unity of effort that we have been lacking for all of these years.

The final legislation is, I believe, a monumental achievement. I am proud to support it. But I am also very honest, as was the previous speaker, Senator LEVIN from Michigan, that it does not address all of the recommendations of the 9/11 Commission. That is somewhat natural in the process of a conference. But it is important to point out what we don't yet have and what we need to continue working for.

I am disappointed that a number of important provisions in this bill were dropped or weakened—in some cases necessarily—in order to get this agreement. The agreement had to be reached. The intransigence of the House conferees forced the Senate conferees to give up more than I would have hoped. A couple of examples are the DNI's ability to transfer funding and personnel. It is a basic part of what the President is asking for, what the commission was asking for. It is significantly weakened from the Senate bill, which passed 96 to 2.

The comptroller established to execute the National Intelligence Program funding has been dropped, requiring intelligence spending to still be channeled through the Pentagon comptroller.

The creation of the inspector general in the Office of the Director of National Intelligence is discretionary, not statutorily mandated. It is not going to be any good unless there is a person there doing their job.

Many provisions in the Senate bill designed to ensure the objectivity of intelligence and improve congressional oversight were modified or were dropped, including the provisions of the bill authored by Senator CARL LEVIN—many excellent suggestions that would have improved congressional access to information and unvarnished intelligence reporting.

Similarly, the Senate conferees were forced to modify other important provisions on the civil liberties, privacy, and declassification boards in order to overcome House objections.

Even with these shortcomings and others, the agreement reached is still a very good one, one that I can support and one on which I hope we can build in the future in our intelligence authorization bills.

While several provisions from the Senate bill were weakened or dropped, the final agreement still includes many very important provisions—as I would say, the beginning of the turning of the battleship—that will make meaningful improvements to the operation of the intelligence community in all areas, not just counterterrorism.

We had a press conference yesterday, and I pointed out that in 1998, George Tenet announced and declared that there was a war against al-Qaida. Nobody listened. Nobody had to listen, I guess, and they did not. Under this new setup, if the Director of National Intelligence so declares and has the authority to follow through, that will be absolutely enormous.

Some of the good provisions are: Language directing the DNI to create an ombudsman to ensure the objectivity and independence of intelligence analysis. That is so important because it means that people can come to an ombudsman within an intelligence agency and air their grievances, saying they are being pressured to do analysis a certain way, whatever. But having an ombudsman is very important in big and sensitive organizations.

The establishment of a intelligence community reserve corps is, I think, a really good idea. It is in the bill. It helps relieve the burden during periods of increased deployments, such as we are going through right now.

And the establishment of an alternative analysis or "red teaming" capability—which is simply the act and the art of taking the collection of intelligence and then the analysis that comes from that collection and having people who are there to say: But did you ask this question? What about that? In other words, they bring a contrarian point of view, thus disciplining intelligence at the collection, development, and production phase into a more worked product.

These reforms address problems uncovered in the Senate Intelligence Committee inquiry into the prewar intelligence on Iraq, some of the ones I just mentioned. When we put them to those two heroic Americans, Governor Kean and Congressman Hamilton, they supported them strongly. They are very critical to this reform effort.

The creation of a Senate-confirmed Director of National Intelligence presents the President with the opportunity and the challenge to select an individual with strong national security and management credentials and who will be viewed by all as a nonpartisan leader of the intelligence community. That goes without saying. That is absolutely basic.

Now, more than ever, we need an individual who will not only effectively manage the intelligence community for the first time ever, but who can also be an objective adviser to the President, somebody immune to the influence of political pressure.

In order to carry out the enormous responsibilities created in this bill, the new Director cannot be seen as pursuing a political agenda of any kind or forcing the intelligence community to support a particular administration policy. That would apply, obviously, to both Democratic and Republican Presidents and their administrations.

We need a Director who will speak truth to power, as we say, and present what the intelligence community knows, does not know, or believes in a timely and objective way.

I urge the President to nominate an individual to serve as the first Director of National Intelligence who embodies these qualifications.

In conclusion, I again thank Senators COLLINS and LIEBERMAN for leading us through this extraordinary process, watching the process seem to disintegrate, and then, through the absolute persistence of both of them—even to the extent, I understand it, of BlackBerrying each other from the office to the Kennedy Center—and I will not say which Senator was at which place. But all of this helped bring the deal together.

They were extraordinary in what they did. I have never seen anything like it in the 20 years I have been here. I am really proud of both of them. They never gave up their fight. They never took their eyes off the prize. They overcame institutional resistance to change, and, in the end, they overcame House efforts to undermine and emasculate the bipartisan mandate for intelligence reform, but did so in a way which drew an enormously positive vote from the House last night. They are skillful, and we honor them.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I thank the Senator from West Virginia for his extraordinarily generous comments. We would not be where we are today without the support of the vice chairman of the Senate Intelligence Committee. He contributed greatly to the bill. He was there from the very first day, drawing on his impressive experience in intelligence and national security matters, advising Senator LIEBERMAN and me on what should be in the bill. He was one of our most active and dedicated conferees.

I am very grateful for his support and efforts and his contributions. I realize the bill we produced is by no means a perfect bill, and I know that in the years to come, he and his colleague, Senator ROBERTS, will work to strengthen and improve our efforts. I thank him very much.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, might I inquire of the distinguished managers as to the recognition of speakers that meets the desire of the two managers? The Senator from Virginia has indicated a desire to speak, and I believe I am on the list. I will be happy to take whatever position is available. I can follow my distinguished colleague from West Virginia. I am here to listen and learn.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, it is my understanding that the Senator from West Virginia is scheduled to speak next. The Senator from Virginia is on the list for 30 minutes of time. The Senator from West Virginia is on the list for 2 hours of time. I am uncertain whether the Presiding Officer can be advised whether there is a further order beyond what I have just indicated?

The PRESIDING OFFICER. That is the extent of the list of speakers.

Mr. WARNER. Madam President, the senior Senator from West Virginia indicated to me that in all probability he might not use that time. To facilitate matters, I can be on short notice to come after should he not use 2 hours.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, am I recognized?

The PRESIDING OFFICER. If the Senator from Maine yields the floor.

Ms. COLLINS. Madam President, I will yield the floor. I just want to indicate that the Senator from Alaska, Mr. STEVENS, is also on the list to speak for 5 minutes. I believe he wanted to follow the Senator from West Virginia. And I see that the Senator from Louisiana is also here and would like to speak for 5 minutes. So I ask that they also be put in the queue.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.

Mr. BYRD. What does "in the queue" mean in this situation?

Madam President, maybe I can shed just a little bit of light here to help. I do not intend to take the full 2 hours which have been allotted to me under a previous request. I will be very happy to yield to the very distinguished senior Senator from Virginia at this time if he so wishes to precede me.

Mr. WARNER. Madam President. I thank my colleague. As we discussed, I would like to have the benefit of the remarks which he is going to deliver to the Senate prior to my speaking. If we just leave it, I will be available whenever the managers wish to indicate I can speak, I will do so.

Mr. BYRD. Madam President, as I say, I will not use the full 2 hours. There will be ample time, I am sure, for some of the others whose names have already been mentioned.

When I refer to the distinguished Senator from Virginia, may I take this opportunity to thank him for the service he continues to give to the country and to his constituents, the people of the great State of Virginia. I have noted in the press some of the concerns he has expressed with respect to this particular legislation, and I am sure those concerns have led to improved legislation, certainly improved chances for its passage today, and I want to thank him for that.

Mr. WARNER. Madam President, I thank my distinguished colleague. History will have to reflect, once this is adopted into law, and I intend to support it, upon certain provisions that I had some role in preparing, working with the distinguished managers of the bill and my counterpart in the House, the distinguished chairman of the House Armed Services Committee, DUNCAN HUNTER, who has been a very forceful and committed individual to achieve the common goals Congressman HUNTER and I shared.

I might add to the distinguished Senator from West Virginia, there were at least four or five others in the Chamber who consulted with me, worked with me, and provided ideas, and I want to thank them, although I shall not take the time at this time to mention their names.

I will be available whenever the managers wish to put in a call to me.

On another subject, I say to my distinguished colleague from West Virginia, the Christmas tree that is now gracing the west lawn of the Capitol grew on the border between Highland County and West Virginia, and my understanding is that some of the roots penetrated into West Virginia. So while the trunk may have been in our State, it really drew on the wisdom of West Virginia and Virginia, and I think my colleague and I are very appreciative that this tree was selected.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the managers of this bill, Senator COLLINS and Senator LIEBERMAN, for the courtesies which they never failed to extend. I have the utmost respect for the dedication and for the knowledge which they have brought to this particular subject matter. They have spent many weeks, days, and hours in the consideration of this matter in the committee, on the Senate floor, in the conference, and their kindnesses, their studies, their knowledge, their ability to translate into action the concerns that so many of us have held with respect to intelligence is something worthy of admiration.

I also thank Senator ROBERTS and my colleague in the Senate from West Virginia, Senator ROCKEFELLER. They, too, have worked hard and have contributed much and will continue to do so. I recognize that these Senators have worked tirelessly since last summer in trying to craft the best legislation possible. So I have to compliment these Senators. I have to salute them. I have to respect them for their tenacity.

I regret that I cannot join them in supporting the conference report. I will vote against it. Mine may be the only vote against it, for that matter. But I feel that I must speak out and must vote my own sentiments as I attempt to represent the people of West Virginia according to my own lights.

I know the families of the individuals who perished in the September 11 attacks are following the proceedings of the Senate closely today, and my sympathies go out to them, as my sympathies did immediately after the terrible tragedy that befell them and befell the Nation. As chairman of the Appropriations Committee at that time, I responded in a very positive way. We passed a $40 billion appropriations bill within 3 days. That is somewhat of a record. I must say. Again, I say, we enacted—when I say "we," I mean the entire Congress—a $40 billion appropriations bill within 3 days of that tragic happening.

These families who have grieved over the loss of their loved ones for more than 3 years, and who will continue to grieve over these losses throughout their lifetimes, have been critical to the efforts to create the 9/11 Commission and allow their thorough investigation to be completed. The greatest tribute to their efforts of these past years would be for the Congress to get these intelligence reforms right.

When the elected representatives of the people allow themselves to be coerced into a process that encourages the abdication of our responsibility to understand and fully debate and thoroughly review legislation, the people are robbed of their voice and their government. Senators take an oath to defend the Constitution of the United States. I have taken that oath many times over these 58 years that I have served in public office. Common sense suggests that that means reading and studying the legislation before the Congress. We are dutybound to explore the opinions on all sides of an issue and, especially an issue that is so serious as is this one, we are dutybound to work toward a process that does not exclude opponents or silence the opposition.

In its heyday, the Senate, this body, the U.S. Senate, was known as the greatest deliberative body in the world. It should still be that. I wonder if it is. What we have seen in recent times, however, is a hollow shell, a hollow shell of that noble tradition. Time after time after time, the Senate forgoes its responsibility to deliberate and to carefully review legislation, and even defers to others to craft legislation for it.

Legislation is passed by the Senate and then, all too often, hastily rewritten in a conference report behind closed doors marked, as it were, "no minority view admitted." All too often during the 108th Congress, the party leadership has held bills until just before a recess and then employed disingenuous rhetoric about, "Oh, last opportunities, these are the last opportunities to get something done."

Senators, preoccupied with holiday schedules and holiday travel plans, for example, roll over timidly and accept whatever is placed in front of them. They do it. They do it time and time again. And they importune those Senators who might be hopeful of speaking out and spending some time and debating with their colleagues. These Senators are pressured by their colleagues and by the leadership and by the White House to roll over and let the vote come and let us go home. I anguish about the eroding character of the Senate.

I have now served in this Senate 46 years. I have seen the Senate when it took the time to speak and to debate and to amend, to ask questions. I have seen those times, and those were the great days for the Senate. It fulfilled its duties to the American people and to the Framers, to the forefathers, to those who have preceded us. I greatly regret that those days seem to be gone. They seem to be gone.

I anguish, as I say, about the eroding character of this body. I anguish about the message it sends to the American people when this body allows itself to be stampeded, as it so often does allow itself to be stampeded, into passing legislation without thorough examination.

Oh, we congratulate ourselves on a job well done and then vote overwhelmingly in support of the legislation, and yet we cannot even be bothered to ask questions about the changes made in conference. Like pigmies on the battlefield of history, we cower like whipped dogs in the face of political pressure when it comes to issues such as intelligence reform.

I felt the pressure to forego any speech, forego any request for a rollcall vote but just to let it pass by voice vote. Can you imagine that? Let this piece of legislation pass by voice vote; oh, Senators have travel plans, and it would be well if we could just have a voice vote.

We have too much of that around here. I for one have a rebellious feeling against our relaxing in our duties to the Senate and to the people by giving in to such pressure.

I do not claim to know as much about this legislation as the managers of the bill. But I do know about process. And it galls me that the Senate has allowed itself to be jammed against a time deadline time and time and time again—and in this instance, jammed against a time deadline in considering this conference report.

This is the most far-reaching reorganization of our intelligence agencies since 1947. These changes will remain for decades, and these changes will impact upon the security of our Nation at countless levels. Such matters ought to be held to a higher standard of consideration by the Congress than is the case here.

This conference report has been reworked and redrafted over the course of 2 months in a closed-door conference, and the Senate has only received a printed copy of the conference agreement less than 24 hours ago. I don't know what is in the conference report. I would say that any other Senator who stands before this Senate and tells the American people he or she knows what is in the conference report is like the emperor who had no clothes.

As late as yesterday, the conferees were still making changes. It is outrageous, outrageous, to expect Senators to read and understand a 615-page measure in less than 24 hours. Is that the way we ought to legislate? Here we have young pages who come here from all States of the Union. They expect to learn how legislation is made, how the Senate works, how we Senators perform in the bright lights of publicity, how we do the people's business. I know they read the casebooks and the history books and the textbooks and all these things about how legislation is made. They come here with bright eyes, open eyes, open ears, great hope, great aspirations, and they work for what I say has been rightly called the greatest deliberative body in the world.

Is this deliberation, a 600-page report? If I stood before the American people and said I can vouch for everything that is in this, I know what is in it, the people would know I am misleading them, wouldn't they? But this is so often the way it is. We allow ourselves to be pressured by the leadership. The leadership calls up measures here in the Senate. Any Senator can make a motion to proceed. But Senators don't do that. They defer to the majority leader. I have been the majority leader. I have been the minority leader. Senators defer to the majority leader, whether it is a Democrat or a Republican, to call up measures. I say that we often just do not have the debates the Senate should give to important measures.

This conference report—as I say, it is outrageous for Senators to understand the 600-page bill in less than 24 hours.

I want to call attention to the Washington Post of today and its lead editorial titled "Reform In Haste." I shall just take the time to read the first two paragraphs of today's Washington Post lead editorial titled "Reform In Haste." I quote therefrom:

> The rhetoric emanating from the Capitol Hill in the past few days may have created the impression that, after a hard-fought battle over key provisions, Congress worked its way to a sensible plan for reorganizing the U.S. intelligence community. Sadly, that is far from the truth. The 600-page omnibus measure on its way to approval yesterday had not been read or carefully considered by the vast majority of members, including some of those most involved in its construction. What passed for a debate in the past couple of weeks was actually little more than a turf battle by Pentagon satraps and the Congressmen who share their interests on issues that are marginal to the broad reorganization outlined in the legislation.
>
> That shake-up, driven by an odd combination of election-year politics and the determination of the September 11 commission to leave a mark, may improve the quality of intelligence information supplied to the President and other key policymakers; we have our doubts. Like the passage of the USA Patriot Act or the creation of the Department of Homeland Security, it has been mandated hastily and with scant consideration of its long-term consequences.

That is what I am talking about. The Washington Post hit it right on the head.

I tell you that I am not going to vote for legislation of this importance under such circumstances. I have done it before. I have voted against other legislation from time to time which I felt was being rammed through the Senate without proper consideration, without ample time for debate. And this measure, of course, cannot be amended. A conference report under Senate rules cannot be amended. So we have to take it or leave it, vote it up or down. We are buying a pig in a poke here, I can assure you.

This conference report is very different from the legislation that passed the House of Representatives and the Senate 2 months ago. I have heard Senators here on the floor today talk about how this differs from the legislation that we passed in the Senate a few weeks ago.

For example, a number of provisions related to the USA PATRIOT Act and the law enforcement powers have been inserted into this bill, which again has never been considered on the Senate floor.

This legislation has encountered virulent opposition since the time of its conception. And while it may enjoy the support of the overwhelming majority of Members here today, nobody—I say nobody—can say with any confidence or certainty as to how this new layer of bureaucracy will affect our intelligence agencies or the security of our country. We don't know if it will enable the intelligence agencies or enable the Government in all its ramifications to better guard against a terrorist attack or whether it will cause a host of unforeseen problems. We are failing in yet another misguided rush to judgment to take the time and effort to find out. We are failing to take the time. It is a rush to judgment. There has been a mad scramble to cobble the pieces together and pass a bill. Oh, I have to pass a bill.

The Senate barely understands how the experts line up on this bill. The 9/11 Commission is for it. That much we know. But former CIA Director George Tenet said last week he opposes this bill. That is sobering criticism from someone who, having left Government months ago, no longer has any turf to protect.

A distinguished group of national security experts wrote in September that they oppose any intelligence reform this year. That group included former Senate Intelligence Committee Chairman David Boren; former Senator Bill Bradley; former Secretary of Defense Frank Carlucci; former Secretary of Defense Bill Cohen; former CIA Director Robert Gates; former Deputy Secretary of Defense John Hamre; former Senator Gary Hart; former Secretary of State Henry Kissinger; former Senate Armed Services Committee Chairman Sam Nunn; former Senator Warren Rudman; former Secretary of State George Shultz.

We do not know how these experts regard this conference report. We do not know how they regard the bill today, but even months ago they urged we take more time.

Henry Kissinger appeared before the Senate Appropriations Committee and urged we take more time. He suggested we take more time, even as much as perhaps 8 months—nothing this year.

I read from an excerpt of a statement by former Secretary of State Henry Kissinger, as of Tuesday, September 21, this year:

> What we are urging is a time for reflection and a time for consideration with maybe a short deadline of 6 to 8 months, but to take it out of the immediate pressures of a period that is bound to affect the thinking.

There we were, about to enter into the heat of an election campaign and Henry Kissinger was saying, whoa, whoa, wait a minute. Let's slow down. Let's take adequate time. Don't be pressured by the election. Let's don't do these things in such a hurry.

We do not know what these experts regard how they would perceive this conference report today. I don't know how Henry Kissinger would judge it. He doesn't know what is in the conference report, just as I don't know what is in it. Why should Senators forego the valuable insight of almost every public figure who may actually be able to assess what is in the new version of intelligence reform?

So I say again, let us not say we believe we understand what is included in this conference report. I don't understand it. We have not had the time to understand it. We do not have sufficient resources by way of assistance from capable staff people. They have not had the time. It is, in effect, a new bill and in some ways very different from anything the Senate has considered to date.

Common sense suggests the Congress ought to hold hearings on the contents of this new measure so we may be informed by experts about its benefits and defects, so that we may ask questions, so that those questions and answers may be compiled into printed hearings so we all may have the benefit of the knowledge, the benefit of time to study and to reflect.

There is no reason the Senate cannot proceed in this prudent matter early next year. Instead of viewing this conference report as the final stage of the process, we ought to consider it as the starting point for debate next year. It is only a few days away, next year. We ought to invite witnesses back to testify and allow the process to begin anew outside the election cycle and built on the foundations of knowledge acquired this year.

Instead, we are allowing ourselves to be lulled into the fallacious belief that we must accept this bill, we must accept this conference report, we cannot amend it, we must accept it from page 1 through page 615. We have to accept it lock, stock, and barrel.

We do not know what is in it. There may be several pigs in this poke, but we buy them all; we embrace the whole thing virtually sight unseen. We allow ourselves to be lulled into the fallacious belief that we must accept this bill or risk it not passing next year, with some even suggesting a terrorist attack could result from it.

Now, a terrorist attack may happen, but it won't happen because this conference report would have been put over until next year. If it is going to happen, it will happen and nothing in this conference report would stop it if it happened next week or the next month or the next several weeks or months. That is nonsense. Don't believe it.

I have heard even some comments from people who ought to know better on the TV saying, What I am concerned about, if we don't pass this report, I just hope we don't have another terrorist attack—as though passage of this conference report will make any difference to any terrorist who may be planning an attack next week or 10 days or the next month or the next 2 or 3 months. No legislation alone can forestall a terrorist attack on our country.

The momentum is strong now to reform our intelligence agency. I submit the greater risk is not that the momentum will dissipate next year if this bill does not pass today or this week, but that the passage of this bill will remove any incentive to focus on the broader intelligence failures that have occurred outside the war on terror.

This legislation is appropriately focused on the failings of September 11 but oblivious to the many other glaring deficiencies in our intelligence community. Our country went to war in Iraq, a war we should not have engaged in, a war in Iraq on the shoulders of false claims about weapons of mass destruction. But this bill dances around that issue on tippy toes. It is as though Congress is too afraid to mention the fact that faulty intelligence claims deceived the public out there, deceived the man and the woman on the street, deceived the people of this country into believing there was an imminent threat from Saddam Hussein.

Why is Congress avoiding that critical issue? Is it because some do not wish to expose the role of the White House in feeding bad intelligence to the American people? The Founding Fathers intended Congress to be a check on the power of the Chief Executive, but increasingly Congress appears content merely to be a cheerleader for the President depending upon which party might be in control at a given moment.

The intelligence bill fails to address the unfolding prison abuse scandals in Iraq, Afghanistan, and Guantanamo Bay.

The Armed Services Committee has held six hearings on the abuse of prisoners in U.S. military jails. There is mounting evidence that the CIA had some hand in the mistreatment of detainees. The Red Cross has reported on the illegal practices of U.S. intelligence agencies holding "ghost detainees" in secret prisons. Why is this intelligence bill silent on such outrageous policies? How can Congress claim to fix what is wrong with our intelligence agencies if this major piece of legislation does not even address such colossal intelligence failures?

The only way to reduce the risk of such failures is to ensure the accountability of this new Intelligence Director to the people's representatives in the Congress. It is the Congress that must make the decision to declare war, and it is the Congress that is responsible for the oversight of this new intelligence program to help guard against future intelligence failures.

It is paramount that the Congress do everything possible to ensure itself access to timely, objective intelligence. Yet that is not what we see in this legislation.

This conference report eliminates provisions to ensure that the Congress receives timely access to intelligence. It also allows the White House's Office of Management and Budget to screen testimony before the Intelligence Director presents it to the Congress. Whistleblower protections for intelligence officials who report to the Congress have also been stricken from the Senate-passed bill.

The conference agreement creates senior intelligence positions but exempts many of them from confirmation by the Senate. It eliminates the privacy and civil rights officers included in the Senate-passed bill. It strips 18 pages of legislative text that would have created an inspector general and ombudsman to oversee the Intelligence Director's office. That language has been replaced with one paragraph, authorizing the Intelligence Director, at his discretion, to create or not to create an inspector general, and provides the Director with the power to decide which, if any, investigative powers to grant the inspector general.

That means the new Intelligence Director could exempt his office from inspector general audits and investigations, and that the Congress would not receive reports from an objective internal auditor. The Congress is limiting its own access to vital information within this new intelligence office, and it will have thereby compromised an essential mechanism for identifying potential abuses within the new intelligence program.

Given the dark history of abuses of civil liberties and privacy rights by our intelligence community, I had hoped that the Congress would exercise more caution, but it has not done so in this legislation.

The 9/11 Commission recognized that its recommendations call for the Government to increase its presence in people's lives, and so it wisely endorsed the creation of an independent Civil Liberties Board to defend our privacy rights and liberties. The Senate-passed bill embraced this recommendation and included additional protections to help ensure that executive agencies could not exert undue influence on the Board. This conference agreement, however, scuttles those protections by burying the Board deep inside the Office of the President, subjecting Board members to White House pressure. Why?

The conferees included language making changes to the 1978 Foreign Intelligence Surveillance Act, the law that blurs the rules on electronic surveillance and physical searches by the U.S. Government. This conference report, though, states that the Intelligence Director shall have authority to direct or undertake electronic surveillance and physical search operations pursuant to FISA if authorized by statute or executive order. This is dangerous ground, isn't it? This is dangerous ground to walk when the President, through executive order, and without the authorization of the Congress, can direct this new Intelligence Director to undertake electronic surveillance and physical search operations.

Yet another provision would make terrorist crimes subject to a rebuttable presumption of pretrial detention, which means that prosecutors will not be required to show a judge that the defendant is a flight risk. Instead, the defendant will be presumed to be a flight risk. Are Senators sure we are not trampling on the civil liberties of the American people with the hasty passage of this conference report?

Again, few, if any, Senate hearings have been held on these provisions by the full Senate Judiciary Committee. The inclusion of these provisions in title VI, with so little examination of their real meaning, reminds one of how the PATRIOT Act itself was enacted in haste without sufficient review, and with no real understanding of its true consequences.

These are unsettling provisions, and the Senate ought to insist on its rights to consider them more carefully. The Senate has not had enough time to understand this legislation or its implications. This new Intelligence Director has been granted significant authorities, and the Congress has not done enough to ensure adequate checks on the actions of the Intelligence Director.

With regard to homeland security, the bill authorizes a significant increase in the number of Border Patrol agents, immigration investigators, and a significant increase in the number of beds for immigration detention. The bill also authorizes increased funding for air cargo security and for screening airline passengers for explosives. All of these are worthy goals, but the provisions are just empty promises.

Last September, when I offered an amendment to the Homeland Security appropriations bill to fund these precise activities, the White House opposed the amendment and my Republican colleagues lined up, virtually to the man or woman, and voted against it. And today, Members will line up and vote for more empty promises.

President Bush had the opportunity to support Congressman SENSENBRENNER and insist on tougher immigration reforms in this bill, but the President welched. Senators talk about reforms needed to protect against terrorism, and the fact is that this bill is a hodgepodge of empty border security promises that the administration has no intention of funding—and I am certainly concerned about that; no intention of funding—and that will only encourage the kind of illegal immigration that leaves our country wide open to terrorists.

Mr. INHOFE. Will the Senator yield?

Mr. BYRD. Yes. I will yield.

Mr. INHOFE. I ask the distinguished senior Senator from West Virginia if he would yield me a little bit of his time, and then I will yield right back, because something the Senator said I think is worth elaborating on a bit.

Mr. BYRD. Very well. Will the distinguished Senator inform me as to how much time?

Mr. INHOFE. Oh, 10 minutes, but I probably will not use it all.

Mr. BYRD. Does the Senator wish me to yield at this point?

Mr. INHOFE. I would like that, yes, or I will wait until the Senator finishes his current thought. I want to reference former Senator Boren and some things that you mentioned.

Mr. BYRD. Yes.

Mr. INHOFE. I will wait.

Mr. BYRD. I will certainly yield to my friend very shortly. Let me say, however, continuing my thought, it may well be that the only problem that this bill will actually fix is one of politics.

Passing this bill in the waning hours of the 108th Congress means that for all intents and purposes intelligence reform will be removed from the agenda of the next Congress. By passing this bill today, the Senate will be giving political cover to those who wish to dismiss calls for more thorough reform of intelligence agencies to fix problems that are not addressed in the legislation, including the Iraq WMD, weapons of mass destruction, fiasco and the abuse of prisoners in secret detention facilities.

Intelligence reform should be done right the first time. But the actual implementation of this bill will be shrouded in secrecy and hidden from public scrutiny. Under this conference report, the total amount of intelligence spending will remain classified so that the American people may never know if the President is shortchanging the reform effort that this bill requires. Senators ought not be so willing to rush this bill through knowing that it may serve as political cover for an administration that has a sorry history of promising big reform efforts that it never funds.

Mr. President, I am happy to yield now, if I may retain my right to the floor, to my friend from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, the Senator had referred to a report and named several very distinguished people, including the former Senator from Oklahoma, my predecessor, current president of Oklahoma University, David Boren.

Mr. BYRD. Yes.

Mr. INHOFE. I would share with the Senator from West Virginia that when I won the election to replace him, he and I had a talk. And he said: I have something very significant to talk to you about.

If the Senator from West Virginia will recall, Senator Boren was the chairman of the Senate Intelligence Committee at that time.

Mr. BYRD. Yes.

Mr. INHOFE. He said: You have to do something. I have tried and I haven't really succeeded because no one is aware of the shambles that the system is in in terms of the turf battles in intelligence collection and all of that.

I told him at that time I would do everything I could even though I was going to be on the Intelligence Committee but not on some of the committees dealing directly with this. So he talked about the crisis it was in.

I will read to you from the CSIS report that was written by the very people the Senator from West Virginia listed. It reads:

> Racing to implement reforms on an election timetable is precisely the wrong thing to do.

I think that it does have to be deliberative, and we do have to have more time.

Additionally, there is no one I hold in higher regard in terms of his background and capability than Porter Goss. I served with him in the other body. Here is a man who has the background, yet we haven't heard anything from him on this. It seems to me if we all agree, as we did when his confirmation took place, that he is the expert that he is, he should have some participation. At least I want to know what his thinking is about this.

Just for a moment, I saw several things in the House bill I liked. I have a very short list of things that were taken out of the House bill in conference. This disturbs me. For example, they took out any requirement for proof of lawful presence in the United States. The requirement applies to immigration law provisions passed in 1996, which I supported, as did the Senator from West Virginia, that were signed into law by President Clinton.

Secondly, the temporary license requirements, including a requirement—again this was in the House bill and was taken out—that the license term should expire on the same date as a visa or other temporary lawful presence authorizing document. This means if you are here on a document—it might be a visa—and it expires, your driver's license should expire at the same time. That was a part of the House bill that was taken out.

The required documentation for identity is the hard document. Many States have inadequate and outdated proof of identity. This provision ensures that the States would have hard documentation on this.

The restriction of the State's ability to accept foreign documents for a driver's license, we have discussed this. I, for one, do not hold in as high a regard foreign documents as I do our own documents that are generated here.

The antitrafficking provision was taken out. The House bill adds to the existing criminal code addressing identity theft and fraud language to address the growing and lucrative crime of selling the technology and information that facilitates counterfeiting of identity documents. This was taken out. I have not had the opportunity to find out the reason for this. Notwithstanding that, I know there are many good provisions we should be passing.

One of them I draw to the attention of the Senator and the Senate is the electronic confirmation by the various State Departments of Motor Vehicles to validate other States' driver's licenses.

Had Virginia referenced the Florida records of Mohammed Atta who was stopped here, it is likely they would have discovered that his license was not current. Who knows whether that would have prevented 9/11 from happening. However, we do know this: He piloted one of the airplanes that went into the towers, and he was also one of the masterminds at that time. Mohammed Atta was actually stopped in Virginia. The House put a provision in to make it very difficult for that to take place.

This morning on a news show on Fox News, Congressman SENSENBRENNER was on, and E. D. Hill asked him some questions:

> . . . Explain to me this whole driver's license thing. Because I know that out in California they're giving out licenses and then there are these matricular I.D.s—all sorts of stuff like this.
>
> This bill—the last part that I read—said that they wanted national guidelines for federal—for identification, for driver's licenses and that type of identification form. What does this mean?

Congressman SENSENBRENNER responded:

> Well, it would be proof of lawful presence in the United States, which means either a birth certificate, a U.S. passport, a foreign passport with a green card. Or if someone is here on a temporary visa with an expiration date, that passport and changing the law to have the driver's license expire as of the date the visa expires.

He goes on and talks about Mohammed Atta and when he was stopped and what happened. That part is very disturbing to me.

Finally, there has been a lot of talk about the 16-mile gap that was in there that has now been returned back to about a 2½ mile gap between San Diego and Tijuana. It is a gap because there is no fence there. People come and go as they will. That is where a lot of the illegals are coming through, a lot of people who could be terrorists. We don't know. Nonetheless, they are going through.

They had closed that gap in the House bill, and that language was taken out. That might be something that has been said on this floor. I haven't heard anyone justify why that was done, but it seems like it was done.

I know that Congressman HUNTER placed a provision to close the gap, and apparently there were some endangered species lawsuits that came in and have caused this conference report to leave that gap open.

I suggest that if we are leaving it open, I say to the Senator from West Virginia, we are leaving it open to protect a maritime succulent shrub which is something that is required or could create a harassment to some endangered species. So I checked to see what that was. I found out that the two major species that might be endangered species, that might be harassed—not killed, harassed—were the vireos or the flycatchers.

I am holding a picture of a flycatcher. Let me get the full name.

I don't seem to have that here.

Anyway, this is one of the species that might be harassed—not killed, but harassed. The other is this critter, a vireo. I checked with the U.S. Geological Survey, and I found out there are an estimated 2,000 vireos in existence today and 1,000 flycatchers in existence today, and the most this would prevent, not from being killed but from being harassed, would be 2 of these and 3 of these.

Now, I ask you to prioritize this. Is it better to harass five of these endangered species and at the same time leave this 3.5-mile gap open for perhaps terrorists or someone else to come through? I have been very concerned about these things.

I do understand that the House has said they are going to fix all this in January—I cannot remember. I think in the first part of January sometime—but every time that happens, when they say they are going to fix something that we rush through to pass, it doesn't happen.

I saw my friend, the Senator from Florida, walking through here a minute ago. He reminded me that I was the only Senator in 2000 to vote against the Everglades Restoration Act. I did so because we did not have a core plan, a feasibility study, and we didn't know about the cost. We were given assurances that if we would pass that bill on that particular day, we would have a feasibility study and the cost would not exceed where they are today. Now we find out that the costs have dramatically exceeded the estimates in 2000.

I only say this not to criticize anyone, but only to say that, without exception, every time we have rushed to do something, we have used the excuse that we are going to fix it 3 weeks from now or tomorrow or in the beginning of the next session, but it doesn't seem to take place. So like a lot of reforms that are in this, I would rather go back and have the opportunity to make sure we get the reforms I outlined that were taken out or put in by the House. The reason is that once you pass a bill, you lose your leverage to get those things that were controversial back in. I don't have any doubt that the Speaker—he says he will bring this up, and I don't doubt that. I have serious doubts that if they pass something in the House and send it here to correct those five areas I outlined, it would be done over in this body.

I appreciate very much the Senator yielding me a few minutes of his time to share those thoughts with him.

Mr. BYRD. Mr. President, I thank the Senator who has expressed, rightly, his concern. The Senator has cited excellent examples of why this bill is being rushed and why it should not be rushed.

I am for intelligence reform. There are many things in this package, I am sure, that are worthwhile. But we cannot fully protect ourselves against terrorists unless we address the gaps in our borders and stem the rise of illegal immigration. There is a great deal of friction in the House of Representatives with respect to this conference report because of the failure to address many of the problems Congressman SENSENBRENNER spoke about. I hope we will still have an opportunity to do that. But this is just one area in the conference report that ought to have had more time, but it did not get the time, as the subject matter in its entirety should have had more time.

Next year, the President will ask the Congress to pass a sweeping amnesty. It's clear that illegal aliens will continue to pour into this country until the Congress takes action to protect its borders.

The 9/11 Commission's endorsement of this legislation will mean nothing if these so-called reforms lead to future intelligence failures.

What the American people will remember, however, is that the Congress—the Senate and the House—abdicated its role to fully protect their security interests. The American people will remember that the Congress empowered an unelected bureaucrat while doing little else to protect against future intelligence failures.

This process has been hurried and rushed from the beginning. It has been tainted ever since the decision was made to tie its consideration to a political schedule.

When the 9/11 Commission needed more time to conduct its investigation into the September 11 attacks, the Congress acted magnanimously in granting a 2-month extension. Senators said at the time:

> It would be counterproductive to deny the commission the extra 2 months it now says it needs to complete its investigations. . . .

Mr. President, the Founding Fathers would be ashamed of the notion that time is a luxury reserved for the unelected members of independent commissions. What about the Senate? What about the elected representatives of the people who serve in this body?

The Framers of the Constitution conceived a Senate that would resist the forces that urge us to bend with each change in the political breeze. To the contrary, the Constitution binds Senators to serve the greater causes of the Republic and reserves the power of each Member to demand more time for debate, more time for thoughtful consideration. So shame on us for not invoking that wisdom in claiming the additional time we need to better assess this legislation and to better protect the security of this Nation and to better enhance the well-being of the American people, who stand in need of closer examination and scrutiny of legislation that will provide for their security and the security of their children and the security of the institutions that need that protection and that security.

Mr. President, I yield the floor.

FOSTERING THE FLOW OF INFORMATION

Ms. COLLINS. Mr. President, the 9/11 Commission found that the biggest impediment to "connecting the dots" was resistance to information sharing. As the Commission stated in its report: "Agencies uphold a 'need to know' culture of information protection rather than promoting a 'need to share' culture of integration." I ask if the ranking member on the Governmental Affairs Committee, Senator LIEBERMAN, would explain how this legislation addresses this finding of the Commission.

Mr. LIEBERMAN. In drafting this legislation, we fully considered the finding of the 9/11 Commission that Senator COLLINS refers to, and we designed the bill to foster a shift away from a "need-to-know" culture of excessive secretiveness, toward a more integrated and open culture of "need to share." The bill assigns key responsibilities to the DNI and to the President to achieve this shift in culture.

The bill makes the DNI responsible for establishing guidelines for the intelligence community to ensure maximum availability of, and access to, intelligence information within the community, and to maximize the dissemination of intelligence consistent with protection of sources and methods. The legislation recognizes that there will sometimes be a tension between the need to share intelligence information and the need to protect intelligence sources and methods, and the DNI will be responsible for establishing policies and procedures to resolve any conflicts in this area. The DNI's guidelines are to foster a shift from a culture of undue secrecy by, among other things, allowing for dissemination of intelligence products at the lowest possible level of classification consistent with security needs—and in unclassified form to the extent possible.

The President will be responsible for also establishing an information sharing environment for communicating terrorism information beyond the intelligence community. This program will facilitate the sharing of information among all appropriate Federal, State, local, and tribal entities and the private sector. To help shift from a culture of undue information protection that can impair our security efforts, the legislation instructs the President, among other things, to require a reduction in overclassification of information. The President will also issue guidelines to ensure that information is provided in its most shareable form, such as by using "tearlines" to separate data from the sources and methods by which the data is obtained.

Ms. COLLINS. I thank the Senator.

Mr. President, some concerns have been expressed to us about whether the authorities under this bill might be used, or abused, to unduly limit the flow of information to the Congress, State and local governments, and the public. Nothing could be farther from our intent than to chill the appropriate and desirable dissemination of information. This bill does not grant any new authority for the DNI or the President to establish a regime of undue government secrecy. The bill properly affords the DNI authority to protect intelligence sources and methods, but this is the same authority that is currently vested in the Director of Central Intelligence. The legislation does not include any new provisions to criminalize or unduly suppress the lawful sharing of unclassified information, nor does the bill waive any existing protections of government employees who raise legitimate concerns by disclosing information to Congress or through other lawful channels.

I fully expect the DNI and the President will exercise their responsibilities under this bill in a way that fosters—not unreasonably restricts—the flow and dissemination of information to Congress, State and local officials, and the public. Certainly, if there is any indication that the authorities under this legislation are being misused to unduly stifle the flow of information and to thereby defeat the purposes of the bill, I fully expect and intend that Congress will promptly look into and remedy the situation. Congressional oversight of these issues will be fostered by the reports that are required during the implementation and operation of the Information Sharing Environment, and through the establishment of the Privacy and Civil Liberties Oversight Board.

Does the Senator from Connecticut agree with my assessment?

Mr. LIEBERMAN. I could not agree more. This legislation is designed to enable the Governmental and non-Governmental entities with security responsibilities to have access to the intelligence information they need to do their jobs. And the legislation will also enable and encourage the diffusion of information about terrorism to the American people. It has often been said that an informed citizenry is a bulwark against tyranny, but an informed citizenry is also a bulwark against terrorism. By fostering the diffusion of information, consistent with the need to secure intelligence sources and methods, the legislation should help enable the American people to have the information they need to make informed decisions about the threats our nation faces and the steps we must take to overcome those threats.

Mr. NELSON of Florida. I would like to make a statement in regard to an important provision in the conference report: Section 4071, Watch Lists for Passengers Aboard Vessels. I would like to first commend the cruiseline industry for all of its proactive measures to enhance passenger vessel security. Both the cruise industry and I share the same commitment that is to ensure the safety and security of the millions of passengers and crew traveling on their vessels each year, in addition to securing our ports.

In an effort to clarify the intent of the provision included in the Intelligence Reform Conference Committee Report, I want to take this opportunity to recognize the current procedures in place at the Department of Homeland Security in regard to passenger vessels and express support for the increased security procedures undertaken in this area. Currently, passenger vessels electronically transmit advance passenger information through the Federal APIS reporting system or through the 96-hour advanced notice of arrival. This allows the government to review all passenger and crew manifest information and check against numerous Federal agency databases to ensure that all passengers and crew are cleared for sailing, though not always before departure.

The purpose of section 4071 is to prevent terrorists or suspected terrorists from physically boarding cruise vessels that depart from U.S. and U.S. controlled ports. Currently, both Customs and Border Protection and the Coast Guard require the submission of passenger and crew manifests. This provision would codify the reporting requirement for vessels, and ensure that both manifests are checked against one consolidated terrorist watchlist prior to departure. The provision also includes language which would allow the Secretary to waive the requirement for vessels embarking at a foreign port if the requirement is impractical, however, in such cases the passengers and crew would continue to be screened prior to arrival at a U.S. port according to the 96-hour rule.

Mr. LIEBERMAN. I thank the Senator from Florida for highlighting this important matter. As the Senator pointed out, since January 2003 DHS, through the Bureau of Customs and Border Protection, has required commercial aircraft and commercial vessels to electronically transmit advance passenger and crewmember information in order to assist the Department in the effective inspection of passengers and crew. Currently, passenger vessels provide advanced passenger manifests both upon the original departure of the voyage and 24 to 96 hours before arrival into the United States. This provision will help streamline the process, by requiring the manifest data be compared against one consolidated, comprehensive terrorist database, and by requiring that the comparison be done prior to the departure of the vessel. The cruise industry will do its part by ensuring that complete and accurate data is collected as early as possible, and the Department of Homeland Security will work to ensure the comparison is done effectively and efficiently, and make every effort to not delay the departure of these vessels. We expect the cruise industry and the Department to work closely together on these issues throughout the rulemaking process.

Ms. COLLINS. I thank both Senators for their excellent summary of the DHS reporting requirements currently in place. The intent of section 4071 is to encourage DHS to establish a simple and timely method of collecting information. I want to make clear that the intent of this provision is to ensure accurate passenger vessel information is collected and shared with the appropriate authorities in an efficient manner, so it may be compared against one consolidated database to be developed by DHS. The provision is not an entirely new requirement. It is based, in part, on current practices, but is designed to utilize one consolidated and comprehensive terrorist database that can be used to screen crew and passenger data more effectively in all transportation modes, while keeping delays to a minimum.

Mr. NELSON of Florida. I thank Chairwoman COLLINS and Ranking Member LIEBERMAN for their comments and support on this important issue. Our efforts here today are focused on encouraging the Department of Homeland Security to further increase passenger vessel security. I urge the Department to work closely with the cruise line industry in crafting this rule to prevent any unnecessary departure delays from occurring.

TERRORIST SANCTUARIES DEFINITION

Ms. COLLINS. Mr. President, section 7102 of the conference report provides that the term "repeated provided support for acts of international terrorism," as used in the Export Administration Act, shall include, but not be limited to, "the recurring use of any part of the territory of the country as a sanctuary for terrorists or terrorist organizations." I ask if the ranking member on the Governmental Affairs Committee, Senator LIEBERMAN, would clarify the addition of this criteria to the definition used in the Export Administration Act.

Mr. LIEBERMAN. "The recurring use of any part of the territory of the country as a sanctuary for terrorists or terrorist organizations" is not the only factor the administration should take into account when making determinations of which nations are terrorist sponsors for the purposes of the Export Administration Act. It is just one of the appropriate factors to be taken into account when the Secretary exercises his discretion to determine whether the government of a country has repeatedly provided support for acts of international terrorism. I understand from the State Department that other factors that the Secretary of State typically takes into account include: Whether the government of a country is furnishing arms, explosives or lethal substances to individuals, groups or organizations with the likelihood that they will be used in terrorist activities or whether a government is providing direct or indirect financial backing for terrorist activities.

Ms. COLLINS. I thank the Senator.

DRIVER'S LICENSE AND PERSONAL IDENTIFICATION CARD PROVISIONS

Ms. COLLINS. Mr. President, I yield to the Senator from Illinois to speak on one of the provisions in the conference report.

Mr. DURBIN. Mr. President, I want to discuss section 7212 of the conference report accompanying the intelligence reform bill that deals with minimum standards for driver's licenses and personal identification cards.

I am joined on the floor by Senators COLLINS, LIEBERMAN, SUNUNU, and LAUTENBERG, who are all my colleagues on the Governmental Affairs Committee, and who have been leaders in this effort. I hope they will join in a colloquy to help explain what we collectively intended as we drafted this provision.

In the days immediately following September 11, 2001, we read in the newspapers that the hijackers had in their possessions multiple driver's licenses and State identification cards. The press reported that some of the nineteen hijackers had obtained these documents from DMV offices in States that, at that time, had lenient rules on issuing such documents. They also obtained other official-looking identification documents from the Internet.

In the last Congress, the Governmental Affairs Committee held a hearing that revealed that the 9/11 terrorists took advantage of loopholes in some State DMVs' issuance processes that have been apparent for years to anyone willing to obtain fake IDs.

Following the hearing, I asked the GAO to study how easy it would be for someone to obtain driver's licenses and State ID cards from DMVs, using false pretenses. The GAO investigators went out to several States and conducted undercover operations where they tried to obtain licenses using fake breeder documents, or using other false methods. Incredibly, the GAO investigators succeeded every single time. More incredibly, the GAO study was undertaken several months after some of these same States claimed that they reformed their driver's license issuance processes following the 9/11 tragedies.

In October 2002, I introduced S. 3107, the Driver's License Fraud Prevention Act of 2002, with Senator MCCAIN, to address the glaring problems we uncovered with the hearing and the GAO study. The core goal of that bill was to allow for the Federal Government to work with States and interested parties to develop a set of minimum security standards to be applied uniformly to all States.

In drafting that bill, we had three main principles for reforming the State processes: 1. reform must apply uniformly to all 50 States; 2. State's rights and jurisdictions must be respected; and 3. applicants, holders, and users of driver's licenses must have their privacy, civil liberties, and other constitutional rights protected.

Then, a few months ago, when Senators MCCAIN and LIEBERMAN drafted S. 2774, their comprehensive bill to implement the 9/11 Commission Report, I worked with them to add a provision that would provide Federal standards for driver's licenses. This addressed one of the recommendations that the 9/11 Commission made:

> [T]he federal government should set standards for the issuance of birth certificates and sources of identification, such as drivers licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.

This provision was adopted unanimously by the Senate as an amendment to the Collins-Lieberman intelligence reform bill, and is also in the conference report before us today. I am glad to see that the provision in the conference report before us today lives up to the three principles I outlined above.

First, the provision would prohibit Federal agencies from accepting, for any official purpose, a driver's license or identification card newly issued by a State more than 2 years after the regulations on minimum Federal standards are promulgated, unless the document conforms to such standards. The language also requires the Transportation Secretary to set a date after which no license may be accepted unless it conforms to the new standards.

This should encourage all 50 States to work together and adopt the minimum Federal standards at the same time so that no State will remain the weakest link in our national efforts to protect our homeland. We want to make sure terrorists and criminals do not forum shop for the easiest State from which to obtain fraudulent ID cards.

Second, the language of the Senate bill as adopted in the conference report requires a negotiated rulemaking process under the Administrative Procedure Act. This requires the formation of a negotiated rulemaking committee that would include representatives of States, among other stakeholders. The committee is empowered to make a recommendation for the minimum standards to be promulgated by the Department of Transportation. The mininum standards would address among other issues 1. documentation required as proof of identity of the applicant; 2. verifiability of documents used to apply for a license; 3. processing of the applications to prevent fraud; and 4. security features to be included in the card.

On this point, I would like to commend the chair of the Governmental Affairs Committee for her tireless efforts on behalf of the States' interests. Senator COLLINS has worked to ensure that this bill recognizes the limited role of the Federal Government in this area—issuing driver's licenses are a unique State function and that we should not impose reform measures on States without their valuable input.

Third, the rulemaking process includes safeguards to protect the privacy and due process rights of applicants.

Ms. COLLINS. If the Senator from Illinois would yield, I would like to speak on that issue.

Mr. DURBIN. I am happy to yield to the distinguished manager on the floor.

Ms. COLLINS. I want to take this opportunity to thank Senator DURBIN for his leadership on this issue. He and I serve together on the Governmental Affairs Committee and we have worked hand-in-hand on identity theft issues.

I wholeheartedly agree with what the Senator has said, and I want to emphasize again how important it is for the appropriate stakeholders to have a seat at the table in developing a recommendation for minimum standards that the Department of Transportation will promulgate. I know that State officials and their representatives from the National Governors Association and the National Conference of State Legislatures have raised serious concerns about Congress imposing unfunded mandates on the States and preempting State laws on eligibility requirements. That is why I support the innovative approach we came up with in the Senate bill and the conference report that would allow representatives of State officials to have a real voice in the development of a recommendation for these Federal standards.

That is also why I believe it is important to emphasize that the conference report includes language ensuring that any recommendation made by the negotiated rulemaking committee include an assessment of the benefits and costs of the recommendation. The report also states that the Secretary of Transportation shall award grants to States to help them conform to the minimum standards and that each State shall receive a minimum allocation of grant monies to help offset the costs of implementing the new Federal standards.

Mr. SUNUNU. Will the Senator yield for a question?

Ms. COLLINS. I am happy to yield.

Mr. SUNUNU. I believe the National Governors Association and the American Association of Motor Vehicle Administrators both endorsed the Senate version of this language over the House version because, among other things, the Senate version provided the flexibility and partnership between the Federal and State governments. Is this an accurate portrayal of their position?

Ms. COLLINS. The Senator from New Hampshire is correct, and I would also point out that the White House has also weighed in on that issue. In its statement of administration policy, dated October 7, 2004, the White House emphasized the need for "consultation with the states . . . to address important concerns about flexibility, privacy, and unfunded mandates." This conference report maintains those important aspects of the approach in the Senate bill.

Mr. SUNUNU. I thank the Senator.

Mr. LAUTENBERG. I also have a question for the Senator from Maine, or for any other Senator who helped draft this important provision in the bill. Would the Senator yield for a question about who else would be involved in the negotiated rulemaking?

Ms. COLLINS. I see the distinguished Senator from Connecticut is on the floor and I wonder if the ranking Democrat on the Governmental Affairs Committee, who is the expert on this issue, would be willing to engage in this dialog.

Mr. LAUTENBERG. I will address this question to the Senator from Connecticut. In reading section 7212(b)(4)(B), I see that the negotiated rulemaking committee to be established by the Secretary of Transportation has to also include "interested parties." What does the author of this provision understand to be the intent of this category?

Mr. LIEBERMAN. I want to thank the distinguished manager for yielding to me, and the Senator from New Jersey for the excellent question. The general legal criteria for selecting such parties for inclusion in a negotiated rulemaking is described in the Negotiated Rulemaking Act. We have been told by many experts, including the 9/11 Commission, that we need to address every vulnerability to prevent any future attacks, and that we need to enlist the assistance of everyone who can contribute to protecting our homeland. So in this provision, we are really asking for experts and interested parties who can bring some productive ideas to the table to join us in developing these minimum Federal standards. Interested parties must also include groups or organizations presenting the interests of applicants for and holders of driver's licenses and personal identification cards, such as consumer organizations and organizations representing immigrants. It is important that the interests of these groups be considered.

Mr. LAUTENBERG. I thank the ranking member and also the chair of the Governmental Affairs Committee. I am pleased that they agree that it is important that representatives of interested parties have a seat at the table, and I would emphasize that the negotiated rulemaking committee should also include organizations with technological and operational expertise in document security, in addition to organizations that represent the interests of applicants.

Mr. SUNUNU. I would also like to ask a follow-up question to the Senator from Connecticut. Although the conference report does not specify any particular group or organization to be included on the rulemaking committee, it is certainly expected that privacy and civil liberties groups, along with organizations like the National Conference of State Legislatures, the National Governors Association, and the American Association of Motor Vehicle Administrators would play an important role in the rulemaking process. I would ask my colleague from Connecticut if I understand this provision correctly?

Mr. LIEBERMAN. I thank the Senator from New Hampshire for his inquiry. The Senator makes an important point in noting that the language of the conference report does not specify any particular group or organization to be included. However, I think a collaborative rulemaking process would be difficult to imagine without input from interested groups and organizations. And I believe the distinguished chair of the committee would agree that this is the intention behind our language.

Ms. COLLINS. I absolutely agree with the Senator from Connecticut that the negotiated rulemaking process has to include groups that represent the interest of many interested parties, including the States, and applicants for, and holders of, driver's licenses. It is also important to note the Department of Homeland Security and other Federal entities will represent the security interests of the Federal Government in the process.

This collaborative process among all parties is essential to ensure that the final rule strikes the right balance of all the competing interests. One of the interests that should not be lost in this debate is the need for protecting privacy and civil and due process rights of all applicants for, and holders of, driver's licenses and personal identification cards. I believe it is crucial that the American people be assured that these new Federal standards will not encroach on their fundamental rights and that their personal information will be handled properly, respectfully, and securely.

That is why we included language in the conference report that specifically requires the agency rulemaking to include procedural safeguards for the privacy rights of applicants and holders of driver's licenses and identification cards.

Mr. LIEBERMAN. The Senator from Maine has raised a very important part of our language that is worth emphasizing. Moreover, in making our country safer by tightening standards for identification documents, we must never trample on any individual's civil and due process rights.

One of the standards we require for the rulemaking is for a State to confiscate a driver's license or identification card if any component or security feature of the license or identification card is compromised. It is important that this standard, as well as all of the standards, include procedures and requirements to protect the civil and due process rights of all individuals who apply for and hold driver's licenses and personal identification cards.

Mr. DURBIN. I ask the Senator from Connecticut a related question on how this provision of the conference report deals with the issue of immigration laws.

It is my understanding that the language of the conference report makes it clear that the Federal regulations to be developed by the Department of Transportation cannot directly or indirectly infringe on a State's power to set eligibility criteria for who can qualify to obtain a driver's license or identification card. So if a State has unique reasons for allowing or prohibiting certain groups of people to hold licenses based on their age, physical disability, in-State residency, or legal status in the United States, then, under the conference report language, those would continue to be the State's decisions.

This issue was handled differently by the other Chamber. The House bill had language that would have taken away the States' rights to determine eligibility by imposing a new harsh legal presence requirement for the issuance of driver's licenses. This is the provision that, I believe, created a lot of misunderstanding in the press about what the conference report does. States around the country are already struggling with the issue of whether to provide licenses to undocumented aliens, and they should continue to work on the issue through their own legislative processes. Congress should not preempt the rights of all 50 States through the backdoor.

The issue of how our country treats those who are here without proper documentation is a complex one that involves myriad of overlapping immigration, foreign policy, and economic laws. We should not open that debate here unless we are ready and willing to address all the comprehensive proposals that ought to be included in such a debate.

I certainly hope the President will engage in this debate, and soon. But obviously, we cannot accomplish such an enormous task of overhauling our immigration laws through the 9/11 Commission bill, and the 9/11 Commission did not ask us to do that. We should not use this bill to require the States to turn their DMV employees into immigration agents, and this conference report will not do so.

Mr. LIEBERMAN. I thank the Senator from Illinois for pointing out this language in the conference report. I know that this is a complicated and emotional issue and one which the States are already dealing with on a State-by-State basis. I agree that the conference report language does not allow the minimum standards to directly or indirectly infringe on States' power to set eligibility criteria for who can obtain a driver's license or personal identification card.

Ms. COLLINS. I thank the Senators from New Hampshire, New Jersey, Illinois, and the distinguished ranking member for their comments, their valuable contributions to this bill, and for participating in this colloquy.

DNI, NCTC

Ms. COLLINS. Mr. President, the legislation that is before the Senate remedies the problem identified by the 9/11 Commission that there is no one in charge of the U.S intelligence community. The Commission found that the Director of Central Intelligence, DCI, has too many jobs—namely leader of the intelligence community, principal intelligence adviser to the President, and director of the Central Intelligence Agency, CIA—to do any of them effectively. In addition, the Commission found that the DCI lacks sufficient authority to manage the Intelligence Community, including authority over funding, personnel, security, and technology.

The intelligence community is dominated by its component agencies and is organized into "stovepipes" that do not share information adequately among themselves and with the rest of government effectively. The DCI lacks the authority to break-down these stovepipes and transform the Intelligence Community into a 21st century enterprise.

The intelligence community needs to operate as a network in order to counter 21st century terrorist networks and other agile foes. Despite many impressive accomplishments since the 9/11 attacks, the intelligence community is unable to transform itself into a network due to its anachronistic structure and is still oriented toward fighting the bureaucratic nation-state enemies of the Cold War.

In response to the 9/11 Commission's findings, this legislation restructures the intelligence community by creating a strong Director of National Intelligence, DNI, who can lead, shape, and transform the 15 organizations of the intelligence community into a cohesive network. It creates a DNI who has the authority needed to set the course for the intelligence community and ensure that the course is followed.

It is fitting that this legislation should be completed during the week of December 7, the day on which the United States was attacked at Pearl Harbor in 1941. The National Security Act of 1947 was adopted in order to prevent another Pearl Harbor attack in the Cold War. This legislation seeks to enable the intelligence community to prevent another 9/11 attack from terrorists and other adversaries in the 21st century.

Under this legislation, the DNI has two primary responsibilities.

First, the DNI is the head of the intelligence community. In this capacity, the DNI will unify and optimize the resources of the intelligence community to serve the President, the National Security Council, and other intelligence consumers. The direct locus of the DNI's authority is the National Intelligence Program, which is the new name for the National Foreign Intelligence Program. The renaming of the program signifies that the national security threats of the 21st century straddle the foreign/domestic divide and that our Intelligence Community must have capabilities that cross this seam.

Second, the DNI is the principal intelligence adviser to the President. Accordingly, the DNI, not the CIA Director, will be responsible for briefing the President, including the President's daily brief. As the President's principal intelligence adviser, the DNI will rely on the National Counterterrorism Center and the National Counter Proliferation Center; additional National Intelligence Centers established by the DNI, which will have primary responsibility for analysis of particular topics or matters; the National Intelligence Council; and all of the analysts who reside within the various agencies of the Intelligence Community.

Mr. President, will the Senator from Connecticut explain the National Intelligence Centers and their purpose?

Mr. LIEBERMAN. I thank the Senator and agree with her statements. The National Intelligence Centers are a critical element in the transformation of the intelligence community into a 21st century enterprise. The 9/11 Commission stressed the role of the centers in the restructured intelligence community. The Commission's recommendation stems from the pre-9/11 and current situation in which no one below the DCI is responsible for how the CIA, the National Security Agency, and other intelligence agencies integrate their capabilities against specific intelligence targets.

The centers will provide unified direction across the intelligence community to fulfill missions. They are analogous to the Defense Department's combatant commanders, who unify the military services' capabilities to perform missions and fight wars. The purpose of the National Intelligence Centers can be summed up in one word: "jointness." Just as, in the military, the Goldwater-Nichols Department of Defense Reorganization Act of 1986 sought to integrate the military services' capabilities by strengthening the combatant commanders, so this legislation fosters greater jointness among the intelligence agencies.

The centers are to be created within the Office of the DNI, which also will house the National Counterterrorism Center, the National Counter Proliferation Center, the National Intelligence Council, and other entities whose purpose is to integrate and unify the efforts of the various intelligence agencies to accomplish intelligence missions. Among their responsibilities, the centers will provide all-source analysis of intelligence, identify and propose to the DNI intelligence collection and analysis requirements, and have primary responsibility for net assessments and warnings. With their ability to harness the capabilities of entities across the Intelligence Community and create a unified effort, the centers will improve the intelligence community's ability to respond with speed and agility.

Each center will be led by a director who will be appointed by the DNI and serve as the DNI's principal adviser in that center's area of responsibility. The center's director reports to the DNI. Each center will have a professional staff, including personnel transferred, assigned, or detailed from elements of the intelligence community as directed by the DNI. The centers will be administratively distinct from the intelligence agencies, just as the combatant commands are administratively distinct from the Military Services. This prevents a center from being subsumed within and dominated by a particular agency.

I should add one point of clarification. The legislation calls on the DNI to explore creating an open source intelligence center to improve the collection and analysis of open source materials. This entity is different from the national intelligence centers, which are organized on geographic or transnational topics rather than functional topics like human or signals intelligence. This center would be like the agencies and entities in the intelligence community—like the CIA or the National Security Agency that are organized to exploit particular collection disciplines.

Ms. COLLINS. I thank the Senator and concur with his description of the centers.

This bill provides the DNI with significant new authorities regarding such areas as determining the National Intelligence Program budget and executing its appropriation, transferring funds and personnel, and reprogramming funds. I would like to summarize some of these critical authorities.

Under this bill, the DNI will have sole authority to "develop and determine" an annual budget for the National Intelligence Program based on the budget proposals provided by the heads of the agencies and organizations of the intelligence community as well as these agencies' and organizations' respective department heads. The word "determine" in the legislation means that the DNI is the decisionmaker regarding the budget and does not share this authority with any department head. The DNI is to produce a consolidated annual budget for the National Intelligence Program, which ensures the integration of the agencies and entities within the intelligence community.

The heads of such agencies and organizations within the intelligence community must provide directly to the DNI such other information as the DNI requests for the purpose of determining the budget. Thus, the DNI will have direct access to information from such agencies as the National Security Agency in the budget-build process and so be able to understand the needs of each component of the Intelligence Community when determining the annual consolidated national intelligence budget. The department heads may not interpose themselves between the DNI and the heads of agencies and organizations within the intelligence community.

Whereas the DCI today effectively only has a role in the execution of the CIA budget, the DNI will "ensure the effective execution" of the entire National Intelligence Program appropriation across the intelligence community. The Director of the Office of Management and Budget, OMB, for instance, must apportion National Intelligence Program funds whether for the CIA, Federal Bureau of Investigation, FBI, National Security Agency, or any other element of the intelligence community—at the DNI's "exclusive direction." The DNI's "exclusive direction" is intended to extend to apportionment plans as well, which delineate how appropriated funds will flow from the U.S. Treasury to the agencies and entities of the intelligence community. The DNI is further responsible for managing the National Intelligence Program appropriation by "directing the allotment or allocation" of such appropriation through the heads of departments containing elements of the intelligence community. Department comptrollers must then allot, allocate, reprogram, or transfer those funds "in an expeditious manner."

In order to ensure that the National Intelligence Program budget is executed in accordance with the DNI's direction, the DNI will "monitor the implementation and execution" of the appropriation, including by audits and evaluations. A department, agency, or entity has no authority to refuse or obstruct DNI-mandated audits. If department comptrollers act in a manner inconsistent with the DNI's directions, then the DNI shall report such action to the President and to Congress within 15 days. I expect that the DNI will need to create a chief financial officer with comptroller-like responsibilities to implement these authorities.

Some observers have raised concerns regarding whether departmental comptrollers are able to 'tax' the National Intelligence Program appropriation channeled through their departments in order to pay for fact-of-life costs such as increased fuel costs. The legislation precludes any reprogramming or transfer of funds from the National Intelligence Program without the DNI's consent. In addition, apportionment plans in which any 'taxes' would have to be reflected—are to be prepared at the DNI's exclusive direction. Accordingly, under this legislation, comptrollers are not authorized to exact such 'taxes' unilaterally. Congressionally mandated cuts will also be implemented through the apportionment process, which will occur at the exclusive direction of the DNI.

We have worked closely with White House, OMB, and the National Security Council staff in developing this budget language, and all agree that this language will provide the new DNI with the full budget authority needed to manage the national intelligence budget and appropriation effectively.

The new DNI will also have significantly expanded authorities to transfer personnel and funds. After OMB's approval and congressional notification, the DNI may transfer personnel from one element of the intelligence community to another for not more than 2 years as long as the transfer is for a higher priority intelligence activity and supports an emergent need, improves program effectiveness, or increases efficiency. Most significantly, while personnel transfers must be made in accordance with procedures developed by the DNI and department heads, those department heads will no longer have the right to object to such transfers—as they do under current law. Finally, the DNI is also provided additional authorities to transfer a limited number of personnel upon the establishment of the Office of the DNI and each time a new National Intelligence Center is created.

As I mentioned, National Intelligence Program funds may not be transferred or reprogrammed without the DNI's approval except in accordance with procedures prescribed by the DNI. All transfers and reprogrammings must be for a higher priority intelligence activity; must support an emergent need, improve program effectiveness, or increase efficiency; and may not involve funds from the CIA Reserve for Contingencies or a DNI Reserve for Contingencies. Most importantly, the DNI will not require concurrence for such transfers or reprogrammings from affected department heads as long as they are less than $150 million and 5 percent of a department's National Intelligence Program funds and do not terminate an acquisition program. Thus, the DNI will have unilateral authority to transfer or reprogram a significant National Intelligence Program funds, subject to OMB approval and congressional notification. Permit me to take a moment to mention the DNI Reserve for Contingencies. I believe that creation of this reserve is important to permit the DNI to meet special circumstances that arise.

The DNI is also responsible for overseeing the coordination of the intelligence community's liaison with foreign intelligence and security services to avoid having each agency of the intelligence community pursue an individualistic approach. The DNI will create common policies and strategy among the various entities in the intelligence community to ensure maximum returns from foreign liaison relationships. In implementing the DNI's strategy, the CIA will coordinate foreign liaison "on the ground" in foreign countries.

The DNI should be in the chain of command involving the conduct of covert action and will be responsible and accountable to the President for such conduct by the intelligence community, including their funding. The DNI would be undercut if the President interacted directly with the CIA Director—who is the DNI's subordinate—or any other element of the Intelligence Community directly regarding covert action. Instead, this legislation envisions that the President will give orders regarding covert action directly to the DNI, who will then task the CIA and other agencies of the Intelligence community as appropriate.

Mr. LIEBERMAN. I agree with the Senator's statements. I would like to elaborate on the CIA's role under this legislation. With respect to the CIA, the 9/11 Commission stressed that the DNI should no longer be responsible for managing the day-to-day activities of the CIA. The legislation has been very carefully crafted to ensure that the Director of the CIA is subordinate to and reports to the new DNI only, and not directly to the President, but that the DNI does not manage the CIA's daily activities. This situation is similar to how a CEO runs a company composed of various business divisions. The CEO is the undisputed head but focuses on high-level issues of strategy, policy, personnel, and budgets rather than getting involved in the daily workings of any single business division. Likewise, the DNI should not manage the CIA and other intelligence agencies. No CEO would run a company that way, nor should the DNI manage the Intelligence Community that way.

To emphasize that the DNI is no longer the head of the CIA, the legislation stipulates that the Office of the DNI—which houses the centers and other entities designed to unify and integrate agencies' capabilities—cannot be co-located with any other element of the intelligence community after October 1, 2008. This provision ensures that the DNI is not put in the inherently conflicted position of being both the CEO of the intelligence community and closely aligned with one of the subsidiary elements simultaneously.

The Senator from Maine previously stated that the DNI, not the CIA Director, is the President's principal intelligence advisor and is responsible for briefing the President or preparing the President's daily brief. The CIA Director is subordinate to and reports to the DNI only, and not directly to the President, both regarding intelligence activities and covert action. The CIA Director should concentrate on ensuring that the Central Intelligence Agency transforms its human intelligence and special activities capabilities to meet the difficult challenges of the 21st century. The CIA Director should also ensure that the Central Intelligence Agency trains analysts of the highest caliber for deployment to the centers and that whatever analysis is conducted by the CIA in-house—which would primarily be on topics for which there is no center—is done with the greatest independence, clearest objectivity, and best tradecraft.

I would like to discuss for a moment the CIA Director's salary. Under current law, the DCI is paid at Executive Schedule Level II pursuant to section 5313 of title 5, United States Code. The legislation places the DNI at Executive Schedule Level I but does not delete the reference to the DCI at Executive Level II. Section 1081(b) of the legislation makes clear that any reference to the DCI in the DCI's capacity as the head of the CIA in any law, regulation, document, paper, or other record of the United States shall be deemed a reference to the CIA Director. After passage of this legislation, the provision in current law that states that the DCI is paid at Executive Schedule Level II will therefore refer to the CIA Director.

Ms. COLLINS. I thank the Senator and agree with his statements. I previously discussed the purpose of the Office of the DNI, which is to house entities such as the centers which integrate and unify the efforts of the various intelligence agencies to accomplish intelligence missions. The legislation authorizes the DNI to create new entities within the Office of the DNI to respond to new challenges, such as new centers and ad hoc groups.

The legislation also authorizes the DNI to coordinate the performance by elements of the intelligence community of services of common concern that can be more efficiently accomplished in a consolidated manner. For example, there may be information technology services, security services, and personnel services that are being performed in duplicative or competitive manner by various entities across the intelligence community and that the DNI believes would be more efficiently performed—such as by exploiting economies of scale, or preventing discrepancies between agencies—when done in consolidated manner. The DNI may select one entity within the intelligence community to perform those services for the community. The DNI may also create a new entity within the Office of the DNI to perform such services. I expect that the DNI will exercise this authority in order to streamline the intelligence community, reduce discrepancies across agencies, and save resources that can be devoted to producing better intelligence.

I want to highlight two other DNI authorities. Current law precludes the DCI from directing, managing, or undertaking electronic surveillance or physical searches under the Foreign Intelligence Surveillance Act, FISA unless otherwise authorized by statute or executive order. This legislation also precludes the DNI from directing or undertaking such operations. As the legislation makes clear, the role of the Department of Justice and the Attorney General under FISA are unaffected by this legislation. However, this legislation does delete a restriction that now precludes the DNI from managing FISA collection. This change should better ensure that national intelligence collected under FISA is used efficiently and effectively for national purposes.

Current law also makes the CIA the manager of all human intelligence operations. The legislation changes that formulation, authorizing the CIA to manage human intelligence operations abroad. The intent of the legislation is not to have human intelligence operations split among the CIA, the FBI, and elements of other agencies with no one in charge. Instead, it is the DNI who is in charge. Of course, the DNI should not be spending his or her day managing human intelligence operations. Instead, the DNI should delegate his or her authority to an official within the intelligence community, when appropriate.

Indeed, the issue of delegation is critical. This legislation centralizes authority in the DNI in order to clarify responsibility, authority, and accountability for the intelligence community. However, the intent of this legislation is not that the DNI should retain all authority himself or herself. Like any good CEO, the DNI should delegate and decentralize. This legislation centralizes authority so that the DNI can build a network—with information, resources, and personnel flowing freely across the agencies of the intelligence community—that operates in a decentralized, fast, and flexible manner. For example, the DNI should delegate authority to the heads of the National Intelligence Centers so that they can utilize capabilities throughout the intelligence community to accomplish intelligence missions.

Included in this legislation is very strong tasking authority for the DNI. Under current law, the DCI has authority to task assets across the intelligence community to collect information. Pursuant to the National Security Act of 1947 as amended, the DCI controls the tasking of national intelligence assets. Section 403-3 of Title 50, United States Code, states explicitly that the DCI "determine[s] collection priorities, and resolve[s] conflicts in collection priorities levied on national collection assets." The President's latest Executive Order 13355 on the issue is even stronger: It gives the DCI authority to "manage collection tasking." This language is interpreted in practice that the DCI decides whether a satellite is to be positioned over North Korea or Iraq. Of course, the DCI consults closely with the Secretary of Defense—but the DCI is the final decision-maker. And there is no evidence that the military has been dissatisfied in recent conflicts with the supply of intelligence from national collection assets.

The legislation's provision regarding tasking authority merely sharpens current law by making the DNI's authority to task collection and analysis explicit. In this way, the bill essentially codifies current practice.

The DNI's tasking authority will be critical to the DNI's success. The 9/11 Commission envisioned a strong, empowered DNI, with more—not less—authority to control the collection and analysis of intelligence information. The Commission cites specifically the DCI's limited ability "to influence how . . . technical resources are allocated and used" as a problem. 9/11 Commission Report, p. 409. In a hearing before the Senate Armed Services Committee on August 17, 2004, Secretary of Defense Donald Rumsfeld spoke of the need to rebuild the intelligence community "along 21st century lines." According to Secretary Rumsfeld, this reorganization includes "a national intelligence director with authority for tasking collection assets across the government."

This legislation includes a provision that the Senator from Connecticut and I drafted requiring that the President issue guidelines to ensure the effective implementation and execution within the Executive branch of the authorities granted to the DNI under this legislation, in a manner that respects and does not abrogate the statutory responsibilities of department heads. The interaction among the DNI, department heads, and heads of agencies and entities within the intelligence community is critical and must be as smooth and efficient as possible. These guidelines will be important for ensuring such seamless interaction.

This provision does not authorize the President or department heads to override the DNI's authority as contained in this legislation. This legislation has carefully crafted authorities for the DNI—including budget, transfer, tasking, et cetera—that give the DNI sufficient authority to manage the Intelligence Community. This provision is not intended and should not in practice trump or undermine in any way the DNI's authorities contained in the legislation.

In addition, the legislation amends the Secretary of Defense's authority to implement the DNI's decisions regarding the National Intelligence Program, contained in section 105(a) of the National Security Act of 1947 as amended, to ensure that the Secretary of Defense does not interact with the Intelligence Community in a way that is inconsistent with the DNI's authorities. This provision is another example of Congress's intent to create a strong DNI with sufficient authority to manage and be accountable for the Intelligence Community, including those elements within the Department of Defense.

Some observers have raised concerns that this legislation will impede the flow of intelligence to the warfighter. I believe that nothing is further from the truth. The warfighter will benefit from far-reaching intelligence reorganization that creates a DNI with significant authorities. The DNI will have the power to force the various Defense and non-Defense intelligence entities to work together seamlessly, creating a more accurate intelligence product that can be shared more quickly than today. The DNI would also be a single point of contact for the military—and the military would know whom to hold responsible if intelligence from national assets is inadequate. The DNI inevitably will prioritize the warfighter's need for intelligence, subject to the direction of the President as to overall intelligence priorities.

Mr. LIEBERMAN. I thank and agree with the Senator. This reform legislation will benefit our troops in the field, as well as better protect our citizens at home.

The 9/11 Commission found that the U.S. intelligence agencies are still organized to counter yesterday's challenges, not today's threats. During the Cold War, the enemy was well-known, and our intelligence was appropriately focused on determining its capabilities. We could tolerate then a stove-piped intelligence system where the FBI's intelligence efforts were separate and disconnected from overseas and military intelligence because our enemies were not attacking us from within our borders. We could tolerate then a separate overseas intelligence system run by the CIA because there was no clear reason to integrate foreign military and domestic intelligence. We could tolerate then a separate military intelligence system because we faced a military force comparable to our own, using conventional tactics against us, different from the threats we faced at home.

In the war on terror, all that has changed. The threat has become asymmetrical, meaning a weaker enemy attacks a stronger force at its points of vulnerability. That's how al-Qaeda operates, working in the shadows, attacking us on all fronts: domestic, overseas, civilian and military.

The cold fact is that the killing zone has expanded. This requires a much more integrated and more agile intelligence apparatus. It requires someone in charge with the authority to force disparate agencies to share information, to determine overall priorities, and to make sure we maximize the return on our enormous investment in intelligence so that we will be successful at thwarting an enemy determined to kill civilians as well as military combatants.

A modernized intelligence community will help us better protect both our citizens and our soldiers. Reforms that help achieve greater "unity of effort," as the 9/11 Commission put it, will clearly benefit our troops in the field because information critical to their safety and success could just as easily come from the CIA or the FBI as from the Pentagon's own intelligence systems. Similarly, the vital clues to stop the next attack on our own soil could come from the National Security Agency or the other national intelligence agencies within the Department of Defense. Fully connecting all these pieces is now critical to our total security effort.

But as the 9/11 Commission showed in its powerful report, we will not succeed if there is no one in charge who is able to forge unity among all of our intelligence agencies. A fundamental lesson of bureaucracy is that there will be no coordination at the working levels if there is no unified authority at the top. And there will be no real unified authority in the intelligence community unless a Director of National Intelligence has significant authority over budgets and people. Our troops battling in Iraqi streets must have, in real time, not simply traditional military intelligence on the force levels they face, but CIA-developed intelligence on the nature and identity of the al Qaeda and insurgent combatants firing at them.

Ms. COLLINS. I thank the Senator from Connecticut and agree with his statements. Mr. President, I wonder if my distinguished colleague from Connecticut would be kind enough to describe the National Counterterrorism Center provision in our bill.

Mr. LIEBERMAN. I thank the Senator from Maine. The 9/11 Commission's recommendation for a National Counterterrorism Center, NCTC, arises from two main findings. First in keeping with the Commission's general finding regarding the intelligence community, the intelligence agencies are not fully integrated in their efforts against terrorism. No one below the DCI has responsibility, accountability, and authority for the counterterrorism mission. Second, counterterrorism requires an integrated Executive branch-wide effort in which departments and agencies beyond intelligence must work together on a tactical level, with agility, and a rapid pace—like a network—but today "stovepipes" still dominate the Executive branch. Although departments and agencies are cooperating at unprecedented levels, the Commission concluded that such cooperation is more confederative than truly joint and integrated. To remedy these two problems, the Commission proposed that the NCTC be responsible for both joint counterterrorism intelligence and joint counterterrorism operational planning.

The legislation creates the NCTC along the lines of the Commission's model. Per the Commission's recommendation, the NCTC director is a Deputy Secretary-equivalent and with a dual line of reporting: (1) to the DNI regarding the NCTC's budget and programs and concerning intelligence matters, and (2) to the President regarding Executive branch-wide planning. This arrangement reflects the nature of the NCTC's mission, which is both to integrate intelligence—for which the DNI is the ultimate authority—and to conduct Executive branch-wide planning—which is beyond the DNI's jurisdiction.

As per the Commission's proposal, the NCTC will have two directorates to reflect its dual mission. The NCTC's Directorate of Intelligence will in essence be the national intelligence center for counterterrorism, but the NCTC will be more than just a strengthened TTIC. The NCTC will transcend the TTIC because the NCTC will clearly be preeminent in the intelligence community for counterterrorist analysis, will propose collection requirements to the DNI and otherwise integrate the intelligence community's capabilities, and will attract the best professionals from across the intelligence community. The tasks of this directorate are similar to those of any national intelligence center: integrating the activities of intelligence agencies such as the CIA and the National Security Agency; performing all-source analysis on transnational terrorism; being the repository for intelligence on transnational terrorism; conducting net assessment matching terrorist capabilities and intentions with U.S. vulnerabilities and countermeasures; and warning about potential threats.

Some observers question whether the NCTC will absorb all the counterterrorism analysts from across the intelligence community. However, those who question whether the NCTC would drain our precious supply of analysts actually prove the case for the NCTC—because there are so few analysts, we need to centralize this precious resource rather than dissipate them across the intelligence community. And the same reasoning applies to the National Counterproliferation Center and the National Intelligence Centers as well.

The NCTC's second directorate is for Strategic Operational Planning. This directorate would conduct strategic operational planning for the entire Executive branch—ranging from the combat commands, to the State Department, to the FBI's Counterterrorism Division to the Department of Health and Human Services to the CIA.

Witnesses at the Committee on Governmental Affairs hearing on August 26, 2004, argued that interagency operational planning is already taking place organically and thus there is no need for the NCTC. Yet the witnesses could only identify planning processes within their organizations in which representatives from other agencies were involved, not a single truly joint planning process across the Executive branch. The military had a process—but so did then-DCI George Tenet, who had a daily counterterrorism meeting. And the multitude of joint planning processes drain personnel, time, and resources. Moreover, the lack of a central coordinating mechanism provides no safety net for an issue falling through the cracks when each agency—viewing it through a stovepipe—misses the issue's overall significance. There should be only one interagency strategic operational planning process, run by the NCTC, for counterterrorism.

The Commission has analogized this directorate to the J-3 Directorate of Operations of the Joint Staff, which works for the Chairman of the Joint Chiefs of Staff. J-3 does planning for operations conducted by the combatant commands. However, because the Chairman is not in the Defense chain of command, J-3 has no operational authority to enforce its plans on the combatant commands. The Chairman's stature gives J-3's plans a certain amount of persuasive authority, but J-3 has no direct authority over the combatant commands. As the Commission has stated explicitly, and as reflected in this legislation, the NCTC's Directorate of Strategic Operational Planning has no operational authority. Accordingly, the NCTC would not interfere with the military chain of command.

I would like to discuss in-depth the definition of strategic operational planning. Some observers have advocated confining the NCTC's operational planning function to high-level strategic issues, such as fashioning an Executive branch-wide strategy for winning Muslim "hearts and minds"—leaving more tactical planning to the agencies individually. An Executive branch-wide "hearts and minds" strategy would fall within the NCTC's purview, but the NCTC must reach below that strategic level in order to have the impact envisioned by the Commission and this legislation.

The legislation defines strategic operational planning to include "the mission, objectives to be achieved, tasks to be performed, interagency coordination of operational activities, and the assignment of roles and responsibilities." Examples of missions include destroying a particular terrorist group or preventing a terrorist group from forming in a particular area in the first place. Objectives to be achieved include dismantling a terrorist group's infrastructure and logistics, collapsing its financial network, or swaying its sympathizers to withdraw support. Tasks include recruiting a particular terrorist, mapping a terrorist group's network of sympathizers, or destroying a group's training camp. Examples of interagency coordination of operational activities include the hand-off from the CIA to the Department of Homeland Security and the FBI of tracking a terrorist as that terrorist enters the United States, or the coordination between CIA and special operations forces when operating against a terrorist sanctuary abroad.

With respect to the assignment of roles and responsibilities, the NCTC will not dictate to each department or agency which personnel or capabilities to utilize, unless the selection of the personnel or capabilities directly impact the mission such as a risk calculation or likely collateral damage.

Perhaps the best example of an issue for strategic operational planning is the hunt for Osama bin Laden. There is no policy dispute about the objective; all departments and agencies agree. But the mission inherently cuts across the Executive branch: Intelligence agencies must find bin Laden's whereabouts, diplomats must pressure countries to cooperate, public diplomacy must persuade his sympathizers to turn him in, and special operations forces must raid suspected sanctuaries. Some of the action is longer-term, such as using diplomatic and economic pressure to win countries' cooperation. Some of the action is very short-term. For example, the NCTC would recommend to the CIA and the Defense Department's Special Operations Command, SOCOM, whether to infiltrate or raid a sanctuary; indeed, one can imagine a situation in which the CIA recommends infiltrating while SOCOM recommends raiding, and now the only independent interagency body that can help resolve the issue is the National Security Council staff. If SOCOM objected, then the legislation's provision for the resolution of disputes would apply. If the CIA and SOCOM accepted the NCTC's plan, the NCTC would not dictate how the department or agency performed the mission, i.e., how the CIA infiltrated the group or SOCOM executed the raid.

An analogy for strategic operational planning is like lanes in a highway, each lane symbolizing an agency's expertise (e.g., special operations, espionage, and law enforcement). The NCTC will not tell each agency how to drive in its lane. But effective counterterrorism requires choosing which lane—meaning which type of activity, and thus which agency, to utilize in a particular situation. The NCTC would select the lane but would have no authority to order an agency to drive.

Returning to the discussion of the DNI's authorities, I note that the new DNI will take on a number of additional duties and responsibilities beyond what the DCI has today. I would ask my friend from Maine, how will the new DNI manage the new community functions that he or she will need to direct as head of the intelligence community?

Ms. COLLINS. I thank my colleague and agree with his statements. The new DNI will not need to create a staff from scratch to manage the intelligence community. Today, the DCI relies on the Deputy Director of Central Intelligence for Community Management, DDCI/CM, and that official's staff to coordinate the activities of the intelligence community. This professional staff already has substantial experience that will be invaluable to the DNI in managing the intelligence community. This legislation supplants the DDCI/CM but transfers the official's staff as the DNI considers appropriate to the Office of the DNI. The DNI can then build on this staff as necessary to implement the DNI's new authorities.

Finally, I would like to describe the implementation of this legislation. The legislation does not permit the current DCI to become the DNI without going through the Presidential nomination and Senate confirmation process for the DNI position. This legislation gives the DNI different authorities and responsibilities than the DCI has today. As such, the Senate will need to provide advice and consent to the President's selection for the DNI.

Title I of the intelligence reform legislation takes effect not later than six, months after the Act's enactment. The legislation envisions that the President will decide upon the effective date for title I and may effectuate parts of title I at different times within that 6-month period. For example, the President could decide that all or parts of title I become effective upon the confirmation of the DNI. Until such time as the President determines—but in no event later than six months after enactment—the DCI will remain head of the intelligence community and the DDCI/CM and the various assistant DCIs will continue to report to him. The legislation requires that the President submit an implementation report to Congress not later than 180 days after the act's effective date, but it is desirable that this report be submitted as soon as possible.

Some provisions in title I explicitly state that they are effective on the act's date of enactment, namely the transfer of the TTIC or its successor to the NCTC and the transfer of the staff of the DDCI/CM to the Office of the DNI as appropriate. The NCTC has already been created by Executive order, absorbing the TTIC. With respect to the staff of the DDCI/CM, that staff does not cease to exist upon the act's enactment but rather becomes available for transfer to the Office of the DNI after the Office of the DNI is established.

This legislation requires the DNI to take various actions within 180 days of the act's enactment, including submitting a report to Congress concerning operational coordination between the CIA and the Defense Department, assigning an individual or entity to be responsible for analytic integrity, and identifying an individual to serve as an ombudsman. The DNI also shall prescribe regulations and other directives not later than one year after the act's enactment. Thus we hope that the President will move speedily to nominate an individual to serve as the DNI. The threats arrayed against the United States do not afford us a grace period.

INFORMATION SHARING

Mr. LIEBERMAN. Mr. President, I wish to call attention to an important part of this legislation—the provision in section 1016 on information sharing.

The effective use of information, from all available sources, is essential to the fight against terrorism. The 9/11 Commission, in fact, concluded that the biggest impediment to all-source analysis, and to a great likelihood of "connecting the dots," is the resistance to information sharing. As the commission documented, in the period preceding September 11, 2001, there were instances o potentially helpful information that was available but that no person knew to ask for; information that was distributed only in compartmented channels; and information that was requested but could not be shared.

As a result of its findings, the commission urged that a new approach to information sharing be developed that would help move from a "need-to-know" culture of information protection to a "need-to-share" culture of integration. Noting that no single agency could develop a meaningful information sharing system on its own, the commission recommended a new, government-wide approach, based on the conceptual model of the Systemwide Homeland Analysis and Resource Exchange SHARE Network proposed by a task force of leading professionals assembled by the Markle Foundation.

This legislation puts the commission's information sharing recommendations in place, requiring that the President establish a new, government-wide Information Sharing Environment ISE to share information among federal, State, local and tribal entities, and, where appropriate, with the private sector which owns or controls much of the nation's critical infrastructure)—in a manner consistent with national security and with the protection of privacy and civil liberties.

Ms. COLLINS. I agree wholeheartedly with my colleague about the importance of these information sharing provisions. I also want to emphasize that the ISE is not some mammoth new database. Indeed, it is not just technology, but rather represents a combination of technologies and policies designed to facilitate the appropriate sharing of terrorism information.

Section 1016 includes a list of attributes the ISE is required to have. These include such things as facilitating the sharing of information among those who have differing levels of access or clearance or different capacities to make use of the information—i.e., providing information from the beginning in its most shareable form, so that the maximum number of individuals can access the information in at least some meaningful form at its earliest point of consumability while having additional details available to those who are granted appropriate access; in this way, the right information gets to the right consumer at the right time. It also includes building on existing systems where possible, rather than creating whole new, and potentially overlapping, systems, and employs an information access management approach that controls access to the data rather than just systems and networks without sacrificing security. And it includes incorporating protections for individuals' privacy and civil liberties from the very beginning—both in the policies of the environment and in technologies and processes to ensure that the policies are adhered to.

Mr. LIEBERMAN. Another important aspect of this provision is the mechanisms it puts in place to ensure that this new approach to information sharing actually gets implemented. We have known for some time now about the critical importance of information sharing in the fight against terrorism. But translating generalized calls for improved information sharing into a working, fundamentally changed system requires hard and sustained work. To help ensure that this ambitious new effort will succeed, and that the ISE is actually implemented as envisioned, the legislation provides for a staged development process, with periodic reporting and the promise of significant and sustained Congressional oversight.

The first benchmark in the ISE development process is 180 days after enactment: by this date, a review must be conducted of current agency capabilities; in addition, a description of the technological, legal and policy issues presented by the creation of the ISE, and how they will be addressed, must be submitted to the President and Congress. Within 270 days of enactment, the President is required to issue guidelines for acquiring, accessing, sharing, and using information, and, in consultation with the Privacy and Civil Liberties Oversight Board established in section 1061 of the legislation, guidelines to protect privacy and civil liberties in the development and use of the ISE. These two sets of guidelines are critical in defining the framework of the ISE, and their issuance will provide an important opportunity for Congress to evaluate the proposed direction of the ISE. Within a year, a detailed implementation plan for the ISE, including budget estimates and proposed performance measures, must be submitted to Congress, which will provide for a further opportunity for Congressional evaluation. Finally, in 2 years, and annually thereafter, the President must submit a report to Congress on the state of the ISE and of information sharing across the Federal Government.

Ms. COLLINS. In addition to the step-by-step development process my colleague has described, I would also note that the other key means by which the legislation seeks to ensure the successful implementation of the ISE is through the appointment of a program manager. Not later than 120 days after enactment of the legislation, the President is required to designate an individual who is to be responsible for information sharing across the Federal Government. By placing a single individual in charge of the development of the ISE, the legislation seeks to ensure the accountability and focus necessary to accomplish this critically important task.

Although the President has discretion to determine whom to designate as program manager, it is essential, and required by subsection 1016(f)(1), that the program manager have and exercise government-wide authority; the ISE will involve the sharing of terrorism-related information from across the government, including from entities outside the intelligence community whether bioterror information from the Centers for Disease Control or relevant border information from Customs and immigration offices at the Department of Homeland Security—so that the program manager will be someone with responsibilities that cut across the Federal Government as well. Although the DNI is, and will continue to be, responsible for setting information sharing standards throughout the intelligence community (a responsibility expressly recognized in subsection 1016(e)(10)(A)), it is not our intent that the DNI also assume the further responsibilities of program manager. We expect and intend that whomever is designated as program manager will have the development of the ISE as their sole or primary responsibility, and we believe that it is desirable that the individual have management expertise in enterprise architecture, information sharing and interoperability.

The legislation provides that the program manager is to serve for 2 years, during the initial development of the ISE, to ensure that the project gets off to a sound start. As part of the implementation plan to be submitted to Congress after one year, the program manager is to recommend a future management structure for the ISE, including a recommendation as to whether the position of program manager should continue. During this two-year start up period, the program manager will be assisted in his or her efforts by an Information System Council established by the legislation and based on the existing Information System Council established by the President through executive order. The council, made up of representatives from agencies participating in the ISE, will not only advise the President and the program manager, but also, among other things, provide a means of coordinating among the various agencies participating in the ISE, helping to resolve interagency disputes that may arise. In performing its duties, the council is to consider input from those outside the Federal Government as well—including state, local, and tribal officials and those in the private sector who are potential participants in the ISE or who have relevant policy or technical expertise.

I also note the legislation provides that the individual agencies that possess terrorism information or otherwise participate in the ISE are to fully cooperate in the development of the ISE. The cooperation of all relevant agencies is critical to the success of this government-wide information sharing effort, and agencies can expect Congressional oversight to ensure that they are planning for, and fully contributing to, the construction of the ISE.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

Mr. LIEBERMAN. Mr. President, among its other significant provisions, the bill before the Senate, S. 2845, establishes a new Privacy and Civil Liberties Oversight Board. Waging the war on terror has required that the federal government take steps that consolidate governmental authority and increase the government's presence in our lives. As the 9/11 Commission observed, this shift of power and authority to the government, while necessary, calls for "an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life." Following the commission's recommendation on this point, this bill creates, for the first time, a Board that can look across the federal government and ensure that liberty concerns are appropriately considered in the policies and practices of the executive branch.

Ms. COLLINS. Specifically, the board established in the bill is to be made up of five members, who are to be appointed by, and serve at the pleasure of, the President. Two of the five members—the chairman and vice-chairman are also required to be Senate-confirmed. To help ensure an independent and effective board, all of the members are to come from outside the federal government and are expected to be people of stature, selected on the basis of their achievements, experience and independence. All of the members of the board are expected to devote significant time to this important endeavor, and the chairman may be appointed to a full-time position; given the broad responsibilities of the board, we believe that having a full-time chairman though not required would usually be the wisest course.

The Privacy and Civil Liberties Oversight board's purpose is to ensure that privacy and civil liberties concerns are appropriately considered in the implementation of all laws, regulations, and policies that are related to efforts to protect the Nation against terrorism. The board is empowered to carry out its mission in two equally important ways. First, the board is to advise policy makers at the front end, to ensure that when executive branch officials are proposing, making or implementing policy, they appropriately consider and protect privacy and civil liberties. Second, the board is to conduct oversight, by investigating and reviewing government actions at the back end, reviewing the implementation of particular government policies to see whether the government is acting with appropriate respect for privacy and civil liberties and adhering to applicable rules. Further, the bill provides the board with the tools it will need to carry out its functions.

Mr. LIEBERMAN. I agree with the Senator from Maine that the board will have the tools necessary to carry out its purpose. In its advice role, the board has a broad mandate to review and provide advice to the President and to federal agencies on proposed policies, whether or not codified formally in regulations, and on the implementation of new and existing laws, regulations and policies, in order to ensure that privacy and civil liberties are appropriately considered. Following a related 9/11 Commission recommendation, the board is further specifically directed, when providing advice to executive branch officials on proposals to retain or enhance particular governmental powers, to consider whether the need for those powers have been balanced against the need to protect civil liberties and privacy and whether there are adequate guidelines and supervision to ensure that the use of the power is properly confined and that privacy and civil liberties are protected.

Although the board has no authority to veto or delay executive branch actions, executive branch officials are expected to routinely consult with the board, and the board to routinely review and provide input, on the development and implementation of policies intended to protect the Nation a against terrorism; indeed, a suggestion in conference negotiations that would have limited the board to providing advice only when requested by the head of an agency was specifically rejected. It is our intention that the board become an institutionalized voice that ensures that privacy and civil liberties concerns are always considered and, where appropriate incorporated, in policy making.

With respect to its oversight role, the board has broad authority to review and investigate executive branch actions, whether limited to a single agency or involving interagency policies, to determine whether the government is appropriately protecting privacy and civil liberties. To carry out this function effectively, the board has been given investigative powers similar to those of a government-wide inspector general. Specifically, the and is to have access to all relevant documents and materials in the executive branch, including classified information, and to all relevant federal officials to interview them and take statements. Departments and agencies, moreover, are required to cooperate with the board: if the board believes information or assistance has been unreasonably refused, it is to notify the relevant agency or department head, who, unless the information cannot lawfully be provided to the board, is to ensure compliance with the request.

The bill provides an exception to the requirement that an agency comply with a board request for information only in cases where the DNI in consultation with the Attorney General, determines that withholding information from the board is necessary to protect the national security interests of the United States or where the Attorney General determines that withholding the information is necessary to protect ongoing sensitive law enforcement or counterterrorism operations. In light of the fact that board members must in any event have appropriate clearances to see classified information, as well as the expected nature of the board's work, we anticipate that these exceptions will rarely need to be invoked.

In addition to getting information from the executive branch, the board may also request information and assistance from State, local and tribal officials, and it may request documents or testimony from others outside the executive branch, including private parties who may have relevant information, such as former federal employees and government contractors. Although the board does not itself have the authority to subpoena documents from private parties, if the card is unable to obtain relevant information from a nongovernmental party, it may refer the matter to the Attorney General, who may take such action as appropriate to ensure compliance, including the use of compulsory process.

I would also like to note that although the board's jurisdiction is not intended to extend beyond matters related to efforts to protect the Nation against terrorism—to, for example, claims that the IRS is not adequately protecting the confidentiality of tax returns—it is our intent its jurisdiction be interpreted inclusively, to reach, for example, laws that were originally adopted to protect against terrorism, but may now have been turned towards other purposes.

Ms. COLLINS. I thank my colleague for his clear explanation. Just as important to the other authorities provided to the board is ensuring some transparency of the activities of the board. Transparency helps to give confidence to the American people that the protection of their civil liberties and privacy is being addressed as we take actions to further protect our Nation from terrorism. To that end, the board is to report to Congress at least annually on its activities, and may do so more frequently, as would be expected should the board complete an important investigation or otherwise make findings or recommendations of which Congress would wish to be apprised. The bill requires that the board's reports to Congress be unclassified to the greatest extent possible, in order to facilitate public discussion of the board's activities; where it is necessary to include classified information in the reports, it is to be included in a separate classified annex. Whether and when to release reports directly to the public or to otherwise engage in activities that directly involve and inform the public is left to the discretion of the board, but we believe that given the public importance of the issues entrusted to the Privacy and Civil Liberties Oversight Board, openness is called for and will ultimately foster public trust that the government is appropriately protecting privacy and civil liberties as it continues to vigorously fight the war on terror.

Also intended to foster this public trust is the fact that, while the board is exempted from the requirements of the Federal Advisory Committee Act because, as a permanent, ongoing entity, it does not fit comfortably into the mold of the usual subjects of that act, the board is expressly subject to the Freedom of Information Act, like any other agency.

Mr. LIEBERMAN. I would also like to point out that the bill encourages federal departments and agencies involved in law enforcement and anti-terror functions to designate an agency official to serve as a privacy and civil liberties officer. Such officers, modeled on similar officers at the Department of Homeland Security and newly created in the Office of the DNI, can play an important role in providing day-to-day advice and insights on civil liberties and privacy matters and conducting internal reviews. Because such officers would be highly knowledgeable about their own agencies, they could augment the role of the board and help address issues early on. The role of such officers would be distinct from those of the new chief privacy officers created in the Omnibus Appropriations bill. Those officers would be largely responsible for focusing on informational privacy issues and not responsible for addressing broader civil liberties concerns.

Ms. COLLINS. I would like to thank my friend for working with me on these very important provisions. In the wake of the terrorist attacks on September 11, 2001, during his joint address to Congress, the President called on all Americans to "uphold the values of America and remember why so many have come here. We're in a fight for our principles, and our first responsibility is to live by them." Indeed, as we improve government to better secure our Nation against future attacks, we must at the same time protect those American values that define our free society.

These freedoms and values are what define us as Americans and what defines our Nation. Since the inception of our Nation, there has been much sacrifice in order for us to have the freedoms we enjoy today. These liberties are what have been entrusted to us to protect. That is why, as we protect our Nation from future terrorist attacks, we also must ensure that we do no trample on the very values that the terrorists seek to destroy.

Mr. WYDEN. Mr. President, I wish to commend Senators COLLINS and LIEBERMAN for their leadership in working round the clock for months to translate the key recommendations of the 9/11 Commission into reality. Thanks to their tireless and bipartisan effort, I and my colleagues today can point to a provision in the intelligence reform bill that will clear the fog of unnecessary secrecy that has for too long clouded our national intelligence picture. As the principal sponsor of this bipartisan provision, which will establish for the first time an appeals procedure that members of Congress may use regarding the classification of materials for national security purposes, I wish to explain how I envision this new process working.

The power to classify documents as secret is one of the most powerful tools in American Government, and it seems to be very much in vogue. Over-classification of documents is now the rule rather than the exception. Documents are sometimes classified for political reasons rather than to protect national security interests. Last year alone, the Federal Government spent $6.5 billion creating 14.3 million new classified documents. That is double the number of documents 10 years ago. This awesome power should be used judiciously, and it surely should not be the subject of old fashioned horse trading, as it was last summer during the preparation of the Senate Intelligence Committee's report on pre-Iraq war intelligence.

Last summer the Senate Intelligence Committee, on which I serve with my co-authors, spent more than 6 weeks arm-wrestling with the Central Intelligence Agency, CIA, over how much of the report on pre-Iraq war intelligence would be made public. Originally, the agency wanted to black out more than half of the report. In the end, "only 20 percent" of the report was blacked out.

At that time, there was no independent body to which the committee members could turn to find out what should and should not be classified for national security purposes. That is precisely the problem addressed by the provision crafted by Senators LOTT, BOB GRAHAM, SNOWE, and myself. Our provision will give Congress for the first time a means of appealing classification decisions.

The provision gives Congress the authority to appeal classification decisions to an independent standing body, the Public Interest Declassification Board. This Board is made up of nine members with expertise in national security and related areas; five are appointed by the President and four by the bipartisan leadership of the Senate and House. Under the amendments made by section 1102, when any Member of Congress asks the Board to declassify a document or materials, the Board "shall advise the originators of the request in a timely manner whether the Board intends to conduct such review."

This means that if I or another Member of the Senate were to ask the Board to determine whether a document is properly classified for national security purposes, the Board must respond in a timely manner. "Timely" is defined as "early" or "soon." It is my expectation that whether it is a member of Congress or a committee seeking the Board's decision on the proper classification of information, the Board will get back to the requester expeditiously.

I am of the view that the problems in our intelligence community will not be addressed until the problems in the national security classification system are addressed. Thomas Kean, who chaired the 9/11 Commission, said that three-quarters of the classified material he reviewed for the Commission should not have been classified in the first place. Now, as the Senate acts on the conference report that strongly reflects the 9/11 Commission recommendations, it only makes sense to include this provision.

I have no illusions that this classification appeals mechanism will abolish the strongly rooted institutional bias in favor of overclassification, but taken in conjunction with the overall review of the standards used to classify information contained in other sections of the conference report, it is a very sound first step.

I am grateful to Senator LOTT, my principal cosponsor, for championing this matter in conference. He and his staff worked nonstop to preserve this provision. I also want to acknowledge the efforts of Senator BOB GRAHAM, another conferee, and his staff to defend our work.

Mr. DOMENICI. Mr. President, I rise to express my support for the intelligence reform provisions negotiated by the House and Senate. These measures provide common sense restructuring of our Nation's approach to national intelligence.

For years the United States has contemplated reorganizing the intelligence community. Unfortunately, it took the tragedy of September 11 and the loss of nearly 3,000 citizens to achieve systemic change. This legislation, however, is the culmination of a serious national debate that has occurred since that fateful day. It is a just tribute to those we lost, their families and to future generations of Americans whose security depends on our actions today. I believe this legislation better prepares us to meet the security challenges of today and I would like to make note of some important provisions.

First, it creates a National Director of Intelligence who has the necessary authority to write and execute intelligence budgets. This critical change will help ensure that resources and personnel can be moved to areas of priority throughout the intelligence community for more effective management of intelligence operations and analysis. This change was strongly endorsed by both the 9/11 Commission and Joint Inquiry of the House and Senate Intelligence Committees and I believe it is essential.

Second, it establishes a National Counterterrorism Center. This will achieve an integrated approach to counterterrorism intelligence and strategic operational planning. Given the continuing threat the United States faces from international terrorists, it is vital that we organize our information and resources in a highly coordinated fashion to meet this challenge. The NCTC provides the proper mechanism to facilitate this coordination by gathering relevant information from all appropriate departments and agencies within our government.

In addition to these primary reforms provisions, I am pleased the conference report includes two other provisions of importance to New Mexico. By retaining my language directing the Department of Homeland Security to report on development of an Unmanned Aerial Vehicle border surveillance capability, this legislation recognizes the need to exploit emerging technologies for securing the homeland. The porous nature of our borders, particularly in remote areas of the Southwest, is vulnerable to terrorists, drug smugglers and other criminal activity. My language begins to seek new solutions to this significant security concern. Also, I am gratified that the conferees recognized the value of the National Infrastructure Simulation and Analysis Center operated by our national laboratories as Sandia and Los Alamos. The formal relationship this legislation creates between NISAC and the National Director of Intelligence ensures the intelligence community has access to the very best capability our Nation has for understanding vulnerabilities to critical infrastructures.

In conclusion, I believe this legislation is historic. Nothing is more important than the security of our country and intelligence is the underpinning of success in the war on terror. Objective, timely, accurate intelligence is what our policymakers need to make the right decisions affecting the safety of Americans at home and abroad. This legislation takes an important step toward invigorating our intelligence gathering as we face the threats of the 21st century and it has my strong support.

Mr. AKAKA. Mr. President, I rise today to express my support for the conference report on legislation creating a Director of National Intelligence. Before doing so, I commend the tremendous effort made by Senator SUSAN COLLINS, the chairman of the Governmental Affairs Committee, and Senator JOE LIEBERMAN, the ranking member, who have dedicated the last few months to ensuring this legislation was passed. I salute them.

Passage of this legislation ensures that many of the key recommendations of the 9/11 Commission become law. Most important of these are the establishment of a Director of National Intelligence, DNI, and a National counterterrorism Center, NCTC.

However, much still remains to be done. I continue to believe that the key to a stronger America lies not just in clarifying institutional lines of authority but in ensuring that we have the best and brightest on the front lines of our national defense.

One of the important objectives driven home by the 9/11 Commission's report and in testimony before the Governmental Affairs Committee is the need to have the right people in the right places in our Government, both civilian employees and military personnel, to combat future threats. We must ensure that our Federal workforce remains trained and ready to respond to the challenges we may face in the future, just as Federal employees have responded with courage when called upon in the past.

There is a human capital crisis in the Federal Government. Not only are we losing decades of talent as civil servants retire, we are not doing enough to develop and nurture the next generation of public servants. Nowhere is this more evident than in our intelligence services. Time and time again senior officials note the lack of trained linguists, the lack of trained analysts to evaluate information, and the lack of scientific technical expertise needed to confront these new threats.

Staffing new interagency intelligence operations centers on a 24/7 basis, developing new human intelligence, HUMINT, operations and interpreting the information coming into our intelligence analysts pose management problems of massive proportions. We continue to be seriously understaffed. I have been calling attention to this problem, along with my colleague, Senator VOINOVICH, for a number of years.

Thus, I am pleased that the legislation we vote on today contains provisions similar to those in S. 589, the Homeland Security Federal Workforce Act, which I introduced and was passed by the Senate last November.

The National Intelligence Reform Act mirrors the intent of S. 589 by establishing a program awarding scholarships to students in exchange for government service in the intelligence community. I would like to reiterate that the language in the Governmental Affairs Committee report relating to this provision and urge the DNI to give special consideration to applicants seeking degrees in foreign languages, science, mathematics, or a combination of these subjects.

S. 2845 includes other aspects of S. 589, such as an incentivized rotational program for employees in the intelligence community in order to break down cultural and artificial barriers to information sharing, build a cadre of highly knowledgeable professionals, and ensure cooperation among national security agencies.

In addition, the conference report includes language offered by Senator BOB GRAHAM and Senator RICHARD DURBIN, and myself requiring the Director of National Intelligence to review existing programs to increase the number of personnel with science, math, and foreign language skills and report to Congress on the proposals to improve the education of such individuals if existing programs are found inadequate.

These programs partially address, however, a larger national problem in our educational system that must be tackled, including at the primary and secondary level. I look forward to working with my colleagues in the next Congress to implement additional programs to solve the human capital crisis in our national security community as well as elsewhere in the government.

In addition, I am pleased that the legislation includes language creating an Office of Geospatial Management in the Department of Homeland Security, which was added to S. 2845, the Senate version of the bill, through an amendment offered by Senator ALLARD and myself. This language is identical to S. 1230, the Homeland Security Geographic Information Act. It will help to better coordinate the procurement and management of geospatial information within the Department of Homeland Security and centralize activities within one office. Geospatial information has become a critical component in both assisting our war fighters and in protecting our homeland.

However, I would be remiss not to mention areas that are not included in the legislation.

I regret that the conference report did not include a Senate amendment I sponsored with Senator FITZGERALD to create a chief financial officer, CFO, within the Office of the Director of National Intelligence. Our amendment would have placed the NIA under the Chief Financial Officers Act of 1990, which requires agencies to submit audited financial statements and requires that CFOs be appointed by the President, confirmed by the Senate, and report directly to an agency's head. This amendment is similar to legislation Senator FITZGERALD and I sponsored now Public Law 108–330 which brings the Department of Homeland Security, DHS, under the CFO Act and ensures a Senate-confirmed CFO who reports directly to the Director of DHS. I plan to introduce legislation that embodies our amendment because I strongly believe that this new entity must have the financial management systems and practices in place to provide meaningful and timely information needed for effective and efficient management decisionmaking.

It would be naive to say that this legislation by itself will make America stronger. Americans will make America stronger. What this legislation does offer is a framework within which we can build a more secure nation if we all work together within the limits of our Constitution.

In creating a Director of National Intelligence it is critical that the President pledge to make this office accountable to the American people. The DNI must be kept free of political pressures and independent of partisan policy agendas. While employees working under the DNI will have the same rights and protections as those at the CIA, I urge the DNI to make every effort to ensure that whistleblowers are not retaliated against and that their disclosures, which may have a significant impact on the security of this nation, are taken seriously.

The DNI must make civil liberties and privacy rights a capstone in the structure of this new agency. Without these basic protections, our freedoms will not be strengthened, our Nation will not be more secure.

I pledge to do all I can to exercise my responsibility to oversee this new Intelligence agency and ensure it lives up to the trust being placed in it by the Congress today.

Mr. CONRAD. Mr. President, I will join many of my colleagues today in voting for the Intelligence Reform bill; however, I do so with some reservations.

First, let me highlight the provisions contained in this bill that are especially important to North Dakota. The bill includes a proposal I authored that would establish a pilot project on the Northern border to enhance security through the use of advanced technologies like remote sensors, cameras, and unmanned aerial vehicles. The bipartisan 9/11 Commission Report recognized that the Northern border operates with only a fraction of the manpower and resources that are devoted to the Southern border, but poses no less risk for terrorists sneaking across into the United States. This project will help the border patrol in monitoring the border more effectively and efficiently. Additionally, I am pleased that the bill includes a provision directing that at least 20 percent of any increase in the number of Border Patrol agents be assigned to the northern border. Both of these provisions take a step in the right direction to improve the security of our northern border.

In considering intelligence reform, I embraced the recommendations of the 9/11 Commission. They made a major effort to understand what happened on September 11, 2001, and to figure out how we could help prevent future attacks. This legislation never would have passed without their hard work. By adopting one of the key recommendations of the 9/11 Commission, this bill takes a major step toward improving our Counter-terrorism efforts. Establishing a National Counterterrorism Center that can both analyze the terrorist threat and do strategic planning for operations to defeat terrorists will make us safer.

This bill would never have become law without the commitment of the families of the victims of the 9/11 attacks. They demanded real reform, without any further delay. We in Congress owed those families no less.

Some of my colleagues today have said that this bill is the largest reform of our national security agencies since 1947. The provisions I have just mentioned are important reforms. Nevertheless, I remain concerned that creating a new Director of National Intelligence will not do enough. It still leaves too many participants with an opportunity to fail to communicate and cooperate.

No one can argue against the basic rationale for creating a Director of National Intelligence. The American intelligence community has suffered from a lack of coordination and communication, as the 9/11 Commission and many other reports have outlined. This lack of coordination and communication comes in part from the absence of any one person in charge and, ultimately, accountable for the accuracy and timeliness of our intelligence. I strongly agree that we need a National Intelligence Director. But such a Director cannot improve the communication and coordination between the intelligence agencies without the full authority and resources necessary to do the job.

The concern I have with this final bill is that we have maintained the CIA and all of the other intelligence agencies we had before, and added a National Intelligence Director on top. Instead of consolidating the various intelligence agencies, we have created additional boxes on an organizational chart that I fear will only create more turf battles, thereby undermining our ability to enhance and improve our intelligence capabilities. I was concerned about this issue in the Senate's intelligence reform bill. The final bill has an even weaker Director of National Intelligence. That makes me even more concerned.

In my view, this bill simply does not provide the National Intelligence Director with all of the tools he needs to do the job. He will have only a very limited power to move money among the different intelligence agencies. Without strong control over the money, the Director could become just another layer of bureaucratic review.

If that was the end of the story, I probably would have to vote against this bill. But I see this bill as a step in the right direction. Its authors have assured me this is a beginning. In the end, the success of the Director of National Intelligence depends on the President creating procedures that place that official at the heart of the intelligence community, with real authority and real accountability. I am counting on President Bush to do so.

Ms. MIKULSKI. Mr. President, I rise in support of the National Security Intelligence Reform Act.

I am proud to cast my vote in favor of the first major reform of the intelligence community. Intelligence reform will make our Nation safer and stronger, and ensure we use our resources smarter. We have created a framework that works to prevent a predatory attack on the United States, supports our troops, and provides good intelligence to policymakers so we can guard and guide the Nation.

I am excited that we are going to pass such fundamental reform of our intelligence agencies. I have been fighting for intelligence reform for years. It is overdue and greatly needed. Now is the time.

This is a very good and important bill. This bill will make the American people safer by reforming our intelligence community for the 21st Century, by improving protection of our homeland, and by unifying and strengthening our efforts to combat terrorism.

The reforms will help prevent another 9/11 attack and help ensure we never go to war again on dated and dubious information. These reforms will make highest and best use of the talent in our intelligence agencies, who will have a framework to be able to protect the Nation and speak truth to power.

I have fought for reform of our intelligence community for years. I have been a member of the Intelligence Committee since before 9/11 to be an advocate for reform, particularly regarding signals intelligence.

Since I joined the intelligence committee we have also investigated two serious intelligence failures:

Why couldn't we prevent the 9/11 attacks on America?

Why did we think Saddam Hussein had weapons of mass destruction?

The House and Senate intelligence committees had a joint inquiry into intelligence relating to 9/11. We found insufficient information, missed opportunities, and failures to share information. So many talented and highly skilled people in our intelligence community worked so hard and so effectively, but our intelligence agencies did not serve them or us well.

These investigations convinced me that our intelligence agencies needed fundamental reforms. I recommended the creation of a Director of National Intelligence to unify and lead the intelligence community and many other important intelligence reforms. I am pleased that many of the reforms I have been advocating are part of this bill.

The National Security Intelligence Reform Act also builds on the work of the 9/11 Commission. I want to thank Senator COLLINS and Senator LIEBERMAN for their work on this bill in Committee, in the Senate, and holding the line in conference with the House. The result is broad, deep and authentic reform.

The bill gives the intelligence community one leader, a Director of National Intelligence, with real authority over the National Intelligence Program budget and personnel, to manage and unify and oversee the intelligence community.

The bill creates a National Counterterrorism Center to unify our Nation's intelligence information and planning to fight terrorism more effectively.

The bill creates a National Counterproliferation Center to provide the same unity of effort and effectiveness in the effort to prevent the spread of weapons of mass destruction.

The bill provides for diversity of opinion in intelligence analysis and protects the independence of analysis from policy and political pressures, by using red-teaming to test assumptions and avoiding group-think by ensuring that alternative views are presented to policy-makers.

The bill requires better sharing of intelligence information, both within the intelligence community and with first responders in our States and communities who have a need to know.

The bill provides protections for the rights of Americans by creating a Privacy and Civil Liberties Oversight Board and making officials in each agency responsible for protecting civil liberties and privacy rights.

The bill will also unify and streamline the standards for granting security clearances and require that a clearance granted by one agency is accepted by other agencies.

This bill goes beyond intelligence reform to address many of the other 9/11 Commission recommendations: to improve aviation security, including air cargo inspections, to improve maritime security, to strengthen border enforcement, and to strengthen criminal laws on terrorism, building weapons of mass destruction, and financing terrorist groups.

I have been fighting for many of these reforms and am very pleased that this bill includes them. They are going to make America safer, stronger and smarter.

This is not a perfect bill; no bill is. There are some provisions in this bill that raise questions or concerns. You can count on me to be vigorous and rigorous in oversight, to make sure we have real reform to protect America and protect the freedoms that America stands for.

Thanks to the dedication, commitment and persistence of the 9/11 families and the Congress, we had an independent commission to investigate 9/11. The 9/11 Commission brought into the sunshine what many of us knew from our classified hearings. The 9/11 Commission report was not just riveting reading—it was a good blueprint for intelligence reform. Senators COLLINS and LIEBERMAN picked up that blueprint and ran with it. The Senate produced a bipartisan bill that is a shining example of what can be done around here when we work together, not as blue State Democrats, not as red State Republicans, but as Americans as members of the red, white and blue party, working together for America and the American people. As a proud member of the red, white and blue party, I enthusiastically support the National Security Intelligence Reform Act.

Mr. REED. Mr. President, I rise to express my support for S. 2845, the intelligence reform bill.

I first want to commend the 9/11 families who have worked so tirelessly to ensure that necessary reforms were implemented through the formation of the 9/11 Commission and the enactment of this bill.

I believe this bill is an important first step toward needed intelligence reform. As we are all aware, intelligence is the key to keeping America safe and winning the global war on terrorism. I think that there are many provisions of this bill which will improve U.S. intelligence. It creates a Director of National Intelligence who has personnel and budget authority; establishes an Information Sharing Environment to facilitate the sharing of terrorism information among all appropriate Federal, State, local, tribal and private sector entities; provides for training and education to meet linguistic requirements; and emphasizes the use of open intelligence, a resource I believe we have overlooked recently to our detriment.

I am also pleased that this bill establishes a National Counterproliferation Center since I believe the proliferation of weapons of mass destruction and the potential for terrorists and rogue states to obtain these weapons are the greatest threats facing us today.

In addition, I commend the House and Senate for providing for a Privacy and Civil Liberties Oversight Board within the Executive Office of the President that would ensure that privacy and civil liberties concerns are appropriately considered in the implementation of laws, regulations, and executive branch policies related to efforts to protect the Nation against terrorism. While Americans are more willing to give up some of their privacy after 9/11, necessary intrusions must be carefully balanced against the rights of U.S. citizens and I believe the Board will help maintain the balance.

Again, this bill is simply a first step. The United States remains vulnerable in many areas. I do not believe the bill does enough to provide for transportation security such as for ports, public transportation and railroads. In addition, it does not address other asymmetrical threats such as food safety. Two days ago Secretary of Health and Human Services Thompson noted how easy it would be to tamper with and poison our food supply.

Finally, I would like to express my disappointment with the administration's and Republican congressional leadership's participation in this undertaking. The administration originally did not want a 9/11 Commission and its support of this bill was lukewarm at best. The tragedy of September 11 made it clear that our Nation was not as secure as it could be and changes needed to be made. It is the duty of the administration to make those changes as quickly as possible. September 11 was over 3 years ago and we are just now enacting the first changes. The process certainly could have proceeded more quicky if the administration had been more actively engaged throughout the process.

But we have a bill which is a good first step. I support this bill and look forward to working with my colleagues on future reforms.

Mr. CHAMBLISS. Mr. President, an enormous amount of time and effort by the White House, the Congress, the 9/11 Commission, the families of the victims the 11 September 2001 terrorist attacks, and others have gotten us here, today, to make a final decision on the Intelligence Reform and Terrorism Prevention Act of 2004. We owe a debt of gratitude to all those involved with this process. However, not everyone will agree, nor should they, with everything contained in, or missing from, the bill we are about to vote on.

This should not surprise us, since no one individual or group has all the answers on how best to reform our vast intelligence community. What we can all agree upon, however, is the dedication and sense of purpose of everyone in the Congress who has worked on this legislation. The Members and staffs, from both sides of the aisle, all tried to do what they thought was best for the future security of the United States and for that they all deserve our appreciation.

I rise today not simply to commend the hard work of a lot of people, rather, I want to make the point that today marks the start, and not the end, of the intelligence reform process. Our work in the Congress on this issue is not ending today; it is just beginning in earnest.

We were attacked on 11 September 2001 in a vile, unprovoked manner that employed methods heretofore never used in warfare. Before 11 September, the idea of hijacking civilian airliners, loaded with innocent people, and using them as guided missiles to destroy landmark buildings and thousands of non-combatant people was something you would only find in a book of fiction.

It was difficult to imagine before that attack that a group of people could be so evil, so focused on destroying innocent lives, and so ready to kill themselves for some warped sense of their own religion and their distorted sense of justice.

We can fault our intelligence analysts for not "connecting the dots," but maybe they had too few "dots" to work with and maybe what they did have didn't seem quite plausible at the time relative to our own understanding of human nature and how wars have been fought in the past.

The House Subcommittee on Terrorism and Homeland Security issued the first report outlining problems within the intelligence community about our failure to stop the 9/11 attacks. As the chairman of that subcommittee, I released that report on 17 July 2002. What we discovered was that the two most egregious intelligence failures involved human intelligence or HUMINT and the sharing of intelligence, primarily between the CIA and the FBI.

A dedicated enemy without any constraints on their behavior is a difficult and extremely dangerous foe to defeat. As I said in this Chamber last July 21, ". . . there is only one principle to follow on intelligence reform. Intelligence is our first line of defense against terrorism, and we must improve the collection capabilities and analysis of intelligence to protect the security of the United States and its allies." The question we all need to ask ourselves is does this bill strengthen this principle or not? The answer is a qualified one and there is much more to do before we can unequivocally say we have done everything possible on reforming our intelligence community. Let me mention just six issues that we will need to focus on early in the 109th Congress relative to intelligence reform:

One, once this bill becomes law, the President will be nominating the first Director of National Intelligence, DNI. This will be one of the most important decisions of his presidency and, in like manner, the confirmation of the individual nominated will be one of the most important responsibilities of this Senate. We need to make sure that the

DNI has the ability, experience, and leadership qualities to successfully implement the legislation we are voting on today.

Two, the Congress needs to put its primary focus on rebuilding the most critical aspect of our intelligence collection capability, namely HUMINT. If we are ever to win the war on terrorism we need to put our spies inside of al-Qaida and other organizations that mean us harm. We also need good HUMINT to get a better indication of the threats being posed by nation states such as North Korea, Iran, and Syria.

Three, in this regard, we need to reshape the culture in the Directorate of Operations at CIA, which is responsible for managing our HUMINT activities, from "risk-avoidance" to "risk-taking." Porter Goss has begun this process, but he will need the strong support of the Congress to institutionalize this new, aggressive culture. It is because of this very point that I voiced objections to the creation of a Privacy and Civil Liberties Oversight Board, both in the original bill passed by the Senate and in the Conference Report. We need to take more risks in HUMINT and we need to rebuild the morale of our HUMINT collectors. What kind of message are we sending to our intelligence agents in the field who are risking their lives to protect us by creating a board designed to look over their shoulders and, which is redundant to the President's Board on Safeguarding Americans' Civil Liberties? This may create a morale problem throughout our intelligence community that might take years to repair and, I hasten to add, at a time when we need HUMINT more than ever to protect our citizens.

Four, to help Porter Goss rebuild our HUMINT capabilities and to raise the importance and priority of HUMINT reform, the Senate Select Committee on Intelligence, SSCI, should establish in the 109th Congress a Subcommittee on HUMINT to focus our attention on this critical aspect of our security. Without a subcommittee structure in the SSCI, I fear we will not be up to the task of providing in-depth oversight of the intelligence community, which would be a failure of one of the Congress' most important constitutional responsibilities.

Five, the span of control for the new DNI that is being created by this legislation is enormous. In fact, it is almost impossible. This bill leaves the intelligence community at fifteen members, eight of which are in the Department of Defense. I had a bipartisan amendment to S. 2485 that was co-sponsored by my colleague from Nebraska, Senator BEN NELSON, that would have created a unified command for military intelligence giving the new DNI a single point of contact for military-related intelligence requirements and collection capabilities instead of eight. Collectively, the eight members of the intelligence community that this bill leaves in the Department of Defense are huge, with tens of thousands of people and multi-billion dollar budgets. How someone outside of the Department of Defense, like the DNI, could adequately and efficiently manage these vast intelligence capabilities by dealing with eight separate military members is beyond me. Senator NELSON and I are committed to fix this shortcoming by introducing a bill to create a four-star command for military intelligence in the 109th Congress.

Six, Chairman JIM SENSENBRENNER championed several critical proposals relative to immigration reform, including improving our asylum laws and standards for issuing driver's licenses. I regret his proposals are not in the conference report before us today. We should be committed to working on legislation to strengthen our immigration laws as soon as possible.

Yes, our work in the Congress on intelligence reform is just beginning. Confirming the first DNI, focusing our effort on HUMINT, shaping a "risk-taking" culture among our intelligence officers, improving our oversight of the intelligence community, creating a four-star military intelligence command, and strengthening our immigration laws will assuredly keep the 109th Congress fully focused on intelligence reform. Today is but the beginning of this effort and this process.

Ms. LANDRIEU. Mr. President, today, nearly 38 months after the September 11 attacks on New York City and the Pentagon, the Senate will pass a bill to make Americans safer at home and abroad. What was broken before 9/11 must be fixed. S. 2845 is based on the lessons learned from the National Commission on Terrorist Attacks Upon The United States—the 9/11 Commission. This legislation is a great step forward to revamp and strengthen our intelligence community to thwart terror attacks on Americans in the future.

It has not been an easy task to bring this legislation to the Senate floor for a vote. Initially, the 9/11 Commission was not to report its findings to Congress and the American public until after the November elections. Fortunately, the Commission was permitted to issue its findings during the summer, which allowed Congress to draft S. 2845 and act upon nearly all of the 9/11 Commission's 41 recommendations to reform the intelligence community and improve the public's safety. Nevertheless, there were roadblocks along the way. Many Members in both Houses tried to kill this legislation, and it is a major accomplishment that we will hold a vote today and send this bill to the President this evening.

Of course, the credit goes to Senators SUSAN COLLINS and JOSEPH LIEBERMAN, the chairman and ranking member of the Senate Committee on Governmental Affairs. With great skill, they pushed and pulled in unison when they needed to keep this legislation afloat. They refused to let our national security fall prey to those who sought inaction over action. Additionally, Senator JOHN WARNER, the able chairman of the Armed Services Committee, worked tirelessly to ensure that S. 2845 would preserve the military's chain of command and ensure necessary intelligence resources would remain available to the military at all times. As a result of the efforts of these Senators, we will pass a bipartisan bill that will achieve the goal of centralizing U.S. intelligence operations while helping intelligence agencies better coordinate with U.S. military efforts.

Again, the 9/11 Commission found that our Nation was vulnerable to attacks because we were not properly collecting, analyzing, and acting upon intelligence. Our domestic intelligence agencies were not talking with their foreign intelligence counterparts, and federal law enforcement offices were not working with local law enforcement. And so, perhaps most importantly, this bill creates a Director of National Intelligence, DNI, and a National Counterterrorism Center, both of which will go a long way toward ensuring that our Nation's many intelligence and military agencies have the oversight, resources and coordination necessary to protect our borders and our citizens.

This bill will also help improve interagency cooperation by requiring extensive sharing of intelligence and law enforcement operations among Federal, State, and local agencies. That alone is a key step toward better protecting our citizens by ensuring information that could be vital to our national security makes it to the appropriate level. To better balance security with citizens' rights, this bill also establishes a Privacy and Civil Liberties Board to review Federal policies and practices.

Before I close, I do want to point out a provision that was deleted in the conference which could have made this bill even stronger. Our Nation needs a director of national intelligence with the mandate to provide the President and other intelligence consumers with accurate, truthful, and even blunt intelligence. The DNI should not feel hamstrung to tell the President and other intelligence consumers what they want to hear; rather, the DNI must be able to tell them what they need to hear. The DNI must be independent and unsusceptible to the political whims of his/her superiors. S. 2845 does not go as far as I would like to ensure that there will be no politicization of the gathering and analysis of intelligence. The original Senate bill contained safeguards to ensure intelligence would not be politicized. I am hopeful the DNI will not feel pressured to validate certain political or policy points of views where the intelligence simply cannot provide such validation.

While I hope we can revisit this issue in the 109th Congress, this bill is a success. It will benefit the American people greatly, and I look forward to its passage.

Mr. KOHL. Mr. President, I am pleased that in one of the final acts of this Congress we have overcome the objections of the House leadership to pass a major intelligence reform bill. The 9/11 Commission report provided a unique opportunity for Congress to act. If we had allowed this moment to pass and we had not succeeded in enacting the Commission's reforms, it is unlikely that we would ever achieve effective intelligence reform, leaving us right where we started with a fragmented counterterrorism infrastructure struggling to keep up with the terrorist threats of tomorrow.

The legislation before us creates a Director of National Intelligence who will have broad authority over the many elements of our intelligence community. While many of us were confident that the Senate bill did not jeopardize the chain of command, language was added to ensure that the military would have access to the intelligence it needs.

In addition to creating a National Counterterrorism Center to coordinate counterterrorism intelligence and missions, the bill includes important provisions strengthening FBI intelligence capabilities, transportation security, border protection, and diplomatic and military efforts in the war on terrorism. We cannot rely on intelligence alone to prevent the catastrophic terrorist attacks of the future. We must remain vigilant in all these areas.

Finally, I want to applaud the diligence of our colleagues and the members of the 9/11 Commission who pressed on when it seemed that this bill was doomed to die. While I have no illusions that this bill will suddenly make us invincible, it is critical that we begin the difficult process of realigning the way our government anticipates and responds to terrorism. That is why I intend to support this bipartisan legislation.

Mr. VOINOVICH. Mr. President, I rise to support the Intelligence Reform and Terrorism Prevention Act of 2004. I first must recognize and congratulate the extraordinary hard work and leadership of Senator COLLINS and Senator LIEBERMAN and their respective staffs. It is only because of their determination and tireless efforts that we are able to consider this legislation today. I would also thank and recognize Representatives HOEKSTRA and HARMAN and their staffs for their hard work. On balance, this legislation is an important step in improving our national security.

This legislation establishes a Director of National Intelligence with greater budget authority than the current Director of Central Intelligence to provide leadership and direction to the 15 agencies of the Intelligence Community.

It also establishes a National Counterterrorism Center to conduct analysis of terrorism-related intelligence and conduct strategic planning for the War on Terror.

To ensure that the civil liberties of Americans are protected during this time of justifiably increased government powers, the legislation also establishes a Privacy and Civil Liberties Oversight Board within the Executive Office of the President.

All of these provisions were key recommendations of the 9/11 Commission, and I am pleased that they are included in this legislation.

I am also pleased that the legislation we are considering includes three provisions that I have sponsored.

The bill reforms the broken process of granting security clearances. The extended length of time it has taken to conduct and subsequently adjudicate a security clearance prevents qualified Federal employees and their private sector partners from doing important work to enhance our national security. In addition, a lack of reciprocity among agencies for already granted clearances delays and mobility of Federal employees within the government and places an unnecessary administrative burden on agencies as they duplicate the clearance process.

The reforms in this legislation are an important step in expediting the process, while preserving national security interests. The President designates a single entity to oversee the security clearance process and develop uniform standards and policies for access to classified information. The President also designates a single entity to conduct clearance investigations. Additional investigative agencies could be designated if appropriate for national security and efficiency purpose. Reciprocity among clearances at the same level is required.

The bill also includes a provision I added in Committee to improve the intelligence capabilities of the Federal Bureau of Investigation. Specifically, the FBI Director may work with the Office of Personnel Management to develop new classification standards and pay rates for intelligence analysts. This will facilitate the development of a robust national security workforce at the FBI and falls squarely within the spirit of the 9/11 Commission recommendations. It is my sincere hope that the FBI will utilize these flexibilities to build an elite cadre of intelligence analysts that will help win the War on Terror.

Finally, this legislation attempts to reform the Presidential appointments process, which has been broken for decades. An amendment I offered on the Senate floor would require the Office of Government Ethics to submit a report to Congress evaluating the financial disclosure process for executive branch employees within 90 days of the date of enactment. It would require the Office of Personnel Management to submit a list of presidentially appointed positions to each major party candidate after his or her nomination. It would require the Office of Government Ethics, in consultation with the Attorney General, to report to Congress on the conflict of interest laws relating to Federal employment. The provision would also require each agency to submit a plan to the President and Congress that includes recommendations on reducing the number of positions requiring Senate confirmation. I hope that we are able to take definitive action to reform the appointments process in the 109th Congress and finally reform a process that has been examined by no less than 15 commissions, including the 9/11 panel.

I would like to offer an observation regarding the Office and Director of National Intelligence which this bill establishes. The director only will be successful if an individual is chosen who can develop a strong working relationship with the President. In other words, the DNI can be successful with the powers provided by Congress if this individual has the confidence and trust of the President. If not, then no amount of authority granted to that individual by Congress will make a difference.

Similarly, the Office of the Director will have to be staffed by the best and brightest minds in the Intelligence Community if it is going to be successful in managing and improving U.S. intelligence efforts. I hope that our Intelligence Community agencies will work closely with the DNI, his staff, and the new intelligence centers to ensure their effectiveness and enhance the security of the United States.

The passage of this legislation also places a new burden on Congress. Every Member of the Senate, but especially the members of the Senate Select Committee on Intelligence, will need to be involved in ensuring that this legislation is implemented effectively. Robust congressional oversight of intelligence is vital, and we here in this chamber are not off the hook just because we have passed this bill.

Finally, I want to inform my colleagues that while we have demonstrated our willingness to reform the structures and processes of the executive branch to better protect our Nation, we have been less willing to reform our own structures and procedures. The 9/11 Commission recognized that changing congressional committee jurisdiction is exceptionally difficult but also noted reforms of the executive branch "will not work if congressional oversight does not change too." They recommended that the Senate and House each establish a single authorizing committee for the Department of Homeland Security.

I remain deeply disappointed that the Senate did not do this in October. Rather, Senate Resolution 445 maintains authorizing jurisdiction over significant elements of DHS with at least three different committees. The inappropriately renamed Committee on Homeland Security and Governmental Affairs will have jurisdiction over less than 10 percent of the DHS workforce and less than 40 percent of its budget. Let me repeat that. We didn't even give the proposed Homeland Security Committee the jurisdiction over either the majority of the budget or the personnel of the department.

It is disappointing that the Senate was unable to put aside turf considerations and adopt meaningful reform of its committee structure. Shame on us for not doing better. I intend to raise this issue again when Congress reconvenes in January and hope that my colleagues will join me in that effort.

Once again, I would like to thank Senators COLLINS and LIEBERMAN and their staff for all their hard work on this legislation. I hope they are proud of their efforts.

I yield the floor.

Ms. SNOWE. Mr. President, I rise to support the conference report to accompany the intelligence reform legislation before us today.

First and foremost, I want to recognize and thank my colleague, the Senator from Maine and chair of the Governmental Affairs Committee, Ms. COLLINS, for her exceptional and tireless work throughout the past several months to produce this comprehensive to reform to our nation's intelligence community. I applaud her for undertaking this historic effort and for guiding this legislation through her committee and through the conference with the House of Representatives on a bipartisan basis.

As well, I want to express my appreciation to the ranking member, Senator LIEBERMAN, for his efforts in bringing us to this day. It truly was an enormous undertaking that was assigned to the Governmental Affairs Committee, and I want to thank them for all they have done on this intelligence reform legislation.

Intelligence community reform is not a new issue. Since the First Hoover Commission in 1949, studies have been conducted, commissions have been established, and reports have been issued on how best to structure and reform our Intelligence Community.

Despite over 50 years of debate on the issue, it was the morning of September 11, 2001, and all that followed thereafter that provided the major impetus to get us where we are today, on the floor of the U.S. Senate passing legislation to finally address what has eluded so many for so long.

To say that September 11 is a seminal moment for our nation is an understatement. That day forever changed the way we view the world. It was that day, more than any one before, that proved that we have entered a new era where our nation faces very different, more pervasive and inimical threats.

It was a day, more than any before, which proved that intelligence is now and must always be our best, first line of defense against a committed enemy who knows no borders, wears no uniform and pledges allegiance only to causes and not states.

It was a day that has proven that the intelligence community's old structure and old ways of doing business are insufficient for confronting the challenges of the twenty-first century.

As a member of the Senate Select Committee on Intelligence, my position on intelligence community reform has been steady and consistent. I was an early supporter of comprehensive reform and came to believe that a new Director of National Intelligence was vital in order to address the deficiencies and failures that became evident to us as a Congress and as a nation. The work of the Senate Select Committee on Intelligence over the past 2 years in undertaking a thorough review of the pre-war intelligence on Iraq's weapons of mass destruction programs, the regime's ties to terrorism, Saddam Hussein's human rights abuses and his regime's impact on regional stability allowed me to delve into those failures and ask pointed questions about the methods and organization of the community.

After the in-depth analysis of 30,000 pages of intelligence assessments and source reporting, and the interview of more than 200 individuals, the committee produced a report in July, 2004 that indisputably begged for intelligence community reform.

I joined several of my colleagues, most notably, Senator FEINSTEIN, on legislation overhauling the community and championing the idea of establishing a position, to be filled by single person, independent from the day to day responsibilities of running a single intelligence agency, and whose sole responsibility is to lead and manage the intelligence community. The Feinstein legislation, I believe, was a catalyst from which to begin this reform and I am proud to have been associated with it. Senator FEINSTEIN's early and steadfast work on this issue was crucial and I commend her for her dedication and vision.

The conference report we have before us today is not perfect. It is not, in my mind, an ideal solution. There are holes some glaring that I believe should be filled. But the fact that we are on the precipice of passing such a landmark package is indeed impressive. This bill is a product of compromise and again, I want to thank my Senate colleagues, led by Senators COLLINS AND LIEBERMAN, who served on the conference committee that produced this bill.

Mr. President, issues of accountability have often been central to the work we as Senators do in seeking to bring better government to our constituents particularly when matters of national security are at stake.

In that vein, Mr. President, before the release of the 9/11 Commission report earlier this year, I introduced stand-alone legislation—cosponsored by Senator MIKULSKI creating an Inspector General for Intelligence. The "Intelligence Community Accountability Act of 2004" proposed an independent inspector general for the entire intelligence community all fifteen agencies and department members. I introduced this legislation largely as a result of my experience as a member of the Senate Intelligence Committee and the revelations of the investigation on the pre-war intelligence of Iraq.

The version of the reform bill adopted by the Senate in October embraced the concept and spirit of my earlier bill and included language creating an Inspector General for the Director of National Intelligence.

I was disappointed to learn that much of the language included in the Senate-passed version of the bill was not ultimately included in the final package before us today. The conference agreement gives the DNI the authority to establish an IG according to the guidelines set forth in the Inspector General Act of 1978. Unfortunately, the conference agreement does not mandate that he establish an IG.

I want to make clear my intentions to continue working for better and more comprehensive accountability in our intelligence community. It is my view that the scaling back of the Inspector General provision in this bill flies in the face of the 521 page report that followed the Intelligence Committee's investigation on Iraq pre-war intelligence and ignores vital problems of information sharing that have been found throughout the community.

My strong preference would be to codify and explicitly define expanded authorities for the DNI's inspector general rather than simply give the DNI the authority to create an IG on his/her own. While I am pleased that the conference agreement does retain DNI inspector general language in spirit, I am dismayed that it is not stronger.

I firmly believe that a community-wide IG should have the authorities to delve into the coordination and communication between and among the various entities of the intelligence community.

An inspector general will help to enhance the authorities of the National Intelligence Director that we will shortly create, assisting this person in instituting better management accountability, and helping him/her to resolve problems within the intelligence community systematically.

Ideally, the inspector general for intelligence should have the ability to investigate current issues within the intelligence community, not just conduct "lessons learned" studies. The IG should have the abilities to seek to identify problem areas and identify the most efficient and effective business practices required to ensure that critical deficiencies can be addressed before it is too late, before we have another intelligence failure, before lives are lost.

In short, an inspector general for intelligence that can look across the entire intelligence community will help improve management, coordination, cooperation and information sharing among the intelligence agencies. A strong, effective IG will help break down the barriers that have perpetuated the parochial, stove-pipe approaches to intelligence community management and operations.

Too many incidents of failure to prevent attacks, failure to properly collect the needed intelligence, failure to adequately analyze that intelligence and failure to share information within the community beg for better accountability in the entirety of the community. Who better to do this than a single IG, who can reach across the community, work with the existing individual agency IG's, and confront any problem with a macro, overarching view? This remains an issue on which I look forward to further working with my colleagues in the very near future.

As I stated earlier, members of the Senate Select Committee on Intelligence have spent a great deal of the past year looking at the intelligence available to national policymakers in the run-up to military action in Iraq. One of the major conclusions we drew was that the intelligence community suffered from a collective presumption that Iraq had an active and growing weapons of mass destruction program and that this "group think" dynamic led intelligence community analysts, collectors and managers to both interpret ambiguous evidence as conclusively indicative of a WMD program as well as ignore or minimize evidence that Iraq did not have active and expanding weapons of mass destruction programs.

From our review, we know the intelligence community relied on sources that supported its predetermined ideas, and we also know that there was no alternative analysis or "red teaming" performed on such a critical issue, allowing assessments to go unchallenged. This loss of objectivity or unbiased approach to intelligence collection and analysis led to erroneous assumptions about Iraq's WMD program.

For this reason, I believed that was vital that we use this opportunity to reform the intelligence community to ensure that the new National Intelligence Director was given the tools and the authority to ensure that alternative analysis becomes a key component in the development of national intelligence products. To that end, I offered amendment during the Senate debate that called on the Director of National Intelligence to establish, as he sees fit, alternative analysis units within our analysis agencies.

I am pleased the conferees elected to retain provisions within the bill that require the Director of National Intelligence to establish a process for ensuring that elements of the intelligence community conduct alternative analysis of their intelligence products. National policy makers must be confident that the underlying assumptions and judgements of any analysis have been tested and found valid before making decisions that affect our national security.

Another key failure the committee uncovered was in the production of a comprehensive and coordinated intelligence community assessment of Iraq's WMD programs. In fact, a National Intelligence Estimate on Iraq's weapons of mass destruction programs was not written until Congress requested that one be drafted in September 2002, in the midst of the debate about taking military action against Iraq.

We received the NIE just 2 weeks before we voted to authorize the President to take action in Iraq. The intelligence community should have been more aggressive in identifying Iraq as an issue that warranted the production of a National Intelligence Estimate and should have initiated the production of such an estimate prior to the request from Congress.

For this reason, I offered an amendment that would have required the examination of the process by which the NIE's are initiated, developed, coordinated and disseminated to national decision makers. I believe we must develop methods to ensure that NIE's are linked to priorities outlined by the President and Director of National Intelligence and not simply developed in an ad hoc fashion.

It is unacceptable that just weeks before Congress considered the weightiest matter that will ever come before us—the decision to commit our young men and women to war—the intelligence community only first began working on an intelligence estimate on what they would face. We must do better than that. We must have the foresight to know what threats face us in the future and the ability to develop and report accurate and timely national intelligence estimates.

I am disappointed that the final bill passed out of conference did not include provisions for streamlining the development of our National Intelligence Estimate and I will continue to work toward improving that process.

During the year, we in the committee heard testimony that indicated that the effectiveness and interagency coordination within the Terrorism Threat Integration Center left much to be desired so I am vitally interested in what structures work best for integrating the vast intelligence collection, analysis and dissemination efforts necessary to counter the international threat of terrorism. Coupled with the 9/11 Commission's recommendation that a series of such centers be established. I believed it was time that we took the time to understand what worked well in such centers and what didn't. Therefore I amended the Senate bill to require an evaluation of the effectiveness of the NCTC at the end of one year. That evaluation would have included an assessment of whether the NCTC is accomplishing their mission, the state of interagency relations, problems or issues relating to personnel assignments, funding, and so forth.

Unfortunately, with this bill, will not have the opportunity to understand whether the NCTC construct is the best way to approach other threats facing the nation. My concern has been amplified by the merging of the TTIC into the NCTC and the establishment of a National Counter Proliferation Center in this bill. Congress will need to closely monitor the effectiveness of such centers to ensure that they provide the nation with the agility and flexibility we must have to counter the 21st century threats.

The legislation before us today addresses another key issue: the continuing vulnerability of our transportation system. Obviously, failures in transportation security were paramount in the September 11 attacks. As the 9/11 Commission report states, the 9/11 terrorists were "19 for 19" in penetrating our shortcomings. To be sure, we can never secure our entire transportation system 100 percent. But, given the consequences of a failure to secure the system, that doesn't mean we should not expend 100 percent of our effort in trying.

First, the conference report implements the central 9/11 Commission recommendation with respect to transportation security by requiring that the Secretary of Homeland Security develop and implement a national, overarching strategy for transportation security. Timely development of this strategy is critical so that we are able to understand what needs to be done, what we need to do to get there, and to fill the gaping holes in our homeland security system as quickly as possible.

This bill also addresses the issue of air cargo security, which in my view is currently a gaping hole in our homeland security net—particularly when you consider that half of the hull of each passenger flight is typically filled with cargo. As Governor Kean, Chair of the 9/11 Commission, put it, quite simply, before the Senate Commerce Committee this summer, "The Transportation Security Administration must improve its efforts to identify and physically screen cargo."

The bill before us today would help TSA to do just that by incorporating an amendment written by Senator ROCKEFELLER, which I cosponsored, authorizing $600 million to enhance security on both all-cargo and passenger aircraft. The conference report also requires TSA to develop better technologies for air cargo security, authorizes funding for equipment and research and development and to create a pilot program to evaluate the use of currently available and next generation blast-resistant containers.

Overall, with respect to transportation security, I believe that the comprehensive, bipartisan bill before us today will give TSA the tools it needs to carry out his critical piece of the homeland security puzzle—securing our air transportation system.

I have addressed some of the issues that were central to my work on this matter and shared many of my concerns with this conference agreement package. It is critical, however, that I also express my deep sense of satisfaction that we are here today, ready to pass this bill and send it to the President's desk.

We have come a long way this year. And while it is not a perfect product, this legislation is still one the American people can be proud of. As of last week, we were not even sure this accomplishment would be attributed to the 108th Congress or if we would begin anew next year with the 109th. This legislation builds on the recommendations of the 9/11 Commission and also addresses the views of many other studies and related commissions which focused on protecting the United States.

Mr. President, on September 7, 2004, I had the opportunity to question members of the 9/11 Commission during a SSCI hearing and in response to my question about how much we needed to accomplish in this round of reform, former Secretary of the Navy John Lehman reminded us that in the 1947 National Security Act, there were at least three major fine-tunings in the subsequent years.

He told us that the basic framework was passed as one package, but it was recognized there was more needed to be done or refining what was done in the original act. He said that if we could get the framework passed, then the flesh can be put on the bones further down the road. He specifically mentioned that some things such as how many of the national intelligence centers we should establish could wait until the DNI got his feet on the ground but that our primary focus should be to put the framework in place now.

I agree with Secretary Lehman and that is why I will support passage of this bill even while believing we have much work left ahead before we have successfully transformed our intelligence apparatus, in the executive branch and the legislative branch, into an organization that is fully equipped to meet the challenges and threats this Nation will face in the future.

Mrs. BOXER. Mr. President, I am pleased to have this opportunity to vote in support of the Intelligence Reform and Terrorism Prevention Act. Passage of this conference report today is an important step forward in defending our country against the new threats that face us.

While I expect that the overwhelming majority of the Senate will vote in favor of the conference report today, it has not been an easy road to this point. The Bush administration fought tooth and nail against creating an independent commission to investigate the Government's failings leading to the tragic day of September 11, 2001. And, once the 9/11 Commission was established, the President's record of cooperation was spotty, at best. But largely because of the brave efforts and persistence of those families who lost loved ones on 9/11, these obstacles were overcome and the important recommendations made by the bipartisan 9/11 Commission will be enacted into law.

The 9/11 Commission, led by co chairs Thomas Kean and Lee Hamilton, did this country a great service by conducting a thorough investigation of the events leading up to September 11, 2001. The report issued in July contained more than 40 important recommendations that will make us a stronger nation as we work to confront the dangers of global terrorism. Through the hard work of Senator COLLINS, Senator LIEBERMAN and others, these recommendations were incorporated into bipartisan legislation that easily passed the Senate. And although the House of Representatives did not take the same bipartisan approach, the final negotiated conference report is a good bill that will improve our ability to fight terrorism in several ways.

First, the bill creates a new Director of National Intelligence to serve as the head of all 15 intelligence agencies and control their budgets. This person would be accountable to Congress, the President, and the American people in implementing the National Intelligence Program.

Second, the bill requires the President to create a new information sharing environment. The 9/11 Commission found that our ability to defeat terrorism is severely hampered because government agencies are resistant to sharing information. This provision will ensure that information about terrorists is shared not only among Federal agencies, but also between Federal, State and local agencies.

Third, the bill creates a new National counterterrorism Center to plan and coordinate counterterrorism missions and a new National Counterproliferation Center to improve the Government's ability to halt the proliferation of weapons of mass destruction.

Fourth, the bill increases the number of border guards and immigration agents while also improving surveillance capabilities along the southwest border.

Finally, the bill improves security for our aviation system, including additional funds for Federal air marshals. And while I am pleased that conferees took note of my concern about protecting the anonymity of Federal air marshals, I do not believe the final provision is strong enough.

Clearly, this bill cannot be the last piece of legislation we pass to make us safer. There is much more work to be done to protect our ports, our nuclear and chemical plants, and the flying public. Our first responders need far more attention so they have the interoperable communications systems they need, and an adequate number of personnel to protect our streets at all times and for whatever reason. I also believe that we are moving far too slowly on developing countermeasures to protect commercial aircraft against the threat of shoulder fired missiles. I will press hard for action on all of these issues so that we do not simply return to business as usual.

America will never forget the tragedy that took place on September 11, 2001. We are a changed Nation because of it. The families of those who lost their lives that day have done tremendous work in fighting for this bill. That is why I am pleased we are passing this bill today. The Federal Government must do everything it can to prevent another attack and today's vote is a step in the right direction.

Mr. FEINGOLD. Mr. President, with a recognition that this bill is imperfect, and with the firm conviction that this effort is only one step in a much broader effort needed to get this country on the right track to effectively defeat the terrorist forces that have attacked this country, I will vote in favor of the intelligence reform conference report today.

I have tremendous respect for the 9/11 Commission that made the recommendations at the heart of this legislation. Their report was not characterized by an ill-considered rush to simply act, but rather an imperative to act wisely. It was not colored by partisan biases, or tainted by self deluding rosy scenarios about where we stand as a country. I may not agree with every word in the 9/11 Commission's report, but I strongly agree with the vast majority of it, and I believe that the Commission performed a tremendous service for the American people.

Among the most detailed and thoughtful recommendations of the Commission were those focused on the urgent need for reform of America's intelligence community. By stressing unified effort, and most importantly, accountability, the Commission pointed the way toward the reforms contained in this bill.

This bill puts someone in charge of America's intelligence community—someone to be appointed by the President and confirmed by the elected representatives of the American people in the Congress. The Director of National Intelligence will be in charge not simply via title and not only because we reorganized boxes on an organizational chart. This legislation provides real authorities to the DNI in terms of allocating resources, establishing tasking priorities, and ensuring information-sharing to unify our efforts. It is up to the Director to use the powers granted in this bill to make this community function—to make sure that the right people have the right resources and the right priorities, and that they share crucial information with their colleagues.

And I will add that it is up to the President of the United States and this Congress to ensure that the lines of authority and the clear accountability laid out in the language of this legislation come alive. We must insist on real accountability; we must accept nothing less.

The conference report also establishes, in law, the mandate for the National Counterterrorism Center to bring an integrated effort to that urgent priority. If we are ever to connect the disparate dots that can shed light on the methods, the plans, and the vulnerabilities of fluid, flexible terrorist networks that operate in the shadows, we must integrate our own efforts, not as an afterthought, but as a fundamental organizing principle.

However, I am troubled by some provisions that were added in conference that have nothing to do with reforming our intelligence network. The bill includes in section 6001 what has come to be known as the "lone wolf" provision. The lone wolf provision eliminates the requirement in the Foreign Intelligence Surveillance Act, FISA, that surveillance or searches be carried out only against persons suspected of being agents of foreign powers or terrorist organizations. I am very concerned about the implications of this provision for civil liberties in this country.

It is important to remember that FISA itself is an exception to traditional constitutional restraints on criminal investigations, allowing the government to gather foreign intelligence information through wiretaps and searches without having probable cause that a crime has been or is going to be committed. The courts have permitted the government to proceed with surveillance in this country under FISA's lesser standard of suspicion because the power is limited to investigations of foreign powers and their agents. This bill therefore writes out of the statute a key requirement necessary to the lawfulness of intrusive surveillance powers that may very well otherwise be unconstitutional.

By allowing searches or wiretaps under FISA of persons merely suspected of engaging in or preparing to engage in terrorism, the bill essentially eliminates the protections of the Fourth Amendment. I voted against the lone wolf bill when it passed the Senate early in this Congress. I believe there are better and more constitutional ways to deal with a situation where evidence of a connection to a foreign government or terrorist organization is not easily obtained.

Even if section 6001 survives constitutional challenge, it would mean that non-U.S. persons could have electronic surveillance and searches authorized against them using the lesser standards of FISA even though there is no conceivable foreign intelligence aspect to their case. This provision may very well result in a dramatic increase in the use of FISA warrants in situations that do not justify such extraordinary government power.

When the lone wolf provision was considered in the Senate as a stand alone bill last year, I supported an amendment by Senator FEINSTEIN that we thought was a reasonable alternative way to make sure that FISA can be used against a lone wolf terrorist, without eliminating the important agent of a foreign power requirement. The amendment would have created a permissive presumption that if there is probable cause to believe that a non-U.S. person is engaged in or preparing to engage in international terrorism, the individual can be considered to be an agent of a foreign power even if the evidence of a connection to a foreign power is not clear. The use of a permissive presumption rather than eliminating the foreign power requirement would have maintained judicial oversight and review on a case by case basis on the question of whether the target of the surveillance is an agent of a foreign power. The permissive presumption would permit the FISA judge to decide, in a given case, if the government has gone too far in requesting a FISA warrant.

Senator FEINSTEIN's formulation would have put some limit on the government's ability to use this new power to dramatically extend FISA's reach. If the government comes to the conclusion that an individual is truly acting on his or her own, then our criminal laws concerning when electronic surveillance and searches can be used are more than sufficient. True lone wolf terrorists can and should be investigated and prosecuted in our criminal justice system. Section 6001 allows the government to use FISA to obtain a warrant for surveillance even if it knows that the subject has no connection whatsoever with a foreign power or a terrorist organization. That is not right.

I am also very concerned about the material support, section 6601 et seq., and pre-trial detention, section 6952, provisions contained in the conference report. Neither of these provisions was considered by the Senate, or even by the Senate Judiciary Committee. While it appears that the material support provision adopted by the conference is not as broad as the provision contained in the House bill, its full implications cannot possibly be analyzed in the brief time we have to consider this bill.

The material support provision amends and expands the current crime of providing material support to terrorists or terrorist organizations. One federal court, of course, has ruled that a provision of the current statute is unconstitutional because it criminalizes First Amendment protected activities. In January, a federal judge in California ruled that a provision added by the PATRIOT Act criminalizing the provision of "expert advice or assistance" to a terrorist organization was vague and therefore unconstitutional. The judge found that the term "expert advice or assistance" could be interpreted to include unequivocally pure speech and advocacy protected by the First Amendment. The judge found that the PATRIOT Act bans all expert advice and assistance, including providing peacemaking or conflict resolution advice, and places no limitation on the type of expert advice and assistance that is banned.

The conference report attempts to cure this constitutional defect in the law. It states that the law criminalizing providing material support to a foreign terrorist organization shall not be construed to abridge rights guaranteed by the First Amendment. The conference report also allows an exception for providing personnel, training, or expert advice or assistance that is approved by the Secretary of State and the Attorney General. But I am not convinced that these provisions cure the constitutional flaws. And expanding this provision is therefore the wrong way to go.

Furthermore, as I noted earlier, the material support provision in the conference report has not been debated and analyzed in the Senate Judiciary Committee or even on the floor of the Senate when this bill was considered before the election. The 9/11 Commission strongly recommended that when determining whether to expand Federal law enforcement power, the burden is on the executive branch to show how its proposals would materially enhance security and what steps it will take to ensure the protection of civil liberties. The executive branch has not even started to meet that test here. We don't know how this new provision will work, and what problems might arise because of it. We haven't had the opportunity to consult with experts and consider amendments in the normal legislative process. Congress and the American people deserve a full debate on this issue. Inserting this provision in the conference report without that debate was a mistake.

Similarly, the pretrial detention provision was not recommended by the 9/11 Commission, and the administration has never shown how current law is inadequate. Furthermore, like the material support provision, this provision did not receive adequate consideration by the Senate. At the only hearing where this issue was raised this year, the Department of Justice could not give a single example where current law failed and this expanded presumption of pretrial detention was needed. Current law, which allows for bail to be denied if a defendant is a flight risk or a danger to the community, is fully adequate to cover the kinds of terrorism cases where bail should not be granted. Reasonable bail is a constitutional right. I am very troubled by the expansion of the presumption that bail will be denied.

Unfortunately, this Justice Department has a record of abusing its detention powers post-9/11 and of making terrorism allegations that turn out to have no merit. It is worth noting that the crime of material support of terrorism, which has been expanded in this bill, is one of the crimes where a suspect is presumptively denied bail. In sum, as with the material support provision, the administration has not met its burden of showing how the expanded pretrial detention provision is necessary and would not impair constitutional rights and protections. It has no place in this bill.

This bill is not perfect. Over time, as the new structure begins to operate, we may find that additional changes are needed. But the conference report takes critically important steps in the right direction. I commend Senators COLLINS and LIEBERMAN for working tirelessly to ensure that this legislation becomes law this year.

Mr. REID. Mr. President, the United States of America today is the greatest military force in history. Our men and women in uniform are second to none. Nobody disputes our military superiority. And yet, military might alone will not win the war on terror.

Military might alone will not win because our enemies will never meet us face to face. Instead, they will try to hit us when we aren't looking. That is why good, solid intelligence is one of our most important weapons in the war on terror.

Our enemies caught us off guard on September 11, 2001. And even as we vowed that it must never happen again, we realized that we needed to make some fundamental changes in our intelligence agencies. The creation of the 9/11 Commission was a major step toward needed change. There was initially some political opposition to this Commission, but mainly because of the unrelenting support of the families of 9/11 victims, we created the Commission.

One of these family members is Denise Keasler of Las Vegas, who lost her daughter, Karol Keasler, in the twin towers. Karol worked on the 89th floor of the World Trade Center. After the first plane hit the north tower, she called her mother to tell her that she was OK. Then the line went dead.

Like many of the people who lost loved ones that day, Denise has dedicated herself to reforming our intelligence system. And was because of the dedication of people like her that the 9/11 Commission was created. Once the Commission was in place, its members rose above partisan politics. They unanimously passed a report that contained comprehensive recommendations to make our intelligence better and our country safer. The Senate responded to the Commission's work and on October 6 overwhelmingly passed a reform bill that enjoyed the support of the commission and the families.

This conference report also enjoys the strong support of the 9/11 Commission, and the families who lost loved ones. Most important of all, it enjoys the strong support of the American people. This bill creates a strong National Intelligence Director and a Counterterrorism Center, as well as an independent board to protect our civil liberties.

These reforms will make it harder for information to slip through the cracks of our intelligence system. They will make it easier for our intelligence officials to connect the dots and see the kind of warnings that could have prevented the tragic events of 9/11. They will make it easier to coordinate the efforts of the 15 different agencies that are responsible for providing the good intelligence we must have to win the war on terror.

Along with the Congressional reforms we achieved in October, we have improved our intelligence operations and followed the key recommendations of the 9/11 Commission.

I appreciate the hard work of the Commission and its co-chairs Tom Kean and Lee Hamilton, who endorsed this conference report. I appreciate the House leadership for allowing a vote on this bill, despite opposition from many members of the majority parry. And of course our Nation owes a debt of gratitude to Denise Keasler and all the other Americans who lost loved ones on 9/11, and who fought tirelessly for these reforms.

Denise said today that she is so glad this bill is passing, because she doesn't want a single other American to endure the kind f pain that she has suffered since her daughter was killed on 9/11. That is the goal we all share. This bill will move us closer to making our country safer.

Mrs. FEINSTEIN. Mr. President, I today offer my support for the conference report on the Intelligence Reform and Terrorism Prevention Act of 2004. Simply put, this legislation represents the first, and most critical, step towards bringing our national security structure into the 21st Century.

I begin by offering my thanks, and praise, to Senators SUSAN COLLINS and JOE LIEBERMAN. This bill would never have been done without their extraordinary work. Their effort combined intellectual distinction and adherence to the best traditions of the United States Senate. They were able to construct good, solid law and then build a consensus that crossed party lines in the midst of an intensely political season.

When we speak of how the Senate should work with a spirit of collegiality and mutual respect—we are talking about Senators COLLINS and LIEBERMAN, and what they did here to make America safer.

This legislation is particularly important to me, for I have been working to bring about the essential reform contained in this law—the creation of Director of National Intelligence to effectively lead the intelligence community—for a long time.

This work began in 2002, when I introduced the Intelligence Community Leadership Act, which would have created a Director of National Intelligence with authority over budget, personnel, and strategy, similar to what is in the bill before the Senate today.

First, the Senate and House Intelligence Committees joined together to create the "Joint Inquiry into the attacks of September 11th, 2001." That inquiry carefully examined the intelligence-related background of the attacks.

The resulting report had, as its very first recommendation, the creation of a Director of National Intelligence. This recommendation was unanimously adopted by both the Senate and House Intelligence Committees.

The following year, the Senate Intelligence Committee examined the intelligence relating to the assertions that Iraq possessed weapons of mass destruction.

As we all know, no such weapons were found, despite prewar intelligence which unambiguously stated that Saddam Hussein both possessed and intended to use such weapons.

The findings of that report illustrated what the Joint Inquiry had found the year before: The failures were in part due to flaws in the intelligence community, most notably the lack of an effective leadership structure.

Even as the Senate Intelligence Committee was completing its work, so too was the 9/11 Commission.

Again, their findings were clear. The Commission found that America's intelligence community needed structural reforms, most important of which was the creation of a single head of the intelligence community, with adequate budget, personnel, and statutory authority. Further, that person could not simultaneously serve as Director of the Central Intelligence Agency.

In the beginning of this Congress, I reintroduced the original 2002 legislation, and soon I was not alone. Senators SNOWE, LOTT, WYDEN, and MIKULSKI joined my effort, along with Senators ROCKEFELLER and GRAHAM, the current and former Vice Chairman of the Intelligence Committee.

In August of 2004, I wrote with Senators SNOWE, GRAHAM, MIKULSKI and WYDEN to the President asking for his "support and assistance in moving forward with legislation to make needed changes to the structure of our nation's intelligence community." I ask unanimous consent that this letter be printed in the RECORD immediately following this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Soon thereafter, Senators COLLINS and LIEBERMAN were given the monumental task of moving forward with the project of intelligence reform. They were certainly the right choice. I provided my legislation to them, and I am pleased that much of it was included in their finished product, which in turn forms the basis for the conference report we are considering today.

Let me now turn to the substance of the law we are about to vote upon, noting that this legislation is just a first step towards reform. It is a top-level structural change that is designed to lay the groundwork for the deep cultural, bureaucratic and operational changes which are needed throughout the intelligence community. The DNI will have a big job to do, and this legislation is just the beginning.

As I have noted, the way our intelligence community is structured is fundamentally flawed. It is unsuited for the 21st century. The old days of the Soviet Union and Communism are over, replaced by a world of asymmetric threats, rogue states, and shifting terror organizations.

The most important of these structural failings is related to what under current law is called the office of the Director of Central Intelligence, known as the DCI. That title involves two separate, and I believe incompatible, jobs head of the intelligence community and head of the Central Intelligence Agency.

Thus, there is only a nominal head of the intelligence community, who cannot be effective. This is because of two problems built into its structure.

The first problem is that the DCI has two basic, incompatible jobs: Leader of the intelligence community, which includes 15 agencies and departments, and in that role is the principal intelligence adviser to the President; and leader of the Central Intelligence Agency, which is only one of the 15 agencies which make up that big, and sometimes fractured, community.

These two jobs cannot effectively be held by one person. Each is a full time job. They require full and undivided attention.

Perhaps worse, they can be in direct conflict, because what is good for the intelligence community in terms of mission, resources, and strategy, may not be good for the "troops" at the Central Intelligence Agency.

Secondly, under the current structure, the DCI lacks basic tools needed to run any large government department budget, personnel, and statutory authority.

Today, the DCI nominally administers the nuts and bolts functioning of the intelligence community, money and people. I say "nominally" because the DCI does not really control all that much of that money, or the people who use that money to run operations, conduct analysis, and build spy systems.

The solution to this problem is to ensure that the position of intelligence community director is provided real budget authority, real personnel authority, and real authority to set strategy and policy, and this bill does that.

This conference report includes compromises that slightly diminish these authorities as they were originally conceived in the Senate bill which overwhelmingly passed in September.

I would have preferred that the DNI have more authority, but I understand and respect the concerns raised by some, including my friend and colleague Senator WARNER of the Armed Services Committee, that we could unintentionally harm the uniformed military.

The result is a compromise, and I think we can and should live with that compromise.

The structure that is set out in the conference report closely tracks what originally was contained in the 2002 Intelligence Community Leadership Act: It creates a Director of National Intelligence, separate from the CIA Director; The DNI is given adequate budget, personnel and strategic planning authority; The DNI can set priorities for intelligence collection and analysis, and manage tasking across all 15 agencies.

It also contains some ideas advanced by the 9/11 Commission which I believe are important. Most important of these is the creation of a National Counterterrorism Center, which will serve under the DNI when engaged in intelligence-related matters. It also includes the creation of a Directorate of Intelligence within the Federal Bureau of Investigation.

What is the bottom line? It is that, with the passage of this bill, we will have taken a critical concrete step towards equipping our Nation to defend against the enemy of the 21st century—terrorists, rogue states and others who would do us harm.

We recognize that what worked in 1947 does not necessarily work today. We create a new intelligence community, and a new leader of that community, with stature and authority to do the job.

I thank my colleagues in this and the other body who worked so hard to bring us to where we are today, prepared to pass a truly historic law which will make everyone safer in an unsafe world.

EXHIBIT 1

U.S. SENATE,
Washington, DC, August 3, 2004.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write to seek your support and assistance in moving forward with legislation to make needed changes to the structure of our Nation's Intelligence Community. We are co-sponsors of the "Intelligence Community Leadership Act of 2003," which was first introduced on January 16, 2003, legislation which we believe is a valuable starting point for this effort.

That legislation closely matches the recommendations recently made by the 9–11 commission, most importantly by "splitting" the two jobs held by one person into two: a "Director of National Intelligence" to lead the Intelligence Community, and a "Director of the Central Intelligence Agency" to provide leadership for the CIA.

You announced yesterday your support for the creation of a Director of National Intelligence to oversee our nation's intelligence agencies. In addition to this fundamental structural change, we agree with many of the Commissioners' most important recommendations concerning additional intelligence reform. We look forward to working with you in implementing these important reforms.

We would welcome the opportunity to discuss the legislation with you, and look forward to working together to address these critical issues.

Sincerely yours,
DIANNE FEINSTEIN,
OLYMPIA J. SNOWE,
BOB GRAHAM,
BARBARA A. MIKULSKI,
RON WYDEN,
United States Senators.

Enclosures as described.

Mrs. MURRAY. Mr. President, I rise today to express my support for the Intelligence Reform and Terrorism Prevention Act of 2004. This landmark legislation will modernize and unify our intelligence community and help ensure the safety of our country.

I strongly support this vital intelligence reform bill. The 9/11 Commission worked incredibly hard to identify how to better protect our country from terrorism and gave us an excellent roadmap to protect our people. We in Washington State are proud of the outstanding work put in by Commissioner Slade Gorton. He has again done his State proud in service to our country.

My colleagues, Senators COLLINS and LIEBERMAN, deserve a great deal of credit for getting us here today. When some thought that real reform of our intelligence community was just a dream, too complicated to be realized, it was their dogged determination to craft a good piece of legislation that carried us through. And when others threw roadblocks in their path, it was their patience and perseverance that allowed us to come together and put the safety and security of our nation before politics.

I especially commend the September 11 families who bravely stood up and spoke out in favor of creating the Commission. They forced our Government to fully examine the terrorist attacks and to find ways to make our people safer. Their brave advocacy has made a difference, and this bill is a fitting tribute to their loved ones.

As a member of both the Homeland Security Appropriations Subcommittee and the Senate's 9/11 Working Group, I have looked closely at these challenges. Over the past few years, I have worked closely with the Department of Homeland Security, including the Coast Guard, FBI, TSA, Border Patrol, as well as the National Guard and local law enforcement throughout Washington State. Through our work together, I have learned first hand the difficulties they face every day in defending our country.

We need clear direction for our country's intelligence community. The Commissioners stressed better coordination between the various intelligence agencies, and this bill accomplishes that and so many other important goals. I am glad that in the same bipartisan spirit that the 9/11 Commission showed throughout their work, we in Congress were able to work through our differences to pass this most important reform bill.

I fully support the steps this bill in taking in several areas, including:

Intelligence—through the creation of a Director of National Intelligence, DNI, this bill restructures and strengthens the intelligence community. The DNI will have the authority and resources to transform the intelligence community into an agile network to fight terrorism.

Information sharing—the 9/11 Commission recommended a new, Government-wide approach to information sharing. This bill will facilitate information sharing among Federal, State, local, tribal, and private sector entities.

Privacy and civil liberties—this bill creates an oversight board that will ensure privacy and civil liberties are appropriately considered as laws regulations, and policies are implemented to protect our country against terrorism. This oversight board will safeguard individual's rights.

Transportation security—the 9/11 Commission highlighted several deficiencies in transportation security. This bill will improve passenger prescreening on airlines and cruise ships and require the TSA to develop better technologies for air cargo security.

Border and immigration enforcement—this bill includes provisions to enhance security of our borders and enforce border and immigration laws. It allows the Secretary of Homeland Security to carry out a pilot program to test advanced technologies that will improve border security between ports of entry along the northern border of the United States. These technologies would be used for border surveillance and operation in remote stretches along the border where resources are stretched thin.

Since the tragedy of September 11, Congress has passed strong legislation to protect the homeland only to see the President fail to request adequate funding to achieve the homeland security mission. We can not play homeland security roulette forever and expect to successfully defeat terrorism. To best protect the American people, we must fund our intelligence and homeland security efforts to swiftly implement these changes.

Today's action is an important step toward achieving a truly integrated national effort in the global war on terror. This bill makes significant changes necessary to meet current and future national security challenges.

I am proud to support this historic legislation, and I look forward to working with all of my colleagues in the Congress and the administration to provide the critical funding needed to achieve the homeland security mission.

Mr. CORZINE. Mr. President, I am pleased today to vote for the Intelligence Reform and Terrorism Prevention Act of 2004. The bill represents a critical step toward improving our intelligence capabilities. If faithfully implemented, it will allow our intelligence community to coordinate its efforts to thwart terrorism and defeat terrorists abroad. The establishment of a Director of National Intelligence is also necessary if we are to successfully prioritize our efforts to fight terrorism, confront threats from nation states, stabilize failed states that act as breeding grounds for terrorists, and stop the proliferation of nuclear and other dangerous weapons. The Director will also be responsible for ensuring that our policies are once again informed by accurate and objective intelligence.

Improving our intelligence capabilities is especially important to the people of New Jersey. More than 700 of New Jersey's citizens died on September 11, 2001. At least two of the 9/11 terrorists lived in New Jersey, and the anthrax that struck Washington in October 2001 originated in New Jersey. Our State is also especially vulnerable to terrorist attack. Our transportation infrastructure, chemical plants and ports are not adequately secured, and one stretch of road has been called by the FBI the most dangerous 2 miles in America.

We would not be passing this bill were it not for the families of 9/11 victims. They turned our national tragedy into meaningful reform. They have inspired us, even as they have helped make us safer. This bill is also a testament to the incredible work of the 9/11 Commission. Under the steady leadership of former New Jersey Governor Tom Kean and former Representative Lee Hamilton, the bipartisan commission put our Nation's safety ahead of politics. The Commission brought the country together in understanding the attacks of 9/11 and the events that preceded the attacks. Through its public hearings and transparent approach, they also rallied the country behind the hard, but critical work of intelligence reform.

The bill itself will not, however, make us safer, unless it is fully implemented in letter and spirit. The success of these reforms is also dependent on the people tasked with carrying them out. As a new member of the Senate Intelligence Committee, I will make sure that the bill is implemented as intended, that our intelligence community has the tools and resources to protect us, and that reforming our intelligence does not result in the infringement of our civil liberties. I will also ensure that our intelligence agencies are led by the best people our country has to offer.

Mr. BIDEN. Mr. president, I wish to speak briefly about section 7109 of the bill, which relates to public diplomacy responsibilities of the Department of State. I commend the conferees for setting forth the important statement that public diplomacy must be integral to American foreign policy. I don't have any doubt that Secretary Powell understands that fact, but it is worth codifying this statement in law.

Section 7109 adds a new section 60 to the State Department Basic Authorities Act of 1956, which, as the name implies, is the main operating statute for State Department activities. Subsection (b) of section 60 instructs the Secretary of State to make every effort to coordinate the public diplomacy activities of the Federal Government, and to coordinate with the Broadcasting Board of Governors to develop a strategy "for the use of public diplomacy resources."

The Broadcasting Board of Governors, BBG, is an agency that is separate and distinct from the Department of State. It was established as a separate agency in 1998 for an important reason: to place a "firewall" between the foreign policy makers and the journalists who operate our international broadcast services as a means of protecting journalistic integrity. The Board consists of nine members, one of whom is the Secretary of State. Of course, the two agencies do cooperate, as current law already instructs. The State Department has a voice in the Board's activities through the Secretary's seat on the Board, and the Department has a statutory mandate under the U.S. International Broadcasting Act of 1994 to provide "information and guidance on foreign policy issues to the Board." And, by law, the Secretary must be consulted whenever decisions are made about adding or deleting language services.

The requirement for a strategy under section 60 must be read in light of this existing law. It does not breach the firewall. Rather, it recognizes the reality that creating a public diplomacy strategy for the Government will involve collaboration between the State Department and the BBG. The provision in this legislation does not give the Secretary any more authority with regard to the international broadcasting activities of the BBG than he has under current law, nor does it give the BBG any authority over other public diplomacy activities outside of international broadcasting.

Subsection (b) of section 7109 amends current law to further delineate the responsibilities of the Under Secretary of State for Public Diplomacy. Among other things, this subsection tells the Under Secretary to assist the Broadcasting Board of Governors to "present the policies of the United States clearly and effectively," and to "submit statements of United States policy and editorial material to the [BBG] for broadcast consideration." These provisions are consistent with the current practice under which editorial statements of U.S. policy are reviewed by the Department of State. The language in the bill that material is to be submitted for "broadcast consideration" makes clear that final authority about what is to be broadcast rests with the BBG.

Mr. DODD. Mr. President, I rise today to speak about the conference report of the national intelligence reform bill, which is currently pending before this body. I would like first to commend Senators COLLINS and LIEBERMAN, as well as Representatives HOEKSTRA and HARMAN, for their efforts in crafting this legislation.

Let me be clear from the outset. I support the 9/11 Commission's recommendations, as I think do most of us here in the Senate. The Commission was a bipartisan group whose members dutifully dedicated well over a year of their lives to the protection of our Nation. We owe them a great debt of gratitude—not only for the hard work that went into preparing their report, but for their concerted effort since then to keep the issue of intelligence reform at the front of the national agenda.

But as we all know, many months have passed since the 9/11 Commission issued its report. And our Nation's intelligence system remains broken. That is not because the Senate failed to act. I was pleased in October when the Senate came together in a bipartisan fashion to pass the National Intelligence Reform Act of 2004, which closely followed the important recommendations of the 9/11 Commission. I strongly supported that bill.

Had the House's version of that bill followed the 9/11 Commission's recommendations as closely as the Senate's version, we would not have been here today talking about the lingering need to pass intelligence reform. Unfortunately, House Republicans included several provisions in their bill—and insisted on them during conference—that nearly derailed the entire effort.

The 9/11 Commission urged them to drop these provisions. But their pleas fell on deaf ears.

President Bush was also slow to react. Although he has professed his support for intelligence reform, during most of this time, the President sat on the sidelines as members of his own party nearly prevented its implementation.

Having said that, I am pleased that House-Senate conferees worked out their differences over this measure. I voted in support of this conference agreement a short while ago because reform of our intelligence systems is long overdue. It can not be put off any longer.

In part, this bill achieves some important objectives set out by the 9/11 Commission. It establishes the position of Director of National Intelligence, DNI, the person who, hopefully, will help coordinate the flow of intelligence to the President, as well as set budgetary priorities for a fair amount of our Nation's intelligence activities. Among other things, this bill will also establish a national counterterrorism center, and direct the Transportation Security Administration to take steps to strengthen our transportation security efforts.

But I also have strong reservations about certain aspects of this conference report.

First, the new Director of National Intelligence, DNI, would not be directly in charge of day-to-day intelligence-gathering operations. Indeed, this bill—whose language, in some crucial places, is disturbingly vague—provides that the DNI will not in practice head up the intelligence pyramid providing recommendations to the President.

Instead, the DNI will now have competition from the CIA Director, as well as the Director of the newly created National counterterrorism Center—both of whom will be presidential appointees requiring confirmation by the Senate. Rather than simplification and consolidation, it is possible that this could have the effect of creating new bureaucracies and increasing confusion.

We should remember that among the purposes of creating a DNI was to consolidate intelligence coordination efforts in one person who could craft a suitable budget, ensure sharing of information among agencies, and consolidate information for presentation to the President. It is by no means certain that this purpose will be achieved by this legislation.

Second, although the DNI would have control over much of America's total intelligence budget—roughly $40 billion—he or she would not have control over approximately 30 percent of this total, including certain tactical military intelligence operations. The Department of Defense, DOD, would retain control over those operations and funds.

Why is this a problem? Because these DOD intelligence collection agencies provide three-quarters of our Nation's military and international intelligence. Leaving aside operational control, if the DNI doesn't have budgetary authority over three-quarters of some of our most important intelligence activities, how will that person be able to effectively carry out their job of protecting the American people?

Also of concern are provisions which could affect Americans' civil liberties. For example, this bill will create an FBI intelligence directorate, and it will require the FBI to specifically train and dedicate a group of its agents to gather domestic intelligence against suspected terrorists. Obviously, we need to prevent terrorists from reaching our shores and root them out if and when they are here. But we will have to keep close watch to ensure that Americans' civil liberties are not violated as part of these efforts.

That is why I am so concerned that although this legislation creates a panel to protect civil liberties and to prevent privacy abuses, this panel will not have subpoena power, and its members will serve at the pleasure of the President. This situation calls into question whether, in practice, the panel will be able to fulfill its role of protecting Americans from the excesses of power exercised by their Government.

Despite these reservations, I voted in support of this conference report. We have already waited too long—3 years and 3 months—and the process of intelligence reform must begin. This legislation is a beginning.

The tragedy of 9/11 continues to echo today with each family that lost a loved one that horrible day. No legislative reforms can alleviate that loss or wash away the heart-wrenching pain felt by these families. But if done right, reforms might help prevent another such tragedy from happening again.

That is why I would also offer a word of advice to the administration, to the officials who are eventually confirmed for these posts, and to those whose jobs will be to root out terrorists within our borders. The American people will be watching you, as will Congress. And together, we will make every effort to ensure that the process of reform continues and that Americans' constitutionally guaranteed rights are protected.

Mrs. CLINTON. Mr. President, today is a historic day. We are coming to the end of a process that began immediately after the September 11 attacks and is ending with a historic reorganization of the intelligence community. Today's vote, coming after months of testimony before the 9/11 Commission, weeks of hearings on Capitol Hill and tough negotiations in Congress, represents a signal accomplishment in reforming our government to protect our homeland and fighting the war on terror.

Today's accomplishment, the Intelligence Reform and Terrorism Prevention Act of 2004, would not have been possible without the courage, dedication and hard work of the families of the victims of September 11. It was the persistence and resilience of these brave family members who lost their loved ones on September 11 that led to the creation of the 9/11 Commission. And it was their continued resolve that helped to keep the heat on Congress to insure that those recommendations were put into law. While not every recommendation of the 9/11 Commission is included in this bill, the bill makes historic changes in the way our government will collect and analyze intelligence so that we hopefully never again have to live through a day like September 11.

In the aftermath of September 11, and as the 9/11 Commission report so aptly demonstrates, it is clear that our intelligence system is not working the way that it should. The Commission report, following on the work of prior commissions that have studied the issue, details how we have 15 different intelligence agencies who are not sharing information, not communicating with one another and missing important linkages. This legislation, through the creation of a Director of National Intelligence, DNI, breaks down the artificial barriers in the intelligence community and insures that there is a high level official, answerable to the President, who is working to insure that our intelligence agencies are sharing information and communicating with one another.

This legislation gives the DNI budget authority over the intelligence community which will allow him or her to exercise proper control over the coordination among agencies. In Washington, budget authority means real authority and strengthening the DNI is a major accomplishment of this bill. He or she will also be responsible for budget execution and have the authority to reprogram funds and transfer personnel. These powers will allow the DNI to establish objectives and priorities for the intelligence community and manage and direct tasking of collection, analysis, production, and dissemination of national intelligence.

This legislation also establishes a Privacy and Civil Liberties Oversight Board, as the 9/11 Commission recommended. The creation of this Board is intended to ensure that at the same time we enhance our Nation's intelligence and homeland defense capabilities, we also remain vigilant in protecting the civil liberties of Americans. Our civil liberties define us as Americans. As the 9/11 Commission said, "Our history has shown us that insecurity threatens liberty. Yet, if our liberties are curtailed, we lose the values that we are struggling to defend." The conference report being considered today essentially charges the Board with primary executive branch responsibility for ensuring that privacy and civil liberty concerns will be appropriately considered in the implementation of provisions designed to protect us against terrorism. While the legislation that initially passed the Senate explicitly provided the Board with subpoena powers, the conference report that we are voting on today does not. That omission is unfortunate, and I will work with my colleagues in Congress to address this issue and provide such powers in the future, so that the Board will have the tools it will need to help us maintain the proper balance between our Nation's security and our liberties.

The legislation calls for dramatic improvements in the security of our Nation's transportation infrastructure, including aviation security, air cargo security, and port security. Through this legislation, the security of the northern border will also be improved, a goal I have worked toward since 2001. Among many key provisions, the legislation calls for an increase of at least 10,000 border patrol agents from fiscal years 2006 through 2010, many of whom will be dedicated specifically to our northern border. There will also be an increase of at least 4,000 full-time immigration and Customs enforcement officers in the next 5 years.

While I look forward to a productive debate on immigration issues in the next Congress, I am pleased that there are a number of key immigration reform provisions in this legislation, including those addressing the process of obtaining U.S. visas.

I am also pleased that the legislation addresses the root causes of terrorism in a proactive manner. This is an issue that I have spent a good deal of time on in the past year because I believe so strongly that we are all more secure when children and adults around the world are taught math and science instead of hate. The bill we are voting on today includes authorization for an International Youth Opportunity Fund, which will provide resources to build schools in Muslim countries. The legislation also acknowledges that the U.S. has a vested interest in committing to a long-term, sustainable investment in education around the globe. Some of this language is modeled on legislation that I introduced in September, the Education for All Act of 2004, and I believe it takes us a small step towards eliminating madrassas and replacing them with schools that provide a real education to all children.

But we are being shortsighted if we limit our educational investments to countries with predominantly Muslim populations, and if we focus solely on expanding the number of U.S.-run schools in these areas, as the Intelligence Reform and Terrorism Prevention Act does. Instead, the U.S. should work with the global community to create strong incentives for developing countries to build universal, public education systems of their own. Only then will our investments have the maximum impact because only then will they result in systemic change.

We do not know where the next Afghanistan will spring up, but we do know that extremism will flourish where educational systems fail.

The 9/11 Commission, and the commissions before it, including the Homeland Security Independent Task Force of the Council on Foreign Relations, chaired by former Senators Warren Rudman and Gary Hart Hart-Rudman Commission and the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, chaired by former Gov. James Gilmore III—Gilmore Commission called for dramatic improvements in the sharing of intelligence information. In the immediate aftermath of the 9/11 terrorist attacks, I worked with a number of my colleagues bipartisan basis in focusing on the need for greater sharing of terrorist-related information between and among Federal, State and local government agencies. The sharing of critical intelligence information is vitally important if we are to win the war against terrorism. We need to ensure that our frontline solders in the war against terrorism here at home—our local communities and our first responders—are as informed as possible about any possible threat so that they can do the best job possible to protect all Americans. I am pleased that this legislation mandates major improvements in this regard.

Contained in title VII of the act are provisions from the 9/11 Commission Implementation Act of 2004, legislation introduced by Senators McCAIN and LIEBERMAN and for which I am proud to have been an original cosponsor. Among its provisions are those that address homeland security preparedness, including a call for a unified incident command system and significantly enhancing interoperable communications between and among first responders and all levels of government. Title VII also speaks to the need for allocation of additional spectrum for first responder needs and to assess strategies that may be used to meet public safety telecommunication needs, an issue that I have focused on intensely as cochair of the E-911 Caucus.

I am extremely disappointed, however, that this legislation does not specifically mandate an improvement in how the Federal Government allocates critical homeland security funds to States and local communities around the country. As many of my colleagues know, I have repeatedly called upon the administration and my colleagues to implement threatbased homeland security funding to ensure that the homeland security resources go to the States and areas where they are needed most. I have introduced legislation in this regard and even developed a specific homeland security formula for administration officials to consider.

But threat-based funding is not only important to me and to the New Yorkers whom I represent; it was also a primary recommendation of the 9/11 Commission. Specifically, in its report, the Commission stated:

> We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerability that merit additional support. Congress should not use this money as a pork barrel.

The 9/11 Commission also recommended that an advisory committee be established to advise the Secretary on any additional factors the Secretary should consider, such as benchmarks for evaluating community homeland security needs. As to these benchmarks, the Commission stated that "the benchmarks will be imperfect and subjective, they will continually evolve. But hard choices must be made. Those who would allocate money on a different basis should then defend their view of the national interest." In short, the Commission made unequivocally clear that the current method of allocating the majority of federal homeland security resources, i.e., on a per capita basis alone, must be changed.

Not only did the 9/11 Commission recommend that such changes be made in how Federal homeland security funds are allocated, but commissions before it, such as the Rudman Commission, have strongly recommended it as well. Indeed, the Rudman Commission stated more than a year and a half ago that "Congress should establish a system for allocating scarce resources based less on dividing the spoils and more on addressing identified threats and vulnerabilities. . . . To do this, the federal government should consider such factors as population, population density, vulnerability assessment, and presence of critical infrastructure within each state."

Both the Senate and House-passed intelligence reform bills that were reconciled in this conference report contained language that sought to effectuate this important recommendation but, unfortunately, such language was not included in the conference report. As the 9/11 Commission, Rudman Commission, many other homeland security experts, and I have repeatedly asserted, there are few issues more important to our nation's homeland defense than homeland security preparedness and the proper allocation of the resources to achieve that preparedness. Therefore, I will continue to work as hard as I can with my colleagues on a bi-partisan basis to make the 9/11 Commission's call for threat and risk-based funding a reality.

At the end of the day, this legislation has the capacity to improve our security and make us safer. I would especially like to note the dogged persistence of Senators COLLINS and LIEBERMAN, who were unflinching in their work on this important bill. However, passage of this legislation is just the beginning. We have now given our Government the tools to make a difference. But as with anything in our system, success depends on the independence and accountability of those appointed to carry out these reforms. It is critical that the American people, and we in Congress, insist upon accountability from those whom we are asking to implement these reforms. I look forward to working with my colleagues in the Senate in that effort.

Once again, thank you to the 9/11 families, the 9/11 Commission and all those who have worked to make this legislation a reality. Now the hard work of implementing these reforms begins.

Mr. KYL. Mr. President, today we vote on the conference report on the intelligence reform bill, S. 2845/H.R. 10. As did the House, we will approve it and send it on to the President for his signature.

I strongly believe that our intelligence community must be reformed and appreciate the hard work in support of that objective of those Senate and House Members who have worked on the problem.

Nonetheless, I have mixed feelings about this legislation. I am neither convinced that it will fix the core problems in our intelligence community, nor that it will do no harm. Particularly in time of war, prudence demands Congress fully understand the consequences, both positive and negative, of its actions, and be cautious about mandatory change. At the same time, there are some positive reforms that can be easily implemented. I note the inclusion in the conference report of a number of much-needed provisions, which will help to ensure we have the legal authorities and resources we need to effectively fight terror. In fact, title VI includes about half of the provisions of the Tools to Fight Terrorism Act, S. 2679, an omnibus antiterrorism bill that I introduced earlier this year with several other members of the Judiciary Committee and Senate leadership.

This is the second time the intelligence reform measure comes before the Senate. We previously considered the Senate version in October, prior to the Presidential election. I voted for it to ensure a modified version could be worked out in conference, and, in the interest of allowing it to move quickly, withdrew an amendment on privacy and civil liberties oversight about which I felt very strongly. I did so with great reservations because of the many deficiencies in the Senate bill, but was assured that my concerns would be addressed in the House-Senate conference. I know that a number of my Senate colleagues voted for the bill with a similar understanding.

Unfortunately, I don't believe that some of the commitments to address Members' concerns were fully honored, and I regret that our vote for the bill was used by Senate conferees to suggest almost unanimous Senate support in order to influence House conferees to support the Senate version. The Senator from Maine said the following on October 20: "I'm very proud of the fact that the Senate produced a bill that passed with only two dissenting votes, and I hope that we can likewise produce a product from this conference that will be signed into law shortly." In retrospect, it would have been better to have voted against the flawed Senate bill so House conferees would have understood that it did not enjoy universal support.

Over the last 2 months, I pressed my case on privacy and civil liberties oversight and other issues with the Members of the conference committee, the White House, and others. I know that some of my colleagues have done the same. I have studied carefully the final product on which we will vote, and, though some changes have been made, I still have serious reservations that I will discuss today.

To summarize: Regarding the central thrust of the bill, reorganization does not necessarily equal reform. This bill does reorganize; but it remains to be seen whether this reorganization will improve or damage the system we currently have in place that gets timely intelligence to our warfighters on the ground. Second, though some changes have been made to the language originally adopted by the Senate, I continue to have serious concerns about the effect of the privacy and civil liberties oversight provisions on the ability of our intelligence officers to perform their missions. I am concerned that the manner in which this oversight will be conducted will exacerbate the problem of risk aversion identified by the 9/11 Commission and the Congressional inquiry on the 9/11 attacks. Third, while I am pleased that some House provisions to reform immigration, as well as a provision I offered as an amendment to the Senate bill, were included in the final conference report, I am very disappointed that we have passed up an opportunity to do more in this area to protect our country.

Fourth, while noting my concerns about the intelligence reorganization portion of this conference report, I do want to recognize the inclusion of some important provisions from my Tools to Fight Terrorism Act.

During the debate on the Senate version of the intelligence reform bill, I discussed in detail the shortcomings of the 9/11 Commission's recommendations, on which that bill and this conference report are based. Former Secretary of Defense James Schlesinger aptly summarized what I believe to be the key problem: "[The Commission] has . . . proposed a substantial reorganization of the intelligence community—changes that do not logically flow from the problems that the Commission identified in its narrative."

A number of former officials also cautioned Congress from acting hastily to pass legislation without a complete understanding of the problems. For example, the Center for Strategic and International Studies released a statement before the original Senate vote on S. 2845, which warned: "Rushing in with solutions before we understand all of the problems is a recipe for failure." The statement was endorsed by: former Senators David Boren, Bill Bradley, Gary Hart, Sam Nunn, and Warren Rudman; former Secretaries of Defense Frank Carlucci and William Cohen; former Deputy Secretary of Defense John Hamre; former Director of Central Intelligence Robert Gates; former Secretary of State and National Security Advisor Henry Kissinger; and former Secretary of State George Shultz.

In recent weeks, the editorial pages of several major papers, while not necessarily sharing the same substantive positions, have strongly urged Congress to begin a new process next year to pursue intelligence reform, rather than rush to pass legislation this year. The Wall Street Journal in a November 22 editorial commented: "If this reform is really so vital, it will get done, but better to do it in a more considered fashion next year." Similarly, in response to Congress not considering the conference report before Thanksgiving, the Washington Post ran an editorial which stated: ". . . the legislation's failure strikes us as a benefit. More time and more careful deliberation is needed before such sweeping changes are enacted." And the Washington Times ran an editorial on November 30 which advised: "Intelligence reform is necessary, and reasonable people can disagree on what constitutes a good bill without being insulted. Rather than getting it now, we urge Congress to focus on getting it right."

I don't believe we can say with reasonable certainty that we are getting it right. In large part, this conference report sets up a new bureaucratic structure. It does not, however, tackle the more difficult issue of resolving cultural problems within the intelligence community, including risk aversion, group think, and a failure of leadership. These problems, along with other matters, like immigration reform and legal tools and resources for fighting terror, all identified by the 9/11 Commission, must be addressed if we are to improve our ability to predict and prevent future terrorist attacks. Indeed, those who say that this bill is needed to prevent another 9/11 can no more guarantee that result than those who advocate the status quo, reason being that neither scenario really gets at the core issues.

Additionally, and as I already mentioned, we should be mindful of the fact that we are making drastic changes to the structure of our intelligence community and the process by which it operates, while our country is fighting a war. I discussed these concerns on the floor of the Senate during the floor debate on S. 2845, the Senate version of the intelligence bill, stating:

> In his testimony, Secretary Rumsfeld discussed in detail his concerns about how intelligence community reorganization could potentially adversely affect the Defense Department. He expressed his strong reservations about the national collection agencies—the NSA, NGA, and NRO—being removed from the Defense Department (where they are now located) and aligned under the direct leadership of the National Intelligence Director. He stated:
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> "We wouldn't want to place new barriers or filters between the military Combatant Commanders and those agencies when they perform as combat support agencies. It would be a major step to separate these key agencies from the military Combatant Commanders, which are the major users of such capabilities."
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> The Defense Department worked tirelessly in the decade after the first Gulf War to ensure that the speed and scope of intelligence support to military operations would be improved for future conflicts. It was General Schwartzkopf's view that the national intelligence support during Desert Storm was not adequate. Now, as we've seen from the success of our military operations in Afghanistan, Iraq, and the broader War on Terror, "gaps and seams," as Secretary Rumsfeld refers to them, have been drastically reduced.
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> General Myers, Chairman of the Joint Chiefs of Staff, also expressed his concerns on the subject during his testimony to the Senate Armed Services Committee, stating:
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> ". . . for the warfighter, from the combatant commander down to the private on patrol, timely, accurate intelligence is literally a life and death matter every day. . . . As we move forward, we cannot create any institutional barriers between intelligence agencies—and of course that would include the National Security Agency, the National Geospacial-Intelligence Agency, and the National Reconnaissance office and the rest of the warfighting team."
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> I am concerned that the reorganization package before the Senate places this effective system in jeopardy.
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> In S. 2485, the NSA, NGA, and NRO remain within DOD; but this is somewhat deceiving. These national collection agencies will also be within the newly defined "National Intelligence Program." The Committee-reported bill would essentially remove the Secretary of Defense from any meaningful management role over these agencies.
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> First, the National Intelligence Director would have the authority to appoint the heads of these agencies, albeit with the concurrence of the Secretary of Defense. What makes this unusual and potentially problematic? Well, consider the fact that the Director of the National Security Agency, a General Officer, is dual-hatted as the Deputy Commander for Network Attack, Planning, and Integration at Strategic Command, or that the Director of the National Reconnaissance Office also serves as an Under Secretary of the Air Force. These positions truly support the mission of the Defense Department.
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> Second, the National Intelligence Director would have the authority to execute the budgets of these agencies. It is one thing to say that the NID should manage the entire budget for the National Intelligence Program, and, therefore, to help develop agencies' budgets and even receive their appropriation. It is quite another to altogether remove the Secretary of Defense from the loop by requiring that the NID suballocate funding directly back to the agencies. This effectively removes the Secretary from the management loop.
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> I have studied the Defense Secretary's testimony to the Senate Armed Services Committee, as well as the testimony of other experts. I am also aware that there were some good amendments in the Committee markup to help preserve the Defense Department's equities. But I am still not convinced that we are doing no harm. As General Myers commented during the course of the Senate Armed Services Committee's discussion on the subject, "[T]he devil's in the details."

The chairmen of the House and Senate Armed Services Committees, as well as other Members of the House and Senate, have played a vitally important role in conference negotiations to make sure that intelligence support to our combatant commanders will not be disrupted. They worked tirelessly to see that changes, some of which the

Chairman of the Joint Chiefs of Staff said were needed, would be included in the conference report. I applaud their efforts, and appreciate the changes that conferees were willing to make.

Many of the potential defense-related pitfalls of the reorganization that I discussed in the context of the Senate bill have been improved upon. One crucial change is the following provision intended to ensure that the military chain of command is protected: "The President shall issue guidelines to ensure the effective implementation and execution within the executive branch of the authorities granted to the Director of National Intelligence by this title and the amendments made by this title, in a manner that respects and does not abrogate the statutory responsibilities of the heads of the departments of the United States Government concerning such departments . . ."

Despite the improvements that have been made, and the protections that have been added, I still believe that we simply don't know for sure how the changes we are making will affect the system we currently have in place to support our men and women in uniform. For that reason, we must commit to carefully monitor this legislation's implementation, specifically, the DNI's authority to transfer military personnel within the National Intelligence Program, authority to reprogram and transfer funds, and the role of the DNI in intelligence acquisition programs managed largely by the Defense Department—and be prepared to make changes if necessary.

Perhaps the key concern I have with this conference report is its privacy and civil liberties oversight provisions, which are totally extraneous to any problem related to 9/11 and will exacerbate the cultural problems in the intelligence community, in particular, the problem of risk aversion.

Risk aversion, which plays out not only in the intelligence community, but also in foreign policy decision-making, economics, business investments, and so on, is the tendency to avoid action which might be criticized after the fact because of a poor outcome. There are many potential causes a particular action might have adverse, unintended consequences, might get one into trouble with one's superiors, or might simply draw unwanted attention. When an individual or a Government acts, there is always a calculation of risk; but some Governments and some individuals are more willing to take chances than others. This is a product of both leadership and environment. Risk aversion has contributed to numerous intelligence failures, including the September 11 attacks, according to the 9/11 Commission.

One contributor to risk aversion is the belief that third parties, including congressional committees, will challenge decisions after the fact. The Privacy and Civil Liberties Oversight Board included in the Senate bill is just such an institution.

I introduced an amendment to the Senate bill which would have modified the privacy and civil liberties oversight provisions because I strongly believed that the bill would have exacerbated the problem of risk aversion by creating a redundant oversight bureaucracy and an unaccountable oversight Board with inappropriate authority over Government officials and private individuals. The bill went far beyond the recommendation of the 9/11 Commission, which was to create an executive branch board to oversee privacy and civil liberties and advise the President. The President created such a board through Executive order in August.

In summary, the Senate bill would have established: two officers within the National Intelligence Authority, one responsible for privacy, the other for civil rights and civil liberties; an inspector general within the National Intelligence Authority, who, in part, would monitor and inform the National Intelligence Director of any violations of civil liberties and privacy; an Ombudsman within the National Intelligence Authority to protect against so-called "politicization" of intelligence; a Privacy and Civil Liberties Oversight Board with extensive investigative authorities; and privacy and civil liberties officers within the Departments of Justice, Defense, State, Treasury, Health and Human Services, and Homeland Security, the National Intelligence Authority, the Central Intelligence Agency, and any other department, agency, or element of the Executive Branch designated by the Privacy and Civil Liberties Oversight Board to be appropriate for coverage.

While I believe that privacy and civil liberties should be protected, I do not believe that oversight should be conducted in a manner that causes intelligence officers to be more worried about getting into trouble than about performing their missions. The question is whose civil liberties are jeopardized by improvement of our intelligence capabilities? The Taliban? Al-Qaida? Saddam Hussein? Not American citizens. The attacks of 9/11 were not caused by civil liberty deprivation; but by inadequate intelligence and immigration law deficiencies. So why hobble intelligence capabilities because of a perceived problem that has never been identified and was in no way involved in the 9/11 attacks? To the extent there is concern about laws such as the Patriot Act, they can be dealt with in the reauthorization of that Act. Such concerns have nothing to do with intelligence reorganization.

My amendment would have eliminated some of the redundancy, for example, by paring back the number of officers within the office of the National Director of Intelligence responsible for privacy and civil liberties oversight, and altered the power of the Privacy and Civil Liberties Oversight Board by eliminating subpoena authority and the Board's authority to compel executive branch compliance with its requests.

In the interest of allowing the intelligence bill to move forward quickly through the Senate, and noting that the House bill's provisions on the subject were more reasonable, I withdrew this amendment with a verbal understanding that my concerns would be addressed in the House-Senate conference. I pressed my case firmly in writing with the conferees, outlining my concerns and suggesting various "fixes."

Some improvements have been made in the conference report. For example, the conference report consolidates the positions within the office of the National Director of Intelligence responsible for privacy and civil liberties oversight into one. But the authorities of the Privacy and Civil Liberties Oversight Board, which was contained in the Senate bill but not in the House bill, remain problematic. Subpoena authority over private individuals, which would have been entirely inappropriate, particularly given the location of the Board in the Executive Office of the President, was removed, and the Board will now be accountable to the President. But the authority to compel executive branch compliance with Board requests remains. And this is the real problem.

Departments and agencies are required to comply with any Board request unless a waiver is exercised by the National Director of Intelligence or the Attorney General. This places an additional burden on two key officials, whose attention should be directed toward other issues, including preventing a future terrorist attack. It also will likely foster an environment in which our intelligence officers are increasingly cautious, or risk averse, about completing the very tasks that are required to fulfill their missions. Just because a Board request to a Department-head does not necessarily rise to the level of reasonably exercising a waiver does not mean that it does not act as a deterrent or a distraction to those serving honorably in the intelligence community.

Consider this example: The International Red Cross complains that terrorists captured in Pakistan are treated poorly and convinces the Civil Liberties Board to investigate. The Board demands that our CIA station chief in Pakistan testify about what he knows. The DNI demurs on grounds of national security, or doesn't. The hue and cry about "secrecy" and "cover-up" cause the DNI to allow the Board to interrogate the CIA official. Can anyone deny the national security implications, let alone the resulting risk aversion that would settle into the entire intelligence community? It would be disastrous.

I intend to monitor closely the action of this Board once it is put into place to ensure that its investigations and public reporting requirements do not adversely affect our intelligence community, and will urge further limitations on its authority. Fighting terrorists abroad means spying, gathering intelligence. Civil liberties for terrorists should not be high on the list of U.S. reforms for intelligence collection. Again, 9/11 was caused by intelligence failures, not insufficient attention to terrorists' civil rights. A sense of perspective would have eliminated the most egregious features of the conference report.

With regard to the immigration provisions included, or not included, in the final bill, I am pleased that a provision I authored requiring mandatory interviews for non-immigrant visa applicants was retained. I am also pleased that some other immigration reform provisions were included in the conference report, including an authorization for an increase in Border Patrol agents by 2,000 in each of fiscal years 2006–2010; an increase of Immigration and Customs Enforcement agents by 800 in each of fiscal years 2006–2010; an increase in detention beds by 8,000 in each of fiscal years 2006–2010, with priority for the use of these beds to detain aliens charged with inadmissibility or deportability on security grounds.

I am also pleased that a requirement to develop and implement a plan to require a passport or other document, or combination of documents, sufficient to denote citizenship and identity for all travel into the U.S. by U.S. citizens and nationals from Western Hemisphere countries, for whom such requirements have previously been waived, is included in the conference report. And that a provision requiring a detailed plan from the Department of Homeland Security, within 180 days, about how to accelerate the full implementation of the biometric document requirement of the Border Security Act that Senators FEINSTEIN, KENNEDY, BROWNBACK, and I authored, will be included. There are other good provisions.

I am very troubled, however, that many of the important immigration reform provisions included in the House-passed bill were either altered significantly or left out of the conference report. I understand that Members have been assured that such provisions will be considered next year. As the chairman of the Senate Judiciary Subcommittee on Terrorism and a senior member of the Immigration Subcommittee, I have witnessed many times the opportunities for real immigration reform slip through our fingers. This conference measure represents one example.

There is no real substantive reason that these important provisions, which were described as immigration reforms but can also be accurately be described as counterterrorism measures, should not have been included in the final bill. The primary goal of this legislation, is to better enable the U.S. Government to prevent future terrorist attacks like that which occurred on 9/11. Many of the House-passed immigration provisions ultimately excluded from the final conference report would have enhanced the Government's ability to prevent entry of, and find, terrorists who wish harm to our country.

The public and media debate about immigration reform and the intelligence conference report has focused on driver's license standards and whether States should be prevented from issuing such documents to illegal aliens. The answer is unequivocally yes, and I will discuss this matter again. There are additional important immigration terrorism reforms that the conference negotiators refused to accept, and by doing so, I believe the bill was seriously, dangerously weakened. I will mention only a handful of them.

Importantly, the House-passed bill included a section that would have required aliens in the United States to use only a Department of Justice- or Department of Homeland Security-issued document, or a valid passport, to establish identity to a U.S. Governmental official or worker. This would have effectively prohibited the use of the matricula consular identification card for identification purposes for Federal identification. The conference measure eliminated this section of the bill, and instead provides only for a process for determining minimum standards that passengers will have to present to board a commercial aircraft in the United States.

Additionally, the House would have expanded the use of expedited removal by requiring its use in the U.S. as well as along the U.S. border, currently expedited removal is used only at U.S. ports of entry. The conference measure strikes this provision.

The House-passed bill would also have overturned a Ninth Circuit precedent that has effectively barred immigration judges from denying asylum claims on the basis of credibility. The Government is barred from asking foreign governments what evidence they have about the terrorist activities of asylum applicants. So the only evidence the Government can use in opposing an asylum request is to argue that the applicant is lying. The Ninth Circuit precedent barring immigration judges from denying asylum claims on the basis of credibility would have been overturned if the conference report retained the House-passed provision; but it was eliminated from the conference measure.

Additionally, the Ninth Circuit has been granting asylum to applicants on the basis that their government believes they are terrorists, and, therefore, they deserve asylum because they are being persecuted on account of the political beliefs of the relevant terrorist organization. The House-passed bill overturned this precedent and would have required aliens to show they qualify for asylum based upon the currently protected grounds for receiving such, but conference negotiators refused to accept this provision.

Instead, what the final version of the bill included is a Government Accountability Office, GAO, study on the weaknesses in the U.S. asylum system that have been exploited by aliens connected to terrorism.

The House version of the bill included a provision to close an existing loophole in immigration law that allows foreign nationals whose visas or other travel documents have been revoked by the State Department on terrorism grounds, to remain in the United States until their visa, or DHS-approved time here, expires, despite the revocation. The current conference report retains that provision, which makes revocation of a visa on terrorism grounds a legal ground for the deportation of the visa holder. However, the conferees created another loophole through which a potential terrorist could remain in the United States despite a visa revocation, by adding language that would allow judicial appeal of any visa revocation decision. Allowing judicial appeal of such decisions will only create another avenue through which a potential terrorist can legally remain in the United States for an undetermined amount of time. Currently all decisions regarding visa issuance by Consular Officers are final, they are not subject to judicial review. The same should be true of visa revocation decisions. A number of Senators, including Senators GRASSLEY, SESSIONS, CHAMBLISS, ENSIGN, and I fully supported this provision and contemplated offering as a similar amendment during Senate consideration of the bill. I am disappointed to learn that language was added to allow individuals whose visas have been revoked on terrorism grounds to appeal the State Department's decision.

Finally, while increasing the number of Customs and Immigration enforcement officers is important and is accomplished in the conference report, another important House-passed provision, requiring that half of any new immigration investigators be focused on enforcing restrictions on illegal immigrants in the workforce, was not included in the final version of the bill.

As I mentioned in the beginning of my comments about the immigration-related sections, an important provision dealing with identity standards in the Federal context was struck from the conference measure. While that measure wasn't necessarily perfect, it certainly represented a good beginning for development of a necessary standard of identification in this country. The House-passed driver's license standards section also represented a very good attempt at eliminating the opportunity for illegal immigrants to obtain driver's licenses, which we all know allows illegal immigrants to live as though they were here legally.

While I would very much like to discuss the negative ramifications on the workplace, and States generally, of the illegal immigrant population having such easy access to driver's licenses and other documents that allow them to live as though they are here legally, I will instead focus on how important documentary validity is to preventing terrorists from entering and living in the United States. Both the House and Senate, after reviewing the 9/11 Commission's recommendation, voted to apply some form of standardization to the driver's license. The question really is, Is the Congress willing to get to the root of the problem and prevent illegal immigrants from obtaining such licenses? True, most of the 9/11 hijackers had "valid," but improperly issued, visas. Hopefully, now, the State Department is following the law and making it harder for individuals who shouldn't possess U.S. visas from obtaining them. But that still leaves millions of individuals who enter the country illegally, some of whom could be terrorists, able to obtain the document that will allow them to blend easily into our neighborhoods, workplaces, churches, and mosques, let alone board airplanes or otherwise gain access to sensitive areas. The conference report only requires that States include the following: the person's full legal name; the person's date of birth; the person's gender; the person's driver's license or identification number; a digital photograph; the person's address of principal residence; and the person's signature. And a carve-out was included for States in order that any documentary requirements "may not infringe on a State's power to set criteria concerning what categories of individuals are eligible to obtain a driver's license or personal identification from that State." The driver's license provision included in the final bill will not do much to better secure the license, and will continue to allow illegal immigrants to obtain such documentation.

As I have said, there are a number of immigration-related provisions in the conference report that will make a difference, including the section of the bill that requires in-person interviews of non-immigrant visa applicants, an authorization for an increase in consular officer positions, and others. But we also had an opportunity to include other security-related immigration reforms, and we failed. I will work in the 109th Congress to ensure their consideration, and the consideration of other important immigration reform measures. Such consideration is important to the future of our country, from a security perspective and from an economic perspective, and the course we take over the next year or two will, in part, contribute to our success at preventing future terrorist attacks and shape the future of our Nation. I will work to get it right and look forward to working with my colleagues on all of these important issues.

As I mentioned, one bright spot in the bill before us today is title VI, which provides new tools to law enforcement to investigate and prosecute terrorist crimes. Title VI includes about half of the provisions of the Tools to Fight Terrorism Act, S. 2679, an omnibus antiterrorism bill that I introduced earlier this year with several other members of the Judiciary Committee and the Senate leadership. Obviously, I am pleased that these important provisions are included in the final legislation.

Subtitles A and F through K of title VI of the conference report mirror parallel provisions in the Tools to Fight Terrorism Act. And TFTA itself consists of all or part of 11 other bills that currently are pending in the House and Senate. Collectively, these other bills have been the subject of 9 separate hearings before House and Senate committees and have been the subject of 4 separate committee reports. In addition, the entire TFTA was reviewed in a September 13 hearing before the Senate Subcommittee on Terrorism, which heard testimony from Justice Department witnesses Barry Sabin, Chief of the counterterrorism Section of the Criminal Division, and Dan Bryant, Assistant Attorney General for the Office of Legal Policy, as well as George Washington University law professor Jonathan Turley.

These hearings and reports provide a substantial legislative backdrop to title VI of the present bill. The statement that follows is my attempt to provide some guide to navigating this legislative thicket. Of course, one might well ask whether it is an inherent contradiction to rely on legislative history supplied by a judicial conservative, since judicial conservatives tend not to believe in legislative history. The short answer would be that in moments of litigation crisis, every lawyer tends to believe in whatever talismans are available. One might as well help him find them. With that disclaimer, I offer the following effort to illuminate the origins and objectives of the TFTA provisions in title VI.

Subtitle A, section 6001. Lone-Wolf FISA Authority "Moussaoui Fix," this section amends FISA to allow orders for surveillance of foreign visitors to the U.S. who appear to be involved in international terrorism but are not affiliated with a known terror group. The need for this provision is explained in Senate Committee Report No. 108–40, which accompanies a bill that Senator SCHUMER and I introduced at the beginning of this Congress. I quote the relevant passages from that report at length:

> The September 11, 2001 terrorist attacks on the people of the United States underscored the need for this legislation. Several weeks before those attacks, federal law enforcement agents identified one of the participants in that conspiracy as a suspected international terrorist. These agents sought to obtain a FISA warrant to search his belongings. One of the principal factors that prevented the issuance of such a warrant was FISA's requirement that the target be an agent of a foreign power. Even if federal agents had been able to demonstrate that this person was preparing to commit an act of international terrorism, based on the suspicious conduct that had first brought him to the attention of authorities, the agents would not have been able to obtain a warrant to search him absent a link to a foreign power. As a result, these federal agents spent three critical weeks before September 11 seeking to establish this terrorist's tenuous connection to groups of Chechen rebels—groups for whom we now know this terrorist was not working.
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> It is not certain that a search of this terrorist would necessarily have led to the discovery of the September 11 conspiracy. We do know, however, that information in this terrorist's effects would have linked him to two of the actual September 11 hijackers, and to a high-level organizer of the attacks who was captured in 2002 in Pakistan. And we do know that suspending the requirement of a foreign-power link for lone-wolf terrorists would have eliminated the major obstacle to federal agents' investigation of this terrorist—the need to fit this square peg into the round hole of the current FISA statute.
>
> FISA allows a specially designated court to issue an order authorizing electronic surveillance or a physical search upon probable cause that the target of the warrant is "a foreign power or an agent of a foreign power." 50 U.S.C. Sec. 1805(a)(3)(A), 1824(a)(3)(A). The words "foreign power" and "agent of a foreign power" are defined in 1801 of FISA. "Foreign power" includes "a group engaged in international terrorism or activities in preparation therefor," 1801(a)(4), and "agent of a foreign power" includes any person who "knowingly engages in sabotage or international terrorism, or activities that are in preparation therefor, for or on behalf of a foreign power." 1801(b)(2)(C).
>
> Requiring that targets of a FISA warrant be linked to a foreign government or international terrorist organization may have made sense when FISA was enacted in 1978: in that year, the typical FISA target was a Soviet spy or a member of one of the hierarchical, military-style terror groups of that era. Today, however, the United States faces a much different threat. The United States is confronted not only by specific groups or governments, but by a movement of Islamist extremists. This movement does not maintain a fixed structure or membership list, and its adherents do not always advertise their affiliation with this cause. Moreover, in response to the United States' efforts to fight terrorism around the world, this movement increasingly has begun operating in a more decentralized manner.

The origins and evolution of the Islamist terrorist threat, and the difficulties posed by FISA's current framework, were described in detail by Spike Bowman, the Deputy General Counsel of the FBI, at a Senate Select Committee on Intelligence hearing on the predecessor to S. 113. Mr. Bowman testified:

"When FISA was enacted, terrorism was very different from what we see today. In the 1970s, terrorism more often targeted individuals, often carefully selected. This was the usual pattern of the Japanese Red Army, the Red Brigades and similar organizations listed by name in the legislative history of FISA. Today we see terrorism far more lethal and far more indiscriminate than could have been imagined in 1978. It takes only the events of September 11, 2001, to fully comprehend the difference of a couple of decades. But there is another difference as well. Where we once saw terrorism formed solely around organized groups, today we often see individuals willing to commit indiscriminate acts of terror. It may be that these individuals are affiliated with groups we do not see, but it may be that they are simply radicals who desire to bring about destruction.

"[W]e are increasingly seeing terrorist suspects who appear to operate at a distance from these [terrorists] organizations. In perhaps an oversimplification, but illustrative nevertheless, what we see today are (1) agents of foreign powers in the traditional sense who are associated with some organization or discernible group (2) individuals who appear to have connections with multiple terrorist organizations but who do not appear to owe allegiance to any one of them, but rather owe allegiance to the International Jihad movement and (3) individuals who appear to be personally oriented toward terrorism but with whom there is no known connection to a foreign power.

"This phenomenon, which we have seen . . . growing for the past two or three years, appears to stem from a social movement that began at some imprecise time, but certainly more than a decade ago. It is a global phenomenon which the FBI refers to as the International Jihad Movement. By way of background we believe we can see the contemporary development of this movement, and its focus on terrorism, rooted in the Soviet invasion of Afghanistan.

"During the decade-long Soviet Afghan conflict, anywhere from 10,000 to 25,000 Muslim fighters representing some forty-three countries put aside substantial cultural differences to fight alongside each other in Afghanistan. The force drawing them together was the Islamic concept of 'umma' or Muslim community. In this concept, nationalism is secondary to the Muslim community as a whole. As a result, Muslims from disparate cultures trained together, formed relationships, sometimes assembled in groups that otherwise would have been at odds with one another[,] and acquired common ideologies.

"Following the withdrawal of the Soviet forces in Afghanistan, many of these fighters returned to their homelands, but they returned with new skills and dangerous ideas. They now had newly acquired terrorist training as guerrilla warfare [had been] the only way they could combat the more advanced Soviet forces.

"Information from a variety of sources repeatedly carries the theme from Islamic radicals that expresses the opinion that we just don't get it. Terrorists world-wide speak of jihad and wonder why the western world is focused on groups rather than on concepts that make them a community.

"The lesson to be taken from [how Islamist terrorists share information] is that al-Qaida is far less a large organization than a facilitator, sometimes orchestrator of Islamic militants around the globe. These militants are linked by ideas and goals, not by organizational structure.

"The United States and its allies, to include law enforcement and intelligence components worldwide[,] have had an impact on the terrorists, but [the terrorists] are adapting to changing circumstances. Speaking solely from an operational perspective, investigation of these individuals who have no clear connection to organized terrorism, or tenuous ties to multiple organizations, is becoming increasingly difficult.

"The current FISA statute has served the nation well, but the International Jihad Movement demonstrates the need to consider whether a different formulation is needed to address the contemporary terrorist problem."

The Committee notes that when FISA was enacted in 1978, the Soviet invasion of Afghanistan had not yet occurred and both Iran and Iraq were considered allies of the United States. The world has changed. It is the responsibility of Congress to adapt our laws to these changes, and to ensure that law enforcement and intelligence agencies have at their disposal all of the tools they need to combat the terrorist threat currently facing the United States. The Committee concludes that enactment of S. 113's modification of FISA to facilitate surveillance of lone-wolf terrorists would further Congress's fulfillment of this responsibility.

[In a separate statement of additional views on S. 113, Senator Feingold expresses concerns about the constitutionality of allowing surveillance of lone-wolf terrorists pursuant to FISA. He suggests that by allowing searches of persons involved in international terrorism without regard to whether such persons are affiliated with foreign powers, S. 113 "writes out of the statute a key requirement necessary to the lawfulness of such searches." In order to address Senator Feingold's concerns, the Committee attaches as Appendix E to this report a letter presenting the views of the U.S. Department of Justice on S. 2586, the predecessor bill to S. 113.

The Department of Justice's letter provides a detailed analysis of the relevant Fourth Amendment jurisprudence, concluding that the bill's authorization of lone-wolf surveillance would "satisfy constitutional requirements." The Department emphasizes that anyone monitored pursuant to the lone-wolf authority would be someone who, at the very least, is involved in terrorist acts that "transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum." (Quoting 50 U.S.C. Sec. 1801(c)(3).) Therefore, a FISA warrant obtained pursuant to this authority necessarily would "be limited to collecting foreign intelligence for the international responsibilities of the United States, and the duties of the Federal Government to the States in matters involving foreign terrorism." (Quoting *United States* v. *Dugan*, 743 F.2d 59, 73 (2d Cir. 1984).) The Department concludes "the same interests and considerations that support the constitutionality of FISA as it now stands would provide the constitutional justification for S. 2568." The Department additionally notes that when FISA was enacted it was understood to allow surveillance of groups as small as two or three persons. The Department concludes that "[t]he interests that the courts have found to justify the procedures of FISA are not likely to differ appreciably as between a case involving such a group . . . and a case involving a single terrorist."]

A provision substantially the same as section 6001 first was introduced as a bill, S. 2586, by Senators SCHUMER and me on June 5, 2002. The Senate Intelligence Committee held a hearing on S. 2586 on July 31, 2002. Witnesses included James Baker, Counsel for Intelligence Policy with the Office of Intelligence and Policy Review, Department of State; Marion "Spike" Bowman, Deputy General Counsel, National Security Law Unit, Office of the General Counsel, FBI; and Fred Manget, Deputy General Counsel, CIA.

The same provision was reintroduced in the 108th Congress by me and Senator SCHUMER as S. 113 on January 9, 2003. S. 113 was unanimously reported by the Judiciary Committee on March 11, 2003. The Committee issued Report No. 108–40 for S. 113 on April 29, 2003. S. 113 was approved by the Senate by 90–4 on May 8, 2003. The same provision also was included in H.R. 3179, which was introduced by House Judiciary Chairman SENSENBRENNER and House Intelligence Chairman Goss on September 25, 2003. The House Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 3179 on May 18, 2004. Witnesses at the hearing included Dan Bryant, Assistant Attorney General, Office of Legal Policy, Department of Justice; Thomas Harrington, Deputy Assistant Director, FBI; and Bob Barr, former Congressman. The same provision also was introduced as H.R. 3552 by Representative KING on November 20, 2003.

Subtitle F, section 6501. Sharing Grand-Jury Information With State and Local Governments, this section amends current law to authorize the sharing of grand-jury information with appropriate state and local authorities.

I do not think that one can overstate the importance of information sharing, of tearing down the walls that prevent different parts of the Government from exchanging intelligence and working together in the war on terror. A graphic illustration of the importance of streamlined information sharing is provided by another pre-September 11 investigation. Like the Moussaoui case, this investigation also came tantalizing close to substantially disrupting or even stopping the 9/11 plot, and also ultimately was blocked by a flaw in our antiterror laws. The investigation to which I refer involved Khalid Al Midhar, one of the suicide hijackers of American Airlines Flight 77, which was crashed into the Pentagon, killing 58 passengers and crew and 125 people on the ground.

An account of the investigation of Midhar is provided in the 9/11 Commission's staff Statement No. 10. That statement notes as follows:

> During the summer of 2001 [an FBI official] . . . found [a] cable reporting that Khalid Al Mihdhar had a visa to the United States. A week later she found the cable reporting that Mihdhar's visa application—what was later discovered to be his first application—listed New York as his destination. . . . The FBI official grasped the significance of this information.
>
> The FBI official and an FBI analyst working the case promptly met with an INS representative at FBI Headquarters. On August 22 INS told them that Mihdhar had entered the United States on January 15, 2000, and again on July 4, 2001. . . . The FBI agents decided that if Mihdhar was in the United States, he should be found.

These alert agents immediately grasped the danger that Khalid Al Midhar posed to the United States, and immediately initiated an effort to track him down. Unfortunately, at the time, the law was not on their side. The Joint Inquiry Report of the House and Senate Intelligence Committees describes what happened next:

> Even in late August 2001, when the CIA told the FBI, State, INS, and Customs that Khalid al-Mihdhar, Nawaf al-Hazmi, and two other "Bin Laden-related individuals" were in the United States, FBI Headquarters refused to accede to the New York field office recommendation that a criminal investigation be opened, which might allow greater resources to be dedicated to the search for the future hijackers. . . . FBI attorneys took the position that criminal investigators "CAN NOT" (emphasis original) be involved and that criminal information discovered in the intelligence case would be "passed over the wall" according to proper procedures. An agent in the FBI's New York field office responded by e-mail, saying: "Whatever has happened to this, someday someone will die and, wall or not, the public will not understand why we were not more effective in throwing every resource we had at certain problems."

The 9/11 Commission staff report assesses the ultimate impact of these legal barriers:

> Many witnesses have suggested that even if Mihdhar had been found, there was nothing the agents could have done except follow him onto the planes. We believe this is incorrect. Both Hazmi and Mihdhar could have been held for immigration violations or as material witnesses in the Cole bombing case. Investigation or interrogation of these individuals, and their travel and financial activities, also may have yielded evidence of connections to other participants in the 9/11 plot. In any case, the opportunity did not arise.

Congress must do what it can now to make sure that something like this does not happen again—that arbitrary, seemingly minor bureaucratic barriers are not allowed to undermine our best leads toward uncovering an attack on the United States. Section 6501 is a substantial step in that direction.

The change made be section 6501 previously was enacted by the Homeland Security Act, but that change never went into effect because the Federal Rule of Criminal Procedure amended by the HSA was revised by the Supreme Court shortly after the enactment of the HSA, and the amendment made by HSA presupposed the earlier text of the Federal rule. The same provisions were introduced as part of S. 2599 by Senators CHAMBLISS and me on June 24, 2004.

Subtitle G, sections 6602 and 6603, and section 5402, Receiving Military-Type Training from and Providing Material Support to Terrorists, section 6602 makes it a crime to receive military-type training from a foreign terrorist group, and section 5402 makes aliens who have received such training deportable from the United States. Section 6603 broadens the jurisdictional bases of the material-support statute. It also clarifies the definitions of the terms "personnel," "training," and "expert advice or assistance" in response to concerns expressed in recent court decisions. Furthermore, this section clarifies the knowledge required to violate the statute, and specifies that nothing contained in the statute shall be construed to abridge free-speech rights. All of these sections apply extraterritorially to U.S. nationals, permanent residents, stateless persons whose habitual residence is the United States, and persons who are brought into or found in the United States.

In the final version of this legislation, all immigration- and border-related provisions were placed in a new title V, and thus the part of the military-type-training provision making terror trainees deportable ended up in that title as well, as section 5402. The new 5402, rather than referencing the definition of military-type training in 6602, simply duplicates the key part of that definition, a precaution against the event that the now-distant 6602 be repealed or never enacted.

Nevertheless, despite their now far-flung nature, these sections still should be read together. Thus 2339D(c)'s definitions of "serious bodily injury" and "critical infrastructure" should guide the use of those terms in 5402, even though, unlike the definition of "military type training," those definitions are not copied in the deportation section. The extraterritorial scope of 6602, as articulated in 2339D(b), also should inform the application of 5402. The deportation provision is articulated in terms of conduct, which is the same thing everywhere—rather than offenses—which are a particular creature of each jurisdiction. And obviously, Congress is just as anxious to remove from this country those aliens who trained at an al-Qaida camp in Afghanistan as those who trained in the United States.

In two key respects, however, the deportation provision operates differently than the criminal provision. First, the knowledge requirement imposed by the second sentence of 2339D(a) was not imposed in 5402. While scienter is a traditional part of a criminal offense, it was not thought a necessary consideration in deciding which alien visitors should be allowed to remain in this country. If someone trained at a terrorist camp, they should be removed forthwith, regardless of what they claim to have known about their host terror group. Second, 5402 will apply immediately at the time that deportation proceedings are initiated, regardless of the date of the triggering training. As the Supreme Court has noted, deportation "looks prospectively to the respondent's right to remain in this country in the future." *INS* v. *Lopez-Mendoza*, 468 U.S. at 1038. Under 5402, the only thing that need have occurred "at the time the training was received" is that the training or sponsoring organization have been defined as a terrorist organization. Since there is no reasonable "reliance" on any U.S. law whatsoever in attending an al-Qaida or other terrorist training camp, 5402 applies regardless of when the training was received, so long as the group was defined at that time as a terrorist organization.

The animating example behind this provision is the alien visitor in the United States who is discovered to have attended an al-Qaida camp in Afghanistan in the summer of 2001. In the judgment of Congress, such a person is a danger to the United States. And under 5402, that person, once discovered, will be immediately deportable.

The Justice Department testified in favor of a provision similar to section 6602 at the Terrorism Subcommittee's hearing on the TFTA earlier this year. The joint statement of Messrs. Sabin and Bryant notes that:

> It is critical that the United States stem the flow of recruits to terrorist training camps. A danger is posed to the vital foreign policy interests and national security of the United States whenever a person knowingly receives military-type training from a designated terrorist organization or persons acting on its behalf. Such an individual stands ready to further the malicious intent of the terrorist organization through terrorist activity that threatens the security of United States nationals or the national security of the United States. Moreover, a trainee's mere participation in a terrorist organization's training camp benefits the organization as a whole. For example, a trainee's participation in group drills at a training camp helps to improve both the skills of his fellow trainees and the efficacy of his instructors' training methods. Additionally, by attending a terrorist training camp, an individual lends critical moral support to other trainees and the organization as a whole, support that is essential to the health and vitality of the organization.

And George Washington University law professor Jonathan Turley had the following to say about TFTA's parallel provision to section 6602 in his testimony before the Terrorism Subcommittee:

> This proposal would fill a gap in our laws revealed by recent cases, like that of Jose Padilla, where citizens have trained at terrorist camps. . . . The proposed crime has been narrowly tailored to require a clear

knowledge element as well as a reasonable definition of military-type training. The United States has an obvious interest in criminalizing such conduct and to deter citizens who are contemplating such training. In my view, it raises no legitimate issue of free association or free speech given the criminal nature of the organization. Most importantly, given the use of these camps to recruit and indoctrinate such citizens as Padilla and John Walker Lindh, this new criminal offense is responsive to a clear and present danger for the country.

With regard to section 6603, the Justice Department had the following to say about the parallel provision in TFTA at the Terrorism Subcommittee hearing earlier this year:

> The [provision] . . . improves current law by clarifying several aspects of the material support statutes. This is another key tool in preventing terrorism. As the Department of Justice has previously indicated, "a key element of the Department's strategy for winning the war against terrorism has been to use the material support statutes to prosecute aggressively those individuals who supply terrorists with the support and resources they need to survive . . . . The Department seeks to identify and apprehend terrorists before they can carry out their plans, and the material support statutes are a valuable tool for prosecutors seeking to bring charges against and incapacitate terrorists before they are able to cause death and destruction."

Professor Turley, in his Terrorism Subcommittee testimony on TFTA, said of the parallel section to 6603 that "[t]his proposal would actually improve the current Federal law by correcting gaps and ambiguities that have led to recent judicial reversals. In that sense, the proposal can be viewed as a slight benefit to civil liberties by removing a dangerous level of ambiguity in the law."

The need for a stronger material-support statute and its application to terrorist training camps were the subject of a hearing before the Senate Judiciary Committee on May 5, 2004. Witnesses included Chris Wray, Assistant Attorney General, Criminal Division, Department of Justice; Dan Bryant, Assistant Attorney General, Office of Legal Policy, Department of Justice; Gary Bald, Assistant Director, Counterterrorism Division, FBI; David Cole, law professor, Georgetown University Law Center; and Paul Rosenzweig, Senior Legal Research Fellow, Heritage Foundation.

Subtitle G, Section 6604. Concealment of Terrorist Financing, this section amends current law to prohibit concealing having provided financing while knowing that it has been or will be provided to terrorists. This provision first appeared as part of S. 1837, which was introduced by Senator GRASSLEY on November 6, 2003. The Senate Judiciary Committee held a hearing on the need to better combat terrorist financing on November 20, 2002. Witnesses included Robert J. Conrad, U.S. Attorney for the Western District of North Carolina; Jimmy Gurulé, Under Secretary for Enforcement, Department of Treasury; David Aufhauser, General Counsel, Department of Treasury; Nathan Lewin, Lewin & Lewin, LLP; Allan Gerson, Professorial Lecturer In Honors, George Washington University; Jonathan Winer, Alston & Bird, LLP, member, Council on Foreign Relations; and Salam Al-Marayati, Executive Director, Muslim Public Affairs Council.

Subtitle H, section 6702. Punishment for Hoaxes about Terrorism or Deaths of U.S. Soldiers, this section imposes criminal penalties for conveying false or misleading information, perpetrating hoaxes, about terrorist crimes or the death or injury of a U.S. soldier under circumstances where such information may reasonably be believed.

The Justice Department has commented on the harm caused by false information and terrorist hoaxes. In its TFTA testimony on a parallel provision to 6702 earlier this year, the Department noted:

> Since September 11, hoaxes have seriously disrupted people's lives and needlessly diverted law-enforcement and emergency-services resources. In the wake of the anthrax attacks in the fall of 2001, for example, a number of individuals mailed unidentified white powder, intending for the recipient to believe it was anthrax. Many people were inconvenienced, and emergency responders were forced to waste a great deal of time and effort. Similarly, in a time when those in uniform are making tremendous sacrifices for the country, several people have received hoax phone calls reporting the death of a loved one serving in Iraq or Afghanistan.

And Professor Turley, also at the Terrorism Subcommittee hearing on TFTA, commented on the provision similar to 6702:

> This new provision would create a serious deterrent to a type of misconduct that routinely places the lives of emergency personnel at risk and costs millions of dollars in unrecouped costs for the federal and state governments. Since a terrorist seeks first and foremost to terrorize, there is precious [little] difference between a hoaxster and a terrorist when the former seeks to shut down a business or a community with a fake threat. . . . This provision responds to the increase in this form of insidious misconduct and correctly defines it as criminal conduct.

The key elements of section 6702 were introduced as H.R. 3209 in the 107th Congress by Representative LAMAR SMITH on November 11, 2001. H.R. 3209 was the subject of a hearing before the House Subcommittee on Crime, Terrorism, and Homeland Security on November 7, 2001. Witnesses included James Jarboe, Section Chief, Counterterrorism Division, Domestic Terrorism, FBI; and James Reynolds, Chief, Terrorism and Violent Crime Section, Criminal Division, Department of Justice. H.R. 3209 was reported by the House Judiciary Committee on November 29, 2001. The Judiciary Committee issued Report No. 107–306 for H.R. 3209 on the same day. H.R. 3209 was unanimously approved by the House of Representatives on December 12, 2001.

A provision similar to 6702 also was introduced as H.R. 1678 in the 108th Congress by Representative LAMAR SMITH on April 8, 2003. H.R. 1678 was the subject of a hearing before the House Subcommittee on Crime, Terrorism, and Homeland Security on July 10, 2003. Witnesses included Susan Brooks, the U.S. Attorney for the Souther District of Indiana; James McMahon, Superintendent, New York State Police; and Danny Hogg, a target of a war-time hoax about a family member serving in Iraq. H.R. 1678 was ordered reported by the House Judiciary Committee by voice vote on May 12, 2004. The Judiciary Committee issued Report No. 108-505 for H.R. 1678 on May 20, 2004. The key provisions of section 6702 also were introduced as S. 2204 by Senator HATCH on March 11, 2004.

Subtitle H, section 6703. Increased Penalties for Obstruction of Justice in Terrorism Cases, this section increases from 5 years to 8 years the penalty for obstruction of justice in terror investigations. It also instructs the Sentencing Commission to increase the guidelines range for making false statements in relation to a terrorism investigation. A provision similar to section 6703, albeit increasing the penalty to 10 years instead of just 8, has in the past been included as part of the above-described anti-hoax bills.

Subtitle I, sections 6802 and 6803. Expanded WMD Prohibitions, section 6802 expands the jurisdictional bases and scope of existing prohibitions on use of weapons of mass destruction, and includes chemical weapons within the prohibition for the first time. Section 6803 amends the Atomic Energy Act to more broadly prohibit directly and willfully participating in the development or production of any special nuclear material or atomic weapon outside of the United States. This section also makes it a crime to participate in or provide material support to a nuclear weapons program, or other weapons of mass destruction program, of a designated terrorist organization or state sponsor of terrorism. And the offense created by this provision applies extraterritorially.

In his TFTA testimony about parallel provisions to sections 6802 and 6803 before the Terrorism Subcommittee earlier this year, George Washington University law professor Jonathan Turley stated:

> [Section 6802, the WMD-statute provision] would close current loopholes in the interest of national security and does not materially affect civil liberty interests.
>
> [Section 6803] would criminalize the participation in programs involving special nuclear material, atomic weapons, or weapons of mass destruction outside of the United States. This new crime with extraterritorial jurisdiction is an obvious response to recent threats identified by this country and other

> allies like Pakistan. The obvious value of such a law would be hard to overstate. . . . It is important for the purposes of our extraterritorial enforcement efforts to have a specific crime on the books to address this form of misconduct.

These sections are substantially the same as H.R. 2939, which was introduced by Representative FORBES on July 25, 2003, and S. 2665, which was introduced by Senator CORNYN on July 15, 2004.

Subtitle J, sections 6901–11, Prevention of Terrorist Access to Special Weapons, this subtitle is designed to deter the unlawful possession and use of certain weapons, Man-Portable Air Defense Systems, MANPADS, atomic weapons, radiological dispersal devices, and the variola virus, smallpox, whose potential misuse are among the most serious threats to homeland security. MANPADS are portable, lightweight, surface-to-air missile systems designed to take down aircraft. Typically they are able to be carried and fired by a single individual. They are small and thus relatively easy to conceal and smuggle. A single attack could kill hundreds of persons in the air and many more on the ground. Atomic weapons or weapons designed to release radiation, "dirty bombs," could be used by terrorists to inflict enormous loss of life and damage to property and the environment. Variola virus is the causative agent of smallpox, an extremely serious, contagious, and often fatal disease. Variola virus is classified by the CDC as one of the biological agents that poses the greatest potential threat for public-health impact and has a moderate to high potential for large-scale dissemination. There are no legitimate private uses for these weapons.

Current law allows a maximum penalty of only 10 years in prison for the unlawful possession of MANPADS or an atomic weapon. No statute criminalizes mere possession of dirty bombs. Knowing, unregistered possession of the variola virus is subject only to a maximum penalty of 5 years.

Sections 6903–06 make unlawful possession of MANPADS, atomic weapons, radiological devices, or variola virus a crime with a mandatory minimum sentence of 25 years to life. Use, attempts to use, or possession and threats to use these weapons are a crime with a mandatory minimum sentence of 30 years to life. Use of these weapons resulting in death is subject to a mandatory minimum sentence of life imprisonment. These penalties should especially help to deter middlemen and facilitators who are essential to the transfer of these weapons.

Section 6907 amends current law to add the criminal offenses created by this subtitle as federal wiretap predicates. Section 6908 amends current law to include these new offenses in the definition of "Federal crime of terrorism." Section 6909 amends current law to include these new offenses in the definition of "specified unlawful activity" for purposes of the money laundering statute. And section 6910 amends the Arms Export Control Act by adding the offenses created by this subtitle to the provision specifying crimes for which a conviction or indictment is a ground for denying an arms-export application.

In his Terrorism Subcommittee testimony on TFTA earlier this year, Professor Turley said the following about a provision parallel to subtitle J:

> Given the enormous threats to our country from such weapons, these increased penalties are manifestly reasonable. . . . While it is certainly possible that a defendant could be in possession of a MANPADS as part of arms trafficking or some other motive than terrorism, this is clearly one of the most likely forms of terrorist conduct.

Subtitle J is the same as S. 2664, which was introduced by Senator CORNYN on July 15, 2004.

Subtitle K, section 6952, Presumption of No Bail for Terrorists, this section would add terrorist offenses to the list of offenses, such as drug crimes, that are subject to the statutory presumption of pretrial detention. Under current law, a criminal suspect will be denied bail in Federal court if the Government shows that there is a serious risk that the suspect will flee, obstruct justice, or injure or threaten a witness or juror. The judge must presume this showing is present if the suspect is charged with a crime of violence, a drug crime carrying a potential sentence of 10 years or more, any crime that carries a potential sentence of life or the death penalty, or the suspect previously has been convicted of two or more such offenses. This section would add terrorist offenses that are subject to a maximum penalty of at least 10 years to this list, judges would be required to presume that facts requiring a denial of bail are present. This is only a presumption, the terror suspect still could attempt to show that he is not a flight risk or potential threat to jurors or witnesses.

The Justice Department testified as to the importance of this provision at the Terrorism Subcommittee hearing on TFTA:

> Current law provides that federal defendants who are accused of serious crimes, including many drug offenses and violent crimes, are presumptively denied pretrial release under 18 U.S.C. §3142(e). But the law does not apply this presumption to those charged with many terrorism offenses. To presumptively detain suspected drug traffickers and violent criminals before trial, but not suspected terrorists, defies common sense.
>
> This omission has presented authorities real obstacles to prosecuting the war on terrorism, as Michael Battle, U.S. Attorney for the Western District of New York, testified before this subcommittee on June 22. In the recent "Lackawanna Six" terrorism case in his district, prosecutors moved for pre-trial detention of the defendants, most of whom were charged with (and ultimately pled guilty to) providing material support to al Qaeda. It was expected that the defendants would oppose the motion. What followed was not expected, however. Because the law does not allow presumptive pre-trial detention in terrorism cases, prosecutors had to participate and prevail in a nearly three-week hearing on the issue of detention, and were forced to disclose a substantial amount of their evidence against the defendants prematurely, at a time when the investigation was still ongoing. Moreover, the presiding magistrate judge did in fact authorize the release of one defendant, who, it was later learned, had lied to the FBI about the fact that he had met with Usama Bin Laden in Afghanistan. The Lackawanna Six case illustrates the real-life problems the absence of presumptive pre-trial detention has posed to law enforcement. But this shortcoming in the law has also enabled terrorists to flee from justice altogether. For example, a Hezbollah supporter was charged long ago with providing material support to that terrorist organization. Following his release on bail, he fled the country.

The suspect described above eventually was recaptured by the United States six years after his escape. During that time, he was not a participant in a terrorist attack against the United States, but he could have been.

Law Professor Jonathan Turley also commented on the legislative ancestor of section 6952 in his testimony at the Terrorism Subcommittee hearing on TFTA. He stated:

> [Section 6952] would create a presumption against bail for accused terrorists. Under this amendment, such a presumption could be rebutted by the accused, but the court would begin with a presumption that the accused represents a risk of flight or danger to society. This has been opposed by various groups, who point to the various terrorist cases where charges were dismissed or rejected, including the recent Detroit scandal where prosecutorial abuse was strongly condemned by the Court. I do not share the opposition to this provision because I believe that, while there have been abuses in the investigation and prosecution of terrorism cases, the proposed change sought by the Justice Department is neither unconstitutional nor unreasonable.
>
> This proposal would not impose a categorical denial of bail but a presumption against bail in terrorism cases. Congress has a clearly reasonable basis for distinguishing terrorism from other crimes in such a presumption. In my view, this would be clearly constitutional.
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> While I have been critical of the policies of Attorney General John Ashcroft, I do not share the view of some of my colleagues in the civil liberties community in opposition to this change. There is currently a presumption against pretrial release for a variety of crimes in 18 U.S.C. § 3142(e), including major drug crimes. It seems quite bizarre to have such a presumption in drug cases but not terrorism cases.

Section 6952 is substantially the same as the main provision of H.R. 3040, which was introduced by Representative GOODLATTE on September 9, 2003. I introduced the same bill as S. 1606 on September 10, 2003. S. 1606 was the subject a hearing before the Senate Subcommittee on Terrorism, Technology, and Homeland Security on

June 22, 2004. Witnesses included Rachel Brand, Principal Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice; Michael Battle, U.S. Attorney, Buffalo, NY; and James K. Robinson, former Assistant Attorney General, Criminal Division, Department of Justice.

I have spent considerable time reviewing this conference report and thoughtfully considering its provisions. I have serious reservations and agree with the many experts in this field who have urged a more thorough study of the intelligence community's problems and, likewise, a careful matching of those problems to solutions. Though I appreciate the hard work of the 9/11 Commission to help Americans understand how 9/11 happened, the Commission's recommendations—on which it spent far less time than on the narrative it took some 18 months to assemble—are not the final answer to the intelligence community's problems.

I intend to support this conference package, noting the improvements that have been made since Senate consideration, but I intend to closely monitor its implementation. I also strongly believe that Congress needs to focus its attention next year on resolving the more difficult problems in the intelligence community and, more broadly in the homeland security arena, like immigration, not addressed in this legislation. I will work with my colleagues in the House and Senate to ensure this happens.

Mr. CORNYN. Mr. President, I rise to express my support for the conference report accompanying S. 2845, the Intelligence Reform and Terrorism Prevention Act of 2004. I highlight three specific terrorism prevention provisions in the conference report, provisions on which I have worked particularly hard to incorporate into this new bill, provisions which I am pleased to see enacted into law. These provisions make important improvements to our Federal criminal law, improvements that are critical to strengthening our ability to fight and win the war against terrorism.

The first two provisions involve strengthening our efforts to ensure that weapons of mass destruction do not get into the hands of terrorists. Earlier this year, I introduced two bills, S. 2664 and S. 2665. I am pleased to see that both of those bills have now largely been adopted by the conference.

S. 2664, also known as the Prevention of Terrorist Access to Destructive Weapons Act, can be found at Title VI, Subtitle J of the new bill reported by the conference. This provision creates new federal prohibitions and strengthens current federal prohibitions against the possession of four categories of destructive items: (1) Man-Portable Air Defense Systems, known as "MANPADS", (2) atomic weapons, (3) radiological dispersal devices, known as "dirty bombs", and (4) the variola virus, the virus that causes smallpox. There is no legitimate private purpose for possessing these items. Moreover, the potential for terrorist use of these items is among the most serious threats to our homeland security. By prohibiting the unauthorized possession of these items, and by imposing strong penalties on violators, these provisions will play a major role in preventing and disrupting future terrorist attacks, by depriving terrorists of access to some of the most highly destructive and dangerous items civilized society has ever faced.

Specifically, these provisions would punish unlawful possession as well as unlawful production or transfer of these items, and includes attempts, threats, and conspiracies related to such acts. These provisions generally impose tough, mandatory minimum sentences of 25 years, and in some cases impose sentences up to and including life imprisonment. Tough penalties like these are appropriate for the most dangerous threats our nation faces, and that is exactly the kind of threat that these items pose. We may not be able to deter the most dedicated of our terrorist enemies around the world from wanting to harm us, but we can deter individuals who serve at lower levels in terrorist organizations, and we can deter those who might try to profit from terrorism by supplying terrorists with such items.

I would like to spend just a brief moment highlighting the particular problem of MANPADS. MANPADS are lightweight, surface-to-air missile systems designed to take down aircraft. MANPADS fire an explosive or incendiary rocket or missile equipped with a guidance system designed to target low-flying aircraft, typically around the time of landing or departure. They can be carried and fired by a single individual, from a distance. Because they are small, they are easy to conceal and smuggle. They are relatively cheap—ranging from $25,000 to $80,000 each—take only seconds to prepare, require minimal training, and have a flight time of just three to ten seconds.

By some estimates, there are at least 500,000 MANPADS in circulation around the globe. Although most MANPADS are thought to be under the control of an established military, as many as a thousand MANPADS are believed by some to be in the hands of al-Qaeida and other terrorist groups. Coalition forces reportedly captured nearly 5,600 missiles during the post-9/11 invasion of Afghanistan. Defense Secretary Donald Rumsfeld reported last year that MANPADS "are widely available in the world and do have the ability to shoot down aircraft and helicopters, and from time to time it happens in various locations." He said there are "enormous numbers" of such weapons still in Iraq—"have to be more than hundreds. . . . There are weapon caches all over that country. They were using schools, hospitals, mosques to hide weapons."

A 2000 State Department report stated that "one of the leading causes of loss of life in commercial aviation worldwide has been from MANPADS . . . attacks, with over 30 aircraft lost." According to a Congressional Research Service report issued last year, there have been at least 36 known missile attacks on commercial planes in the last 25 years; 35 of those incidents took place in war-torn areas, mainly in Africa. For example, in 1983 and 1984, Angolan rebels shot down two Boeing 737s. In the first incident, all 130 people on board died, but in the second attack, the plane managed to land without fatalities after being hit at an altitude of 8,000 feet. In 1998, a Boeing 727 was shot down in the Democratic Republic of Congo, killing 41. And in November 2002, in Mombasa, Kenya, two missiles were launched against a chartered Israeli Boeing 767 just after take off for Tel Aviv, Israel. The pilot reported spotting smoke trails near his plane, and some of the 261 passengers said they heard an explosion. The attempted attack has been linked to al-Qaida, and occurred on the same day as an al-Qaida-linked bombing of a nearby resort hotel. Shoulder-launched missiles also brought down several smaller aircraft during the invasion of Iraq, including a Chinook helicopter that crashed last November, killing 16. In January, an Air Force C-5 transport plane carrying 63 troops was struck by a surface-to-air missile as it left Baghdad Airport, but it landed safely.

Accordingly, MANPADS are widely recognized as one of the greatest threats to civil aviation today. And just last year, the President agreed with other world leaders at a G-8 conference to a series of controls on MANPADS. S. 2664 is a critical part of the President's effort to control and combat the proliferation of MANPADS, and I am pleased that the conference has seen fit to incorporate the provisions of that bill into its report.

In addition to MANPADS, S. 2664 also targets three other destructive devices. No one questions the obvious danger posed by allowing atomic weapons and radiological dispersion devices, or dirty bombs, to get into the hands of terrorists. In addition, the variola virus is the causative agent of smallpox—an extremely serious, contagious, and often fatal disease. In fact, the Centers for Disease Control has classified variola as one of the biological agents that poses the greatest threat for public health impact. It has a high potential for large-scale dissemination. Accordingly, it may be attractive to terrorists as a biological weapon. These provisions, I am pleased to see, have also been incorporated into the conference report.

I will just add a quick word about S. 2665, also known as the Weapons of Mass Destruction Prohibition Improvement Act. The provisions of S. 2665 can be found at Title VI, Subtitle I of the new bill. Those provisions generally expand current federal criminal prohibitions against the use and proliferation of WMD, both domestically and abroad, and fills a number of gaps in current law.

They amend the current federal weapons of mass destruction statute by criminalizing all WMD attacks on foreign government property in the United States, as well as U.S. government property, and expanding the current prohibition on the use of WMD to include any acts affecting interstate commerce in a variety of ways. They also amend the federal biological agents and toxins law by extending the prohibition to possession by agents of terrorist nations or terrorist organizations.

With respect to foreign WMD threats, the bill amends a provision of the Atomic Energy Act to prohibit participation outside of the United States in the unauthorized development as well as production of nuclear material, and creates a new criminal code section to forbid the provision of material support to, or any other participation in, any WMD program of a terrorist organization or terrorist nation.

The third and final provision I want to highlight involves the perpetration of cruel hoaxes against the families of military personnel and terrorism hoaxes generally. I am pleased to be an original co-sponsor of S. 2204, also known as the Stop Terrorist and Military Hoaxes Act, and pleased to see that provisions of those bills have been incorporated into the conference report.

It is disturbing to think that anyone would want to engage in the false impersonation of a military officer in order to harass, terrify, or otherwise cause mental distress to military families. I cannot fathom why a human being would want to conduct a crank call to the family of a member of the Armed Forces and falsely inform them that their loved one has been killed in the line of duty.

Yet during the recent war in Iraq, that is precisely what happened. Several families reportedly received hoax telephone calls informing them that a family member serving the military in Iraq had been killed or captured. Not surprisingly, the families who received these calls were terribly distressed. It must have been a cruel experience indeed to have to wait and work to confirm that their family member was actually alive and safe.

Hoaxes against military families and terrorism hoaxes must be punished, because they utilize scarce resources that need to be focused on combating terrorism, and distract the attention of our law enforcement and our military away from our terrorist enemies. But that's not the only reason. Hoaxes are cruel. They are mean-spirited. And they can be very dangerous. I want to read a portion of a letter from one dutiful U.S. serviceman to his uncle. The letter is dated April 18, 2003, and it reads: "One guy died bringing me a sat. phone so I could call Dad to let him know I was alive. It made me think of 'Saving Private Ryan.' Was it worth his life and the risk of the others to bring me a phone? I know it was a relief to all of you to hear I was okay. Now I feel I must make my life worth his. I don't know if I can do that." No one should have to die in the line of duty in order to correct a hoax. And no one should have to live with the emotional pain that this serviceman so eloquently describes in this poignant letter.

Under current law, acts of impersonation are illegal only if the person demands or obtains something of value from the victim. That does not include military family hoaxes like the ones described here. In addition, many terrorism hoaxes fall outside the definitions of current law. S. 2204 fills these major gaps in the law, and I am pleased to see these provisions incorporated into the conference report.

Mr. LAUTENBERG. Mr. President, I rise to express my approval of this much-delayed 9/11 intelligence reform bill. As a conferee on this important legislation, I am proud of what we produced. The terrible consequences of the 9/11 attack will never be forgotten, but with the passage of this bill future generations will be safer from terrorist attack.

On a personal basis, I, like so many from my State of New Jersey and our region, knew people who perished, families who were torn apart, people who still feel the pain of their loss.

I want to thank Senators COLLINS and LIEBERMAN, and Representatives HOEKSTRA and HARMAN for their efforts to get a strong bill. This was a roller coaster conference, but well worth the effort.

The 9/11 Commissioners also deserve our appreciation for their steady leadership and thoughtful input during this process.

Last, and most importantly, I want to salute the 9/11 families for their dedication to getting this legislation done. I especially want to thank the Steering Committee of 9/11 Families and the so-called "Jersey Girls." Had it not been for you 3 years ago, the 9/11 Commission would have never been established. And were it not for you now, this bill would have never passed.

Mr. President, we can finally look the 9/11 families in the eye and say: "We have delivered."

This 9/11 bill is the most significant piece of intelligence legislation we have passed in 50 years.

The last major reform was the National Security Act of 1947, signed into law by President Truman.

While the process of compromise resulted in a bill that did not adopt all of the recommendations of the 9/11 Commission, this new law will bring significant improvements in our intelligence system for the better.

Mr. President, the 9/11 Commission recognized a need to have one person in charge of our intelligence community, to prevent the kind of miscommunication that occurred before 9/11. This bill addresses this important issue by creating a Director of National Intelligence (DNI) with real authority over America's 15 intelligence-gathering agencies.

This bill gives this intelligence director principal authority over the estimated $40 billion intelligence budget and gives that person the power to establish clear priorities for the intelligence community. The bill makes clear: the buck stops with the DNI.

This bill also creates a National Counterterrorism Center that will lead our counterterrorism efforts. It will be staffed by terrorism experts from the CIA, FBI, and the Pentagon. The Center will coordinate terrorism intelligence from throughout the government, breaking down the walls that have too frequently prevented agencies from sharing important information in a timely manner.

The bill bolsters border security, particularly improving aviation, air cargo, and maritime security. It also strengthens border surveillance, increases the number of border patrol agents and immigration and customs enforcements investigators.

This bill also has some provisions to safeguard our civil liberties by establishing a "Privacy and Civil Liberties Oversight Board." Although I do not believe that this board has quite the independence and power that I wanted, I am hopeful that the Board will help ensure that new regulations and policies do not violate privacy rights or civil liberties.

Mr. President, despite the bipartisan support for this bill, it has faced a difficult road. To be honest, we were ready for a vote on November 20. A strong majority of the conference committee approved this bill and we were ready to go. I signed my name to the conference report at that time.

But later that same day, we found out that the House Republican leadership would not move forward on the bill. The reason? Because two Republican Congressmen didn't like the conference report.

Mr. President, in my view, the delay in passing this bill was unnecessary and unwise. Every day this bill was dragged out was a day that made our communities less safe.

The House Republican leadership nearly snatched defeat from the jaws of victory. But thankfully, in the end the families and the 9/11 Commission made their voices heard, and we have reached this milestone today.

Mr. President, my home State, New Jersey, lost 700 of its citizens on 9/11. There is little we in Congress can do to heal their pain. But today, at least we can do something to help prevent such a tragedy in the future.

Mr. GRAHAM of Florida. Yesterday was the anniversary of Pearl Harbor, which is remembered as one of the greatest intelligence failures in our country's history. The desire to prevent future Pearl Harbors helped lead to the creation of our national intelligence community in 1947.

In the 15 years since the fall of the Berlin Wall, there has been a growing awareness that our national intelligence community is in need of serious reform. Despite frequent reviews of the intelligence community's failures and structural problems—including the Hart-Rudman Commission; the Gilmore Commission; the Bremer Commission; the Congressional Investigation of 9/11; and the 9/11—there has been continued reluctance and resistance to reform.

Recent intelligence failures—most notably the failure to detect the September 11 plot, and the massive intelligence failures that led us to war in Iraq—have given new exposure to the problem and new momentum to reform efforts. I am extremely pleased that we are now in a position to enact serious intelligence reform legislation for the first time in over 50 years. I consider this legislation to be one of the most important enactments of my 18 years in the U.S. Senate. There are several elements of this legislation which warrant more detailed comment.

One of the most important aspects of this legislation is the element that Senator ROBERTS was just discussing—the need to centralize the intelligence agencies is not an end in itself, but a platform from which we can move to decentralize.

As the United States military transformed itself from the military of San Juan Hill and the World Wars, it first needed to centralize, under the National Security Act of 1947, consolidating the secretaries of the Army and Navy into the Department of Defense, and then to decentralize, under the Goldwater-Nichols Act in 1986 into the joint commands of the modern military. Our intelligence community needs to transform itself and move from being designed around functions—such as electronic eavesdropping, or satellite surveillance—to a focus on missions, such as counterterrorism or counterproliferation.

This legislation makes the appropriate and necessary first step of centralizing the intelligence community under a Director of National Intelligence. It also lays the foundation for the next step, which is decentralizing the intelligence community through the establishment of mission-based intelligence centers. Two are established by statute—Counterterrorism and Counterproliferation—and the legislation gives the DNI the power to establish other centers, to focus on those current or emerging threats he or she deems to be of priority importance.

Among the shortcomings referred to earlier, one of the first and foremost is obviously an underdeveloped capacity for gathering human intelligence. Our intelligence community has come to rely too heavily on electronic eavesdropping and satellite surveillance, and human intelligence has been neglected. A case could be made that both the war in Afghanistan and the war in Iraq were the products of our inadequate human intelligence capabilities. We must make a major effort to rebuild our capabilities, and this legislation begins to address that problem.

One of the most important elements of a human intelligence program is a corps of skilled and dedicated linguists. Unfortunately, while our intelligence agencies still possess a more-than-adequate number of Russian speakers, they lack individuals proficient in the Middle Eastern and Central Asian languages that are of obvious current importance. This legislation, along with language in the Defense authorization bill that establishes a Reserve Officers Training Corps counterpart for the intelligence community, helps to address this problem as well.

The third intelligence-related item deserving particular attention is the issue of excessive classification. I want to commend Senator WYDEN and Senator LOTT, who were very involved in this aspect of the legislation. Our intelligence community has developed an unhealthy obsession with secrecy, and this has often led to bad analysis and bad decisions. This obsession with secrecy prevented intelligence agencies that had knowledge of various elements of the 9/11 plot from "connecting the dots" and realizing that a major terrorist operation was being plotted on American soil. This obsession with secrecy contributed to inadequate scrutiny of intelligence relating to Iraq, and as a result we went to war because of weapons that did not exist, and terrorist connections that appear to have been imaginary.

This obsession with secrecy poses a serious and continuing threat to our national security. As the late Senator Daniel Patrick Moynihan said, "Secrecy is for losers." If we do not want to lose in our struggle with the various threats we face today, we must abandon this unhealthy obsession. This legislation addresses this problem by directing that more rational guidelines for intelligence classification be established, and that an independent board be empowered to review these decisions. This is an important first step toward abandoning this dangerous obsession, and making sure that secrecy decisions are made for reasons of national security, rather than agencies trying to bury their mistakes.

Madam President, what we are doing today is an important step, but it is not by any means the last step. Some of these steps are rather tangential to the issue of intelligence reform. For example, this legislation includes a provision requiring face-to-face interviews with visa applicants. If we are to implement this provision effectively we must seriously consider increasing the capacity of our consular service. Currently, in Brazil, visa applicants must travel to one of three large cities in order to get a visa for travel to the United States.

Since Brazil is the size of the continental United States, and these three cities are located close together, this is the equivalent of telling Americans who wish to secure a visa to Mexico that they must first travel to either Dallas, Chicago, or Cleveland. While it is probably not cost-effective to open new consulates in every city that might need visa services, we should at lest open more visa offices, so that these interviews can be conducted without unduly inconveniencing our foreign guests.

This legislation also includes a section addressing the United States' relationship with Saudi Arabia. It points out, and I quote, that "the Government of Saudi Arabia has not always responded to promptly or fully to United States requests for assistance in the global war on Islamist terrorism," and particularly cities the Saudi government's inattention to the problem of terrorist financing. I would add that we have compelling evidence to believe that Saudi interests actually played a role in financing insurgents in Iraq and earlier the 9/11 hijackers. The extent of Saudi involvement in 9/11 was detailed in a twenty-seven page section of our 2002 joint House-Senate Intelligence Committees report on the attacks of September 11, 2001. Unfortunately, every one of those twenty-seven pages was classified. This means that the American people have, in that and other instances, been denied important information about our relationship with Saudi Arabia. I hope that this intelligence reform legislation calling for more dialogue on the U.S.-Saudi relationship is heeded, and that increased attention to this relationship will lead to greater transparency and candor.

Madam President, as I said in my farewell speech yesterday, in a quote from Winston Churchill, "This is not the end, nor is it the beginning of the end, but it is perhaps the end of the beginning". This Churchillian wisdom also applies to what we are accomplishing today. There is more that still needs to be done as we move beyond the end of the beginning of intelligence reform.

Let me start with the President's responsibilities. The President will have the responsibility for making a series of critical appointments, and he must appoint creative, dynamic and extremely hard-working people who can be effective in the challenging new roles that we are creating. He must also ensure that the people he appoints promote a value system that is conducive to open, honest and effective intelligence gathering and analysis. And he must also manage the relationships between the new DNI and existing department and agency heads—most notably the Secretary of Defense—in order to ensure that the goals of intelligence reform are realized.

The new DNI will also have tremendous responsibility. He or she will have to establish clear priorities for the intelligence community, and this will be reflected in the National Intelligence Centers that are created to work, alongside the National Counterterrorism and Counterproliferation Centers. The DNI must also revise current budget priorities, such as the research and development budgets, and establish community-wide personnel policies that support the recruitment, training and retention of effective intelligence community personnel.

Finally, there will be a responsibility here on the Congress. In the Senate we have taken steps to reform our oversight of intelligence. Terms limits on the Intelligence Committee have been removed. By creating a new appropriation subcommittee for intelligence we have freed the intelligence budget from its previously unbreakable link to the defense budget. These are good starts. But we will also have to look at the culture of the congressional oversight committees, and make sure that they direct their attention to the front windshield of the future, and the threats that are coming at us, and spend relatively less of their time on looking through the rear view mirror at accidents that have already occurred.

By its nature, the intelligence community is going to create accidents from time to time. They need to be reviewed. But we cannot afford for them to consume all of our oversight responsibility. It is in the future that new threats are to be found, and it is our responsibility to be able to assure the American people that our intelligence community is capable of identifying those threats, and of providing information to the appropriate decision makers, in order to prevent those threats from becoming the next Pearl Harbor, or the next 9/11.

Madam President, in conclusion, I would like to note that this bill would not have been possible without an extraordinary effort by dozens of members of Congress, the Joint House-Senate intelligence inquiry members and staff, the 9/11 Commission, and, particularly, the families of the victims of 9/11.

Today is a celebration of the success of urgently needed reform, finally overcoming the inertia of the status quo. But, this is only the end of the beginning. The President, the Congress, those Americans who do and will serve the intelligence community, bear the responsibility of ensuring that the promise of enhanced security through reformed intelligence is achieved. The fulfillment of this promise will be neither quick nor easy. The most important undertakings seldom are. But the goal is worthy of our most steadfast commitment to its attainment.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that a list of my staff members who worked so hard on this bill over so many months be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Michael, Bopp, Jane Alonso, Deborah Barger, Don Bumgardner, Jen Burita, Elissa Davidson, Ann Fisher, Jason Foster, Jennifer Gagnon, Priscilla Hanley, Johanna Hardy, Jennifer Hemingway, Keith Janssen, David Kass, Bruce Kyle.

Gordon Lederman, Lesley Leger-Kelley, James McKay, Bill Murray, Jon Nass, Amy Newhouse, Bill Priestap, Alec Rogers, Kate Scontras, Amber Smith, Heather Smith, Cornelius Southall, Michael Stern, Sarah Taylor, Monica Wickey, and Keith Herrington.

Ms. COLLINS. Mr. President, I also want to list the conferees on this bill. Contrary, perhaps, to the implications of what we have just heard, this was an extraordinarily open conference, where Democrats and Republicans negotiated side by side in every single meeting. It was a bipartisan effort.

Senators LOTT, ROBERTS, VOINOVICH, COLEMAN, SUNUNU, DEWINE, LEVIN, ROCKEFELLER, DURBIN, GRAHAM of Florida, and Senator LAUTENBERG were the Senate conferees on this important bill. I thank each of them personally for how hard they worked. Each of them contributed greatly to the final product, and I am very grateful for their support.

I wish to also respond to the concept that somehow this issue was rushed. The fact is there have been numerous reports and commissions that have urged intelligence reform going back to 1954. Over and over again, problems were identified in our intelligence structure, even as our country became more vulnerable to asymmetric threats, such as terrorist groups.

The 9/11 Commission, which did, in my view, an outstanding job, reviewed more than 2.5 million pages of documents, interviewed more than 1,200 individuals, held 19 days of hearings, and took public testimony from 160 witnesses. Congress held 44 hearings on the 9/11 Commission's report and recommendations.

The Governmental Affairs Committee, which I am honored to chair, alone held 8 days of hearings and marked up this legislation for 2 full days. We were on the Senate floor for nearly 2 weeks. We considered hundreds of amendments to this bill. The conference on the bill lasted nearly 2 months and received a great deal of attention.

I note that we have made substantive changes to only two provisions in the conference report since November 20 when the conference agreement almost came to the Senate floor.

The November 20 language was widely circulated. It included being provided to the staff of the distinguished senior Senator from West Virginia.

I assert that this was an extraordinarily inclusive process, and all the Members of the Senate have had ample time to review the conference report since, with just two exceptions, which have been highly publicized. It is the same language, for the most part, except for technical changes, as we reported it on November 20.

I wanted to make those points. I know there are other Members desiring to speak. I will yield the floor, but I reserve the remainder of my time.

Finally, Mr. President, I note that the Senator from New Hampshire, Mr. SUNUNU, wishes to speak in favor of the conference report. I am prepared to yield him some of my time, but I am not certain how much time I have remaining. If I could be informed by the Presiding Officer as to how much time I have remaining, that would be helpful.

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Ms. COLLINS. I will yield at the appropriate time 5 of my remaining minutes to the Senator from New Hampshire. I thank the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I yield myself 5 minutes of the time of the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I rise to state that I enthusiastically support this legislation. If I had to sum up in one sentence what would be one of the most powerful statements as to why we need to pass this legislation, it would be from the television interview of Governor Kean, the Chairman of the 9/11 Commission, when he said: This bill will pass. It is just a question of will it pass now or will it pass after the next terrorist attack.

His statement was full of so much meaning because of all the deliberation and the factfinding that the 9/11 Commission had brought to the light of day in showing how the intelligence apparatus of this country had failed us in alerting that we were about to be attacked.

We do not have the luxury of two big oceans protecting us as we have had in the past, for we now have a new kind of enemy who deals with stealthiness. Our ability to protect ourselves is having the information ahead of time so we can thwart the attack.

It was also very revealing in the 9/11 Commission Report when they concluded that we are safer than September 11, but we are not safe.

I commend the chair of the committee and her ranking member, as they have done an extraordinary job in the crucible of legislative give and take to stand on their principles and to insist on those principles that a reorganization be done under which there would be accountability instead of the separate and multifaceted intelligence communities that we have seen in the past that do not talk to each other.

My hat is off to the chair of the committee and to the ranking member. My hat is also off to them because they have shown legislative dealmaking at its best. They have done it with aplomb, with respect, with bipartisanship, with dignity, and that is the standard that has been so much a part of the historical tradition of the Senate. And the two of them, Senator COLLINS and Senator LIEBERMAN, have shown us that standard. This Senator from Florida is very grateful.

There will be other issues that we have to address in the future. Some of these additional questions on immigration are absolutely critical to our future protection, and we can do that in the context of a big immigration bill. We simply cannot be safe if thousands of people continue to come across the Mexican border, as we have heard in testimony in our Commerce Committee specifically with our chairman, JOHN MCCAIN—having witnesses telling us how many people are coming across the Mexico-Arizona border each week. It absolutely staggers the imagination how we can have this porous border and protect ourselves from this new threat of terrorism. So we have to deal with that issue.

In part, this committee has dealt with it in giving new border agents and Customs officials, and for that I am grateful. With more coastline than any other State, save for the State of Alaska, my State of Florida is a place that is ripe for infiltration, and we need that extra protection.

I am looking forward to the continuing debate and offering some observations from the perspective of the State of Florida as we get into that debate. But for the time being, the reorganization of the intelligence apparatus, where there will be accountability and where there will be a centralized budget, is very important for the future protection of this country. That is why I support this bill, and I will be voting for this bill when we vote on it today.

Mr. President, on behalf of Senator BYRD, I yield 5 minutes of his time to Senator LIEBERMAN, and I would then yield back Senator BYRD's time, except for 5 minutes under Senator BYRD's control.

The PRESIDING OFFICER (Mr. SUNUNU). Is there objection?

Mr. WARNER. Mr. President, I do not understand. I ask the Presiding Officer to advise the Senate with regard to the current parliamentary situation. When I left the floor earlier today, there was an informal arrangement that Senator STEVENS and Senator WARNER would follow Senator BYRD. That is my recollection. I yield to the managers.

Mr. NELSON of Florida. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Chair can clarify. There is no specific order to that effect. Does the Senator from Florida wish to clarify his unanimous consent request?

Mr. NELSON of Florida. To my good friend, the chairman of the Armed Services Committee, I am yielding back Senator BYRD's time. He still has time left. I stated specific parameters, 5 minutes for Senator LIEBERMAN and the additional 5 minutes that I stated.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Mr. President, I do want to clarify apart from this issue that I believe there was an informal I thought we had made it formal—understanding that Senator STEVENS would follow Senator BYRD's remarks, and Senator WARNER would follow Senator STEVENS' remarks. But all the Senator from Florida is trying to do—and I very much appreciate his endorsement of the bill is to yield back the remainder of Senator BYRD's time at the request of Senator BYRD.

The PRESIDING OFFICER. Is there objection?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Parliamentary inquiry: It is my understanding that part of the time was to be yielded to another Senator.

The PRESIDING OFFICER. The request was to allot Senator LIEBERMAN 5 minutes of the remaining time.

Mr. STEVENS. At this time?

Mr. NELSON of Florida. No. If the Chair will clarify my statement.

The PRESIDING OFFICER. I believe I just did. The request was to yield back the remainder of Senator BYRD's time with the exception of 5 minutes to be granted to Senator LIEBERMAN and 5 minutes retained by Senator BYRD. So there would be 10 minutes reserved on the minority's time.

Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I rise to discuss this national intelligence reform bill with some reluctance, because as a member of the Governmental Affairs Committee I was also involved, as the chairman of the Appropriations Committee, in the enormous omnibus bill and I have not been able to pay the attention to this bill that I should have. I regret that some of my feelings about the bill reflect the fact I was not there to participate in those meetings. I do commend my colleagues in both Houses of the Congress for their hard work in coming to an agreement on this bill. As with every conference, each voice is heard but none can dominate, and compromise is absolutely required.

I commend Senator COLLINS and Senator LIEBERMAN for their attention to the concerns of the people of this Nation and for this bill that addresses those concerns in the wake of September 11. I do not believe this bill fully resolved all of those concerns, but the American people should know that Congress has indeed passed a bill to reform our intelligence community.

This process has been a long and arduous one. I voted for the Senate version of this bill, when it passed the Senate, with reservations. I was concerned about the needs of the warfighters and the publication of the top line numbers of the intelligence community and the broad authorities granted to the Director of National Intelligence. It was my hope that these concerns would be addressed, and they have been partially met by this bill.

I still believe that some of the sections of the bill grant such authorities to the Director of National Intelligence that place him or her above those of any member of the President's Cabinet, and by passing this bill we will have created an intelligence czar whose authorities will far exceed any governmental official other than the President himself. I believe this should be of some concern to every Member of the Senate, and Senator BYRD has outlined some of those concerns.

This Director of National Intelligence is not an elected official and is not directly accountable to the American people. The Director of National Intelligence will only be able to be reined in by the President himself, and that, I believe, puts an overwhelming burden on the President of overseeing this official and the actions of the Director of National Intelligence on a daily basis. No one else has any way to control this official.

The intelligence community has also provided support to the President, to the administration itself, and to the Congress. I fear this bill goes far beyond that role. When an individual or an organization is given such broad authorities, the lines between policymaking and information gathering become blurred. This is particularly true in the intelligence field, and I continue to have reservations as to how this new organization will integrate these duties with the overall governmental structure and particularly with those of the Secretaries of State, Defense, and Homeland Security.

These are extraordinary authorities that will be given to the Director of National Intelligence. That person will exercise power far beyond those I have seen even in wartime. In my years in the Senate, I have known 12 Directors of Central Intelligence. It has been my privilege to know each one of them personally. My roots in the intelligence community go back to World War II when I flew the OSS plane in China. Since then, I have had a great deal of interest in and contact with members of the intelligence community and continue to have a great interest in the operations of intelligence for our National Government.

Clearly, I believe I know a little history of intelligence. I challenge anyone to name any official of a friendly or adversarial intelligence service over the past century who has been granted the broad authority that this National Intelligence Director will have.

What this requires, in my judgment, is persistent oversight by the Congress. Each committee of the Congress with oversight of intelligence matters must scrutinize the actions of the intelligence community, and in particular this Director, to ensure there are checks and balances in this system that are required by our Constitution. We must aggressively remain attuned to assure that none of the freedoms we celebrate are hampered by this new entity or its Director.

Now, having said that, as I informed the President previously, I will vote for this bill, but it is my intention to ask that each general counsel in the intelligence community and the Department of Defense report to the next Congress, at least on a periodic basis, their interpretation and the subsequent implementation of this legislation in their Departments to ensure that these concerns of mine and those that have been expressed by other Senators on the floor do not come to fruition.

Again, this is a bill that is needed, authority that is needed in the post-9/11 period. I believe still, as I have stated repeatedly on the floor, there are many Members of the Senate who do not realize how much has been accomplished since 9/11, and I assume this bill will be interpreted in terms of the intelligence system as it exists today and not based upon the intelligence system that existed on September 11, 2001.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Virginia.

Mr. WARNER. Mr. President, I ask the Presiding Officer to advise me when there is but 5 minutes remaining on my time such that I can allow that time to be used by another Senator, and I would hope the managers would yield to Senator CORNYN, if that is possible.

Before my distinguished colleague from Alaska departs the floor, I associate myself with his goals in this forthcoming legislation and would like to cosponsor that with him. I think that is very much needed. I do not join or do that in any criticism of the distinguished work done by the managers of this bill. They certainly were given a daunting challenge to perform in a very short period of time, but I hope the managers and others recognize the need for oversight, perhaps in some respect by my committee, the Intelligence Committee, and the Governmental Affairs Committee, because of the enormity of the power that this one individual has.

As it relates to my specific concerns, that is of the chain of command and the operation of the new Director to involve himself in some way in those decision processes, as that order comes down from the President through the JCS to the combatant commanders, we have to watch the execution of those powers very carefully.

So I commend my distinguished colleague, and I wish to thank our distinguished majority leader for the very openminded and fair manner in which he dealt with those of us who had some concerns about this throughout. He was joined, I think in some respects, by the Democratic leader. Together with Senator STEVENS, Senator BYRD, Senator SESSIONS, Senator KYL, Senator ALLARD, Senator CORNYN, and Senator BURNS, and I will let them speak for themselves, but I thought their contributions to this Senator, and I think from the conversations with the Senator from Alaska, were very helpful as I began to work my way through what I perceived as my responsibility with regard to this legislation in the capacity as chairman of the Senate Armed Services Committee.

On Monday this week, I joined, at his invitation, Chairman DUNCAN HUNTER of the House Armed Services Committee, indicating that I planned to support this conference report, and that was predicated largely on the achievements of Chairman HUNTER and, to some extent, myself and others working with the managers in providing a deletion of certain words in the conference report and in their place providing others that, in my judgment, give a greater degree of protection to the time-tested concept of chain of command within our military forces.

Again, I have been working, and I think it is important for the legislative history to set forth a chronology, on the chain of command language over several months. I am particularly grateful to the Vice President, with whom I had consultations, and his staff, with whom I had continued conversations, for their guidance and assistance on this vital issue as I worked with Chairman DUNCAN HUNTER. The issue was of great importance. I believe, as a matter of fact, it was critical that a clear record be laid out of the chronology of events that led to this new language.

Back in August and September of this year, when intelligence reform legislation was being developed, the White House, on September 16, provided draft legislation to the Congress. The process was somewhat informal. I mean some of the processes throughout this legislative consideration were somewhat unusual. But, anyway, they provided draft legislation. It suggested legislation contain—and I refer to section 6 on preservation of authority. That is another definition of chain of command. This legislation would ensure the protection of the chain of command as proposed by the President. The bottom line is Cabinet officers remain responsible for managing their departments and would remain accountable for the actions of their departments.

I was advised at that time that this preservation of authority section was drafted, indeed, with the personal involvement of the President and that he had expressed to his immediate associates the importance of this concept to the President.

Legislation reported to the Senate by the Government Affairs Committee did not include this section. That, of course, was the chronology that the managers can provide if they deem necessary.

The administration felt strongly enough to appeal for the inclusion of this provision of preservation of authority language during the Senate floor consideration of the bill. And in the Statement of Administration Policy, dated September 28, 2004, the administration urged the Senate to include section 6 of their proposed legislation in the Senate bill.

On October 1, 2004, I introduced an amendment during the floor debate to accomplish this very purpose, as established by the administration in their communications. Unfortunately, after lengthy discussions with the floor managers and the administration, I was just not able to effect what I believed was a compromise that would meet the goals that I had set out and, if I may say, I felt the goals that the administration had set out. Consequently, the amendment was not considered and was withdrawn.

I remained concerned about preserving the authority of Cabinet officers to manage their departments and to remain accountable for the performance of their departments as well as protecting the integrity of the chain of command, from the President to the Secretary of Defense to battlefield commanders.

In a statement on the Senate floor on October 4, 2004, during the course of that debate, before final passage, I clearly indicated I would vote for the bill, but I had sufficient confidence that the process would once again take into consideration the positions of the Senate and the House on the position of chain of command, and that the conferees would see the wisdom of incorporating that provision as desired by the administration and along the lines of the amendment that I had considered.

Clearly, this chain of command issue has been of significant concern over the past few weeks. It was one of the reasons the House of Representatives was not able to reach a decision to proceed with a vote on this conference report prior to Thanksgiving. The record reflects with clarity that it was important that this issue should be resolved. It was not a trivial matter—I repeat, it was not a trivial matter, as has been suggested in press reports, attributing those quotes to others.

Each time our President sends the U.S. Armed Forces into harm's way to defend our Nation, a series of events happens, including specific orders to our combat support agencies, the Defense Intelligence Agency, the National Security Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency, to provide very specific supports to combatant commanders at specific times and places.

This support is critical to the success of virtually all military operations, and those decisions often have to be made on a real time, instantaneous basis. There can be no ambiguity in the statutory framework or regulations about these orders and the ability to execute them. And there can be no conflicting directions to the implementers of that intelligence to provide it and provide it expeditiously for the men and women of the Armed Forces. The lives of our uniformed personnel are at risk, and the success of our military efforts can often hang in the balance.

The language contained in the November 20 draft conference report potentially inserted the newly created Director of National Intelligence into this chain of command with the authority to direct military intelligence assets to what the DNI—that is the acronym for the Director of National Intelligence—considered higher priorities, thereby possibly putting him in conflict with the Secretary of Defense and the combatant commanders. Such a situation would clearly, I judged, violate the time-tested principle of continuity, of unity of command.

The new law, however, as now redrafted, will presumably go forward for many years. Although soldiers will come and go, personalities will be different. Consequently, these potential ambiguities are best removed now. I think the new language achieves, in large measure, that goal.

Our Armed Forces are the finest in the world and one of the reasons for their excellence is an unambiguous, time-tested chain of command. Consequently, I was very concerned, as was my friend and colleague DUNCAN HUNTER of the House Armed Services Committee, that the draft conference report, if it became law, would not be drafted in such a way as to disrupt the integrity of our chain of command, or even possibly have the ambiguity that gave rise to the ability for such disruption.

Chairman HUNTER exhibited strong, determined leadership as a House conferee on this issue, and I was privileged to work with him. We have shared such responsibilities, the two of us working together, over more than two decades of service in our respective memberships on the committees of the armed services of the Senate and the House.

On Monday this week, after consultations with the White House, the Chairman of the Joint Chiefs of Staff, Chairman HUNTER, and several conferees, an agreement was reached on the language that protects the integrity of this chain of command, in my estimate, and preserves the authority of heads of government departments to effectively manage their departments and remain accountable for the performance of all elements of their departments. The final language is a significant change, which allays concerns of the Members, which I expressed publicly on December 3 in a press statement.

Other colleagues had approached me with the same basic concerns. I think, and I have assured them in conversations, that they have largely been met and that this proposed conference report, which will eventually become statutory law, has been greatly improved.

Therefore, I ask unanimous consent that a copy of the preservation of authority provision for the November 20 draft conference report, as well as the final version be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 20, FINAL LANGUAGE PROPOSED BY CONFERENCE BIG 4

SEC. 1018. PRESERVATION OF AUTHORITY AND ACCOUNTABILITY.

Not later than 120 days after the date of the appointment of the first individual appointed as the Director of National Intelligence, the President shall, and on an ongoing basis, issue guidelines to ensure the effective implementation within the executive branch of the authorities granted to the Director of National Intelligence by this title and the amendments made to this in a manner that maintains, consistent with the provisions of this Act, the statutory responsibility of the head of the departments of the United States Government with respect to such departments, including, but not limited to:

(a) the authority of the Director of the Office of the Management and Budget, or

(b) the authority of the principal officers of the executive departments as heads of their respective departments, including, but not limited to, under—

(1) Section 199 of the Revised Statutes (22 USC 2651);

(2) Title II of the Department of Energy Organization Act (42 USC 7131);

(3) State Department Basic Authorities Act of 1956, as amended;

(4) Section 102(a) of the Homeland Security Act of 2002 (6 USC 112(a)); and

(5) Sections 301 of title 5, 113(b) and 162(b) or title 10, 503 of title 28, and 301(b) of title 31, United States Code.

INTELLIGENCE REFORM CONFERENCE

EVOLUTION OF CHAIN OF COMMAND ISSUE

Current law, as established by the Goldwater-Nichols Defense Reorganization Act of 1986, provides for a clear and unambiguous military chain of command. This was a key aspect of the reform legislation to ensure that combatant commanders were provided with the unity of command necessary for successful execution of military operations.

10 USC 162

SEC. 162. COMBATANT COMMANDS: ASSIGNED FORCES; CHAIN OF COMMAND.

(a) ASSIGNMENT OF FORCES.—

(4) Except as otherwise directed by the Secretary of Defense, all forces operating within the geographic area assigned to a unified combatant command shall be assigned to, and under the command of, the commander of that command. The preceding sentence applies to forces assigned to a specified combatant command only as prescribed by the Secretary of Defense.

(b) CHAIN OF COMMAND.—Unless otherwise directed by the President, the chain of command to a unified or specified combatant command runs—

(1) from the President to the Secretary of Defense; and

(2) from the Secretary of Defense to the commander of the combatant command.

10 USC 164

SEC. 164. COMMANDERS OF COMBATANT COMMANDS: ASSIGNMENT; POWERS AND DUTIES.

(c) COMMAND AUTHORITY OF COMBATANT COMMANDERS.

(1) Unless otherwise directed by the President or the Secretary of Defense, the authority, direction, and control of the commander of a combatant command with respect to the commands and forces assigned to that command include the command functions of—

(A) giving authoritative direction to subordinate commands and forces necessary to carry out missions assigned to the command, including authoritative direction over all aspects of military operations, joint training, and logistics;

(B) prescribing the chain of command to the commands and forces within the command;

(C) organizing commands and forces within that command as he considers necessary to carry out missions assigned to the command;

(D) employing forces within that command as he considers necessary to carry out missions assigned to the command;

(E) assigning command functions to subordinate commanders; and

(F) coordinating and approving those aspects of administration and support (including control of resources and equipment, internal organization, and training) and discipline necessary to carry out missions assigned to the command.

In recognition of the possible conflict between the new authorities being provided to the National Intelligence Director and existing chain of command statutes, the Bush Administration's September 16 legislative proposal to implement the 9–11 Commission recommendations contained a specific provision to ensure protection of existing chain of command authorities.

SEC. 6. PRESERVATION OF AUTHORITY AND ACCOUNTABILITY.

Nothing in this Act or amendments made by this Act shall be construed to impair or otherwise affect the authority of: (1) the Director of the Office of Management and Budget; or (2) the principal officers of the executive departments as heads of their respective departments, including, but not limited to, under section 199 of the Revised Statutes (22 USC 2651), Title II of the Department of Energy Organization Act (42 USC 7131), the State Department Basic Authorities Act of 1956, as amended, section 102(a) of the Homeland Security Act of 12002 (6 USC 112(a)), and sections 301 of title 5, 113(b) and 162(b) of title 10, 503 of title 28, and 301(b) of title 31, United States Code.

The November 20 conference proposal contained inadequate protection of the chain of command provisions as it subordinated these sections of law to the new authorities vested in the Director of National Intelligence. This proposal was opposed by Chairman Duncan Hunter.

SEC. 1018. PRESERVATION OF AUTHORITY AND ACCOUNTABILITY.

Not later than 120 days after the date of the appointment of the first individual appointed as the Director of National Intelligence, the President shall, and on an ongoing basis, issue guidelines to ensure the effective implementation within the executive branch of the authorities granted to the Director of National Intelligence by this title and the amendments made to this title in a manner that maintains, consistent with the provisions of this Act, the statutory responsibility of the head of the departments of the United States Government with respect to such departments, including, but not limited to:

(a) the authority of the Director of the Office of the Management and Budget; or

(b) the authority of the principal officers of the executive departments as heads of their respective departments, including, but not limited to, under—

(1) Section 199 of the Revised Statutes (22 USC 2651);

(2) Title II of the Department of Energy Organization Act (42 USC 7131);

(3) State Department Basic Authorities Act of 1956, as amended;

(4) Section 102(a) of the Homeland Security Act of 2002 (6 USC 112(a)); and

(5) Sections 301 of title 5, 113(b) and 162(b) or title 10, 503 of title 28, and 301(b) of title 31, United States Code.

The proposed December 6 agreement between Senate conferees and Chairman Hunter provides necessary protection of chain of command statutes.

SEC. 1018. PRESIDENTIAL GUIDELINES ON IMPLEMENTATION AND PRESERVATION OF AUTHORITIES.

The President shall issue guidelines to ensure the effective implementation and execution with the executive branch of the authorities granted to the Director of National Intelligence by this title and the amendments made by this title, in a manner that respects and does not abrogate the statutory responsibilities of the heads of the departments of the United States Government concerning such departments, including, but not limited to:

(1) the authority of the Director of the Office of Managements and Budget; and

(2) the authority of the principal offices of the executive departments as heads of their respective departments, including, but not limited to, under—

(A) section 199 of the Revised Statutes (22 USC 2651);

(B) title II of the Department of Energy Organization Act (42 USC 7131 et seq.);

(C) the State Department Basic Authorities Act of 1956;

(D) section 102(a) of the Homeland Security Act of 2002 (6 USC 112(a)); and

(E) sections 301 of title 5, 113(b) and 162(b) of title 10, 503 of title 28, and 301(b) of title 31, United States Code.

Mr. WARNER. It has been clear, especially after the July report issued by the Senate Intelligence Committee under the leadership of Chairman ROBERTS and Chairman ROCKEFELLER, about weapons of mass destruction in Iraq and the valuable contribution of the 9/11 Commission and the comments and thoughts of many others, that led to the impetus for the United States to have had major reform of our national intelligence system. That was needed.

The Governmental Affairs Committee was given this challenge and accepted it. They have worked to the best of their ability, and their final work product brings us to this point today where I presume there will be a strong vote to endorse that workmanship.

It has been my position during this process, however, to ensure that we do no harm to the immeasurably improved intelligence system that has been built for our battlefield commanders over the past 15 years since shortcomings were identified during and after the Persian Gulf war. Senator STEVENS commented on that. That is one of the reasons we were associated in working on this language change. A much improved system exists today, and it will continually evolve in becoming more improved.

It has been the goal of the Senate Armed Services Committee, working with other committees of the Senate during this deliberative process on this intelligence reform, to ensure that intelligence support to the President, the Congress, senior policymakers, and tactical commanders is enhanced. The agreement we reached on Monday is crucial in accomplishing that goal.

The new language in the conference report before us today is a substantial improvement. President Bush, in his letter to the Congress on December 6, 2004, stated that it is his intention to develop guidelines and regulations using the statutory guidance provided in this provision "to ensure that the principles of unity of command and authority are fully protected."

With this agreement, it is now time to move forward to approval of this bill, and I shall vote for it. Earlier today, the distinguished majority leader made reference to this bill as "not a perfect bill." I associate myself with his opinion because there are several issues about which I remain concerned; namely, the authorities of the Director of National Intelligence to establish personnel policy for military personnel and transfer them within the National Intelligence Program; the ability of the Director of National Intelligence to transfer and reprogram funds; the role of the Director of National Intelligence in major intelligence acquisition programs managed largely by the Department of Defense; and the relationship between the DNI and the Director of the CIA, and between the DNI and the Director of the National counterterrorism Center.

At this point, I say thanks to Senator STEVENS. I have worked closely with the Central Intelligence Agency and the Directors of that organization for these many years. The principal headquarters is in my State. I am privileged to have had a long series of close personal relationships with not only the Directors but many of the associate directors and others—indeed, the employees. I think overall they have stood the test of time and done their very best to provide America with the best intelligence, and most particularly the men and women of the Armed Forces.

Consequently, I will join others in this Chamber to carefully monitor oversight implementation of this legislation over the coming months, and will, if deemed necessary, offer such legislation, an example being what the distinguished Senator from Alaska just mentioned, when appropriate to further strengthen this law to alleviate any unintended consequences of this legislation.

Again, I congratulate the managers of this bill. I look forward to working with them as we implement these reforms and build an intelligence system that provides the best possible support for our national decisionmakers, and most particularly to those in uniform serving on the distant battlefields and ramparts of the world.

I ask unanimous consent to have printed in the RECORD a working document on the chain of command issue which Chairman HUNTER and I used during our deliberations on this issue, and in response to questions that were directed to us, as well as a chronology of events associated with consideration of chain of command language during deliberations of this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHRONOLOGY PRESERVATION OF AUTHORITY/CHAIN OF COMMAND PROVISIONS IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

July 22, 2004—9/11 Commission Report released.

August 2004—relevant committees of Congress conduct hearings.

September 16, 2004—White House provides suggested legislation on intelligence community reform to relevant committees of Congress, which includes a section 6 on "Preservation of Authority" for heads of executive departments to manage their departments and remain accountable for their performance.

September 23, 2004—Government Affairs Committee reports S. 2845 to the full Senate for consideration, without "Preservation of Authority" provision.

September 28, 2004—White House submits Statement of Administration Policy supporting S. 2845, but expressing concern about several issues including the lack of a "Preservation of Authority" provision stating, "The Administration supports inclusion of this provision [Section 6, Preservation of Authority and Accountability, of the Administration's proposal] in the Senate bill."

October 1, 2004—Senator Warner submits Amendment No. 3876 to S. 2845, to preserve the authority of heads of executive departments to manage and remain accountable for the performance of their departments.

October 4, 2004—Debate on Warner "Preservation of Authority" amendment ends with no agreement. Modified language jointly drafted by White House and Senator Warner is rejected. Amendment is withdrawn.

October 6, 2004—S. 2845 is passed by the Senate, but without a section on "Preservation of Authority." Senator Warner voices support for the overall legislation but cites continuing concerns, including the lack of a "Preservation of Authority" clause, and indicates his intent to try to resolve these concerns during the conference process.

October 10, 2004—H.R. 10 is passed by the House.

October 16, 2004—Conference begins.

October 18, 2004—Director, OMB, and National Security Advisor send joint letter to conference chairmen expressing administration views on conference issues, including urging conferees to include section 6 of the original administration proposal on "Preservation of Authority," and indicate this section is one of President Bush's three core principles for the bill.

October 20–November 19, 2004—Conferees exchange approximately 12 offers and counteroffers on "Preservation of Authority" language.

November 20, 2004—Conference managers propose final language. Chairman Hunter indicates his objection to the language believing it would potentially insert the DNI into the chain of command. Senate conferees approve draft conference report 13–2. House conferees defer action on conference report.

November 21, 2004—House and Senate adjourn without taking action on the conference report.

November 22–December 5, 2004—consultations between Chairman Hunter, Chairman Warner, Vice President Cheney, several conferees, and General Richard B. Myers, Chairman of the Joint Chiefs of Staff, on appropriate language to ensure the integrity of the chain of command.

December 6, 2004—Agreement is reached between administration, conference managers, Chairman Hunter, and other concerned Members of Congress, on revised "Preservation of Authority" language that directs the President to issue guidelines for implementation that, "shall respect and not abrogate the statutory responsibilities of head of the departments of the United States Government. . . ."

Mr. WARNER. Madam President, I yield the floor. Again, I yield such time as I might have remaining to Senator CORNYN.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from New Hampshire is recognized.

Mr. SUNUNU. I thank the Chair.

It is a pleasure to stand in support of the intelligence reform bill.

In my remarks today in support of the bill, I want to first emphasize that there is no real way we can know exactly and precisely what all of the benefits might eventually occur due to the reforms made by this bill. I think both the House and Senate went through a good-faith effort to try to develop a better, a better intelligence organization, better rules for sharing information than we currently have, changes that conform in many ways to some of the difficulties identified, and recommendations made by the September 11 Commission. But the real motivator for reform I think began even prior to September 11.

I think the impetus for change in our intelligence organization begins with the fall of the Iron Curtain, the end of the Cold War, the disintegration of the Soviet Union, and the emergence of terrorism—now the greatest national security threat that faces America and our allies—and concerns over the proliferation of weapons technology to terrorists around the world. That was obviously brought to the forefront with the attacks of September 11. But the fact that we have a new set of threats and a new set of risks to American security is what calls on us to review the structure of our intelligence agencies and to make the recommendations for change that are embodied in this bill.

With this legislation, we will improve the budget process for intelligence agencies by giving more power and authority to the Director of National Intelligence, the DNI. The DNI will coordinate where the funds and resources should be allocated among the 15 various agencies that have responsibility for intelligence gathering in the United States and around the globe.

We reform the standard of accountability by having an independent Director of National Intelligence. I think there is, to borrow a phrase from the previous speaker, a clearer chain of command for responsibility and accountability in setting priorities and setting goals for the President of the United States and all of those in the Government who rely on our intelligence-gathering operation.

We reform the process of coordinating between these 15 agencies. We have a new counterterrorism Center that will be the central focus for gathering information threats from law enforcement and intelligence agencies around the country.

We now have a much better understanding of the degree with which critical pieces of information can come from local or State law enforcement, and not just from the sophisticated apparatus of a national intelligence organization.

We have to coordinate and collect that information and then disseminate it and do a better job of sharing that information.

A final area of reform I would underscore is that with this legislation we set clear guidelines, a clearer process, and in many ways an easier process, for getting key pieces of information to the decisionmakers that will act on that information.

We saw, unfortunately, time and again in the wake of September 11 moments where there existed important information, but for a variety of reasons that information wasn't placed in the right hands at the right time. So information sharing, as simple as it may sound, is a critical piece of the reform element in this bill.

For all of those reasons, I am very pleased to support the legislation because I think it will create a much better framework for understanding where we are successful and where we need to continue to improve our intelligence gathering. Not every objective, not every goal, will be attained in the next year or the next 2 years. But this organizational structure, the rules for intelligence sharing, this budget process, all will make our intelligence organization much more effective.

A lot of concerns have been raised about the legislation. A lot of people point out the obvious—that it is not a perfect piece of legislation. I don't think anyone has ever come to the floor of the Senate or the House of Representatives claiming they had finally written the perfect piece of legislation. But a lot of those criticisms as well are on a weak foundation; concerns, for example, about the process, the speed and the timing with which this legislation was written.

The suggestion was made earlier last month that the Senate had rushed through this piece of legislation, that we moved it through too quickly, that there was not enough time taken for deliberations and hearings. I think of all the criticisms, that is probably the weakest I have heard.

The Chair well knows through a number of hearings we collected information—not just from the September 11 Commission and all the work they did on these issues, not just from the families of those who were lost on September 11, but from intelligence-gathering organizations, from the FBI, from local law enforcement, information that was critical to developing legislation before the Senate today.

The criticism of the process that somehow the conference between the House and Senate was done in secret is simply without foundation. The conference negotiations were extremely inclusive. In many ways I argue they were inclusive because they included me. When the conference negotiations and the discussion about the final legislative language is inclusive enough to make available a role for the 95th most senior Member of the Senate, it is a pretty inclusive process. There were Democrats in the room at the most sensitive times as well as Republicans. It was bipartisan discussion and negotiation.

Obviously, not everyone got everything they wanted in the final bill. When the process is criticized for being exclusive or it was rushed, that criticism is most often made by someone who just did not quite get everything they wanted in the bill.

There is a criticism that we should have included more immigration or law enforcement provisions. This bill does deal with immigration in a direct and substantive way: increasing customs agents and beds for detainees; better information sharing that will make a huge difference for the INS and for others engaged in securing our borders. But it does not have every provision recommended by the House of Representatives, so it should come as no surprise we will deal with many of these issues, perhaps with a more comprehensive immigration reform bill, in the next session of Congress.

What is in the bill improves the status quo, improves the current situation. That is something for which we can all be pleased.

We have a lot of work to do on oversight in the coming session. We have a lot of work to do to make sure this legislation does what we intended it to do. But it is an outstanding effort. I commend the work of the chairman and the ranking member on the Governmental Affairs Committee as well as the House conferees.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank the Chair. Senator MCCAIN is on the way.

While Senator SNOWE is in the Chamber and is the Presiding Officer, I thank the Senator from New Hampshire for the extraordinary contributions he made to this bill and to the conference both on what used to be the Governmental Affairs Committee—I suppose it still is—and now the Homeland Security and Governmental Affairs Committee, particularly on the conference.

Senator SUNUNU was an extraordinarily important member, very steadfast in support of genuine reform, and very skillful as a legislator, both within the Senate conference and without, on the occasional missions on which he would be dispatched to the other body where, I gather from the record, he previously served and still has some people listen to him when he goes over there. The Senator from New Hampshire should feel the great pride and gratitude of the Senator from Maine and this Senator for all he contributed to this historical decision.

I yield to Senator COLLINS.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Maine.

Ms. COLLINS. Mr. President, let me make a brief comment in response to the recent discussion on the chain of command language.

First, I am very pleased we were able to reach agreement with the chairman of the House and Senate Armed Services Committee on this language. Since I did not see the documents that the chairman put into the RECORD, I state very clearly for the record that nothing in the final language in this bill in any way weakened the authority of the new National Intelligence Director.

In fact, the Director of National Intelligence will have significant budgetary and other authorities and that makes sense. We do not want to create just another layer of bureaucracy. We do not want to create a figurehead. We want to empower this individual with the authority to be able to marshal the resources to counter the very serious threats we face both today and in the future.

In my judgment, nothing in this bill has ever hindered military operations or readiness, but I am pleased we were able to draft some additional language that has provided some comfort to those who were concerned.

All Members have our first priority to the brave men and women who are fighting on the front lines of freedom. That is why this bill was very carefully drafted to keep tactical and joint military intelligence programs under the exclusive control of the Pentagon but to make sure those national assets which serve multiple customers—including the President's National Security Council, our covert agents in the CIA, as well as our military—to ensure that those assets are controlled by the Director of National Intelligence just as today they are controlled by the Director of the CIA in his role as head of the intelligence community.

I am told by those who have worked entire careers with the CIA that the Department of Defense has always been very happy with the relationship that allows a priorities committee to work out and resolve any conflicts in the use of these national assets. Certainly, this language and this bill as a whole, the reorganization as a whole, will improve the quality of intelligence that is provided to our troops, as well as making civilians at home safer. That is our goal. That is what this legislation achieves.

Mr. President, the Senator from Arizona has arrived. He has been a stalwart proponent of reform. He has worked very closely with Senator LIEBERMAN and me. I am very grateful for his leadership and support.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I came here to applaud the enormous efforts of my two colleagues, Senator COLLINS and Senator LIEBERMAN. This has been a task that has been, in the view of many, insurmountable. This piece of legislation was declared dead on numerous occasions. It was through their tenacity, hard work, and willingness to compromise that we now have perhaps one of the most significant and important reorganizations of the Federal Government certainly since 1947 when we created the Department of Defense.

It is all very good news. No one could describe it better than my two colleagues who point out this is a law that has to be translated into action. We have to change the reorganization of the boxes, but we also have to change the culture, a culture that led the President of the United States to proceed to war on the assumption that Saddam Hussein had weapons of mass destruction, which apparently he did not; an assumption that caused our Secretary of State to testify before the U.N. Security Council that Saddam Hussein was amassing weapons of mass destruction, an assumption that, unfortunately, misled other intelligence agencies throughout the world, not only that of the United States of America. But, as always, America leads. So I applaud their outstanding work. As they said, this is the beginning of a beginning, but it is an important beginning. Without this legislation, I do not believe we could make significant progress.

I would like to thank the families of 9/11 who have steadfastly supported this legislation. Without their support, it would still be sitting at the desk as it was the day Senator LIEBERMAN and I proposed it. I think their work is not over as well, because one of the failures of this body has been a total lack of congressional oversight reorganization. Still, there are numerous committees of congressional oversight. There has been no coordination, there has been no consolidation, and in the words of my friend, John Lehman, a member of the 9/11 Commission, in his words: The old bulls are more interested in protecting their turf in Congress than they are in national security.

That is a tough indictment, but I think it is true; there is no meaningful congressional oversight because of our failure to implement even the most modest reforms of congressional oversight, with the exception of permanent membership on the Intelligence Committee.

I want to point out and just talk for a minute about what has caused the holdup here the last month or so; that is, the immigration issues.

First, I always believed this legislation was about reorganization of our intelligence capabilities and not about immigration. I think I can state with some confidence that the issue of illegal immigration is one of overwhelming importance.

My State has been devastated in a broad variety of ways by the effects of illegal immigration, ranging from people dying in the desert, to overwhelming our health care facilities, to shootouts on our freeways, to other terrible things that are happening all across the State of Arizona. We passed a ballot initiative this last election which, although I opposed, was certainly an expression of the frustration that the people of my State feel. But I would also point out, if anyone believes that simply strengthening our borders is the answer to our Nation's illegal immigration problem, they do not understand the problem.

Fifteen years ago, we declared a war on drugs, and we decided we would stop the flow of drugs across our borders which was poisoning the bodies and minds of our young Americans. The fact is, the cost of an ounce of cocaine on the street in Phoenix today is less expensive than it was 15 years ago. Why? Because there was a demand, and where there is a demand, there is going to be a supply.

There is a demand for workers for jobs that Americans will not do. What we have to have is comprehensive immigration reform that certainly entails strengthening our borders, increasing Border Patrol, and having better laws and better enforcement.

The issue of driver's licenses has to be discussed and debated because we are heading down—in a little straight talk—we are heading down a path toward a national ID card. I think that is something we ought to discuss and debate at some length before we take that step as a necessary one, if it is, in the war on terrorism.

So we have to have a comprehensive approach to immigration reform, and I hope that will be a top priority agenda item.

I say again that I am committed, and I know the President of the United States is committed, to overall, comprehensive immigration reform. I look forward to working with my friends on the other side of the aisle. This has to be a bipartisan issue, but it must be addressed because we can never assure the American people that they are safe from terrorists if our borders are penetrated, as they are today, by people who can easily come across illegally. But, overall, we also owe it to all men and women who live and work in this Nation to have certain protections.

I look forward to working with my colleagues, and, again, my congratulations to them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend, the Senator from Arizona, for his kind words. I was just thinking, as I was listening to Senator McCAIN, he is known as a straight talker, but he is also a great doer. When he sees something that is wrong, and nobody is doing anything about it, you are just not going to stop him until he gets it right. When he sees a need that is unmet, you are just not going to stop him until he figures out how to convince our Government to meet it.

In this case, within a month after September 11, 2001, JOHN McCAIN and I were together somewhere and he raised the subject that there ought to be an independent, nonpartisan investigation of how this outrageous attack on the United States by Islamist terrorists could have happened and what we can do to make sure, to the best of our God-given ability, it never happens again.

We put the bill together in a commission. We had opposition. Every step was tough, but ultimately it was adopted and filled brilliantly by a group of citizens. Both parties rose to the occasion and presented a report that was a scathing indictment of the status quo, an intelligence community without anybody in charge, where people with information in the FBI, CIA, and other agencies were not sharing it with each other, and the gnawing conclusion that if the intelligence community had been better organized and the dots had been connected, we could have prevented September 11 from happening.

JOHN McCAIN and I welcomed that report which came out at the end of July. We began to work together to draft into legislation all of the recommendations of the 9/11 Commission. He was persistent in driving to put those out there. His staff and mine worked very hard. We did so right after Labor Day. I am pleased to say, once again, as a result of the persistence and patriotism of the Senator from Arizona, most of the contents of that original legislation are in this conference report. Not just the establishment of the Director of National Intelligence and the counterterrorism Center but a remarkable host of constructive and progressive recommendations from the 9/11 Commission, which, frankly, most of the country does not even know about yet, which I believe and have confidence they will feel good about as they find out about them because they go not just to transportation security, not just for aviation, but for all modes, for border security, civil liberties, and privacy.

In an age of terrorism, when the Government will have to be more actively involved in our lives, we want to protect the freedom that defines us as Americans.

There is a very progressive, farsighted section which says ultimately we are going to do everything we can, hopefully with the assistance of a greatly improved and organized intelligence community—and do everything we can to capture and kill the terrorists themselves—but ultimately we are going to win this war on terrorism by draining the swamps of poverty and tyranny and totalitarianism in which the terrorism has grown. We recommend and now put, with the force of law, aggressive steps for outreach to the Muslim world. We call for economic development in the Muslim world, for the extension of freedom's range in the Muslim world, for the increase of exchange programs—students, faculties, others—between the United States and predominantly Muslim countries, which is the ultimate hope for a secure future.

So I thank the Senator from Arizona for his kind words, and I return them to him. I hope it does not hurt his reputation, but in addition to being a straight talker, he is a great doer as well.

Mr. President, as the Senate stands poised now to adopt this 9/11 Commission recommendation bill, I believe we are at the brink of a turning point in our governmental history. It reflects the turning point that occurred, tragically, outrageously, on September 11, when we were attacked by 19 Islamist terrorists who, as someone else has said, hated us more than they loved their own lives, and so they killed themselves to express that hatred and took with them 3,000 innocent Americans.

With this vote, we in Congress are saying that one era in our history, in our national security history, has ended and another one has begun when we search for better and different ways to protect ourselves from our sworn enemies. We are changing from one national security strategy to another, from a Cold-War strategy to a strategy fit to bring us to victory in a war against terrorism.

Our purpose in this legislation all along, from its drafting through its hearings, through the extensive negotiations and now with its passage, was to advance a new vision of how to protect the American people in an unfortunately new world with different dangers, where our enemies don't distinguish between soldiers and citizens or foreign and domestic military targets. The brilliant work of the 9/11 Commission informed us that a lack of what they called the unity of effort, strong leadership, accountable leadership, allowed good intelligence to slip through our grasp, enabling the terrorists of September 11 to evade our defenses.

I have said before and I will say it again—it is a homely analogy or metaphor—the American intelligence community today is like a very good football team with great players but no quarterback. This bipartisan proposal we are about to vote on will create a quarterback, a strong quarterback. It will upend the status quo which failed us on September 11 and on other occasions in our recent history by reorganizing many of our intelligence agencies to create a unified command and control structure so that one person, the new Director of National Intelligence, will be in charge and accountable for the Nation's intelligence operations.

When somebody asks in the future, "Who is in charge?" the question will not be met with the same blank stares and nonanswers that greeted the 9/11 Commission when they asked that question. The answer will be, "the DNI is in charge," the Director of National Intelligence, is in charge and responsible. That, we are confident, will make this Nation and its people safer.

The urgency of our times has demanded prompt action, but it has not been so prompt as to negate thoughtful consideration of just about every sentence and word in this conference report; prompt because we are, after all, a nation at war. A war like none other we have ever fought, a war in which we must maximize our resources, begin anew to meet our enemy and defeat them and find better ways to utilize the enormously capable human intelligence assets we have and the extraordinary technological assets we have as well to transform our ability to defend ourselves.

It never hurts to quote Sun Tzu, the classic Chinese strategist of war, who said:

> If you know yourself but not the enemy, for every victory gained you will also suffer a defeat. If you know neither the enemy nor yourself, you will succumb in every battle . . . but if you know the enemy and know yourself, you need not fear the result of a hundred battles.

The American people know themselves. We know our strengths. We know our purpose. We know our principles. As a result of this bill, I am confident we will better know our enemy and, therefore, have much less cause for fear.

I want to say a final word about the families, the survivors of September 11, because they truly were our inspiration throughout this journey to reform. They insisted on the creation of a 9/11 commission and they insisted that its recommendations be acted upon by Congress and supported by the President. That is exactly what has happened, across party lines, across Chambers, the executive branch and legislative branch, working together. This is an accomplishment which everyone here involved, and those involved at the White House, can celebrate. But ultimately it is a victory for the American people and particularly for these survivors of 9/11. Their self-sacrificing courage brings us to this historic moment of reform.

I said before, the American people know themselves. If you want to know the American people, meet the families and friends of those we lost on September 11. They represent the best of our country. They reflect our strength, our resilience, our values, our patriotism, our sense of purpose, our commitment and optimism. No matter what the obstacles, America and the American people will go on and will prevail. We will prevail because we represent a cause, the cause of freedom, the cause of opportunity. I hope and pray the passage of this legislation will help the families of 9/11 find some peace, as I am confident it will help all Americans find cause for greater confidence in our Nation's future security.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, we are on the verge of voting on historic legislation, landmark legislation that will reform our intelligence structure to allow us to better fight the war against terrorism and to counter future security threats. We will be taking a structure that is characterized by stovepipes, by a lack of sharing of information, that was so indicated in the 9/11 Commission Report as being a major cause of intelligence failures. The 9/11 Commission, over and over again, described the good people in our Government straining against structures that did not allow them to communicate effectively vital information; thus, no one assembled the pieces of the puzzle that might have allowed us to detect the hijackers' plot against our country.

We have reorganized the intelligence agencies into a new structure where one person clearly will be accountable and responsible. The new Director of National Intelligence will be able to marshall the resources we need to counter the threat to our citizens. We have a National Counterterrorism Center, a National Counterproliferation Center designed to bring together analysts from all the agencies so they can pool their talents, analyze the intelligence, and produce better informed reports.

This legislation will help make America more secure, and that is what this entire debate is all about. As my colleague, Senator LIEBERMAN, has eloquently stated: The status quo failed us. Our bill may not be perfect. As the Presiding Officer indicated, no bill is. But it represents an enormous improvement over the status quo.

We cannot turn away from the intelligence failures that have cost the lives of thousands of American citizens. We have to act. I am very proud that the Senate today will approve historic legislation that will make our country more secure.

Mr. President, I know Senator FRIST plans to come down and speak right before the vote, and he has arrived on cue. I do want to take this opportunity to request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. COLLINS. I thank all of my colleagues for their help and support.

Mr. FRIST. Mr. President, as we approach this truly historic vote, I want to once again thank those who have labored so hard to get to this point over the last days, weeks, and literally months.

Senators COLLINS and LIEBERMAN, the chair and ranking member, deserve our highest praise—we oftentimes say that, but I mean it literally—for their professionalism, dedication, persistence, and bipartisanship, which is something that we stressed up front from day one, when Senator DASCHLE and I first talked after the 9/11 Commission recommendations came. It has been there throughout. I say thank you.

JOHN MCCAIN also stands out as someone who endeavored to give the 9/11 Commission life and to add many key elements to the Senate bill, many of which are in this legislation, all of which work toward the implementation of those 9/11 Commission recommendations. Senator WARNER and Senator STEVENS both labored to make sure we got the intelligence support to the military right, to make sure we did this in the correct way. JON KYL, part of our leadership team, worked hard on issues. I thank PAT ROBERTS for his diligent and persistent efforts. A whole host of Members on both sides of the aisle have participated.

I want to mention DENNY HASTERT, who played a critical role in bringing this legislation to fruition, which played out before the American people over the last several weeks. We would not be here right now without the unflagging leadership of President Bush to fight the war on terror and to meet the greatest challenge of our time. His commitment has been steady. It has involved direct participation. He made it clear to me from day one that it is his highest priority to make America safer.

This bill moves America into a position where we can say—once he signs the bill—that America will be safer.

Lastly, I thank the 9/11 families, without whom much of the momentum simply would not have been there to see this bill all the way through. They inspired us, they turned their personal tragedies into action, and it is manifested in the bill.

In the 3 years since the 9/11 attacks, we learned a lot about our Nation's vulnerabilities, our strengths, and the steps that we must take, many of which we are taking today in this bill. The bill will certainly make our Nation safer. Much more needs to be done, and we all recognize that; but this is a major leap forward.

As I said earlier, strengthening America at home and abroad, moving America forward in the pursuit of freedom and prosperity, and protecting the

American people in our homeland have been the driving motivations of the 108th Congress, and they are captured in this bill.

Mr. President, I believe we are ready to proceed to a vote. At this juncture, I will yield back all time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the conference report to accompany S. 2845, the Intelligence Reform and Terrorism Prevention Act of 2004.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Missouri, Mr. BOND, the Senator from Colorado, Mr. CAMPBELL, the Senator from Utah, Mr. HATCH, the Senator from Mississippi, Mr. LOTT, the Senator from Oklahoma, Mr. NICKLES, and the Senator from Oregon, Mr. SMITH.

Further, if present and voting, the Senator from Utah, Mr. HATCH, would have voted "yea."

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "aye."

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 2, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—89

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bunning
Burns
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Hutchison
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—2

Byrd
Inhofe

NOT VOTING—9

Bond
Campbell
Harkin
Hatch
Hollings
Inouye
Lott
Nickles
Smith

The conference report was agreed to.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

E-RATE PROGRAM

Mr. NELSON of Florida. Mr. President, as we are awaiting the final moments of this session of Congress, there are deliberations going on in the Capitol about an agreement to come forth with legislation—my understanding, already passed by the House—that will allow Internet service to be provided to schools and libraries. This is the very popular and widely acclaimed E-Rate Program that had been set up back in the nineties. The idea was that we lower the cost of providing Internet to schools and libraries so that students who would not otherwise have an opportunity of experience on the Internet would be able to get it at school.

I visited such a school last week in Tallahassee, FL. It is a school that is state of the art in all of the electronic provisions but yet, as part of the school system of that county, Leon County, is able to afford it because virtually all of their schools do have the Internet provided. This particular school, Roberts Elementary, in a rural section outside of Tallahassee in Leon County, has a diverse student population. It spans the socioeconomic spectrum and, indeed, there are a number of students at this school who, if they did not have Internet experience at school, would not have the opportunity to learn how to use the Internet and have available to them the services on the Internet.

The long and short of it is we would be depriving, because of socioeconomic status, a significant part of our student population an equal opportunity to an education, and that is a standard we all hold up as something that is worthwhile to strive for.

It all comes down to tonight. The E-Rate Program is going to stop, not because there is any diabolical movement here to take it away, because there certainly is not—it is widely acclaimed and widely popular—but because of a new accounting glitch in one of our agencies. I won't go into the details of this new method of accounting. It is, in essence, saying you are going to have to take away the fund that would supply the Internet to schools at a reduced rate. The alternative to that is—and this is not a very palatable alternative—that telephone rates for the Universal Service Program are going to go up to provide this money to continue to provide Internet service to schools and libraries.

It can all be taken care of so easily—and I do not know of any disagreement on the substance of the issue—if we pass this bill tonight. It is my understanding there are a couple of Senators who have a hold on this for completely different reasons unrelated to any of this subject matter. There are discussions going on in this U.S. Capitol Building right now over the lifting of those objections so at the last few minutes, the clock is showing, of this session of the Senate, we can take up the House bill and pass it. That is all we have to do and do it by unanimous consent with no objections.

If we do not do this tonight, then we are going to have to come back and go through the whole process again—pass it in the House, pass it in the Senate—and in the meantime have schools such as Roberts Elementary in Tallahassee, FL, be concerned whether they are going to have an e-rate, at the same time threatening telephone subscribers by thinking their bills are going to go up in order to pay for this worthwhile program, and none of that is necessary.

I call on cooler heads to prevail and allow this program that is so necessary for the education of so many of our children to achieve that objective we all embrace, which is an equal opportunity for an education for all children.

Before I yield the floor, Mr. President, I see the Senator from Montana has just come in. Just so I may inform him, I have just given this Senator's impassioned plea for the E-Rate Program and why we need to pass this bill tonight. I have laid out the reasons, and I want the Senator from Montana to know a specific example of a school I visited last Friday, Roberts Elementary in Tallahassee, FL.

The Senator well knows not only universal service and the importance of universal service to the rural areas of his State, as I do with mine—no matter how long the lines are that have to be run out there—but that in that Universal Service Program is this funding mechanism for providing Internet service to schools and libraries.

The final point I wish to make for the Senator, who missed my remarks earlier, is that this is so important because there are many students whose families cannot afford Internet at home, and, therefore, their only experience of this is going to be getting it at school. That was clearly evident to me at Roberts Elementary in Tallahassee, FL.

It is my hope that now with the mellifluous and golden tones coming forth from the Senator from Montana, that he would bring us some good news about the negotiations of passing this bill tonight.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I appreciate what Senator NELSON had to say, also, on this legislation. This Congress should not go sine die without passing these three pieces of legislation. All three of them are very important. In fact, I would say the E–911, the enhanced 911 bill, is probably the most glaring public safety legislation we have worked on in many years. One would think this legislation that says we are going to take the money that is collected and it has to be spent in our PSAPS—in other words, our communications centers—to upgrade their technology, so that when a 9–1–1 call comes in from a cell phone we can locate the caller. We have that in wired lines, but we do not have it so much in wireless phones. I think it is time that we do that.

This is a great piece of public safety legislation, and we have been working on it for about 4 years. One would think that would be a no-brainer. It took us long enough to pass legislation to make a 9–1–1 call go into the nearest first responder. It used to be if one was out of their home territory and their phone was in roam, they could dial 9–1–1 and they were apt to get the 600 Cafe in Miles City, MT. That does not do one a lot of good when they are on the outskirts of Tallahassee, FL. It did not know where to go, and now it does.

So we think this is very important legislation. The E–911 caucus was established by folks who work in public safety and public communications every day. We keep hearing what we should be doing about our communications systems in our cities, but how does a fire department communicate with the police department, with the highway patrol, and with the Federal agencies? Well, not very good. We have the technology there for them to do it, and folks want to do it. The only thing we lack is the funds.

This says take those funds that are collected—when we all pay our phone bill, there is a little checkoff there around 50 cents that goes to emergency telephone technologies. Well, guess what. We sent the money to the States. The States balanced their budgets, but they did not spend the money upgrading their communications centers. We think that is just terrible. That is why this legislation needs passing. There is no objection to it. It has passed this body. It has passed the House of Representatives.

Now, for those who do not think they have a dog in this fight and they live in a rural area, take a look at another part of it, which is the Universal Service and Anti-Deficiency Act exemption. This money was collected in universal service for a specific purpose, and it should be used for a specific purpose. It is very simple to do the right thing and do it right now. What has happened is they have found some abuse, a little fraud, so across the country they shut down making their payments to every school and library on the E-rate. It affects over 70 cities and schools in my State alone.

I come from Montana, and in eastern Montana we have a lot of dirt between light bulbs. It is expensive trying to bring the new technologies to smaller schools to upgrade their technologies to take advantage of distance learning. Sometimes it is telemedicine. We know that we have an aging population, a rural population. They are getting older every day. We have to administer our health care in a different way. This also affects that.

Again, for this body and this Congress, this is an absolute no-brainer. I realize that these are not issues that are great, sexy issues that one will find above the fold in their newspaper, but this is very important at the community level and to the folks who have kids in schools in rural areas. It is important to the infrastructure from which they learn and receive goods, and most of all health care.

Also, the spectrum relocation bill is in here, too—again, a no-brainer. What do we want? What do we hear from our first responders? We need spectrum. We need emergency spectrum. We need that spectrum so that we can deploy new technologies as broadband.

Years ago, we used to hear a signal and we knew it was either television, a picture, a voice, or data. We could differentiate from the signal what it was.

We are in a different kind of a world now. It does not make any difference if it is data, audio, video, whatever. It is all ones and zeros. It is all digital. So now we do not talk about what kind of a signal. We talk about bandwidth, bytes, megabytes, gigabytes. We talk about this ability to move information, no matter what it is, at the speed of light through fiberoptics and even our new wireless technologies.

What do they say? We have to have spectrum. Even in my State of Montana, we can now take the computers that we see used by the clerk in this body, and with a little card in there, get on the Internet driving down the highway. It is not the fastest right now. It is around 56K, but these are the first steps to broadband wireless services that will be deployed in areas where it is very expensive to string a line.

All three of these issues are wrapped together in this package that should be passed, and there is no issue that is important enough that can even stand up to the importance of these issues at the closing of or the eleventh hour of this Congress. Not one I can think of. And it is needed.

Enhanced 911 services—we have already gone over that.

Mr. NELSON of Florida. Will the Senator yield?

Mr. BURNS. I will yield.

Mr. NELSON of Florida. I commend the Senator for his leadership on this issue. Just to back up, about what the Senator was saying, I have a letter to the leadership of both the House and Senate signed by 34 Senators, bipartisan, pleading that we pass these items.

So I ask the Senator, with this kind of broad support—there is really no opposition to the substance of this—what is holding it up, and what are the prospects in these final few minutes of this session of Congress that we are going to be able to disgorge this tonight?

Mr. BURNS. I say to the Senator, I don't know exactly what is going on. We know some of the things, but I do not think that is material here. I am just pleading that it gets done. Let's look at the importance of this and our priorities and let's finish our work and go home. To my knowledge, there is not anything any more important than that we finish this, for the simple reason we have schools and libraries now that are receiving no payments. There are no payments until we pass this legislation. With the support of the administration we should be moving this legislation.

There are some who think it should be an appropriated account. It was never in an appropriated account. This money was not collected as taxes. It was collected for a particular purpose.

So I say, they signed the letter. My colleague from Florida is exactly right, and the Senators who signed the letter are exactly right.

Mr. NELSON of Florida. Will the Senator further yield for a question?

Mr. BURNS. I am happy to yield.

Mr. NELSON of Florida. Mr. President, I thank the Senator. I ask the Senator regarding the objection that is being raised, what is the chance that that objection will be lifted and that we will be able tonight to pass this legislation that is so needed?

Mr. BURNS. I tell my good friend from Florida that negotiations are currently underway.

Mr. NELSON of Florida. Very good.

Mr. BURNS. We are talking. I think we are going to get this resolved.

Mr. NELSON of Florida. Then, I say to the Senator, Godspeed.

Mr. BURNS. I want to say something. The Senator from Florida has been working with my cochair. The cochair on the Internet caucus is Senator CLINTON from New York. I will tell the Senator, the Senator from New York has just been an absolute champion on this because she understands upstate New York and she understands her rural areas. She doesn't just understand downtown New York. That might be the political base but, nonetheless, when she was elected as a Senator she all at once realized, and came to me and said: I have a rural area that I have to serve.

She has been very diligent. She has worked very hard, especially on the other side of the aisle.

I appreciate the contribution of the Senator from Florida, and I thank Senator CLINTON for her cosponsorship and her work, as well as many other colleagues who have worked with me—Senator LOTT, Senator FRIST, Senator SUNUNU, and many others who worked to improve this legislation. They, too, place it very high on the priority list of items that should be passed before we go home. The cochairs of the E-911 caucus, Representative SHIMKUS and Representative ESHOO in the House, who have been tireless advocates, along with Representative CHIP PICKERING and many other Representatives—JOE BARTON has been a champion on this issue. We have been working on E-911 issues for many years now, and we all agree this is a good product and the final product we can have this year.

Mr. President, E-911 services are about as clear an example as you can get of Congress acting in the public interest and in the interest of public safety as we could possibly have. If someone dials 9-1-1 from a cell phone, that person's location should be transmitted to a public safety answering point so the police, fire, or rescue first responders can know exactly not only what to do—they already know what to do—and where to go. How do we find this dialer of 9-1-1?

When we first started to look at emergency services, we found out that 9-1-1 was not the national norm for an emergency number. We found many numbers, in many different areas. Basically, what we did was we nationalized 9-1-1. We said no matter where you are and what your circumstances are, 9-1-1 will be the national emergency number. So when we take a look at this, this technology will save lives. It is already saving lives. E-911 services are already being rolled out in this country, and this bill authorizes some more money, about $250 a year for 5 years in matching grants made to appropriate entities so that progress will occur more rapidly in the next phase of implementation of those two technologies.

So I ask my colleagues to not only help us but to take these three essential parts of this piece of legislation and pass it, and let's send it to the President for his signature. I think that is about the best Christmas gift we could give to people who rely on emergency services.

RETIREMENT OF BOB GRAHAM

Mr. BURNS. Mr. President, I appreciate the good works of my good friend from Florida. I see both Florida Senators are in the Chamber. Of course, Senator GRAHAM is just about to close out his career in this Senate, and he will be missed. He was one of my neighbors when I first came here some 16 years ago, when they were living just not too far down the street. So I appreciate him and all the talents and the contributions he has made to this body and to the country.

I hope he is successful in the Black Angus business in Florida. He will be going back to his beloved ranch and probably do a little writing, get a little philosophical. I know he has done that at times. He can do it in an environment that is befitting a retired Senator. We appreciate him.

We do not say goodbye in our part of the country. We just say so long. Our trails will cross one of these days.

The PRESIDING OFFICER. The Senator from New Jersey.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

INTELLIGENCE REFORM BILL AND COMPREHENSIVE IMMIGRATION REFORM

Mr. CORNYN. Mr. President, I want to say a few words about what we have done here today in passing the intelligence reform bill and say that I support this effort. It was a difficult but necessary step to making America safer.

I do not believe we should fool ourselves to think we have actually finished the job. By that I mean I think some of the objections that had been made to this legislation or I should say some of the proposals for additional measures that were excluded from this bill, I believe, were well taken. Specifically, what I am talking about is some of the security challenges relative to our immigration system, our broken immigration system.

I know many Americans would be shocked to learn that the 19 9/11 hijackers had a total of 63 validly-issued U.S. driver's licenses. Because of this astounding fact, the 9/11 Commission recommended, on page 390:

> The federal government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses. Fraud in identification documents is no longer just a problem of theft.

The Commissioners aptly pointed out that "For terrorists, travel documents [can be just] as important as weapons."

I am pleased the conference report that we have voted on today and passed overwhelmingly includes some needed enforcement measures. But, as I say, I do not believe we should stop there. I strongly believe that issuing driver's licenses to individuals who are not lawfully present in our country has the potential of posing a national security risk in a post-9/11 world.

The example I just mentioned about the 9/11 terrorists: It is well documented that Mohamed Atta had a driver's license that was valid beyond the date of the expiration of his visa. Inasmuch as he had been stopped for an ordinary traffic violation, a lapsed driver's license, if its lapse was concurrent with the end of his visa, would perhaps have raised a signal which would have caused some additional questions to be answered. Of course, I do not want to speculate what the outcome of that would be, but it makes sense to me, and I think it makes sense to most people, that why in the world would you issue a driver's license to someone who is not lawfully present or allow that driver's license to extend beyond the date of their visa?

Driver's licenses, after all, are used for access to airplanes all across this Nation; therefore, invalid driver's licenses held by someone not lawfully present, or perhaps even fraudulent documentation, pose a potential terrorist threat. We know that documents like a driver's license also function as a breeder document that is used to obtain other official documents, blurring the line between those who are in the United States legally and those who are not lawfully present. Without strong standards for driver's licenses, we ignore the clear security threat of fraudulent documents.

For all these reasons, I submit that our work here is not yet finished until we begin to address this potential threat.

We are a nation of immigrants, but we are, at the same time, a nation of laws, or at least we claim to be. But when America fails to enforce its own laws, it becomes more and more difficult to claim, with a straight face, that we are indeed a nation of laws.

We should have no qualms and make no excuses to anyone about enforcing our laws in pursuit of our Nation's security, and as the Commissioners of the 9/11 Commission pointed out, immigration reform goes hand in hand with protecting our security. We should not allow ourselves to be distracted or our attention to be diverted from these critical issues. No, Mr. President, border security is not anti-immigrant. As Speaker HASTERT has said:

> Immigrants to America are as victimized by terrorists as American citizens.

I hope we will work promptly next year to carefully reconsider the enforcement measures included in the House bill that are not included in today's conference report.

Let me mention some of those provisions in the bill that was passed by the House but which are not included in the conference agreement that we have passed.

No. 1, the House required, but this bill does not include, a requirement that applicants for driver's licenses show proof of legal status in the United

States. It does not contain the House requirement that temporary licenses should include a requirement that a license term should expire on the same date as a visa or other temporary lawful presence authorizing document and that the face of the card should show the expiration date.

This bill does not require, but we should require in future legislation, that the Department of Homeland Security certify that States have met minimum driver's license issuance and document standards.

This bill does not contain, but should contain, or at least future legislation should contain, provisions providing for the electronic confirmation by State motor vehicle departments of the validity of other States' driver's licenses and information.

This conference report does not contain but should contain and I hope future legislation will require that half of our new immigration investigators should focus on enforcing our existing immigration laws and requiring that each State receive at least three of the new State immigration investigators.

We should also require limits on judicial review of visa revocations. We should make it more difficult for terrorists and foreign criminals to win delays of their removal from the United States. We should explicitly require verification of certain information—such as identity, mother's maiden name, or other information—for the issuance of birth certificates accepted by a Federal agency. And we should require that the States adopt standardized practices for how they secure vital records offices.

Mr. President, I believe that common sense tells us that each of these provisions should be the law of the land, and I regret they were not able to be included in this legislation. But certainly all that means is that our work is not yet done, and we have much left to do.

I support the measures in the House bill that I have mentioned that were not included in this conference report. But the truth is, we need comprehensive immigration reform. I come from a border State, one with a 1,200-mile border with Mexico, and we know that Mexico's back door is the front door to Central America and beyond into South America, and that many of our immigration challenges come from south of the Texas border, which is, of course, an international border between the United States and our neighbor Mexico. It is well documented that we have approximately 10 million people who are illegally in this country who have come from south of the border and other places around the world.

Here again, I don't know how we can say with a straight face that we are a nation of laws while at the same time ignoring this fact. I know it won't be easy. Indeed, like so many other challenges that face our Nation, few of these issues are easy.

I know next year we will be dealing with things such as Social Security reform, tax simplification, and winning the war on terrorism. None of those issues are easy, but we don't give that as an excuse for failing to do our duty as Senators. I hope we will not make weak and empty excuses for failing to do our duty when it comes to immigration reform.

The need for immigration reform is apparent when we look at the challenges we confront in a post-9/11 world. There are some who say: We can solve our immigration problems by building a wall between the United States and Mexico or we could do it by deploying troops along our border.

That is a vain hope and expectation, if indeed people are truly serious about that. The fact is, when you have one of the poorer nations of the world right next door to the richest nation, people who have no hope and no opportunity where they live will do whatever it takes to provide hope and opportunity to their families. You cannot build a wall high enough or wide enough to keep people out of this country who know only despair and who have no opportunity where they live.

I believe we need to deal comprehensively with this issue in a pragmatic way, a way that allows us to call ourselves a nation of laws, and create a legal framework that allows us to deal with the present reality of our reliance on immigrant labor, some 6 million in the workforce in America doing jobs in many instances that American citizens would not want to do.

All you have to do is travel to construction sites all across the country. Go to the hotels, the restaurants, to the lawn service companies, whatever the nature of the business may be, you will find—and we know they are there—immigrants who have come from other countries who ask for nothing more than the opportunity to work. We need and rely on that labor.

At the same time the demands of homeland security cry out for an accounting of who is in our country and why they are here. While I suspect—indeed I believe—the vast majority of these people who have come here illegally are here because they want nothing more than to work and the opportunity to provide for their families, what we need to do is account for everyone who is here, why they are here, what their intentions are, and to make sure that those who are a threat to our country are deported or not allowed to come into our country in the first place.

In order to deal with this issue—both our homeland security, our border security, and our economic reliance on the contributions that immigrant labor provides and that are important to our economy—we need to approach this entire question with a dose of common sense and pragmatism that unfortunately has been missing for so long.

Most of the people who talk about immigration today, I am afraid to say, are special interest groups that try to scare the American people or, frankly, misrepresent the facts about this important issue. Comprehensive immigration reform will allow our law enforcement officials to concentrate on those who are indeed a threat while acknowledging the contributions that immigrants make to our economy, but under a lawful framework which allows us to regain our status as a nation of laws.

To that end, last summer, I introduced the Border Security and Immigration Reform Act that would create a temporary worker program, allowing immigrants to work in the United States for a limited time, then return to their home country with the skills and the savings that they have earned. The most important aspect of that bill is that it is a work and return program. It is not a pathway to legal permanent residency in the United States, nor is it a pathway to citizenship.

It is not amnesty. I would not support a bill that provides amnesty for those who are not lawfully present in the United States. I believe what this does is address both the reality on the ground in places such as my State and even the great State of Montana, represented by the current occupant of the chair. Immigrants make a tremendous contribution to the workforce and the economy of all of our States.

I also believe that the work and return component is important because the fact is, if we are ever going to do anything about the root causes of immigration, we are going to have to support the efforts of the nations that supply these immigrants to help build their own economy and to create opportunity and jobs. If we don't do that, then the drain of the risk takers, the young and able-bodied, the people every economy depends upon in order to do the work and to help boost the economy and create opportunity, will continue, and we will never be successful.

I believe both for our purposes and for the purposes of those countries that supply immigrant labor to the United States, it is important that we have a work and return requirement. I plan on reintroducing this measure when we return in January. I believe this proposal will enhance America's border security and homeland security by allowing law enforcement to focus on the true threats to America and those who intend to do us real harm.

There are as many as 10 million individuals already present in this country illegally. Our homeland security demands an accounting of the identity of these individuals and their reason for being here and a judgment as to whether they pose a danger to our citizens.

While I believe we have done a good thing here today and that we have met the request of the 9/11 families and the 9/11 Commission to deal with their concerns in this bill, we have not yet finished the job. Indeed, I don't believe we can claim we have finished the job until we deal comprehensively with immigration reform. I know it is going to take a lot of discussion. This is a controversial area, but I know the American people will benefit from a discussion in Congress and from our understanding of what their concerns are so we can try to achieve a national consensus to deal with this issue which we have neglected for far too long. It is because we have neglected it that we are not as safe as we should be; nor can we justly claim to be a nation of laws while we ignore this present violation, and ignoring those laws when it has to do with the immigrants in our country.

Mr. President, I will talk more about this in January when we return but I did not want the occasion to pass without making these few comments.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. CORNYN). In my capacity as a Senator from the State of Texas, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Texas, I ask unanimous consent that the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 7:36 p.m., recessed subject to the call of the Chair and reassembled at 8:05 p.m. when called to order by the Presiding Officer (Mr. BURNS).

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, so our colleagues will know the plans for the next few minutes or next hour or so, we will be going sine die later this evening. There is still some business we are conducting and wrapping up. For the next few minutes, we will have some unanimous consent requests. We will deal with that, after which I will make a statement or two while that pending business is being wrapped up.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the calendar: Calendar Nos. 588 and 865.

I further ask that the following nominations be discharged from the respective committees and they be considered en bloc: From the Foreign Relations Committee, PN-2052 and PN-2053, which are two lists of Foreign Service officers, for a total of 309 nominations; from the HELP Committee, PN-1675, Veronica Stidvent, Assistant Secretary of Labor; from the Energy Committee, PN-1839, Karen Harbert, Assistant Secretary of Energy; PN-1851, John Shaw, Assistant Secretary of Energy.

I further ask consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

Susan Johnson Grant, of Virginia, to be Chief Financial Officer, Department of Energy.

DEPARTMENT OF JUSTICE

William Sanchez, of Florida, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

DEPARTMENT OF STATE

Donna Lurline Woolf, of the District of Columbia

For appointment as Foreign Service Officers of Class Four, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Nancy E. Abella, of Connecticut
John Aloia, of New Jersey
Alexander Neville Ave Lallemant, of Texas
Kay Gilbrech Barton, of Texas
Dena D. Brownlow, of the District of Columbia
Cathleen Elizabeth Carothers, of Kansas
Charles Gardner Chandler IV, of Texas
Peter Thompson Chisholm, of Florida
Derek Shane Christensen, of California
Amanda Beth Cronkhite, of New York
Monica Lyn Cummings, of California
Evan Tait Felsing, of California
Li Gong, of Virginia
Glenn James Guimond, of California
Kent C. Healy, of Connecticut
Nicholas J. Hilgert III, of Virginia
John J. Hillmeyer, of Missouri
Charles David Hillon, of Virginia
Darren William Hultman, of California
Debra Irene Johnson, of Virginia
Dana Michele Linnet, of California
Stella C. Lutter, of Florida
Darren A. Martin, of Virginia
Katherine Marie McGowen, of Alaska
Randall Todd Merideth, of Minnesota
Susan Michelle Meyer, of Nebraska
Sara Lilli Michael, of California
Matthew Christian Miller, of Virginia
Kimberly A. Murphy, of Florida
Hector Nava, of Texas
Heather Lynn Noss, of California
Matthew E. O'Connor, of Texas
Christopher James Panico, of Connecticut
John Benton Parker, of Florida
Scott R. Riedmann, of Ohio
Hugo F. Rodriguez Jr., of Virginia
Stephen I. Ruken, of Texas
Edwin S. Saeger, of Maryland
Nomi E. Seltzer, of New York
Matthew David Smith, of New Hampshire
Julie A. Stinehart, of Wyoming
Michael D. Sweeney, of California
Catherine Elizabeth Sweet, of Washington
Michael David Toyryla, of California
Nikolas Michael Trendowski, of Michigan
Seth H. Vaughn, of New York
Lucia Clelia Verrier, of New Hampshire

The following-named Members of the Foreign Service to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Brent E. Omdahl, of Texas

DEPARTMENT OF STATE

Ralph C. Ahlers, of the District of Columbia
Jacob F. Appleton, of the District of Columbia
Daniel Vartan Arakelian, of Michigan
Tammy McQuilkin Baker, of Florida
Regina Anne Bateson, of California
Jeffrey A. Beals, of New York
Keith B. Bean, of New Jersey
Philip M. Beekman, of Michigan
Mieczyslaw P. Boduszynski, of California
James Michael Bonikowski, of Virginia
Katherine Anne Branding, of Virginia
Jamar Phillip Broussard, of California
Maria Del Rosario Rodriguez-Diaz Butcher, of West Virginia
Andrea Michelle Cameron, of Virginia
Ryan T. Campbell, of California
Vincent M. Campos, of California
John L. Canady, of Florida
Laura Anne Cansicio, of California
Jared S. Caplan, of Florida
Kenneth Patrick Chavez, of Texas
Matt Butler Chessen, of California
Grace H. Choi, of California
John Choi, of California
Ryan P. Cooper, of Virginia
Robert J. Dahlke, of Maryland
Daniel A. Davila, of Texas
Daniel Kenneth Delk Jr., of Georgia
David S. Feldmann, of Maryland
Kara Van de Carr French, of Louisiana
Brian Michael Frere, of Florida
Daniel C. Gedacht, of Massachusetts
Leon W. Gendin, of Florida
Tonya Woytowich Gendin, of Florida
Kevin Edward Gonzales, of Maryland
Nathan S. Halat, of New York
Stephanie Lynne Hallett, of Florida
Thomas Edward Hammang Jr., of Texas
Michelle F. Hams, of Puerto Rico
Brian B. Himmelsteib, of New Jersey
Ariel N. Howard, of Louisiana
Douglas M. Hoyt, of the District of Columbia
Margaret E. Hsiang, of New Jersey
Bonnie Lee Hunter, of Virginia
Antoinette Christine Hurtado, of California
Anna Sunshine Ison, of North Carolina
Mary Beth Keane, of Virginia
Teri L. Keas, of Kansas
Rebecca N. Kinyon, of New York
Holly Ann Kirking, of Wisconsin
Payton Lucas Knopf, of the District of Columbia
Tomika Konditi, of Maryland
Rachna Sachdeva Korhonen, of New Jersey
Molly Rutledge Koscina, of Washington
Jon A. Larsen, of Oregon
Elizabeth M. Lawrence, of Illinois
Annie S. Lee, of California
Theresa Loong, of New York

Anita Lyssikatos, of New Hampshire
Patrick M. Mackin, of Virginia
Michael A. Mazzocco, of Virginia
Timothy Ray McGowan, of Virginia
Sean J. McIntosh, of New York
Daniel L. McManus, of Florida
Lioudmila Millman, of Virginia
Molly C. Montgomery, of Oregon
Jessica Nicole Munson, of Minnesota
Chad R. Norberg, of Florida
Mary Jane O'Brien, of Virginia
Sadie Marie Okoko, of Maryland
Angela P. Pan, of California
Seth L.P. Patch, of Massachusetts
Charlotte Audrey Poloncsik, of Virginia
Shannon D. Quinn, of Florida
T. Clifford Reed, of Texas
Kyle Richardson, of Iowa
Susan Jean Riggs, of Virginia
John Thomas Rivera-Dirks, of New Mexico
Gregg Allen Roberts, of Virginia
Brenda C. Ruth, of Colorado
Stetson A. Sanders, of the District of Columbia
Shigh Luke Sapp, of California
Caroline Savage, of Wisconsin
Addie B. Schroeder, of Kansas
Jeffrey A. Shelstad, of Virginia
Daniel E. Slusher, of Kansas
Brian T. Smith, of Indiana
Deborah Buddington Smith, of Connecticut
Tashawna S. Smith, of New Jersey
Alys Louise Spensley, of Minnesota
Anne Marie Staszecki, of Virginia
Michael Anthony Stevens, of Florida
Terrence Clare Stevens, of Virginia
Michael Stewart, of Oregon
Nancy Elizabeth Talbot, of New York
Mark Hamilton Thornburg, of the District of Columbia
Elaine H. Tiangco, of Nevada
Dennis Dean Tidwell, of Tennessee
Kevin J. Tierney, of Virginia
Michael J. Tran, of Kansas
Tina Tran, of Oklahoma
Ian Adam Turner, of Maryland
Linnisa Joya Wahid, of Maryland
Susan F. Walke, of Virginia
Mark Allen Weed, of Virginia
Tonia N. Weik, of Texas
April S. Wells, of Alabama
Russell J. Westergard, of Utah
David L. Wyche, of Pennsylvania

The following-named Career Member of the Foreign Service of the Department of State for promotion in the Senior Foreign Service to the Class indicated:

Career Member of the Senior Foreign Service, Class of Counselor, in the Diplomatic Service of the United States of America:

Lisa Bobbie Schreiber-Hughes, of Pennsylvania

DEPARTMENT OF STATE

Cynthia A. Haley, of Maryland

For appointment as Foreign Service Officers of Class Four, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Diana J. Haberlack, of Washington
Micah L. Watson, of Maryland

The following-named Members of the Foreign Service to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

John F. Coronado, of California
Mark C. O'Grady, of Maryland

DEPARTMENT OF STATE

Sarah Ahmed, of New York
John Stanley Anthony, of Virginia
Mara Sunshine Andersen, of Colorado
Karen Andrus, of Texas
Miriam Laila Awad, of Texas
Cynthia Balazs, of the District of Columbia
Jared Banks, of Maryland
Anne W. Benjaminson, of California
John Charles Bergemann, of Virginia
Oni Kay Blair, of Texas
Douglas E. Blandford, of Maryland
Cecily R. Brewster, of California
Kelly W. Brimhall, of Utah
Russell Kenneth Brooks, of New Jersey
Frederick E.N. Brust, of New York
Andrew A. Buntrock, of the District of Columbia
Ania Burczynska, of Washington
Brent Burkman, of Virginia
Benjamin Cade Canavan, of Florida
Donald Leroy Carroll, of Idaho
Marcus Evan Cary, of Washington
Anamika Chakravorty, of California
Akunna E. Cook, of New Jersey
Kimberly Coulter, of the District of Columbia
Christopher J. Cova, of Virginia
Mario Crifo, of Texas
Nigel A. De Coster, of Virginia
Jacqueline S. Deley, of California
Brian E. Denver, of Virginia
Vito DiPaola, of Georgia
Robert F. Doughten, of Montana
Caroline Grace Dow, of Pennsylvania
Timothy W. DuBoff, of Virginia
Rochelle C. East, of California
Linda A. Fenton, of Kansas
Andrea R. Ford, of Virginia
Kevin M. Ford, of Virginia
Scott Freeman, of Virginia
Andrew S. Gralnek, of Virginia
Elaine M. French, of New York
David Hardt Gamble Jr., of Virginia
Alexander C. Gazis, of New York
Suzanne L. Gordon, of Michigan
Katherine Anne Greeley, of California
Mary Katherine Harding, of the District of Columbia
Scott M. Harney, of Virginia
Christopher James Harris, of Virginia
Barbara Ann Harrison, of Arizona
Holly M. Harvey, of Virginia
Robert H. Helton III, of Virginia
Gary A. Herman, of Virginia
Marla J. Hexter, of Massachusetts
Patrick J. Hickey, of Virginia
Brian R. Hillberry, of West Virginia
Marcus A. Hirsch, of Virginia
Phuong Thao Thanh Hong, of Washington
Christopher Drew Hoster, of Oregon
Karen W. Hsiao, of Utah
Rodney M. Hunter, of Indiana
Heather Lynn Jambrosic, of Virginia
Donald S. Jones, of Virginia
Paul Ivan Jukic, of Ohio
Heather E. Kalmbach, of Pennsylvania
Sean Peter Kanuck, of Virginia
Ashish Katkar, of Virginia
Yolanda V. Kerney, of the District of Columbia
Sharon S. Ketchum, of Arizona
Ann Moonju Kim, of California
Kristin Louise Kneedler, of Maryland
Daniel David Koski, of Illinois
Kenneth A. Kresse, of Virginia
Bonnie Dee Langendorff, of Virginia
Brian E. Kressin, of the District of Columbia
L. Dale Lawton, of Nevada
Andrew T. Lee, of California
Benjamin A. Le Roy, of California
John Lombard, of Virginia
Bryan P. Lopez, of Virginia
Edward Paul Luchessi, of California
Todd Harry Lundgren, of Washington
Kimberly A. Ly, of California
Matthew M. Marlowe, of Virginia
La Tranda Shontell Martin, of Georgia
Lisa R. McCumber, of Texas
Stacey Dawn McDonald, of West Virginia
Colin C. McDuffie, of Virginia
Amy Medeiros, of Virginia
Jessica Megill, of California
David C. Metzler, of Virginia
John C. Moor, of Texas
Gregory L. Naarden, of Texas
Cheryl L. Neely, of Tennessee
Michael Thomas Nestor, of Virginia
Long Thuy Nguyen, of California
Martha A. Nicholson, of Virginia
Liam J. O'Flanagan, of New York
Melinda M. Pavek, of Minnesota
Raimonds Pavlovskis, of New York
John C. Pernick, of Virginia
Paul W. Piatkowski, of Pennsylvania
Wynn S. Pinkston, of Virginia
Francisco Pinol, of Virginia
Kristyna L. Rabassa, of Michigan
Anna Radivilova, of California
Brian A. Raymond, of Maryland
Christian W. Redmer, of Tennessee
Zeba Reyazuddin, of the District of Columbia
Corrie H. Robb, of California
Randall Arthur Robinson, of Florida
Sabah Roth, of Virginia
Laura Kay Rugg, of Virginia
Kimberly A. Russell, of Pennsylvania
Dovas Algis Saulys, of Illinois
Leah F. Schandlbauer, of Virginia
Jody K. Schauer, of Texas
Susan K. Silvers, of Virginia
Mordica M. Simpson, of Virginia
Siri Lynn Sitton, of Florida
David R. Smith, of Virginia
Dee Anna Smith, of the District of Columbia
Robin Diane Solomon, of Texas
Erica Leigh Stillwell, of Florida
M. Victoria Sturdivant, of Georgia
Krista D. Tacey, of Texas
James D. Telfer, of Virginia
Yodchiwan Dew Tiantawach, of Oregon
Matthew A. Tolliver, of Florida
Jessica Marie Torres, of Florida
Eric Turner, of Virginia
Richard J. Tyler, of Virginia
Andrew Vaden, of Texas
Jennifer R. Van Trump, of California
Rajeev M. Wadhvani, of the District of Columbia
Peter G. Warmka, of Florida
Carl Thomas Watson, of New York
Gina M. Werth, of Nevada
Dianne Kaye West, of South Dakota
Alexander E. L. Whittington, of Texas
Scott R. Williams, of Virginia
Allison Yezril, of the District of Columbia
Christine M. York, of Virginia
Jonathan E. Young, of Virginia
Sara Shirley Yun, of Virginia
Elisabeth F. Zentos, of Ohio

The following-named Career Member of the Foreign Service of the International Broadcasting Bureau for promotion in the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service, Class of Counselor, in the Diplomatic Service of the United States of America:

Wilford H. Cooper, of Virginia
Walter D. Patterson, of South Carolina

DEPARTMENT OF LABOR

Veronica Vargas Stidvent, of Texas, to be an Assistant Secretary of Labor, vice Chris Spear, resigned.

DEPARTMENT OF ENERGY

Karen Alderman Harbert, of the District of Columbia, to be an Assistant Secretary of Energy (International Affairs and Domestic Policy), vice Vickey A. Bailey.

John S. Shaw, of the District of Columbia, to be an Assistant Secretary of Energy (Environment, Safety and Health), vice Beverly Cook, resigned.

NOMINATION OF WILLIAM SANCHEZ

Mr. DURBIN. Today the Senate confirmed William Sanchez to be the Special Counsel for Immigration-Related Unfair Employment Practices in the Civil Rights Division of the U.S. Department of Justice. I do not oppose his confirmation, but I have serious concerns about the Justice Department's decision in September to postpone an important, statutorily-authorized grant program until Mr. Sanchez's confirmation. Now that Mr. Sanchez has been confirmed, I urge the Justice Department to reinstate the grant program at once.

This Civil Rights Division grant program plays a critical role in protecting the rights of immigrant workers. Every year since 1991, nonprofit organizations throughout the Nation have received these grants to educate workers about their rights to a workplace free of discrimination and abuse. These organizations play a vital role in educating employers and the public about the civil rights and immigration laws Congress has passed to protect U.S. citizens, lawful permanent residents, refugees, and asylees.

In July, the Justice Department publicly announced that 13 organizations from around the country would receive a grant in 2004. Several of the intended grantees, including Chicago-based Heartland Alliance for Human Needs & Human Rights, acted in good faith reliance on the Justice Department's grant announcement and made hiring and resource allocation decisions accordingly.

In September, however, the Justice Department announced that it had decided to postpone the grant program without explanation. Senator LEAHY, Senator KENNEDY, and I wrote to the Justice Department seeking an explanation for their decision and requesting that they reconsider it.

In October, the Justice Department responded with a letter indicating that the grant program would be reinstated once the Senate confirmed Mr. Sanchez, who would head the Civil Rights Division office that administers the grant program. Although I disagree with this decision to delay the grant program until Mr. Sanchez's confirmation, I was pleased by the Justice Department's assurance that they intended to continue the program once Mr. Sanchez assumes his office.

Today, in the wake of Mr. Sanchez's confirmation, Senator LEAHY, Senator KENNEDY, and I wrote again to the Justice Department, urging Mr. Sanchez and the Civil Rights Division to follow through with the commitment made to the 13 intended grantees in July. We requested that the grants be issued by the end of the calendar year.

I ask unanimous consent to have printed in the RECORD the letter regarding this important grant program that Senator LEAHY, Senator KENNEDY, and I sent to the Justice Department today, as well as the other correspondence to which I have referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 7, 2004.

Hon. R. ALEXANDER ACOSTA,
Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Ave., NW., Washington, DC.

DEAR MR. ACOSTA: We are in receipt of a letter dated October 13, 2004 from Assistant Attorney General William Moschella addressing our concerns about the postponement of the Civil Rights Division's public education grant program administered by the Office of Special Counsel for Immigration-Related Unfair Employment Practices.

We are encouraged by the Justice Department's commitment to this important, statutorily-created grant program and by Mr. Moschella's representation that the close of the fiscal year does not affect the Civil Rights Division's ability to award these grants. Although we disagree with your decision to delay the grant program until confirmation of William Sanchez, we are pleased by your assurance that you intend to continue this program once Mr. Sanchez assumes his office.

We write to urge you and Mr. Sanchez to dispense $745,000 by the end of this calendar year to the 13 nonprofit organizations who reasonably believed they had been promised this grant money in July. As we indicated in our letter of September 29, 2004, these 13 organizations had strong reason to believe that they would receive a grant by the end of the fiscal year. Many of them made resource allocation decisions in good faith reliance on the Department's July announcement.

Please provide assurance that the 13 organizations promised 2004 grant money will receive their grants by the end of the calendar year, and that the grant program will be administered in 2005 without delay or postponement.

Sincerely,

DICK DURBIN,
United States Senator.
PATRICK LEAHY,
United States Senator.
TED KENNEDY,
United States Senator.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, October 13, 2004.

Hon. RICHARD J. DURBIN,
Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR DURBIN: This is in response to your letter of September 29, 2004, inquiring into the status of the public education grant program operated by the Civil Rights Division's Office of Special Counsel for Immigration-Related Unfair Employment Practices ("OSC"). We are sending a similar response to the co-signatories of your letter.

The Department shares your view as to the importance of this program. Our outreach and training program is an important component of our overall effort to address the serious problem of immigration-related employment discrimination. We intend to continue this program when the President's nominee for Special Counsel, William Sanchez, assumes his office. Once confirmed, Mr. Sanchez will have discretion with regard to when and whom to award grant monies.

Your letter specifically asked whether funding for the grants would be available after September 30, 2004. As you are aware, although OSC's authorizing statute includes an authorization for up to $10,000,000 per fiscal year to implement and operate the public education program, no appropriation has been made for the program. Nonetheless, the Department believes that this program is important, and each year has used funds appropriated for salaries and expenses for the Department's legal activities (e.g., Supreme Court proceedings, tax and criminal matters, etc.) to support a public outreach campaign to disseminate information respecting the rights and remedies available to workers under OSC's statutes. As a result, the close of a fiscal year does not affect the Division's ability to award grants.

Your letter notes with just concern that some of the grant recipients may have relied on the Department's July 15, 2004, press release. As is the case with all such decisions, the Department took steps to make sure that no group improperly relied on such a preliminary announcement. Enclosed with this letter please find correspondence directed to each of the groups named in that press release. As you will see, the award announcements at that time were "provisional" only, and remained "conditioned on the successful completion of a general background and financial review to be conducted by the Office of the Comptroller, Office of Justice Programs (OJP)."

If we can be of assistance in other matters, please do not hesitate to contact the Department.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

Enclosure.

U.S. DEPARTMENT OF JUSTICE,
CIVIL RIGHTS DIVISION,
Washington, DC, September 16, 2004.

Ms. VANNA SLAUGHTER,
Catholic Charities of Dallas, Immigration Counseling Services, 5415 Maple Avenue, Suite 200, Dallas, TX.

DEAR MS. SLAUGHTER: I write to inform you that Office of Special Counsel's public education grant program and the grantee training conference scheduled for September 29 30, is being postponed until later in the year.

If your organization was awarded a grant by the Office of Special Counsel in 2003 that has remaining funds, please immediately request from us a "no cost extension through December 31, 2004." This extension will permit your organization to have continued use of those funds through December 31 of this year. Please send your request via e-mail to krupakar.revanna@usdoj.gov no later than September 20, 2004.

We appreciate your cooperation and understanding.

Sincerely,

LORETTA KING,
Deputy Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
CIVIL RIGHTS DIVISION,
Washington, DC 20530, June 30, 2004.

Re Grant Award for Antidiscrimination Outreach Public Education Campaign

MS. SONIA HARB,
Director, Arab Community Center for Economic & Social Services, 2651 Saulino Ct., Dearborn, MI.

DEAR MS. SONIA HARB: thank you for your proposal to conduct a public education program on the antidiscrimination provisions of the Immigration and Nationality Act. I am pleased to inform you that your organization has been provisionally selected as a recipient of a grant in the amount of $60,000. Final acceptance of your proposal will be conditioned on the successful completion of a general background and financial review to be conducted by the Office of the Comptroller, Office of Justice Programs (OJP). You will soon be contacted by officials from that office. The grant award may also be conditioned on your acceptance of any additional modifications of your proposal that prove necessary. We expect the final processing to be completed promptly. Please respond quickly to any questions that OJP may have.

You will hear from us again shortly with more details about the grant. The training seminar for grantees is tentatively scheduled for September 29–30, 2004, in Washington, D.C. We will get back to you with more information about that as soon as arrangements are finalized.

Grantees play a major role in accomplishing the mission of the Office of Special Counsel. We value our grantee partnerships greatly and look forward to working with you. If you have any immediate questions, please feel free to call Lilia Irizarry, our Acting Public Affairs Specialist, at 202–616–5594 or toll-free at 1–800–255–7688.

Sincerely,

KATHERINE A. BALDWIN,
Deputy Special Counsel.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 29, 2004.

Hon. R. ALEXANDER ACOSTA,
Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC.

DEAR MR. ACOSTA, we recently learned that the Civil Rights Division has decided to postpone indefinitely the public education grant program administered by the Division's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), which plays a critical role in protecting the rights of immigrant workers. Staff has contacted the Office of Legislative Affairs about this matter in recent days but has not received an explanation for the decision to postpone this important program. We are very concerned about this decision and are writing to urge you to reverse it immediately. If the grants are not provided to the intended recipients before September 30, 2004—the end of fiscal year 2004—the grant funding may no longer be available.

The OSC grant program is statutorily created, and we understand that Congress has appropriated funding for the grant program since 1991. To our knowledge, this is the first time the grant program has ever been postponed. Furthermore, we are not aware that the Justice Department advised Congress about its intention to postpone this important grant program, prior to its recent decision to do so. Accordingly, we request that you advise us about the authority you relied upon to postpone this statutorily authorized and Congressionally appropriated grant program.

As the attached press release indicates, the Civil Rights Division announced on July 15, 2004 that 13 nonprofit organizations in regions throughout the country would receive a total of $745,000 in OSC grants. These 13 selected grant recipients—ranging from Catholic Charities of St. Petersburg, Florida, to the Arab Community Center for Economic and Social Services in Dearborn, Michigan, to the Central American Resource Center in Los Angeles, to Legal Aid Services of Oregon—have acted in good faith reliance on this announcement and made hiring and resource allocation decisions accordingly.

For example, one selected grant recipient based in Chicago—Heartland Alliance for Human Needs & Human Rights (in partnership with the Chicago Interfaith Committee on Workers Issues)—has indicated that it may have to lay off an employee who was hired in reliance on your grant announcement.

Not only would the 13 organizations be harmed by the loss of this promised grant money, so too would the immigrant communities and employers they serve. Every year for the past decade and a half, nonprofit groups throughout the nation have received OSC grants to educate workers about their rights to a workplace free of discrimination and abuse. These groups have a vital role in educating employers and the public about the civil rights and immigration laws Congress has passed to protect U.S. citizens, lawful permanent residents, refugees, and asylees. Postponement of the OSC grant program will jeopardize the public's knowledge of their rights, remedies, and responsibilities.

Moreover, it is vital to OSC's mission to continue the grant program. As stated in a June 30, 2004 letter from OSC to intended grant recipients: "Grantees play a major role in accomplishing the mission of the Office of Special Counsel." OSC cannot be as effective if the public does not know about its existence and its role in combating national origin and citizenship discrimination, as well as document abuse and retaliation.

Please respond to our concerns as soon as possible.

Sincerely,

DICK DURBIN,
United States Senator.
PATRICK LEAHY,
United States Senator.
TED KENNEDY
United States Senator.

U.S. DEPARTMENT OF JUSTICE,
CIVIL RIGHTS DIVISION,
July 15, 2004.

JUSTICE DEPARTMENT ANNOUNCES GRANTS FOR TRAINING ON THE PREVENTION OF IMMIGRATION-RELATED EMPLOYMENT DISCRIMINATION

WASHINGTON, DC.—The Justice Department today announced the award of $745,000 in grants to 13 nonprofit groups throughout the country for the purpose of conducting public education programs for workers and employers on the topic of immigration-related job discrimination.

The grants, which range from $35,000 to $80,000, are being awarded by the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) of the Civil Rights Division. Recipients will assist discrimination victims; conduct seminars for workers, employers and immigration service providers; distribute educational materials in various languages; and place advertisements in local communities through both mainstream and ethnic media.

The grant recipients are: Asian Pacific American Legal Center of Southern California in partnership with the Asian Law Caucus, Central American Resource Center (CARECEN), James Madison University, Catholic Charities of St. Petersburg, Florida, Heartland Alliance for Human Needs and Human Rights, in partnership with the Chicago Interfaith Committee on Workers Issues, New York City Commission on Human Rights, in partnership with the New York Immigration Coalition, Legal Aid Society of Mid-New York, Legal Aid Services of Oregon, in partnership with the Oregon Legal Center, Catholic Charities of Dallas, Catholic Charities of Houston, Arab Community Center for Economic and Social Services (ACCESS), AFL CIO Working for America Institute, National Immigration Legal Support Center.

For more information about protections against employment discrimination based upon citizenship, immigration status, and national origin: call the Office of Special Counsel toll-free at 1 800 255 8155 (employers), 1–800–362–2735 (TDD for hearing impaired); 1 800 255 7688 (workers), 1 800 237 2515 (TDD for hearing impaired); visit the Office of Special Counsel's web site at www.usdoj.gov/crt/osc; or write to:

Office of Special Counsel for Immigration, Related Unfair Employment Practices, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Ave. NW, Washington, DC 20038–7728.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

RELATIVE TO THE DEATH OF J. STANLEY KIMMITT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 486, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 486) relative to the death of J. Stanley Kimmitt, Former Secretary of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

STAN KIMMIT

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I rise to inform our Senate colleagues of the very unfortunate, untimely, and unexpected death of a person last evening who was truly a part of the family of the Senate. Although he was never elected to this body, he served this body with great distinction over a very long period of time and truly was part of the family of this distinguished body. I speak of Joseph Stanley Kimmit, Stan Kimmit, who served this body as Secretary of the Senate with great distinction from 1977 to 1981. Members who served during that period of time know how much he meant to the family of the Senate through his services, through his respect for this institution, for his understanding of the history of how important this institution is to our Nation and to the world.

Prior to that, Stan Kimmit served as Secretary for the majority, as principal floor assistant to Majority Leader Senator Mike Mansfield from the State of Montana from 1966 to 1977. Prior to that, he was the administrative assistant or chief of staff to Senator Mike Mansfield.

Before he served the Senate, he served his country with great distinction in the U.S. Army during World War II. As a captain in the U.S. Army, he was selected to receive the Silver Star medal, the Legion of Merit, the Bronze Star medal and a number of other awards recognizing his service to our great Nation.

It was unfortunate that this man, who had seven wonderful children and a beautiful wife, passed away in a very untimely fashion, and I would just share it with the Senate family this afternoon. He was at a function where I happened to be receiving an acknowledgment of my service to the Senate, and Stan wanted to be there. He wanted to participate. After the principal person who was responsible for the function, the chairman of the Democratic Leadership Council, Al From, made his remarks, Stan stood up and said: May I say something? Of course, the answer was: Absolutely.

He said some very kind things about me, and he said some very kind things about the Senate and this institution and how important it had been in his life. He quoted my predecessor in this body, Russell Long, as saying: When I have a friend, I have a friend, and I will fight for him or her until hell freezes over, and then I will fight on the ice.

That was the kind of friend that Stan Kimmit was. He pointed out that he had to correct Russell Long because Russell Long, when he originally made that quote, I say to my colleagues, did not have the words "or her." It was just "I will fight for him until hell freezes over," and Stan had the duty of saying to Senator Long, You should say him or her, and Russell Long certainly followed his advice.

What I will mention in closing is that last night he spent almost a half hour talking to a young staff person who worked for me, a young lady by the name of Jodi Bannerman, and he sat there and talked about his days in the Senate and what this institution had meant to him and some of the things he has seen in this institution and how it has changed over the years.

He said last night that when he was here, the Senate was truly one big family. It was not segregated. When I say segregated, he was referring to the interaction between the two parties, that it was not two armed camps he was talking about last night, that it was one big family. We had our differences. We fought hard. We stood up for the principles of the party, but it was one big family that he was honored to have been able to serve in the capacity of Secretary of the Senate.

He was telling my young staff person he was very concerned about how he has seen things change, and that was unfortunate, in his mind. He told her there were three principles, three truths he knew to be true, and she wrote this down after she spoke to him: Never sacrifice your principles, never ask for more than you deserve, and never quit one thing until you have something better.

He said that twice in her conversation with him last night. Stan quoted to her the Hamlet quote, "To thine own self be true," as advice that he was giving this young person about her own life.

He did not mention any regrets, only great memories of this great institution, and I think anyone who has had the privilege of either working here or serving here and working as a Member, as I have and as we all have, understands what a great honor this has been. Stan Kimmit personalized that last night.

After he made those remarks, he sat down and never got up. We know that he is happy where he is, and I think part of that happiness is the knowledge that he had the great honor and privilege of serving his country and this great institution.

Mr. COCHRAN. Mr. President, I am deeply saddened by the news of the death of former Secretary of the Senate Stan Kimmitt.

It was just a few weeks ago when I was with him on a trip to Montana and enjoyed swapping stories about his early days as a staff member in the Senate. He was a protege of Senator Mike Mansfield and served for 11 years as Secretary for the majority. Even though he was employed by the Democratic majority at the time, he enjoyed the friendship of Republican Senators, including this Senator.

Stan Kimmitt loved the Senate, and he respected its traditions and its role in our government. He was totally trustworthy.

I extend to his fine family my sincere condolences. His son Jay served for several years as a member of the staff of the Senate Appropriations Committee, and I enjoyed working with him in that capacity. It was also my good fortune to get to be with another son, Bob, when he was our Ambassador to Germany. His other son, Mark, was recently served as the spokesman for our Armed Forces in Iraq.

Stan was very proud of his family, and he had every right to be.

Stan Kimmitt was a wonderful person who reflected credit on the Senate by his dependable, conscientious devotion to his duties and his warm affection for those who served in this body.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 486) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 486

Whereas Stan Kimmitt served with distinction in the United States Army for 25 years, served in combat during World War II in Europe and later in Korea, received the Silver Star, the Legion of Merit, and the Bronze Star for Valor with Three Oak Leaf Clusters, and retired with the rank of Colonel;

Whereas Stan Kimmitt began his service to the United States Senate in 1965 as administrative assistant to Majority Leader Mike Mansfield;

Whereas Stan Kimmitt served as Secretary for the Majority of the Senate from 1966 until 1977;

Whereas Stan Kimmitt served as Secretary of the Senate from 1977 until 1981;

Whereas after a distinguished career in the United States Army, Stan Kimmitt served as an employee of the Senate of the United States and ably and faithfully upheld the high standards and traditions of the staff of the Senate from 1965 until 1981;

Whereas Stan Kimmitt faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life with honesty, integrity, loyalty and humility; and

Whereas Stan Kimmitt's clear understanding and appreciation of the challenges facing the Nation has left his mark on those many areas of public life: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Stan Kimmitt.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of Stan Kimmitt.

MICROENTERPRISE RESULTS AND ACCOUNTABILITY ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3818, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3818) to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H. R. 3818) was read the third time and passed.

RELIEF OF SUSAN OVERTON HUEY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3034, introduced earlier today by Senator PRYOR.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3034) for the relief of Susan Overton Huey.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, without intervening action or debate, and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3034) was read the third time and passed, as follows:

S. 3034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF OF SUSAN OVERTON HUEY.

Effective as of October 20, 1990, paragraph (2) of section 376(h) of title 28, United States Code, shall be deemed not to apply to Susan Overton Huey of Little Rock, Arkansas, and the annuity otherwise payable to Susan Overton Huey as specified in such section (but for the operation of that paragraph) shall be deemed to be payable.

COMMEMORATING THE 40TH ANNIVERSARY OF THE WILDERNESS ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Energy and Natural Resources Committee be discharged from further consideration of S. Res. 387 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 387) commemorating the 40th anniversary of the Wilderness Act.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and the amendment to the preamble be considered and agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statement relating to the resolution be printed in the RECORD, with the above occurring with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 387) was agreed to.

The amendment (No. 4087) was agreed to, as follows:

AMENDMENT NO. 4087

(Purpose: To add additional history relating to the wilderness)

Strike the preamble and insert the following:

Whereas September 3, 2004, marked the 40th Anniversary of the enactment of the Wilderness Act (16 U.S.C. 1131 et seq.), which gave to the people of the United States an enduring resource of natural heritage as part of the National Wilderness Preservation System;

Whereas American explorers Meriwether Lewis, William Clark, and Sergeant York, and Native American guide Sacajawea helped the United States recognize the expanse of American wilderness;

Whereas Native American leaders such as Kiowa Chief Santanta, Chief Luther Standing Bear, and Chief Seattle recognized that the land involved was not in fact "wild", but existed as the land should be;

Whereas great American writers such as Ralph Waldo Emerson, Mary Austin, Henry David Thoreau, George Perkins Marsh, Isabella L. Bird, and John Muir joined poets like William Cullen Bryant, and painters such as Thomas Cole, Frederic Church, Frederic Remington, Albert Bierstadt, Georgia O'Keefe, and Thomas Moran to define the United States' distinct cultural value of wild nature and unique concept of wilderness;

Whereas national leaders such as President Theodore Roosevelt reveled in outdoor pursuits and sought diligently to preserve those opportunities for molding individual character, shaping a nation's destiny, striving for balance, and ensuring the wisest use of natural resources, to provide the greatest good for the greatest many;

Whereas luminaries in the conservation movement, such as scientist Aldo Leopold, forester Bob Marshall, writer Howard Zahniser, teacher Sigurd Olson, biologists Olaus, Margaret (Mardy), and Adolph Murie, conservation leader Celia Hunter, and conservationist David Brower believed that the people of the United States could have the boldness to project into the eternity of the future some of the wilderness that has come from the eternity of the past;

Whereas Senator Hubert H. Humphrey, a Democrat from Minnesota, and Representative John Saylor, a Republican from Pennsylvania, originally introduced the legislation with strong bipartisan support in both bodies of Congress;

Whereas with the help of their colleagues, including cosponsors Gaylord Nelson, William Proxmire, Clinton P. Anderson, and Henry "Scoop" M. Jackson, and other conservation allies, including Secretary of the Interior Stewart L. Udall and Representative Morris K. Udall, Senator Humphrey and Representative Saylor toiled 8 years to secure nearly unanimous passage of the legislation, 78 to 8 in the Senate, and 373 to 1 in the House of Representatives;

Whereas critical support in the Senate for the Wilderness Act came from 3 Senators who still serve in the Senate as of 2004: Senator Robert C. Byrd, Senator Daniel Inouye, and Senator Edward M. Kennedy;

Whereas President John F. Kennedy, who came into office in 1961 with enactment of wilderness legislation part of his administration's agenda, was assassinated before he could sign a bill into law;

Whereas 4 wilderness champions, Aldo Leopold, Olaus Murie, Bob Marshall, and Howard Zahniser, sadly, also passed away before seeing the fruits of their labors ratified by Congress and sent to the President;

Whereas President Lyndon B. Johnson signed into law the Wilderness Act in the Rose Garden on September 3, 1964, establishing a system of wilderness heritage as President Kennedy and the conservation community had so ardently envisioned and eloquently articulated;

Whereas now, as a consequence of wide popular support, the people of the United States have a system of places wild and free for the permanent good of the whole people of this great Nation;

Whereas over the past 40 years the system for protecting an enduring resource of wilderness has been built upon by subsequent Presidents, successive leaders of Congress, and experts in the land managing agencies within the Departments of the Interior and Agriculture;

Whereas today that system is 10 times larger than when first established;

Whereas the Wilderness Act instituted an unambiguous national policy to recognize the natural heritage of the United States as a resource of value and to protect that wilderness for future generations to use and enjoy as previous and current generations have had the opportunity to do;

Whereas since 1964, when the first 9,000,000 acres of wilderness were included by Congress, more than 110 additional laws have been passed to build the National Wilderness Preservation System to its current size of 106,000,000 acres;

Whereas wild places protected in perpetuity can currently be found and enjoyed in 44 of the Nation's 50 States;

Whereas this wealth of the heritage of the United States can be seen today from Alaska to Florida in over 650 units, from Fire Island in New York's Long Island South Shore and Ohio's West Sister Island in Lake Erie, to far larger Mojave in eastern California and Idaho's River of No Return;

Whereas President Gerald R. Ford stated that the National Wilderness Preservation System "serves a basic need of all Americans, even those who may never visit a wilderness area—the preservation of a vital element of our natural heritage" and that, "wilderness preservation ensures that a central facet of our Nation can still be realized, not just remembered"; and

Whereas President Gerald R. Ford has joined with President Jimmy Carter and more than 100 other prominent United States citizens as honored members of Americans for Wilderness, a committee formed to celebrate this national achievement: Now, therefore, be it

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

ROLE OF ATOMIC ENERGY ACT IN PEACEFUL USES OF ATOMIC ENERGY

Mr. FRIST. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further action on S. Con. Res. 151, and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 151) recognizing the essential role that the Atomic Energy Act of 1954 has played in development of peaceful uses of atomic energy.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 151) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 151

Whereas the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) followed and sought to implement the Atoms for Peace speech of President Dwight David Eisenhower in December 1953, which provided the United States and the world with a blueprint for commercial development of atomic energy to the benefit of humanity;

Whereas the Atomic Energy Act of 1954 defined mechanisms for the production, control, and use of nuclear materials;

Whereas the Atomic Energy Act of 1954 provided the initial framework for regulation of nuclear material and facilities and provided recognition that such control is necessary in the national interest to ensure the common defense and security and to protect the health and safety of the public;

Whereas the Atomic Energy Act of 1954 recognized the need for development and use of atomic energy under conditions to promote the general welfare;

Whereas the Atomic Energy Act of 1954 recognized that it was in the national interest to conduct a comprehensive program of research and development to optimize the benefits of nuclear technologies for humanity;

Whereas the Atomic Energy Act of 1954 set forth the necessity to control certain types of information, material, and facilities for security purposes, while ensuring unclassified dissemination of appropriate scientific and technical information;

Whereas the Atomic Energy Act of 1954 provided the initial framework for international cooperation in nuclear technologies, under suitable controls to ensure common defense and security, to provide cooperating nations with the benefits of peaceful uses of atomic energy; and

Whereas the legacy of the Atomic Energy Act of 1954, with 103 operating nuclear power plants in the United States providing 20 percent of the electricity supply of the United States, is invaluable in providing clean, emission-free, reliable power to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that the enactment of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) was an essential step in the development and use of a range of civilian nuclear technologies to the benefit of humanity;

(2) commends and remembers the authors of the original Atomic Energy Act of 1954 for their foresight and leadership; and

(3) commemorates the role played by President Dwight David Eisenhower in his historic Atoms for Peace speech and the leadership he demonstrated in recognizing 50 years ago that the benefits of nuclear technologies would be realized only through a careful national and international system of control, regulation, and use.

KILAUEA POINT NATIONAL WILDLIFE REFUGE EXPANSION ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 2619, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2619) to provide for the expansion of Kilauea Point National Wildlife Refuge.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2619) was read the third time and passed.

AMENDING SECTION 227 OF COMMUNICATIONS ACT OF 1934 RELATING TO JUNK FAX TRANSMISSIONS

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 741, S. 2603.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2603) to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the McCain amendment at the desk be agreed to, the bill, as amended, be read a third time, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4086) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 2603), as amended, was read the third time and passed.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the conference report to accompany H.R. 4548, the intelligence reauthorization bill, provided that the conference report be adopted, the motion to reconsider be laid upon the table, and that any statements relating to the conference report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

CASTILLO DE SAN MARCOS NATIONAL MONUMENT PRESERVATION AND EDUCATION ACT

LAND EXCHANGE IN EVERGLADES NATIONAL PARK

Mr. FRIST. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2457 and the Senate proceed to its consideration in conjunction with Calendar No. 653, H.R. 3785, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 2457) to authorize funds for an educational center for the Castillo de San Marcos National Monument, and for other purposes.

A bill (H.R. 3785) to authorize the exchange of certain land in Everglades National Park.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. FRIST. I ask unanimous consent that the bills be read a third time, passed en bloc, the motions to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2457) was read the third time and passed.

The bill (H.R. 3785) was read the third time and passed.

AUTHORIZING SALARY ADJUSTMENTS FOR JUSTICES AND JUDGES OF THE UNITED STATES FOR FISCAL YEAR 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5363, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5363) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2005.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table without any intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5363) was read the third time and passed.

AMERICAN BALD EAGLE RECOVERY AND NATIONAL EMBLEM COMMEMORATIVE COIN ACT

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4116, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4116) to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an "endangered" species under the Endangered Species Act of 1973, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I do want to say a word about H.R. 4116, a bill requiring the U.S. Mint to produce coins celebrating the recovery and restoration of America's greatest symbol; that is, the American bald eagle. The proceeds from these coin sales will be used to establish the American Eagle Fund, which is a special endowment to assure the ongoing care and protection of this symbol of our freedom.

As many of our colleagues know, in 1782 our Nation's Founding Fathers established the bald eagle as the national emblem of the United States. Since that point in time, the bald eagle has represented the spirit of America: our liberty, our freedom, our democracy, and our strength.

I mention consideration of this bill in part to give tribute to the extraordinary dedication and work of Al Cecere, who is president of the American Eagle Foundation, and his colleagues. The foundation is located in Pigeon Forge, TN. It is a remarkable foundation that cares for and studies and shares with the public several nonreleasable eagles at Dollywood's Eagle Mountain Sanctuary, which is a very large aviary there.

Many Americans have seen this specific symbol as they watched the Foundation's most famous member, a beautiful bald eagle called Challenger, a truly majestic bird, because it makes regular appearances all over this country, at the U.S. Capitol and most of the major sporting events and other large indoor and outdoor gatherings throughout this country, all of which are celebrating the various aspects of American life.

I want to pay tribute to my colleague, Tennessee Senator LAMAR ALEXANDER, for his dedicated and diligent work of signing up 70 of our colleagues in support of the bill, and Senator LANDRIEU for being an original cosponsor of the Senate bill. I want to thank our House colleague, BILL JENKINS, for his extraordinary leadership on the issue. He took the lead there in signing up over 300 House cosponsors of the bill, assisted by several of his House colleagues, most particularly Congressman HAROLD FORD.

Again, a majestic bird, a majestic symbol of so much of what we do on the floor of the Senate, was honored through this bill, the American Bald Eagle Recovery and National Emblem Commemorative Coin Recovery Act.

Mr. ALEXANDER. Mr. President, I rise today to commend and thank my colleagues in the Congress for considering H.R. 4116, the American Bald Eagle Recovery and National Emblem Commemorative Coin Act. I was proud to sponsor the companion bill in the Senate.

The act authorizes the U.S. Mint to issue commemorative coins "celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies" in 2008. The proceeds from these coins, which are expected to exceed $1 million, will go to the American Eagle Foundation of Pigeon Forge, TN. The foundation intends to use these funds for a national competitive grant program to support eagle recovery, education, and other related conservation efforts.

The American bald eagle is not just another bird. It is one of the most recognized symbols of our Nation. Since the Second Continental Congress selected the bald eagle as our national emblem in 1782, the image of the bald eagle has come to represent two core values for all Americans: freedom and democracy.

Like the bald eagle, the American Eagle Foundation is not just a Tennessee treasure, but a national one. The work done by the American Eagle Foundation has been critical to helping bring the American bald eagle back from the brink of extinction. The bald eagle now soars above every State except Hawaii. With the continued success of programs and efforts of the American Eagle Foundation and other groups, the American bald eagle may soon be "de-listed" from the Endangered Species Act.

Senator LANDRIEU and I have worked hard to pass this bill in the Senate, and Tennessee Congressmen BILL JENKINS and HAROLD FORD led the bipartisan effort in the House of Representatives. Al Cecere, President of the American Eagle Foundation, worked tirelessly to assemble a national coalition of eagle supporters, and his face has been a welcome sight in the halls of Congress over the last year.

Al was regularly accompanied by Challenger, a 16-year-old American bald eagle that has brought this campaign to life. Many Americans have seen Challenger perform, flying into the World Series, professional and college football games, and other events. Now many Congressmen and Senators have met Challenger, too.

We should all be proud to have taken this step, today, to commemorate and support our national symbol, the American bald eagle.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4116) was read the third time and passed.

PRESIDENTIAL RUNOFF ELECTION IN UKRAINE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 487 which was submitted earlier today.

The PRESIDING OFFICER (Mr. WARNER). The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 487) expressing the sense of the Senate regarding the November 21, 2004, Presidential runoff election in Ukraine.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, over the last 17 days we have all watched with interest as the human yearning for freedom surged through the streets of Ukraine.

After an election marred by vast fraud and corruption, hundreds of thousands of supporters of the opposition candidate, Mr. Yushchenko, have raised their voices for democracy, legitimacy and fairness.

The Senate has condemned the widespread fraud in the November 21 runoff between Mr. Yushchenko and Prime Minister Yanukovych, and called for a peaceful resolution to the political situation in Ukraine.

The rule of law must prevail. Fair and free elections are what the hundreds of thousands of Ukrainian demonstrators have been demanding. I am pleased that the Senate is going to pass this resolution expressing support for a peaceful and legal outcome that represents the will of the Ukrainian people.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 487) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 487

Whereas on November 21, 2004, Ukraine held a presidential runoff election between former Prime Minister and opposition candidate Victor Yushchenko and current Prime Minister Victor Yanukovych;

Whereas the Ukrainian Central Election Commission reported that Mr. Yanukovych won 49.42 percent of the vote and Mr. Yushchenko won 46.7 percent of the vote in the runoff election, despite the fact that several exit polls indicated that Mr. Yushchenko secured significantly more votes than Mr. Yanukovych;

Whereas the International Election Observation Mission from the Organization for Security and Cooperation in Europe (OSCE) determined that the runoff election did not meet international standards for democratic elections, and specifically declared that state resources were abused to support the candidacy of Prime Minister Yanukovych;

Whereas the Committee of Voters of Ukraine, a nongovernmental electoral organization in Ukraine, reported on illegal voting by absentee ballot, multiple voting, assaults on electoral observers, journalists and the use of counterfeit ballots;

Whereas such reports of fraud were also echoed by Senator Richard Lugar of Indiana, Chairman of the Committee on Foreign Relations of the Senate, an observer to the runoff election designated by President George W. Bush;

Whereas since November 22, 2004, tens of thousands of people have engaged in peaceful demonstrations in Kiev, Ukraine, to protest the declaration by the Central Election Commission of Mr. Yanukovych as the winner of the runoff election;

Whereas antigovernment protests in support of opposition candidate Mr. Yushchenko took place in cities throughout Ukraine, and several city councils adopted resolutions that declared Mr. Yushchenko as the legally elected president;

Whereas on November 23, 2004, opposition candidate Mr. Yushchenko declared victory in the runoff election;

Whereas the United States has called for a complete and immediate investigation into the conduct of the runoff election to examine fully the reports of fraud and corruption;

Whereas the European Union has also stated that authorities in Ukraine must redress election irregularities and that the reported results do not reflect the will of the people of Ukraine;

Whereas the Ukrainian Supreme Court blocked the publication of the official runoff election results stating that Mr. Yanukovych was the winner, thus preventing his inauguration as President of Ukraine until the court examined the reports of voter fraud;

Whereas on November 27, 2004, the Parliament of Ukraine passed a resolution declaring that there were violations of law during the runoff election but on November 30, 2004, with support from progovernment and communist parties, canceled the resolution;

Whereas 15 eastern and southern regions in Ukraine that supported the candidacy of Mr. Yanukovych threatened to split off from the country if an illegitimate president were to come to power;

Whereas on December 1, 2004, the Parliament of Ukraine passed a no confidence motion in the cabinet of Prime Minister Yanukovych as approximately 100,000 supporters of Mr. Yushchenko demonstrated in front of the parliament building;

Whereas Mr. Yanukovych and Mr. Yushchenko, along with European mediators and current Ukraine President Leonid Kuchma, began discussions on December 1, 2004, to attempt to work out a resolution to the standoff;

Whereas on December 3, 2004, the Ukrainian Supreme Court ruled that the November 21, 2004, runoff election was invalid and ordered a new vote on December 26, 2004;

Whereas on December 8, 2004, the Parliament of Ukraine passed electoral changes to reform the Central Election Commission and close loopholes for fraud, as well as constitutional changes to reduce the power of the President of Ukraine; and

Whereas the manner in which this crisis is resolved will have significant implications for the perceptions of the democratic institutions of Ukraine by the international community: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the widespread fraud in the November 21, 2004, runoff presidential election in Ukraine; and

(2) supports a peaceful political and legal settlement in Ukraine that is based on the principles of democracy and reflects the will of the people of Ukraine.

RELIEF OF TANYA ANDREA GOUDEAU

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 530 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 530) for the relief of Tanya Andrea Goudeau.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be a third read time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 530) was read a third time and passed.

AUTHORIZATION TO MAKE APPOINTMENTS

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that during this adjournment of the Senate, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. FRIST. Mr. President, due to an unfortunate family health situation, Senator Hatch was unable to be present on the floor of the Senate today. If he had been able to attend today's vote on the conference report to accompany S. 2845, the intelligence reform bill, he would have voted for passage of the report.

THE 108TH CONGRESS

Mr. FRIST. Mr. President, as I mentioned earlier, we will shortly be closing the Senate. But while we are waiting to process some of the paperwork, I would like to make several brief statements, the first of which looks back at what has truly been an extraordinary period of legislative progress during this 108th Congress. From tax cuts to intelligence reform, we took on the big issues, and we made great strides for the American people.

One major reform bill over a congressional term is remarkable. Two makes this Congress truly unique. In both cases, efforts at reform have been stymied for decades. The 108th Congress finally broke through the logjam and delivered for the American people.

Our mission in the 108th Congress was clear—to expand freedom and opportunities, and to strengthen America's security. As we return to our home States over the course of the afternoon and tonight and over the next several days, we can all be proud of what we have accomplished.

As majority leader, most of the time I spend on the floor focuses on floor activity and events that are important to the entire country.

What I would like to do for several minutes is to speak directly to my fellow Tennesseans who see me many times working for the large domestic issues and sometimes do not hear me talk directly about how that affects them in their everyday lives in Tennessee. Thus, I would like to take these moments to speak directly to my fellow Tennesseans about how what we have accomplished here in Washington will benefit the States.

It begins with that first reform bill, a bill that strengthened and improved Medicare for the first time in 40 years—really since the inception of that program. Medicare will offer a reform which allows the provision of affordable health care for prescription drugs. It is truly remarkable looking back. We have a health care plan, a health care program that focuses on our seniors' security, the health security for our seniors, and it has been without prescription drugs. Up until passage of this bill, the seniors have been denied coverage under Medicare for outpatient prescription drugs. Yet today—very different than even 20 or even 10 years ago—we know that prescription drugs are the most powerful tool in the arsenal of modern medicine in order to treat illness and to prevent illness.

Under the new Medicare law, seniors will now have access to a prescription drug benefit that will begin in January of 2006.

Over 40 million seniors and individuals with disabilities will soon enjoy true health care security. Without including prescription drugs, there is no way we can look a senior in the eye—it might be your mom, your dad, your grandparents—and say: Our government is going to help you with health care security. It is impossible because up until now prescription drugs simply were not included. But they are today because of the leadership, the efforts, and hard work of my colleagues in the Senate.

How many Tennesseans does that affect? There are 40 million seniors and individuals with disabilities nationwide affected by this legislation. In Tennessee, there are 870,000 Tennessee seniors who will benefit from this provision we passed in this Senate.

In October, I joined my staff as we crisscrossed the great State of Tennessee, describing to and helping people enroll in the prescription card drug program we passed. We wanted to let seniors know in these town meetings, seniors at retirement homes and retirement centers who are currently eligible for a Medicare-approved discount card which offers them savings of anywhere from 10 percent of what they are paying today to 20 percent, 25 percent on average, and sometimes as high as 50, 60, and 70 percent. We realized the impact of this legislation when we witnessed how much they were paying for their prescription drugs when we contrast it—it is all on the Internet today—with what they can save by having that prescription drug card which seniors are eligible for today.

In addition to that average 10 to 25 percent average discount, and sometimes 50, 60, 70 percent discounts, low-income seniors will receive a $600 annual subsidy in extra assistance to help pay for their prescription drugs. I mention it now because if low-income seniors apply for the card, they get $600 over the next 30 days and then another $600 after January 1 for next year. If you do not apply for the card today and wait until after January 1, you only have that $600. I encourage seniors, especially low-income seniors who have not applied for that card, to do so today.

As I have said many times in the Senate, if you are listening to me now through our radio or C-SPAN, I encourage you, if you do not have the card, call 1-800-Medicare tomorrow and ask what that card can do for you. The benefits are huge. I encourage seniors to take advantage of it.

In addition to that major reform of Medicare, we passed $350 billion in tax relief, which is the third largest tax cut in history. We have cut taxes across the board for 136 million hard-working, tax-paying Americans. For Tennessee, that includes 1.7 million who saw their tax bills go down in the year 2003 because of this legislation. It comes down to the philosophy, the belief we have that taxes are the people's money, not the Government's money. We think Americans simply pay too much, and thus this Senate acted, and people's taxes have all gone down.

Our goal is straightforward: To put more money back into the pockets of hard-working Americans, thereby giving those Americans the opportunity to save for the future, to invest, to spend on their children, their children's education or school books or school supplies, buying that computer or being able to go on the Internet—those tangible items, those real advantages that were made possible because of action in this Congress.

That is the same reason we acted to extend key parts of the President's tax relief plan for middle-class families. What does that mean? It means the marriage penalty. We acted to give true marriage penalty relief, and we acted to extend that key part of the President's plan. The $1,000-per-child tax credit we acted to extend through the year 2010. We made sure low-income Americans will continue to benefit from that very low 10-percent tax bracket, benefiting in a direct fashion.

The Jobs and Growth Act of 2003, which we passed and was signed by the President, also provided Federal funds for States to carry out essential government services and to pay for Federal mandates, mandates passed on to the States. How much does that mean? We are always talking about such big dollars. For the State of Tennessee that provision of funds amounted to $97 million for 2003 and another $97 million for 2004.

Regarding Medicaid, an issue that is receiving a lot of focus in my own State of Tennessee—how best to reform Medicare so that it can be sustained over a period of time—Tennessee received $264 million for Medicaid for 2003 and received $193 million for 2004.

An area that does directly affect Tennesseans—did not affect all States but did affect about one out of five States in this country—that was part of tax reform we addressed in this Congress and that we passed in this Congress is the sales tax deductibility. Tennessee is one of a small number of States which does not impose State income tax. We do not have a State income tax in Tennessee. In the past, when tax time arrived, that fact put Tennesseans at an unfair disadvantage. But that is no longer the case because of action in the Senate. Because of the action we took in the 108th Congress, sales taxes can now be deducted in States that do not impose a State income tax. As a result, about a quarter of Tennesseans filing their taxes for 2004 will save an average of $470 on their taxes.

In addition to making the tax system more equitable for Tennesseans, there is another provision passed in this Senate that very directly impacted farmers in Tennessee and the farming families in Tennessee. That is the quota system that had previously applied to tobacco. Quota owners and growers will now receive their fair compensation. In total, the tobacco buyout was $767 million to Tennessee's tobacco communities over the next 10 years. Farmers will get a fair deal, and the State will reap the economic rewards.

Another area where we tackled real reform for Tennessee, really for the whole Tennessee Valley, focused on the Tennessee Valley Authority Board bill this Senate passed. This legislation expands and restructures the board of directors for the Tennessee Valley Authority, or TVA, and brings it in line and modernizes it, brings it up to date with the management structure of corporations of similar size and scope.

The TVA for too long had a board structure that was aligned into a framework of about 70 years ago and that inhibited its ability to react, to be flexible, to be nimble, to be responsive, and, I argue, to be fully accountable—all of which is absolutely necessary to this changing environment we have as we look at our energy needs all over the great State of Tennessee and throughout the valley.

It is interesting to me because I first introduced that bill in 1997. Nothing moves quickly in the Senate. Indeed, it took 7 years for that bill, introduced in 1997, to pass, which it did about 3 weeks ago. It was endorsed by the Tennessee Valley Public Power Association, which is the organization representing TVA's power distributors. We passed the bill, a real accomplishment in the 108th Congress.

Another local issue but an issue that as a physician is very important for me to address with my colleagues—and again, all of these accomplishments. I should say up front, we were working hand in hand with Senator ALEXANDER, my colleague in the Senate, as well as our congressional colleagues in the House of Representatives.

One cannot go to Tennessee without hearing—and it does not apply just to Tennessee—about the growing problems of methamphetamines. Methamphetamines are sometimes called the poor man's cocaine. Meth is highly addictive, and it is an extremely dangerous drug. You see the ravages in rural communities and in the urban areas throughout Tennessee. Communities are being torn apart. Crime is being driven up. Drug addiction is on the rise, as is the cost of methamphetamines. Tennessee has been hit hard. Our State is now one of the top five methamphetamine-producing States in the Nation. It has to stop. We will stop it.

In response to this rising problem, we passed the Methamphetamine Task Force Act. States will get extra help to specifically tackle meth. In Tennessee, we will receive an additional $2 million for the East Tennessee Methamphetamine Task Force. I am hopeful that, coupled with tough law enforcement, we will bring down the sales and methamphetamine use and will help shut down those labs and lock up the dealers who are peddling this poison.

There is a whole range of other programs that are critically important to Tennesseans that we addressed in the 108th Congress. The omnibus bill, which we just passed in the Senate, now several weeks ago, the bill that was sent to the House just 2 days ago and will be signed by the President within a few days, was a remarkable bill. Yes, it was a large number of appropriations bills.

In the next Congress we are going to do better. We are going to systematically, through the budgeting process and through the appropriations process, with full transparency and with the appropriate time, address the budgeting and spending mechanisms and process in the Senate. But although the press has talked about this bill and the way it came through, I am very proud of the bill.

Why do I say that? Because if we look at what we accomplished, we accomplished slowing spending to a level, for nonsecurity, nonhomeland security, and nondefense—which we all understand we are going to have to invest in heavily now and heavily in the future, given the war on terrorism and the importance of homeland security and establishing a strong structure; we know we are going to have to continue to invest there heavily—but if you set that aside and you look at all other what is called discretionary spending, all spending other than for security and homeland security, and defense, the overall growth was essentially zero in this spending bill. It comes out to about .8 percent or .83 percent but less than 1 percent, which is less than half of inflation.

So as we passed this huge bill coming through, we were fiscally responsible, fiscally responsible to the point that programs, if you put them all together, essentially did not grow with inflation at all. It is that sort of fiscal discipline we are going to have to engage in and reflect again and again in the next year, in the next Congress, in the next several Congresses, as we address the deficit, which is one of our greatest challenges today, and the debt that this country has.

So as I read through some of these projects, I want to preface it by saying these projects and the projects of all the other Members on the floor of this Senate and the House of Representatives, if you put them together, do not grow the Government. In fact, in inflation-adjusted dollars actually they are being cut. So our Government is being fiscally responsible. Again, to me that is remarkable, and the press really has not talked much about that.

There are several things I want to mention that really do show we are focusing on Tennessee and are things that are a benefit to Tennessee. One is the Chickamauga Lock in east Tennessee, with $18 million in total funding.

I have to congratulate my colleague, Congressman ZACH WAMP, who has worked so hard on this particular lock over the years.

We focused on funding the construction of critical facilities and infrastructure at Fort Campbell, where the 101st Airborne is. It is on the border of Tennessee and Kentucky.

We focused on the Clarksville-Montgomery County School System with $4 million because there are an additional 1,000 students who will come through that school system because of the turnover of soldiers at Fort Campbell. About 850 soldiers will be coming in, and we need to match that infusion of soldiers with an infusion of funds for their children.

In Jackson, TN, an appropriation was given to rebuild public housing due to the tremendous loss suffered by area residents in that region with the 2003 tornadoes.

Over in west Tennessee, the Memphis Biotech Foundation had an initiative that will establish Memphis and that whole midsouth region as one of the national leaders and eventually the world leader in the biomedical industry.

We focused on science and technology. We do not talk as much about science and technology on this floor as I would like. We had a huge focus in Tennessee at Oak Ridge National Labs. There are some major projects there, about $296 million worth in this particular bill that focused on things such as the Advanced Scientific Computing Research, ASCR, program there, which has great implications as its computing power can be used by other laboratories and scientists and people interested in technology and students and academicians in private industry and our military all over the world.

There is the University of Tennessee designation for the Southeastern Regional Sun Grant Center, looking at energy and biobased energy to help solve the energy problems that we all know must be addressed by this country when we have 60-percent dependence on foreign sources of oil in this country.

There is a $3.5 million appropriation in this 2005 appropriations conference report for the acquisition of the Walls of Jericho, which is located on the South Cumberland Plateau along the Tennessee border with Alabama. The Walls of Jericho is considered one of the most unique and biologically diverse areas in the Southeast United States.

We focused on the 164th Airlift Wing and the National Guard in Memphis, TN, and in west Tennessee, where, at the Memphis-Shelby County Airport, there was a land exchange agreement, with the tremendous help of a great corporation, FedEx, which is based in Tennessee. It involved the airport authority, FedEx, and the National Guard, and it allowed the 164th Airlift Wing to build its new facilities and allowed FedEx to expand its operations at the Memphis hub—a real win-win for our military, a real win-win for the region, and a real win-win for a tremendous company there that is serving us every day with our FedEx packages that we so vitally depend on today.

Education, I need to not be remiss by mentioning No Child Left Behind. It continues to provide historic new funding for Tennessee schools. We all saw recently where our math standings internationally in the United States are dismal. I will say something about that a little bit later if we have not completed our business here shortly. But if you look at one of the things we are doing, or you look at really any State—I use Tennessee as an example—Tennessee, for 2003, received $3.4 million; and for 2004, $3.68 million in Federal support.

People say the Federal Government is not doing enough in supporting education. The amount that Tennessee—Tennessee is a good example of a State—that is a 64-percent increase in K–12 education funds just from 2002. Just over that 2-year period, there was an increase in Federal funding for education of 64 percent.

With this increased funding, and the new high accountability standards with No Child Left Behind, Tennessee will be on the path of achieving academic excellence.

In closing, I do wish to express my gratitude to my fellow Tennesseans for allowing me the real honor to serve them as one of their two Senators here in Washington, DC. As I look back over the 108th Congress, I really do see a historic period in our legislative history. I look forward to continuing to work hard on the issues that matter most to Tennessee and that keep us moving this great Nation forward.

EDUCATION

Mr. FRIST. Mr. President, I will take this opportunity, while we are waiting for paperwork, to follow up on something I just mentioned; and it is on the subject of education. It has to do with an announcement that most of us saw in the newspaper a couple days ago. The report came out last week. It is this: The United States, when you compare us to 28 other industrialized countries, and you look at math literacy for 15-year-olds, you would guess that we might be at the top. No. You would guess we might be No. 5. No. You would say: Well, the United States of America, we have to be No. 10. No. You would say, we have to be 15th out of those 29 when you compare us to other countries. The answer is no. Well, then you may say: Out of 29 countries surely we are 20th, being the most powerful Nation in the world and the most affluent Nation in the world. And the answer is no.

Out of 29 industrialized countries, for 15-year-olds—my youngest son is 17 years old, so he is 2 years older—we are 24th. I did not believe it when I first saw it, and I called my statistician friends, and they said: Yes, it is true. In fact, everybody agrees it is true. In its most recent round of testing, the Program for International Student Assessment finds that the United States falls behind—again, we are 24th out of 29—such countries as Finland, Korea, Canada, the Czech Republic, Ireland, Luxembourg, Poland, Hungary, Spain, and, yes, France.

Even more depressing than that, these dismal results are consistent with all the international comparisons. It is not just this one study, but it is consistent with all other international studies. American students lag far behind their industrialized counterparts in math, reading, and in science across the board. Contrary to the clamor of the education lobby, it is not money. We are spending the money. We are spending more money than any other country on education. In fact, we spend 30 to 80 percent more per pupil than any other industrialized nation.

Since 1960, the U.S. has spent nearly a trillion dollars on K–12 public education. The result, according to the report, current U.S. math scores fall below Latvia. Then we look to the future. We know, as we look to the future, it is going to be based on the information foundation of our economy today. And if we are going to be competitive, it is clear we are going to have to start, because if it is true for the eighth grade, it is true for the 15-year-olds, it is true for the twelfth grade. In all of these we are failing.

If we look to the future, when we talk about outsourcing jobs, when we talk about global competitiveness and our efficiency, none of that matters very much unless we have appropriate training and education for our young people today who are the workforce of tomorrow. It is an economic reality, and we are failing.

Although we just got through the campaign season, we are looking ahead. Fortunately, President Bush said 4 years ago: My No. 1 priority is going to be education. Sure enough, working in a bipartisan way in this body, we passed a huge reform, No Child Left Behind. This Republican-led Congress, the President of the United States were absolutely committed to saying: The status quo is unsatisfactory. We believed that every single child has that right to learn. And it is our obligation, our responsibility—a lot of people say: No, it is not a Federal responsibility, it is everybody's responsibility—to support the reforms that help meet that goal of giving every child that opportunity to and the right to learn.

Three years ago we passed No Child Left Behind. It was landmark legislation. For the first time it holds America's public schools accountable for results. Students in grades 3 to 8 are now tested every year on basic reading and math skills. We have to be able to measure progress over time. Otherwise we will not know whether what we are doing in terms of getting better teachers, giving teachers better supplies and a better opportunity to teach, we are not going to know whether anything works unless we can measure—and the measurement is under way—and to get parents involved.

Now we are able, by holding both the schools and parents accountable. They are going to get more involved and they are more involved today. We have given them specific tools to be able to measure their own child's progress and their own child's school and, if necessary, to use public funds to secure additional tutoring, public funds that weren't there before, but to use those public funds if you need that additional tutoring.

We introduced that whole concept that if the school is failing, thus your child is going to fail; if the whole school is failing, to give that opportunity to maybe send your child, if that school is failing, to a better school. Maybe it is a school down the road. That is just 3 years ago. In 3 short years, these straightforward accountability measures are getting results.

According to a March study by the Council of Great Schools, the achievement gap in both math and reading between African Americans and Whites and Hispanics and Whites is getting narrower in both categories. The National Assessment of Education Progress reports that since 2000, math scores have increased nine points among fourth graders and five points among eighth graders. Math scores for low-income fourth graders have improved even more dramatically, showing a 14-point gain. Simply by raising those education standards, public schools are striving to reach them and are making progress.

The nonpartisan, Denver-based Education Commission of the States finds that not since the 1970s have States been so responsive to Federal education reform. One might say better late than never, but that would fail to give proper credit where it is due. The President deserves great praise for his determination to put America's public schools back on track. After three decades of stalled progress, we are turning finally to fact-based scientific solutions so that all of America's children can learn and will learn.

There is a lot more to do. And as with our intelligence reform bill today, this is not the end. This is a start. We are going to continue to have appropriate reforms, strengthening programs that we act on here in this body.

In the next Congress, when it comes to education, we will do more to strengthen our schools and our school systems so every child has that opportunity to learn. As the President has set out, since we have already focused on K–12, we will begin to look at the college level and further at that secondary school level. We are committed to expanding opportunities for every American to acquire the education and skills they need to compete and succeed in an ever expanding and dynamic economy.

Our Founding Fathers, who are cited so frequently and appropriately on this floor, believed deeply that a successful democracy and a viable democracy requires an educated and engaged citizenry. I am confident that by adhering to high standards of achievement and accountability, we will produce an education system worthy of their great hopes.

DARFUR

Mr. FRIST. Mr. President, I want to comment on one last issue. It is an issue I have brought to the floor many times. The issue I speak of is the issue of the crisis a long way away from Tennessee which I just spoke to, a long way away from Washington, DC where we are tonight, and a long way away from education which I just spoke to and which affects our future so much. I want to speak to an issue that focuses on the continent of Africa and a region called Darfur.

A few weeks ago the Sudanese Government agreed once more to make peace with its southern region. While this is encouraging news, and the international community is hopeful, we must not overlook the crisis that is raging right now, as we speak, in Darfur.

Last night I had the opportunity, with several others, in a very casual environment to be with His Majesty the King of Jordan. And it was interesting. He had met with the President. And this was an informal gathering over dinner last night.

The very first issue he brought up to me was, are we making progress in Darfur, which is a part of Sudan. And my response was: Not as much as we need to.

He said: I agree.

He told me the story of how his country, Jordan, is addressing it in many ways. And they have been so beneficial throughout the entire Middle East, whether it is in Iraq or all the way across to the country of Africa. He told me the story of a field hospital that his Government and his military have put in that region of Darfur.

Darfur is a region about the size of France which is in this country with Sudan, the western part of the country of Sudan. But just the Darfur region is about the size of France so it is a big area. He told me the story of a hospital he has put there and the trust that hospital is building.

For nearly 2 years now the Sudanese Government has waged war against the people of the Darfur region. Despite two United Nations Security Council resolutions, pressure from the international community and neighboring countries, the Government of Khartoum continues its genocidal campaign. In mid-November Khartoum ostensibly agreed to stop the attacks, but within hours of their agreement, the Sudanese police raided a camp in southern Darfur, destroying homes and driving out civilians. Such attacks still continue. Tens of thousands of innocent victims have died as a result of this government-condoned and, worse than that, government-sponsored violence. Eight million more have been displaced, have been moved out of their homes, have been moved out of their villages, have been transported miles and miles from home, family, and security. Entire villages have been burned to the ground. Women raped, children abducted, executed.

Special U.N. Envoy Jan Pronk warns that Darfur is on the brink of anarchy. We can't stand by as the people of Darfur suffer. We cannot allow another Rwanda. They are calling out to us. They are pleading for our help. The international community has a responsibility, a moral obligation to act, to respond, to act with solution.

In August, I had the opportunity to travel to Africa which I do at least once a year. I usually go to the southern Sudan, but on this trip I chose to go to that western region of Sudan, the Darfur region. But because of difficulties with getting into that country and the inability to get a visa, I started over in the country of Chad which is west of Sudan. And it is at that Chad-Sudanese border that refugees by the thousands are fleeing to get out of the crisis and these vicious attacks in the Darfur region.

What a wonderful opportunity it was for me to see refugee camps which had sprung up to give support to these refugees whose families have been fractured. They didn't know where their spouses were. They had lost their kids. Refugee camps where 5,000, 10,000, 15,000 or 20,000 refugees would come together in miserable conditions, but still people coming together, supported by outside groups.

One of the refugee camps we visited was in Touloum in Chad, and that is several hours northeast from the capital there in N'Djamena.

I was on the ground and met with the refugees and met with the community leaders. What I saw there was fairly appalling. Thousands of refugees are housed in dust-covered tents. Many more live in makeshift shelters of gathered wood and plastic sheeting.

I spoke with a gentleman named Asman Adam Abdallah. In Darfur, he had been a man of prominence, an officer of his tribe and a government official. He was from a small village in the Darfur region. It was a village called Jemeza, just north of the regional capital of El Fasher.

During the attack on his village he became separated from his family. He didn't know if they were still alive. I asked about his family and he said, "I don't know." He didn't know what would happen the next week. If you asked, Are you going to be able to go back to your village, he says, I don't know. I don't know about my wife. I don't know about my children.

He recounted witnessing 15 men of his village summarily murdered. It took him 18 days to travel from that Darfur region across the border into Chad and to reach the refugee camp of Touloum. Sudanese Government planes bombarded Asman and his fellow survivors as they trekked first to Tine, a town right at the border of the Sudan and Chad.

I talked to many refugees, and another one in the Touloum camp described how during a raid on her village, several soldiers grabbed a baby and they wanted to see what gender or sex the baby was. The soldiers began to argue back and forth, with the mother watching, whether to kill the baby boy. She overheard one soldier remarking, "But this child is so young." It appeared that the soldiers were under orders to kill all male children.

I heard another story of a mentally disabled 15-year-old boy who was thrown into a burning house, and these houses are really huts. He was thrown into that house to perish. I heard another story of a paralyzed man being burned alive in his hut. I heard stories of women who were raped in front of their own children.

I asked one refugee in Touloum what it would take for him to go home. He said to me, "I will go if you"—pointing to me—"will go with me and stay with me."

The Janjaweed attacks described to me were so vividly disturbing. You go from one camp to another camp, one little tent village to another one. The stories were exactly the same. You know it is not isolated. It is occurring all over the region. You know it is organized and it is purposeful. The Janjaweed are preceded by aerial attacks by the militia. It is preceded by aircraft flying over; they are government aircraft. In some cases, soldiers in government uniforms participate on the ground and make references to "orders from Khartoum." Survivors tell of racial slurs being hurled at them as the Janjaweed sweep through the villages and kill the men and boys and raze their homes.

The dictatorship in Khartoum says they are not responsible for the Janjaweed. They tell us officially: We cannot control what goes on with the Janjaweed. To me, that is hard to believe. I believe otherwise. I believe if they were sincere in their efforts to make peace, peace would be at hand. The direct line between the government of Sudan, the Janjaweed, and the raping and pillaging and burning is so direct that I am convinced there has to be some sort of order coming from the top. But if that same order was reversed, coming from the top, the crisis would end. That is what I am so hopeful about. That is why at 9 o'clock on the Senate floor it is important for our voice to be heard. If we don't recognize or shine light on that, if we don't call the international community to act, that order from the government in Khartoum simply will not come, this crisis will not stop, and this genocide will continue.

The regime in Khartoum has cynically concluded that it can survive a moderate amount of diplomatic pressure and that it can continue the genocide. I say cynical because it is wrong. When I say it, I am sure people think it is wrong, but it is still occurring. Therefore, we have to shine more light and put on more pressure, and we need to go not just before the Senate, but we need to have our media across the country focus on what is going on with the genocide in the Sudan and this Darfur region.

The government in Khartoum believes it can ignore what is mostly rhetorical pressure that has been brought to bear by the international community to date. Lip service is being given, but that is just about it. Khartoum believes that the threat of a Chinese veto in the U.N. Security Council will protect it from more serious sanctions. We must prove them wrong. I am convinced we can prove them wrong. It is going to take our collective wisdom, but our collective action.

For nearly 7 years, I have had the opportunity to travel to Sudan and to neighboring countries more in my capacity as a doctor, as medical mission work, than as a Senator. My first visits there were in 1998. I had the opportunity to help and participate with a wonderful group called Well Medical Mission, establishing a hospital in this region called Lui. I have had the opportunity to go back many times to that southern part of Sudan.

I remember in the year of 2000 going into the middle part of Sudan, into a region called the Nuba Mountains, a village called Kuada. We delivered 35 tons of seed and farm tools for about 8,000 families. That was back in 2000. Since then, that area has opened up to relief. We were one of the first relief airplanes in that region. The Nuba Mountains are a wonderful part of the Sudan that has a history rich in tradition of great Nuba wrestlers—glorious men really boys who were powerful, big, strong. When I went there, I heard about the 2,000 years of this history of wrestling. When I went—and we were the first relief efforts in there in 15, 20 years I found sick people no wrestlers but thin, emaciated kids, with stunted growth from conditions imposed on them by the government.

I mentioned to others there is another part of the Sudan called Bapong in the oil region, in the Upper West Nile area. There the government was targeting civilians and denying them basic medical needs. Since that time, a hospital has been put in that region. I had the opportunity to go back this past year.

Sudan does need to be a focus. A lot is going on that we can participate in reversing. This fall, the Senate and House unanimously passed resolutions pressing for the immediate suspension of Sudan's membership on the U.N. Commission on Human Rights. Isn't it ironic that you have Sudan in this body of the U.N., after everything that I have just said, participating on that Commission on Human Rights? Something is not right. It is hypocritical even worse than that.

The House and the Senate acted several months ago. All 535 Members agreed that Sudan's membership on the U.N. commission to protect human rights is a travesty. It is a cruel trick. It defies all decency that a nation actively engaged in genocide against its own people could occupy a position of honor and authority, a commission in the United Nations supposedly devoted to human rights.

Mr. President, I do want to applaud the President of the United States and Secretary Colin Powell for their efforts to bring accountability to the Khartoum Government. This administration has shown immense leadership in addressing the crisis in Darfur. In fact, we can even be proud. The United States is providing over 80 percent of all the supplies from around the world going into Darfur and going into Chad in these refugee camps more than 80 percent.

Since February of 2003, we have provided $219 million for Sudan. The appropriations bill we just passed provides over $300 million for Sudan in additional support for the African Union peacekeeping activities. It is going to take Africans to solve this problem, but it is going to take our support and our authority to help them solve that problem.

In September of this year, Secretary Powell came before the Senate Foreign Relations Committee and unflinchingly declared the situation in Darfur to be government-sponsored genocide. That showed leadership in the same way this body showed leadership when it, through a resolution, called it genocide.

In October, the President of the United States authorized the use of three C 130 transport planes to convey 3,300 Rwandan and Nigerian peacekeeping troops into Darfur. Last month, the U.N. Secretary Council held a 2-day meeting in Nairobi, Kenya. At that meeting, council members discussed carrot-and-stick approaches to bringing Khartoum into compliance with international human rights standards. U.N. Ambassador Jack Danforth has worked hard to press the U.N. to take concrete action, and I support him in this difficult and critical work.

I am deeply committed to the future of the Sudanese people. Their plight calls out to all freedom-loving nations. As a human being, as a doctor, as a Senator who cherishes life, I believe it is our duty to answer that call.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUDDEN OAK DEATH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4569, which is at desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4569) to provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen Phytophthora ramorum, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4569) was read the third time and passed.

SUDDEN OAK DEATH SYNDROME CONTROL ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 2575 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2575) to direct the Secretary of Agriculture to conduct research, monitoring, management, treatment, and outreach activities relating to sudden oak death syndrome and to convene regular meetings of, or conduct regular consultations with, Federal, State, tribal, and local government officials to provide recommendations on how to carry out those activities.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bil! be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2575) was read the third time and passed, as follows:

S. 2575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudden Oak Death Syndrome Control Act of 2004"

SEC. 2. FINDINGS.

Congress finds that—

(1) tan oak, coast live oak, Shreve's oak, and black oak trees are among the most beloved features of the topography of California and the Pacific Northwest and efforts should be made to protect those trees from disease;

(2) the die-off of those trees, as a result of the exotic fungal pathogen Phytophthora ramorum, is approaching epidemic proportions;

(3) native plants and forests must be protected from Phytophthora ramorum;

(4) more information is needed on—

(A) Phytophthora ramorum, including the existence of Phytophthora ramorum throughout the United States; and

(B) sudden oak death syndrome, including—

(i) the causes;

(ii) the methods of transmittal; and

(iii) the best methods of treatment;

(5) the host list for Phytophthora ramorum includes 60 plant species in 32 genera, including—

(A) some of the most popular and economically important landscape and garden plants in the United States; and

(B) wild huckleberry plants, potentially endangering the commercial blueberry and cranberry industries;

(6) sudden oak death syndrome threatens to create major economic and environmental problems in California, the Pacific Northwest, and other regions, including—

(A) the increased threat of fire and fallen trees;

(B) the cost of tree removal and a reduction in property values; and

(C) loss of revenue due to—

(i) restrictions on the movement of forest products and nursery stock; and

(ii) the impact on the commercial nursery and small fruit industries;

(7) In 2002, the Secretary of Agriculture imposed a quarantine on the exportation from 10 counties in northern California and Curry County, Oregon, of oak trees and nursery plants that serve as hosts for Phytophthora ramorum;

(8) on April 9, 2004, after the discovery of Phytophthora ramorum in 2 nurseries in southern California—

(A) restrictions were placed on the interstate movement of species that could potentially serve as hosts to Phytophthora ramorum; and

(B) new restrictions were implemented on the interstate movement of host plants and potential host plants from all commercial nurseries in the State of California that are outside the 10 quarantined counties;

(9) on April 22, 2004, the restrictions referred to in paragraph (8)(B) were expanded to include—

(A) all plants in the same genus as host and potential host plants; and

(B) plants growing within 10 meters of a host or potential host plant; and

(10) several States and Canada have placed restrictions on the importation of nursery plants from California.

SEC. 3. RESEARCH, MONITORING, AND REGULATION OF SUDDEN OAK DEATH SYNDROME.

(a) In General.—The Secretary of Agriculture (referred to in this Act as the "Secretary") shall carry out a sudden oak death syndrome research, monitoring, and regulation program to develop methods to control, manage, or eradicate sudden oak death syndrome from—

(1) trees and shrubs on both public and private land; and

(2) host plants and potential host plants from commercial nurseries.

(b) Research, Monitoring, and Regulation Activities.—In carrying out the program under subsection (a), the Secretary may—

(1) conduct open space, roadside, and aerial surveys;

(2) provide monitoring technique workshops with respect to—

(A) Phytophthora ramorum in wildland and urban areas; and

(B) Phytophthora ramorum infestations in nurseries;

(3) conduct a comprehensive and biologically sound national survey of forests, plant nurseries, and landscapes that may have been exposed to Phytophthora ramorum, with priority given to surveying and inspecting plants at commercial nurseries and adjacent wildlands throughout the United States;

(4) develop a comprehensive risk assessment of the threat posed by Phytophthora ramorum to natural and managed plant resources in the United States, including modes of transmission and the risk of infestation;

(5) conduct a study of a representative sample of nursery plants imported into the United States from Europe, where Phytophthora ramorum is known to be found;

(6) develop baseline information on the distribution, condition, and mortality rates of oaks with Phytophthora ramorum infestation;

(7) maintain a geographic information system database of Phytophthora ramorum occurrences;

(8) conduct research on Phytophthora ramorum ecology, pathology, and management in wildland, urban, and nursery settings;

(9) evaluate the susceptibility of oak and other vulnerable species in the United States, with priority given to evaluating the susceptibility of commercially important nursery species;

(10) conduct assessments of trees that could pose a hazard due to infestation of Phytophthora ramorum; and

(11) provide diagnostic services.

SEC. 4. MANAGEMENT, TREATMENT, AND FIRE PREVENTION.

(a) In General.—The Secretary shall conduct sudden oak death syndrome management, treatment, and fire prevention activities.

(b) Management, Treatment, and Fire Prevention Activities.—In carrying out subsection (a), the Secretary shall—

(1) carry out activities to reduce the threat of fire and fallen trees killed by sudden oak death syndrome;

(2) increase and improve firefighting and emergency response capabilities in areas where fire hazard has increased due to tree die-off;

(3) treat vegetation to prevent fire in areas heavily infected with sudden oak death syndrome; and

(4) provide grants to local units of government for hazard tree removal, disposal and recycling, assessment and management of restoration and mitigation projects, green waste treatment facilities, reforestation, and resistant tree breeding.

SEC. 5. EDUCATION AND OUTREACH.

(a) In General.—The Secretary shall conduct education and outreach activities to make information available to the public on sudden death oak syndrome.

(b) Education and Outreach Activities.—In carrying out subsection (a), the Secretary may—

(1) develop and distribute educational materials for homeowners, arborists, urban foresters, park managers, public works personnel, recreationists, nursery workers, landscapers, naturists, firefighting personnel, and other individuals, as the Secretary determines appropriate;

(2) design and maintain a website to provide information on sudden oak death syndrome; and

(3) provide financial and technical support to States, local governments, and nonprofit organizations providing information on sudden oak death syndrome.

SEC. 6. INTERGOVERNMENTAL COMMUNICATION.

(a) Sense of Congress.—It is the sense of Congress that close communication between the affected agencies at all levels of government is required for the programs authorized under this Act to be effective.

(b) Regular Meetings or Consultations.—

(1) In general.—In accordance with section 204(a) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534(a)), the Secretary shall convene regular meetings of, or conduct regular consultations with, Federal, State, tribal, and local government officials for the purpose of providing a means of exchanging information and recommendations on how to carry out this Act effectively.

(2) Requirements.—Meetings or consultations conducted under paragraph (1) shall—

(A) be conducted in a manner that ensures that the various regions of the United States are represented; and

(B) include—

(i) representatives from the Animal and Plant Health Inspection Service;

(ii) representatives from the Agriculture Research Service;

(iii) representatives from the Cooperative State Research, Education, and Extension Service;

(iv) representatives from the Forest Service;

(v) representatives from State forester offices; and

(vi) State representatives from the National Plant Board.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2005 through 2009—

(1) to carry out section 3, $25,000,000;

(2) to carry out section 4, $18,500,000; and

(3) to carry out section 5, $700,000.

DISTRICT OF COLUMBIA RETIREMENT PROTECTION IMPROVEMENT ACT OF 2004

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4657, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4657) to amend the Balanced Budget Act of 1997 to improve the administration of Federal pension benefit payments for District of Columbia teachers, police officers, and fire fighters, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4657) was read the third time and passed.

ANTICOUNTERFEITING ACT OF 2004

ANTICOUNTERFEITING AMENDMENTS ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged and the Senate proceed to the immediate consideration of S. 2227 and H.R. 3632, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 2227) to prevent and punish counterfeiting and copyright piracy, and for other purposes.

A bill (H.R. 3632) to prevent and punish counterfeiting of copyrighted copies and phonorecords, and for other purposes.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. FRIST. I ask unanimous consent that the bills be read a third time and passed and the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2227) was read the third time and passed, as follows:

S. 2227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anticounterfeiting Act of 2004".

SEC. 2. FINDINGS.

Congress finds that—

(1) American innovation, and the protection of that innovation by the government, has been a critical component of the economic growth of this Nation throughout the history of the Nation;

(2) copyright-based industries represent one of the most valuable economic assets of this country, contributing over 5 percent of the gross domestic product of the United States and creating significant job growth and tax revenues;

(3) the American intellectual property sector employs approximately 4,300,000 people, representing over 3 percent of total United States employment;

(4) the proliferation of organized criminal counterfeiting enterprises threatens the economic growth of United States copyright industries;

(5) the American intellectual property sector has invested millions of dollars to develop highly sophisticated authentication features that assist consumers and law enforcement in distinguishing genuine intellectual property products and packaging from counterfeits;

(6) in order to thwart these industry efforts, counterfeiters traffic in, and tamper with, genuine authentication features, for example, by obtaining genuine authentication features through illicit means and then commingling these features with counterfeit software or packaging;

(7) Federal law does not provide adequate civil and criminal remedies to combat tampering activities that directly facilitate counterfeiting crimes; and

(8) in order to strengthen Federal enforcement against counterfeiting of copyrighted works, Congress must enact legislation that—

(A) prohibits trafficking in, and tampering with, authentication features of copyrighted works; and

(B) permits aggrieved parties an appropriate civil cause of action.

SEC. 3. PROHIBITION AGAINST TRAFFICKING IN ILLICIT AUTHENTICATION FEATURES.

(a) IN GENERAL.—Section 2318 of title 18, United States Code, is amended—

(1) by striking the heading and inserting "**Trafficking in counterfeit labels, illicit authentication features, or counterfeit documentation or packaging**";

(2) by striking subsection (a) and inserting the following:

"(a) Whoever, in any of the circumstances described in subsection (c), knowingly traffics in—

"(1) a counterfeit label affixed to, or designed to be affixed to—

"(A) a phonorecord;

"(B) a copy of a computer program;

"(C) a copy of a motion picture or other audiovisual work; or

"(D) documentation or packaging;

"(2) an illicit authentication feature affixed to or embedded in, or designed to be affixed to or embedded in—

"(A) a phonorecord;

"(B) a copy of a computer program;

"(C) a copy of a motion picture or other audiovisual work; or

"(D) documentation or packaging; or

"(3) counterfeit documentation or packaging, shall be fined under this title or imprisoned for not more than 5 years, or both.";

(3) in subsection (b)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3)—

(i) by striking "and 'audiovisual work' have" and inserting the following: ", 'audiovisual work', and 'copyright owner' have"; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(4) the term 'authentication feature' means any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other physical feature that either individually or in combination with another feature is used by the respective copyright owner to verify that a phonorecord, a copy of a computer program, a copy of a motion picture or other audiovisual work, or documentation or packaging is not counterfeit or otherwise infringing of any copyright;

"(5) the term 'documentation or packaging' means documentation or packaging for a phonorecord, copy of a computer program, or copy of a motion picture or other audiovisual work; and

"(6) the term 'illicit authentication feature' means an authentication feature, that—

"(A) without the authorization of the respective copyright owner has been tampered with or altered so as to facilitate the reproduction or distribution of—

"(i) a phonorecord;

"(ii) a copy of a computer program;

"(iii) a copy of a motion picture or other audiovisual work; or

"(iv) documentation or packaging;

in violation of the rights of the copyright owner under title 17;

"(B) is genuine, but has been distributed, or is intended for distribution, without the authorization of the respective copyright owner; or

"(C) appears to be genuine, but is not.";

(4) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

"(3) the counterfeit label or illicit authentication feature is affixed to, is embedded in, or encloses, or is designed to be affixed to, to be embedded in, or to enclose—

"(A) a phonorecord of a copyrighted sound recording;

"(B) a copy of a copyrighted computer program;

"(C) a copy of a copyrighted motion picture or other audiovisual work; or

"(D) documentation or packaging; or"; and

(B) in paragraph (4), by striking "for a computer program";

(5) in subsection (d)—

(A) by inserting "or illicit authentication features" after "counterfeit labels" each place it appears;

(B) by inserting "or illicit authentication features" after "such labels"; and

(C) by inserting before the period at the end the following: ", and of any equipment, device, or materials used to manufacture, reproduce, or assemble the counterfeit labels or illicit authentication features"; and

(6) by adding at the end the following:

"(f) CIVIL REMEDIES FOR VIOLATION.—

"(1) IN GENERAL.—Any copyright owner who is injured by a violation of this section or is threatened with injury, may bring a civil action in an appropriate United States district court.

"(2) DISCRETION OF COURT.—In any action brought under paragraph (1), the court—

"(A) may grant 1 or more temporary or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain violations of this section;

"(B) at any time while the action is pending, may order the impounding, on such terms as the court determines to be reasonable, of any article that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation of this section; and

"(C) may award to the injured party—

"(i) reasonable attorney fees and costs; and

"(ii)(I) actual damages and any additional profits of the violator, as provided by paragraph (3); or

"(II) statutory damages, as provided by paragraph (4).

"(3) ACTUAL DAMAGES AND PROFITS.—

"(A) IN GENERAL.—The injured party is entitled to recover—

"(i) the actual damages suffered by the injured party as a result of a violation of this section, as provided by subparagraph (B); and

"(ii) any profits of the violator that are attributable to a violation of this section and are not taken into account in computing the actual damages.

"(B) CALCULATION OF DAMAGES.—The court shall calculate actual damages by multiplying—

"(i) the value of the phonorecords or copies to which counterfeit labels, illicit authentication features, or counterfeit documentation or packaging were affixed or embedded, or designed to be affixed or embedded; by

"(ii) the number of phonorecords or copies to which counterfeit labels, illicit authentication features, or counterfeit documentation or packaging were affixed or embedded, or designed to be affixed or embedded, unless such calculation would underestimate the actual harm suffered by the copyright owner.

"(C) DEFINITION.—For purposes of this paragraph, the term 'value of the phonorecord or copy' means—

"(i) the retail value of an authorized phonorecord of a copyrighted sound recording;

"(ii) the retail value of an authorized copy of a copyrighted computer program; or

"(iii) the retail value of a copy of a copyrighted motion picture or other audiovisual work.

"(4) STATUTORY DAMAGES.—The injured party may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for each violation of this section in a sum of not less than $2,500 or more than $25,000, as the court considers appropriate.

"(5) SUBSEQUENT VIOLATION. The court may increase an award of damages under this subsection by 3 times the amount that would otherwise be awarded, as the court considers appropriate, if the court finds that a person has subsequently violated this section within 3 years after a final judgment was entered against that person for a violation of this section.

"(6) LIMITATION ON ACTIONS. A civil action may not be commenced under this section unless it is commenced within 3 years after the date on which the claimant discovers the violation.

"(g) OTHER RIGHTS NOT AFFECTED.—Nothing in this section shall enlarge, diminish, or otherwise affect liability under section 1201 or 1202 of title 17.".

(h) TECHNICAL AND CONFORMING AMENDMENT.—The item relating to section 2318 in the table of sections at the beginning of chapter 113 of title 18, United States Code, is amended by inserting "or illicit authentication features" after "counterfeit labels".

The bill (H.R. 3632) was read the third time and passed.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND ENHANCEMENT ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 2121, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2121) to amend the Eisenhower Exchange Fellowship Act of 1990 to authorize additional appropriations for the Eisenhower Exchange Fellowship Program Trust Fund, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the Roberts amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4088) was agreed to, as follows:

(Purpose: To remove a fiscal year limitation from an authorization of appropriations)

On page 4, on lines 5 and 6, strike "for fiscal year 2004".

The bill (H.R. 2121), as amended, was read the third time and passed.

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5394, which is at the desk.

The PRESIDING OFFICER (Mr. BURNS). The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5394) to amend the Internal Revenue Code of 1986 to modify the taxation of arrow components.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5394) was read the third time and passed.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5204 received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5204) to amend section 340E of the Public Health Service Act (relating to children's hospitals) to modify provisions regarding the determination of the amount of payments for indirect expenses associated with operating approved graduate medical residency training programs.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD as if read, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5204) was read the third time and passed.

AUTHORIZING THE SECRETARY OF COMMERCE TO MAKE AVAILABLE CERTAIN PROPERTY

Mr. FRIST. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 4027 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4027) to authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4027) was read the third time and passed.

COMMERCIAL SPACE LAUNCH AMENDMENTS ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5382, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5382) to promote the development of the emerging commercial human space flight industry, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5382) was read the third time and passed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 10:27 p.m., recessed subject to the call of the Chair, and reassembled at 10:45 p.m. when called to order by the Presiding Officer (Mr. BURNS).

The PRESIDING OFFICER. The Senator from Tennessee.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL YEAR 2005 OMNIBUS APPROPRIATIONS ACT

Mr. STEVENS. Mr. President, I am pleased to report that the House just passed the joint House-Senate Conference Report on the Foreign Operations Appropriations bill for fiscal year 2005. That Omnibus appropriations bill included the Agriculture Appropriations bill; the Commerce, Justice, State Appropriations bill; the Energy and Water Appropriations bill; the Foreign Operations Appropriations bill; the Interior Appropriations bill; the Labor, Health, and Human Services bill; the Legislative Branch Appropriations bill; the Transportation Appropriations bill; and the VA HUD Appropriations bill.

I would like to take this opportunity to clarify a few points in the bill to provide guidance to those who will implement it.

Denali Commission: The conferees provided $67,000,000 for the Denali Commission. In addition to the allocations outlined in the bill itself, there are a number of other projects to which the Denali Commission should give priority consideration: $2,000,000 for the Tok/Chistochina Intertie project; $500,000 for the Fire Island extension; $146,000 for Chenega Bay Utilities, $1,000,000 for Bristol Bay power generation; $2,000,000 for a Low Rank Fuel Demonstration project, and $1,500,000 for Cape Fox corporation for economic development. The commission is also encouraged to give the following projects priority consideration: the Petersburg Diesel Power Generation Facility project, the Valdez Electric project and funding for elder housing in Maniliq.

Corps of Engineers: Given tough budgetary constraints, Congress was unable to fund the full amount necessary to address the impending disaster that Hubbard Glacier poses to the community of Yakutat, AK. It is my expectation that the Army Corps of Engineers, the Forest Service, the Natural Resource Conservation Service, and the Federal Emergency Management Agency will, through available funds, provide the resources necessary to immediately address this situation. The conferees have included authorization for the Secretary of Army to undertake this task.

Energy projects: This year, the omnibus bill includes $5,000,000 to be used to support a solicitation for solid oxide fuel cell research to look at the application of solid oxide electrochemical technology for the co-production of hydrogen and electricity. The research will also focus on the storage of electricity through closed and open system regenerative fuel cells. This funding is intended to create a pilot project in Alaska to develop solid oxide fuel cell technology. The conferees are disappointed that the funds previously provided for this purpose were diverted by the Office of Energy Efficiency and Renewable Energy.

There are a couple of matters I want to clarify to provide guidance to the agencies who will administer the bill.

Food Safety: The conferees have provided funds for a National Animal Identification System to monitor cattle to prevent mad cow disease, but did not specify the technology or means to accomplish that end. It has come to my attention that a chain traceable model could track cattle through private sector mechanisms at very little cost to the Government. I hope the new Secretary of Agriculture will look at a range of means to prevent mad cow disease from infiltrating into our food supply including market driven solutions.

In addition, it is my understanding that a new technology has been developed that can detect food borne pathogens like salmonella. A film covering food, similar to plastic wrap, turns color if the food has become contaminated. This technology offers exciting opportunities for the seafood industry in particular, and I urge the new Secretary to take whatever steps possible to bring this new technology to market.

The conferees expect USDA to pursue efforts to expeditiously reopen the border between Alaska and Canada. This border closure has devastated farmers in Alaska. USDA currently has a proposal to accomplish this task and they are urged to carefully evaluate its merits.

Rural Development Administration: Within the funds that are provided to the Rural Development Administration, the Alaska Region should give priority consideration to a grant for the Ketchikan Arts facility. I visited with the developers of that project and believe it would be an excellent community facility.

Likewise, last month after we had already marked up the bill, I was able to meet with leaders in Homer, AK concerning the need for a new library. That, too, is a meritorious project and the Alaska Region should give priority consideration to a grant application for that project.

Lastly, peat is a major commodity in the lower 48 States, especially organic peat which can be sold for huge profits. But, in Alaska peat is often considered a nuisance, since it has to be dug out before construction can go forward in many areas of the State. One way to offset that costly excavation while creating new economic opportunity is to develop peat as a saleable commodity. The conferees urge the Alaska Region to consider a grant to develop peat fields in Alaska as an emerging new industry.

High Cost Energy Program: The bill provides $28,000,000 for the high cost energy program to reduce the cost of energy for consumers paying about 20 cents a kilowatt hour or more. The underlying authorization allows most of those funds to flow to the Denali Commission in Alaska which serves the largest segment of high cost energy users in the country. Energy costs in rural Alaska are the highest in the Nation. To reduce those costs, within the funds provide to the High Cost Energy program, the conferees expect that $2,000,000 be provided to the Arctic Energy Office for research into energy and electric issues in remote and rural communities. These funds are critical to identifying ways of reducing costs in rural Alaska communities and Native villages.

City of Marshall water hook-ups: The measure includes $26,000,000 for rural water and sewer program in rural Alaska. The conferees note that Marshall, AK has Indian housing built through HUD, but no money to link the houses to water and sewer. Within the funds provided in this account, the Committee expects the Alaska Village Safe Water Program to fund the Marshall water hook-ups.

Pribilof Island clean-up: The conferees agree to provide $7,000,000 which may be used by NOAA for both clean-up of the Pribilof Islands and economic development activities. In consulting with the people of St. Paul and St. George, it is their preference that $6,500,000 of the funds be available for economic development and $500,000 be used to continue NOAA's clean-up activities. Congress passed the Pribilof Islands Transition Act, which among other things authorized funding for economic development on the islands. During the drafting of that legislation, it was agreed the funds would be split between the various entities according to specific ratios, which were then used in the Act to allocate the authorizations stated at 16 USC §1166(c)(1). The conferees support that allocation, and I have consulted with Congressman Young, the author of those bills, who agrees as well. The agency is urged to comply with the islanders' wishes.

Alaska Ocean Observing System: Due to a clerical error in the bill, Alaska Ocean Observing System is titled, "Alaska Gulf Ecosystem Monitoring." It is the intent of the conferees that the $2,000,000 provided for this project shall be for the Alaska Ocean Observing System and not the Alaska Gulf Ecosystem Monitoring.

Economic Development Administration: The bill also provides funds for the Economic Development Administration, $15,000,000 of which is to assist coastal communities in Alaska pursuant to an agreement the Alaska delegation made with Secretary Evans when the Trade Act was considered. Within these funds, EDA should make $1,500,000 available to Cape Fox Corporation for economic development activities.

Office of Arctic Energy: Within the amounts provided for the Arctic Energy Office, it is the conferees expectation that $2,000,000 will be made available for shallow gas exploration and development in Ft. Yukon, AL, to assist that community and address its energy needs; and $3,000,000 will be made available for work on the gas pipeline spur to Cook Inlet.

Fish and Wildlife Service: As part of the fiscal year 2005 Consolidated Appropriations Conference Report, Section 126 of Division E requires a comprehensive program for mass marking of hatchery produced salmon stocks originating from the Pacific Northwest. The State of Alaska currently conducts an extensive salmon stock identification program based on visual identification of fin clipped hatchery salmon that have been implanted with coded wire tags.

The additional requirements imposed by Section 126, which provides for the implementation of "a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries . . ." could have significant financial implications on both the State of Alaska and on the Alaska commercial fishing industry. The Alaska Department of Fish and Game has serious concerns about the impact of mass marking requirements of this section on its ongoing salmon stock sampling program.

The Alaska Department of Fish and Game determined that if far-north-migrating chinook salmon are mass marked by clipping the adipose fin, the State will have two options: 1, continue with visual identification of marked fish, or, 2, convert to electronic sampling. Either option will cause the State's salmon stock sampling program to be far more costly. The conferees recommend that if mass marking is implemented, it should be done for Puget Sound and Columbia River Tule Chinook and not implemented for Columbia Upriver Bright or Washington Coastal Chinook salmon. These stocks of salmon represent a significant portion of the Alaska salmon fisheries and mass marking of these stocks will incur a high cost on the Alaskan fishing industry and the state's fisheries management program.

Further, the conferees recommend that mass marking of chinook salmon should not be implemented without the concurrence of state and federal agencies on an effective means of stock identification that will support the implementation of the Pacific Salmon Treaty and other state and federal laws and regulations. In addition, the conferees recommend that the U.S. Fish and Wildlife Service work with the State of Alaska and the United States Section of the Pacific Salmon Commission to ensure that the system of mass marking does not interfere significantly with data collection, salmon management programs, or the implementation of abundance-based management under the treaty. The conferees direct the U.S. Fish and Wildlife Service to ensure that changes in fishery and stock assessment programs needed to maintain the reliability of those programs are identified and that funding is secured for implementation of the changes made by this section.

Kenai Fjords National Park: The conferees have included bill language requiring the National Park Service to acquire land to construct a multi-agency visitor center that has been under discussion for nearly a decade notwithstanding any other provision of law. That means the Service will acquire the land at a negotiated price notwithstanding any other issues or obstacles. No more delays. It is time to get this project done. The conferees urge the service to expedite construction of the project as well. It should consider utilizing Section 1307 of the Alaska National Interest Lands Conservation Act for the project if it will speed up the process. It should also consider a build-lease option which it used to acquire a new Alaska Region headquarters in Anchorage. The conferees note that this project has already been delayed and as a result missed Seward's centennial celebration. The authority we have provided will ensure that the project can now be completed with dispatch.

Lake Clark National Park: I am aware that the National Park Service and Cook Inlet Region Inc. are currently discussing options for the disposition of the Silver Salmon Camp. Until these issues are resolved, it is the expectation of the conferees that the National Park Service will issue a long term recreational permit to Cook Inlet Region Inc. or a related non-profit for the continued operation of the camp.

Denali Commission: The committee has provided $40,000,000 for the Denali Commission for health and social service construction projects. Within the funds made available for clinics, the conferees expect the Commission to provide the necessary funds for a joint clinic-library-community center in Girdwood, AK. It may use health funds for the clinic portion of the project and its general funds provided through the Energy and Water bill for the community center and library.

Special Education: The conferees have agreed to over $11,000,000,000 for special education. The Department of Education should consider making funds available to conduct a pilot program in Anchorage, AK to treat children suffering from attention deficit or hyperactivity disorder or FAS/FAE through biofeedback to determine whether this might be a useful alternative to drug therapy.

Section 115: The conferees have agreed to a provision to correct a drafting error that caused the earmarks provided to Alaska in the Fiscal Year 2004 Transportation bill to come out of the State of Alaska's mandatory formula funds under the highway bill instead of discretionary funds. This amendment clarifies that Alaska's earmarks are to be allocated out of discretionary funds and have no impact on highway funds Alaska receives through the formula.

Rural Air Service Improvement Act of 2004: Title J includes another provision called the Rural Air Service Improvement Act of 2004. This is an amendment worked on by the House Transportation Committee chairman, Don Young, and I. The State of Alaska has a very limited system of roads to connect communities. Most communities can only be reached by air. In order to connect the communities within the State, the Inter-Alaska bypass mail system was created to support affordable, safe air travel and establish a system where the Postal Service can meet its obligation to deliver mail to every house. The provisions within the appropriations bill refine the Inter-Alaska bypass mail system by eliminating unnecessary flights flown by mainline air carriers, by reducing the requirement to two schedule flights per week. The section also grants the United States Postal Service the discretion to increase the number of scheduled flights to a maximum of three in instances where there are not three consecutive scheduled flights in a week. This will allow the Postal Service to meet their service requirements to the communities within Alaska, while decreasing the unnecessary expenses associated with excessive scheduled flights.

The language included within the appropriations bill will give flexibility to the carriers and the Postal Service by allowing existing mainline carriers to temporarily subcontract mail shipments to another existing mainline carrier when additional or substitute aircraft are needed to meet the service needs of the Postal Service or the carrier's operating requirements. However, the providing carrier will still remain responsible for the mail from the origin to the destination.

Clarification of the definition of Existing Mainline Carrier is also provided in order to close a loophole that may have allowed carriers who are not qualified as existing mainline carriers to become one because they operated under a codeshare with an existing mainline carrier. Air Carriers who were not, on January 1, 2001, a Part 121 carrier qualified to provide mainline non-priority bypass mail service and actually engaged in the carriage of non-priority bypass mail tendered to it under its own designator code should not be defined as an existing mainline carrier.

Finally, the provision specifically exempts non-bypass mail from the dispatch requirements of the non-priority bypass mail system. It is intended to give the Postal Service the ability to dispatch postal products, other than non-priority bypass mail, as their service needs require.

Alaska Trails: The bill includes $4 million for the State of Alaska to develop statewide trails initiative. The funds are available to issue grants, on a competitive basis, for the development and reconstruction of trails within Alaska. The State of Alaska should take no more than one percent of the funds to cover any overhead costs. The eligible trails include: Arctic Valley trails, Chugach Forest Russian River, Girdwood trails, Hatcher Pass trails, Iditarod trail, Juneau Nordic trails, Juneau Thunder Trail, Ketchikan Lewis Reef Road, Kodiak trails, Matanuska Susitna Gorsuch trails, Perseverance trail repairs, Russian River access road, Sitka Trailworks, Sitka World War II causeway, State of Alaska wildlife trails, Wrangell St. Elias Trails.

Transportation and Community and System Preservation Pilot Program: The conferees have agreed to provide $6,000,000 to the Matanuska Susitna Borough. Within the amounts made available to the Matanuska Susitna Borough, the conferees expect that $2,000,000 will be made available to Matanuska Susitna Gorsuch trails.

Denali Docks: I am pleased the Transportation Treasury subsection of the omnibus bill authorizes and appropriates $10 million to a new program for the Denali Commission which focuses on docks and the development of waterfront projects. There is no Federal Government program which funds docks for communities without roads. Through the newly authorized program within the Denali Commission, the rural communities of Alaska will be able to create, replace or repair the damaged docks within the following locations: Homer, Ugashik, Hoonah, Bristol Bay Borough, Old Harbor, Sitka, Coffman Cove, Perryville, Illiamna Lake, Auk Bay, Seldovia, Whittier, Cordova, Gustavus, and Kenai Peninsula Borough.

General Service Administration: I am pleased the conferees once again included money for the University of Alaska to continue planning for the State's 50th anniversary celebration including preserving pioneer papers throughout the state.

On another matter, the conferees urge the Service to work with the Alaska Railroad to effect a land transfer that will be mutually beneficial to both parties, and hope the national office will make the resources available for that purpose.

National Science Foundation: The conferees agreed to retain report language urging the administration to request funds to replace the Alpha Helix, one of its premier research vessels that has seen better days. But this is not the first year such language has been included. Some believe the Service has no intention of ever seeking the necessary funds. As I assume the role as chairman of the Senate Commerce Committee overseeing NSF, I want to put the agency on notice that Congress expects the administration to begin seeking the necessary funds to replace the vessel. If funds are provided and the vessel is built, it should be homeported in Seward, AK, its current home. But if the administration fails to request the necessary funds when the fiscal year 2006 budget is submitted, Congress expects the agency to develop an interim solution by leasing a research vessel that can operate out of Seward to conduct research in Alaska.

TAPS Quality Bank: As part of the fiscal year 2005 Consolidated Appropriations conference report I included legislative language that expresses Congress' concerns over a long standing regulatory and judicial dispute concerning the Trans Alaska Pipeline, TAPS. This report language is intended to provide guidance to the Federal Energy Regulatory Commission as it evaluates the August 31, 2004 Initial Decision by the Administrative Law Judge, ALJ. This language does not have any effect on agreements reached between the parties. It is solely intended to address those issues still in dispute. Nor does this language have any effect on any other regulatory or judicial proceeding currently pending before the ALJ or the Commission, and should not be considered in evaluating any future rate cases.

Congress expects the Commission to carefully consider the specific equities of this case to prevent special hardship, inequity, or an unfair distribution of burdens to any party, evaluate all of the administrative law judge's decisions regarding the retroactive application of the modified Resid valuation, and to assess the equity of assigning retroactivity. The issue of retroactivity and its application in this case is problematic given the lack of clear Congressional action on the subject and the negative impacts an eleven year retroactive period will have on domestic refiners in the State of Alaska.

In addition, it is the expectation of Congress that this matter will be resolved in a fair and equitable manner which is necessary to limit business uncertainty associated with the use of the Trans Alaska Pipeline System, and to ensure continued domestic refinery activity in order to protect national fuel supplies. Ultimately, it is my hope that the parties in this case will be able to reach a settlement and finally end 15 years of litigation, and we appeal to the parties to work towards this end.

HONORING OUR ARMED FORCES

CORPORAL LANCE M. THOMPSON AND LANCE CORPORAL JAMES ERIC SWAIN

Mr. LUGAR. Mr. President, as a nation, we must always keep in mind that our military successes come at a high cost in the loss of promising young human lives. I rise today to pay tribute to two Hoosier marines who made the ultimate sacrifice for their country.

Cpl Lance M. Thompson, 21, of Upland, IN, was killed in action while conducting combat operations in Al Anbar Province, Iraq. Corporal Thompson graduated from Eastbrook High School in 2001 and married Dawn Case, of Van Buren, Indiana, in 2002. He was on his second tour of duty in Iraq. Corporal Thompson was an outstanding marine. He will be missed.

LCpl James Eric Swain, 20, of Kokomo, IN, was killed in action while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Swain, a member of the National Honor Society, graduated from Kokomo High School in 2002. He was involved in numerous church and community projects in Kokomo. Lance Corporal Swain was an outstanding marine. He will be missed.

My thoughts and prayers are with both of these families as they remember and celebrate the lives and dedicated service of these marines.

MICHIGAN'S FALLEN HEROES

Ms. STABENOW. Mr. President, I rise today to pay tribute to the brave men and women of the U.S. armed forces who have given their lives during the military operations in Iraq. Of the over 1,270 casualties to date in Operation Iraqi Freedom, 42 of these fallen heroes are from or have family in my home state of Michigan. My heartfelt sympathies go out to the families and friends of these great Americans. On behalf of the State of Michigan, I offer my deepest gratitude for the service, sacrifice, and commitment of these men and women in upholding the ideals of this Nation.

These men and women represent the finest of our citizens. They have revealed their unyielding courage, sense of duty, and patriotism. For this, their service to this Nation will never be forgotten.

I would like to honor the following men and women of the U.S. Armed Forces that have Michigan ties and have bravely made the ultimate sacrifice while serving in Iraq:

Army PVT Brandon Sloan, 19, of Bedford Heights, OH, was killed when his unit, the 507th Maintenance Co., was ambushed near Nasiriyah on March 23, 2003. Sloan's mother, Kimberly, lives in Fraser.

Marine MAJ Kevin Nave, 36, formerly of Oakland County's White Lake Township, was killed when he was run over by a military vehicle on March 26, 2003. Nave was a veteran of the 1991 Persian Gulf War and lived in Oceanside, CA. He is survived by his wife and two children.

Army SGT Todd James Robbins, 33, formerly of Pentwater, died after the Bradley fighting vehicle he manned with eight other soldiers was bombed on April 2, 2003, possibly by friendly fire. Robbins, a veteran of the first gulf war, was stationed at Fort Sill, OK. He is survived by a wife and a 13-year-old son.

Army SGT Michael Pedersen, 26, formerly of Flint, was one of six soldiers killed in the crash of an Army Black Hawk helicopter on April 2, 2003, during a fire fight in Iraq. He served as a helicopter crew chief with the Army's 3rd Infantry Division based in Fort Stewart, GA.

Army PFC Jason Meyer, 23, was killed on April 7, 2003, when his personnel carrier came under fire. He graduated from Howell High School in 1999 and joined the Army in 2001. Meyer was based in Fort Stewart, GA, and had celebrated his first wedding anniversary 2 weeks before his death.

Marine PFC Juan Garza, 20, of Temperance was killed by sniper fire on April 8, 2003. Garza graduated from Summerfield High School in 2002 and was married the day after Christmas.

Air Force SSGT Scott Sather, 29, of Clio was killed in action in Iraq on April 8, 2003. He was assigned to the 24th Special Tactics Squadron, based out of Pope Air Force Base, NC.

Army SPC Richard A. Goward, 32, of Midland was killed on April 14, 2003, when his truck entered a dust cloud and collided with another truck in Iraq. Goward was assigned to the Midland-based 1460th Transportation Company of the Michigan Army National Guard. The father of two daughters served on active duty with the Army from 1990 to 1996, then joined the Michigan Guard after the Sept. 11 terror attacks.

Army SGT Sean Reynolds, 25, was killed on May 3, 2003, in an apparent accident involving his own weapon in northern Iraq. He grew up in Detroit and graduated from East Lansing High School in 1995. Reynolds was assigned to the Army's 173rd Airborne Brigade, deployed near Kirkuk. The 173rd is based in Vicenza, Italy.

Army MSG William Lee Payne, 46, who joined the Army shortly after graduating from Otsego High School in 1975, died on May 16, 2003, in Haswah, Iraq. He was killed in an explosion. Payne was an intelligence officer for the 2nd Battalion, 70th Armor Regiment of the 3rd Brigade, 1st Armored Division.

Army SSG Brett J. Petriken, 30, of Flint, a military police officer, was one of two soldiers killed on May 26, 2003, when a heavy equipment transporter crossed a median and struck his vehicle in Samawah, Iraq. He was part of the 501st Military Police Unit of the 1st Armored Division.

Army CPT Paul J. Cassidy, 36, of Laingsburg died in Camp Babylon as a result of non-combat injuries on July 13, 2003. He was part of the 432nd Civil Affairs Battalion based in Ashwaubenon, WI, a suburb of Green Bay. Cassidy, a reservist, was in Iraq performing humanitarian services. He also served as department secretary for the Meridian Township clerk's office.

Army SGT Trevor A. Blumberg, 22, of Wayne County's Canton Township, a paratrooper, died on Sept. 14, 2003, when a roadside bomb hit a convoy and destroyed his Humvee in Fallujah, Iraq. Blumberg was an 82nd Airborne paratrooper with the 1st Battalion of the 504th Parachute Infantry Regiment.

Army SPC Donald L. Wheeler, 22, of Concord died as a result of the injuries he sustained on October 13, 2003, in Tikrit, Iraq, when his unit came under attack from insurgent forces. Wheeler was assigned to A Company, 1st Battalion, 22nd Infantry Regiment, 4th Infantry Division, Fort Hood, TX.

Army SSG Paul J. Johnson, 29, of Calumet was killed when Iraqi fighters ambushed his patrol in Fallujah, Iraq, on October 20, 2003. Johnson served in the 82nd Airborne Division, based at Fort Bragg, NC. He was a member of the 1st Battalion, 505th Parachute Infantry Regiment.

Army SPC Artimus D. Brassfield, 22, of Flint was killed in a mortar attack while he played basketball at an outpost on October 24, 2003.

Army SSG Mark D. Vasquez, 35, of Port Huron was killed when the Bradley Fighting Vehicle in which he was riding was struck by an improvised explosive device on November 8, 2003. Vasquez was assigned to the 1st Battalion, 16th Infantry Regiment, 1st Infantry Division based in Fort Riley, KS.

U.S. Army SSG Paul Neff II, 30, of Fort Mill, SC, on November 7, 2003, in Tikrit. The Black Hawk was shot down by unknown enemy ordnance. Neff was assigned to 5th Battalion, 101st Aviation Regiment, 101st Airborne Division based in Fort Campbell, KY. He is survived by his father in West Branch.

Army PFC Damian S. Bushart, 22, of Oakland County's Waterford Township was killed on November 22, 2004, when a tank collided with his vehicle in Baghdad. Bushart was assigned to A Troop, 1st Squadron, 1st Cavalry Regiment, 1st Armored Division; Armstrong Barracks, Germany.

Army PFC Jason G. Wright, 19, of Luzerne was killed on December 8, 2003, when his vehicle came under fire while he was providing security at a gas station in northern Iraq. Wright was a mortarman assigned to Headquarters Company, 1st Battalion, 502nd Infantry Regiment. He entered the Army in June 2002, and arrived at Fort Campbell, KY, the following December.

Army SSG Thomas W. Christensen, 42, of Atlantic Mine was killed on December 25, 2003, when his living quarters in Baqouba, Iraq, came under mortar attack. Christensen was assigned to the 652nd Engineer Battalion, U.S. Army Reserve, a bridge-building unit based in Harvey. The detachment is a multi-role bridge-building outfit with administrative ties to Ellsworth, WI.

Army SSG Stephen C. Hattamer, 43, of Gwinn was killed on December 25, 2003, when his living quarters in Baqouba, Iraq, came under mortar attack. Hattamer was assigned to the 652nd Engineer Battalion, U.S. Army Reserve, a bridge-building unit based in Harvey. The detachment is a multi-role bridge-building outfit with administrative ties to Ellsworth, WI.

Army PFC Holly J. McGeogh, 19, of Taylor was among three soldiers killed when a homemade bomb exploded on January 31, 2004, along a road near Kirkuk, Iraq, as their convoy passed by. She was assigned to Company A, 4th Forward Support Battalion, 4th Infantry Division, from Fort Hood, TX.

Army SPC Richard K. Trevithick, 20, of Gaines was killed on April 14, 2004, when an improvised explosive device exploded near his convoy vehicle in Balad, Iraq. He was part of the 9th Engineer Battalion, 2nd Brigade Combat Team, 1st Infantry Division out of Schweinfurt, Germany.

Army SFC Bradley C. Fox, 34, who grew up in Adrian, died on April 20, 2004, of wounds suffered March 14 when a roadside bomb detonated near his vehicle. He was serving with the 1st Armored Division.

Army PFC Richard H. Rosas, 21, of St. Louis was one of two soldiers killed on May 25, 2004, when their patrol was hit by an improvised explosive device in Fallujah, Iraq. He was serving with the 3rd Battalion, 62nd Air Defense Artillery, 10th Mountain Division, Light Infantry, based in Fort Drum, NY.

Army SGT Aaron Elandt, 23, of Port Hope died on May 30, 2004, when the Humvee he was in struck a land mine while responding to a mortar attack. Elandt was a cavalry scout with the 1st Armored Division and had been in Iraq for about 14 months.

Army SPC Craig S. Frank, 24, of Lincoln Park, a Michigan National Guard military police officer, died on July 17, 2004, after his vehicle was hit by an improvised explosive device near Baghdad. Frank was serving with the 1775th Military Police Company out of Pontiac. He was studying education at Eastern Michigan University before his call-up.

Army SFC David A. Hartman, 41, of Akron died on July 17, 2004, in Beiji after the vehicle he was driving was hit by an improvised explosive device. Hartman was assigned to the Army Reserve's 401st Transportation Company out of Battle Creek.

Army PFC Nicholas H. Blodgett, 21, of Wyoming died on July 21, 2004, in Abdalluyah, Iraq. He was killed when his patrol vehicle hit an improvised explosive device. He was assigned to the 4th Cavalry Regiment of the Army's 1st Squadron and stationed in Schweinfurt, Germany.

Army SPC Donald R. McCune, 20, of Ypsilanti died on August 5, 2004, in Landstuhl, Germany, of injuries he received when an improvised explosive device detonated near his patrol in Balad. McCune was assigned to the Army National Guard's 1st Battalion. 161st Infantry Regiment, 81st Brigade Combat Team and stationed in Moses Lake, WA.

Army SPC Dana Wilson, Hudsonville, 26, of Fountain, CO. died on July 11, 2004, near Al Hillah when the vehicle Wilson was riding in was involved in a head-on collision with another vehicle. Wilson was assigned to the 1st Battalion, 94th Field Artillery Brigade in Baumholder, Germany. Wilson's mother lives in Hudsonville.

Army SSG Donald N. Davis, 42, of Saginaw died on August 24, 2004, when a tractor and a tanker trailer rolled over an embankment in Fallujah, Iraq. Davis was assigned to the U.S. Army Reserve's 660th Transportation Company in Zanesville, OH.

Army SGT Carl Thomas, 29, a native of Detroit who lived in Phoenix before being stationed at Fort Hood, TX, died on September 13, 2004, when a homemade explosive detonated near his Army observation post in Baghdad. Thomas was assigned to the 1st Battalion, 12th Cavalry Regiment.

Army PVT Mark Barbret, 22, of Macomb County's Shelby Township died on October 14, 2004, when the Humvee he was riding in hit a roadside bomb near Ramadi, Iraq. Barbret was an Army mechanic with the 2nd Infantry Division.

Army SPC Don A. Clary, of Troy, Kansas died on November 8, 2004, in Baghdad when a vehicle-borne improvised explosive device detonated near his convoy. He was assigned to the 2nd Battalion, 130th Field Artillery, Kansas National Guard in Horton, KS. Clary's mother resides in Flint.

Army PFC Dennis Miller Jr., 21, of La Salle died on November 10, 2004, after his unit came under attack and a rocket-propelled grenade struck his tank in Ramadi, Iraq. Miller was assigned to the 2nd Battalion, 72nd Armor Regiment, 2nd Infantry Division.

Marine LCpl Justin D. Reppuhn, 20, of Hemlock died on November 11, 2004, as a result of enemy action in Al Anbar Province. Reppuhn was assigned to motor transport duties with the 3rd Light Armored Reconnaissance Battalion, 1st Marine Division.

Marine LCpl Justin M. Ellsworth, 20, of Mount Pleasant died on November 14, 2004, while on reconnaissance during the U.S. assault on Fallujah. He was assigned to a Combat Service Support Battalion 1 in the First Marine Expeditionary Force in Camp Pendleton, CA.

Marine LCpl Michael Wayne Hanks, 22, of Gregory, died on November 17, 2004, as a result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, in the First Marine Expeditionary Force. The Marines issued him a formal commendation on May 11, 2003, for saving the life of an Iraqi civilian in Ash Shatra, 170 miles south of Baghdad.

Marine Cpl Gentian Marku, 22, of Warren, died on November 25, 2004, as a result of enemy action in Al Anbar Province. Marku was assigned to 1st Battallion, 8th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force and stationed at Camp Lejeune, NC. He was awarded medals for good conduct, humanitarian service, combat action, and other activities. Marku moved to the United States from Albania when he was 14.

Army SPC Corey Hubbell, Holly, 20, of Urbana, Illinois died on June 26, 2004, in Camden Yards, Kuwait, in support of Operation Iraqi Freedom. Hubbell died from a non-combat related cause. Hubbell was assigned to Company B, 46th Engineer Battalion, Fort Rucker, AL. Hubbell's father resides in Holly.

This list was provided by the Detroit Free Press on December 1, 2004.

CALIFORNIA'S FALLEN HEROES

Mrs. BOXER. Mr. President, I rise to pay tribute to 66 young Americans who have been killed in Iraq since October 7. All of them were from California or were based in California.

SPC Morgen N. Jacobs, age 20, died October 7 in Tikrit, of injuries sustained in Aaliyah on October 6, when an improvised explosive device detonated near his patrol vehicle. He was assigned to the 1st Battalion, 18th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany. He was from Santa Cruz, CA.

PFC First Class Andrew Halverson, age 19, died October 9 as result of enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

CPL Ian T. Zook, age 24, died October 12 as a result of enemy action in Al Anbar Province. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

PFC Oscar A. Martinez, age 19, died October 12 as result of enemy action in Al Anbar Province. He was assigned to I Marine Expeditionary Force Headquarters Group, Camp Pendleton, CA.

Lance CPL Victor A. Gonzalez, age 19, was killed in action October 13 from an explosion while conducting combat operations in the Al Anbar Province. He was assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Watsonville, CA.

2LT Lt. Paul M. Felsbert, age 27, died October 13 as result of enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

MAJ Charles R. Soltes, Jr., age 36, died October 13 in Mosul when an improvised explosive device detonated near his convoy vehicle. He was assigned to the Army Reserve's 426th Civil Affairs Battalion, Upland, CA. He was from Irvine, CA.

PVT David L. Waters, age 19, died October 14 in Baghdad when an improvised explosive device detonated near his convoy vehicle. He was assigned to the Army's 2nd Battalion, 14th Infantry Regiment, 10th Mountain Division (Light Infantry), Fort Drum, NY. He was from Auburn, CA.

CPL William I. Salazar, age 26, died October 15 from wounds received as result of enemy action in Al Anbar Province. He was assigned to Headquarters Battalion, 1st Marine Division, Camp Pendleton, CA.

SGT Douglas E. Bascom, age 25, died October 20 as result of enemy action in Al Anbar Province. He was a member of the Individual Ready Reserves who was mobilized and assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Jonathan E. Gadsden, age 21, died October 22 at the James A. Haley Veterans' Hospital in Tampa, Florida, from injuries received during enemy action in Al Anbar Province on August 21. He was assigned to 1st Combat Engineer Battalion, 1st Marine Division, Camp Pendleton, CA.

LCpl Richard P. Slocum, age 19, died October 24 due to a non-combat related vehicle accident near Abu Ghraib, Iraq. He was assigned to 1st Battalion, 3rd Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Saugus, CA.

CPL Brian Oliveira, age 22, died October 25 from injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Jeremy D. Bow, age 20, died October 30 due to enemy action in Al Anbar Province. He was assigned to 1st Battalion, 3rd Marine Regiment, 3rd Marine Division, Marine Corps Base Hawaii. He was from Lemoore, CA.

1LT Matthew D. Lynch, age 25, died October 31 from enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Jared P. Hubbard, age 22, died November 4 when he sustained fatal wounds from an explosion while conducting combat operations in the Al Anbar Province. He was assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Clovis, CA.

CPL Jeremiah A. Baro, age 21, died November 4 when he sustained fatal shrapnel wounds from an explosion while conducting combat operations in the Al Anbar Province. He was assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Fresno, CA.

LCpl Sean M. Langley, age 20, died November 7 from injuries received as a result of enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

SPC Quoc Binh Tran, age 26, died November 7 in Baghdad from wounds sustained when an improvised explosive device detonated near his military vehicle. He was assigned to the Army National Guard's 181st Support Battalion, San Bernardino, CA. He was from Mission Viejo, CA.

LCpl Thomas J. Zapp, age 20, died November 8 as a result of enemy action in Al Anbar Province. He was assigned to Combat Service Support Battalion 1, Combat Service Support Group 11, 1st Force Service Support Group, Camp Pendleton, CA.

LCpl Juan E. Segura, age 26, died November 9 as a result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

CPL William C. James, age 24, died November 9 as a result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Huntington Beach, CA.

LCpl Nicholas D. Larson, age 19, died November 9 as a result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Nathan R. Wood, age 19, died November 9 as a result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Abraham Simpson, age 19, died November 9 as a result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Chino, CA.

LCpl Erick J. Hodges, age 21, died November 10 as a result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Bay Point, CA.

SSG Gene Ramirez, age 28, died November 10 as a result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

SSG Michael C. Ottolini, age 45, died November 10 in Balad, Iraq when an improvised explosive device detonated near his up-armored HMMWV. He was assigned to the Army National Guard's 579th Engineer Battalion, Petaluma, CA. He was from Sebastopol, CA.

LCpl Justin D. Reppuhn, age 20, died November 11 as a result of enemy action in Al Anbar Province. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA.

CPL Theodore A. Bowling, age 25, died November 11 as a result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

SSG Theodore S. Holder, II, age 27, died November 11 as a result of enemy action in Al Anbar Province. He was assigned to 1st Battalion, 3rd Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

2LT James P. Blecksmith, age 24, died November 11 as a result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from San Marino, CA.

LCpl Kyle W. Burns, age 20, died November 11 as a result of enemy action in Al Anbar Province. He was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA.

CPL Jarrod L. Maher, age 21, died November 12 as result of a non-hostile gunshot wound at Abu Ghraib. His death is under investigation. He was assigned to 1st Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

SGT Morgan W. Strader, age 23, died November 12 as result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Nicholas H. Anderson, age 19, died November 12 in a vehicle incident while conducting combat operations in Al Anbar Province. He was assigned to 1st Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Justin M. Ellsworth, age 20, died November 13 as a result of enemy action in Al Anbar Province. He was assigned to Combat Service Support Battalion 1, Combat Service Support Group 11, 1st Force Service Support Group, Camp Pendleton, CA.

SGT Byron W. Norwood, age 25, died November 13 as result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Benjamin S. Bryan, age 23, died November 13 as result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Victor R. Lu, age 22, was killed in action November 13 from small arms fire while conducting combat operation in the Al Anbar Province. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Los Angeles, CA.

LCpl Justin D. McLeese, age 19, died November 14 as result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

CPL Dale A. Burger, age 21, died November 14 as result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

CPL Andres H. Perez, age 21, was killed in action November 14 from an explosion while conducting combat operation in the Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Santa Cruz, CA.

LCpl Jeramy A. Ailes, age 22, was killed in action November 15 from small arms fire while conducting combat operation in the Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Gilroy, CA.

LCpl George J. Payton, age 20, died November 14 after sustaining fatal injuries while conducting combat operations in the Al Anbar Province. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Culver City, CA.

SGT Rafael Peralta, age 25, died November 15 as result of enemy action in Al Anbar Province. He was assigned to 1st Battalion, 3rd Marine Regiment, 3rd Marine Division, Marine Corps Base Hawaii. He was from San Diego, CA.

CPL Marc T. Ryan, age 25, died November 15 as result of enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl James E. Swain, age 20, died November 15 as result of enemy action in Al Anbar Province. He was assigned to Headquarters Battalion, 1st Marine Division, Camp Pendleton, CA.

LCpl Shane E. Kielion, age 23, died November 15 as result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

CPT Patrick Marc M. Rapicault, age 34, died November 15 as result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Antoine D. Smith, age 22, died November 15 as result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

PFC Cole W. Larsen, age 19, died November 13 in Baghdad when a civilian vehicle struck his military vehicle causing it to roll over. He was assigned to the 272nd Military Police Company, 21st Theater Support Command, Mannheim, Germany. He was from Canyon Country, CA.

CPL Lance M. Thompson, age 21, died November 15 as result of enemy action in Al Anbar Province. He was assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

PFC Jose Ricardo Flores-Mejia, age 21, died November 16 in Mosul when an improvised explosive device hit his convoy. He was assigned to the 25th Transportation Company, Schofield Barracks, HI. He was from Santa Clarita, CA.

SGT Christopher T. Heflin, age 26, died November 16 as result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Luis A. Figueroa, age 21, was killed in action November 18 from small arms fire while conducting combat operations in the Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Los Angeles, CA.

LCpl Michael W. Hanks, age 22, died November 17 as result of enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

LCpl Phillip G. West, age 19, died November 19 after sustaining fatal bilateral shrapnel wounds to his legs from an explosion while conducting combat operations in the Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from American Canyon, CA.

CPL Joseph J. Heredia, age 22, died November 20 in Landstuhl, Germany from wounds received as result of enemy action on November 10 in Al Anbar Province. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Santa Maria, CA.

LCpl Joseph T. Welke, age 20, died November 20 in Landstuhl, Germany from wounds received as result of enemy action on November 19 in Al Anbar Province. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

CPL Kirk J. Bosselmann, age 21, died November 27 as a result of enemy action in Al Anbar Province. He was assigned to 1st Battalion, 8th Marine Regiment, 2nd Marine Division, Camp Lejune, NC. He was from Napa, CA.

LCpl Jordan D. Winkler, age 19, died November 26 due to a non-combat related incident at Camp Fallujah. The incident is under investigation. He was assigned to Combat Service Support Battalion 1, Combat Service Support Group 11, 1st Force Service Support Group, Camp Pendleton, CA.

SGT Trinidad R. Martinezluis, age 22, died November 28 in Baqubah when his 5-ton vehicle rolled over and pinned him underwater. He was assigned to the Army's 201st Forward Support Battalion, 1st Infantry Division, Vilseck, Germany. He was from Los Angeles, CA.

LCpl Blake A. Magaoay, age 20, died November 29 as a result of enemy action in Al Anbar Province. He was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA.

SPC Sergio R. Diazvarela, age 21, died November 24 in Ar Ramadi when an improvised explosive device detonated near his dismounted patrol.

He was assigned to 1st Battalion, 503rd Infantry Regiment, 2nd Brigade Combat Team, Camp Howze, Korea. He was from Lomita, CA.

CPL Bryan S. Wilson, age 22, died December 1 as result of a non-hostile vehicle incident in Al Anbar Province. He was assigned to 2nd Battalion, 11th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

Mr. President, 349 soldiers who were either from California or based in California have been killed while serving our country in Iraq. I pray for these young Americans and their families.

I would also like to pay tribute to the 25 soldiers from or based in California who have died while serving our country in Operation Enduring Freedom.

SSG Brian C. Prosser, age 28, was killed December 5, 2001 by ordnance from a B 52 aircraft north of Kandahar, Afghanistan.

He was assigned to the 3rd Battalion, 5th Special Forces Group, Fort Campbell, KY. He was from Panorama City, CA.

SGT Jeannette L. Winters, age 25, was killed January 9, 2002 as result of a KC–130/R aircraft crash in Pakistan.

She was assigned to Marine Aerial Refueler Transport Squadron 352, whose home base is the Marine Corps Air Station at Miramar, CA.

LCpl Bryan P. Bertrand, age 23, was killed January 9, 2002 as result of a KC–130/R aircraft crash in Pakistan.

He was assigned to Marine Aerial Refueler Transport Squadron 352, whose home base is the Marine Corps Air Station at Miramar, CA.

SGT Nathan P. Hays, age 21, was killed January 9, 2002 as result of a KC 130/R aircraft crash in Pakistan.

He was assigned to Marine Aerial Refueler Transport Squadron 352, whose home base is the Marine Corps Air Station at Miramar, CA.

SSG Scott N. Germosen, age 37, was killed January 9, 2002 as result of a KC–130/R aircraft crash in Pakistan.

He was assigned to Marine Aerial Refueler Transport Squadron 352, whose home base is the Marine Corps Air Station at Miramar, CA.

GySgt Stephen L. Bryson, age 35, was killed January 9, 2002 as result of a KC 130/R aircraft crash in Pakistan.

He was assigned to Marine Aerial Refueler Transport Squadron 352, whose home base is the Marine Corps Air Station at Miramar, CA.

CPT Daniel G. McCollum, age 29, was killed January 9, 2002 as result of a KC–130/R aircraft crash in Pakistan.

He was assigned to Marine Aerial Refueler Transport Squadron 352, whose home base is the Marine Corps Air Station at Miramar, CA.

CPT Matthew W. Bancroft, age 29, was killed January 9, 2002 as result of a KC 130/R aircraft crash in Pakistan.

He was assigned to Marine Aerial Refueler Transport Squadron 352, whose home base is the Marine Corps Air Station at Miramar, CA. He was from Shasta, CA.

SSG Dwight J. Morgan, age 24, was killed January 20, 2002 when a Marine CH-53E crashed in a remote region south of Bagram in Northern Afghanistan.

He was assigned to Marine Heavy Helicopter Squadron 361, 3rd Marine Aircraft Wing, Marine Corps Air Station, Miramar, CA. He was from Mendocino, CA.

SSG Walter F. Cohee, III, age 26, was killed January 20, 2002 when a Marine CH-53E crashed in a remote region south of Bagram in Northern Afghanistan. He was assigned to Marine Heavy Helicopter Squadron 361, 3rd Marine Aircraft Wing, Marine Corps Air Station, Miramar, CA.

SrA Jason D. Cunningham, age 26, was killed in action March 4, 2002 in eastern Afghanistan during Operation Anaconda. He was assigned to 38th Rescue Squadron, Moody Air Force Base, GA. He was from Camarillo, CA.

Petty Officer 1st Class Neil C. Roberts, age 32, was killed in action March 4, 2002 in eastern Afghanistan during Operation Anaconda.

He was assigned to the Navy SEALs, Little Creek Naval Amphibious Base, Norfolk-Virginia Beach. He was from Woodland, CA.

SGT Jamie O. Maugans, age 27, was killed April 15, 2002 in Qandahar, Afghanistan as the result of an explosion during explosive clearing operations. He was assigned to the 710th Explosive Ordnance Detachment, San Diego, CA.

SSG Justin J. Galewski, age 28, was killed April 15, 2002 in Qandahar, Afghanistan as the result of an explosion during explosive clearing operations. He was assigned to the 710th Explosive Ordnance Detachment, San Diego, CA.

SSG Brian T. Craig, age 27, was killed April 15, 2002 in Qandahar, Afghanistan as the result of an explosion during explosive clearing operations. He was assigned to the 710th Explosive Ordnance Detachment, San Diego, CA.

TSSgt Sean M. Corlew, age 37, was killed June 12, 2002 in the crash of a U.S. Air Force MC 130H in the Paktika province of Afghanistan. He was assigned to the Air Force's 16th Special Operations Wing at Hurlburt Field, FL. He was from Thousand Oaks, CA.

LCpl Antonio J. Sledd, age 20, was killed October 8, 2002 in Kuwait. He died from wounds received in action while participating in an urban exercise as part of Exercise Eager Mace.

He was assigned to Lima Company, 3rd Battalion, 1st Marines, 11th Marine Expeditionary Unit, Camp Pendleton, CA.

SGT Gregory M. Frampton, age 37, died January 30, 2003 when a MH-60L Black Hawk helicopter crashed during a training mission in Bagram.

He was assigned to 1st Battalion, 160th Special Operations Aviation Regiment, Fort Campbell, KY. He was from Fresno, CA.

PFC James R. Dillon, Jr., age 19, died March 13, 2003 in Kuwait as the result of a gunshot wound. He was assigned to 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, Marine Corps Air-Ground Combat Center, Twentynine Palms, CA.

1st Class Petty Officer Thomas E. Retzer, age 30, died of wounds received in action June 25, 2003 in Afghanistan. He was assigned to the Navy SEALs at Virginia Beach, VA. He was from San Diego, CA.

SFC Mitchell A. Lane, age 34, died August 29, 2003 of injuries received from a fall while conducting a fast rope infiltration into a known enemy cave complex in Afghanistan. He was assigned to 2nd Battalion, 3rd Special Forces Group, Fort Bragg, NC. He was from Lompoc, CA.

Petty Officer 2nd Class Darrell Jones, age 22, died October 8, 2003 of non-combat related injuries in the United Arab Emirates. He was assigned to the USS *Higgins*, San Diego, CA.

SPC Adam G. Kinser, age 21, was killed January 29, 2004, west of Ghazni, Afghanistan when he was working around a weapons cache and there was an explosion.

He was assigned to the 304th Psychological Operations Company, U.S. Army Reserve, Sacramento, CA. He was from Rio Vista, CA.

CPL Billy Gomez, age 25, died October 27, 2004 in Landstuhl, Germany from injuries sustained when his vehicle struck an improvised explosive device in Naka, Afghanistan on October 20.

He was assigned to the 2nd Battalion, 27th Infantry Regiment, 25th Infantry Division (Light), Schofield Barracks, HA. He was from Perris, CA.

CPL Dale E. Fracker, Jr., age 23, died on November 24 in Deh Rawod, Afghanistan, when an improvised explosive device detonated near his unit.

He was assigned to the Army's 2nd Battalion, 5th Infantry Regiment, 25th Light Infantry Division, Schofield Barracks, HA. He was from Apple Valley, CA.

Mr. President, 25 soldiers who were either from California or based in California have been killed while serving our country in Operation Enduring Freedom. I pray for these Americans and their families.

FOREIGN AFFAIRS COUNCIL TASK FORCE REPORT

Mr. LUGAR. Mr. President, I commend to my colleagues the November 2004 Task Force Report of the Foreign Affairs Council entitled "Secretary Colin Powell's State Department: An Independent Assessment."

This nonpartisan report prepared under of the sponsorship of the Council and on behalf of the 11 organizations that comprise the Council represents the work of some of the most distinguished leaders in our Nation's foreign policy establishment.

The report chronicles the impressive achievements of Secretary Powell and Deputy Secretary Armitage and their team over the last 4 years.

One of Secretary Powell's greatest achievements was his effort to reform the leadership culture of the State Department. Through an increased focus on the management, training and empowerment of the Department's Foreign Service officers and civil servants, the Secretary strengthened the team of individuals who execute our Nation's foreign policy. Secretary Powell complemented these management changes with key steps to raise morale and foster team spirit.

The Secretary has been personally committed to working with interested Members of Congress to strengthen the Department over the past 4 years. He most notably worked to improve diplomatic readiness including: the hiring of new officers, a commitment to long-term training, especially language training; and significant improvements in information technology infrastructure. He addressed staff shortages stemming from budget cuts in the Nineties by recruiting and hiring more Foreign Service officers, consular officers, and diplomatic security personnel. In the area of information technology, Secretary Powell provided desktop access to the Internet for all State Department employees worldwide and developed a state-of-the-art messaging system to replace the current World War II telegram system. Most recently, he decided to strengthen the Department's capacity to play a major role in planning, organizing and leading the civilian component of stabilization and reconstruction operations.

Secretary Powell worked to overcome a crisis in embassy construction and security in which only one new safe and functional embassy was being built each year. The State Department is currently managing $4 billion in construction projects in comparison to the $700 million when Secretary Powell took office. Committed to improvements in embassy security, the Secretary has overseen the construction of 13 embassies in 2-year period completing these projects on time and under budget. Twenty-six additional embassy projects are currently underway. With Congressional support for full funding, this building program can be completed and all our departments and agencies operating overseas will enjoy safer and more functional work environments as soon as possible.

The foreign policy achievements of Secretary Powell are many. Soon after assuming his post, the Secretary adeptly managed the crisis over the shoot down of an American P-3 aircraft over China. He has worked tirelessly to achieve United States objectives in the war on terrorism. He has sought to strengthen important relationships with Russia, China, India, Pakistan, and has provided critical support for further expansion of NATO. The Secretary has exhibited distinguished leadership promoting United States interests around the globe. He has represented our country honorably and ably overseas and is widely known and admired on every continent.

Secretary Powell has also worked to strengthen relations on the domestic front. Upon assuming his position, the Secretary committed to improving relations between the State Department and the Congress. I think many who have worked with the Secretary during his tenure would attest to the achievement of this goal.

I ask my colleagues to join me in commending Secretary Powell on his success and in wishing him well in any future endeavor he undertakes.

I ask unanimous consent that the executive summary of this report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY COLIN POWELL'S STATE DEPARTMENT: AN INDEPENDENT ASSESSMENT—NOVEMBER 2004

EXECUTIVE SUMMARY

In the summer of 2000 some 1,400 Foreign Service personnel, a quarter of the officer corps, attached their names to an Internet protest of their working conditions. In early 2004 the State Department had 200 Civil and Foreign Service volunteers, more than it could handle, for the 146 positions it was opening in Baghdad. The difference was Colin Powell and the gifted team of senior managers he assembled at the State Department.

Secretary Powell arrived at the State Department determined to fix a broken institution. He launched a two-pronged strategy. First, change the leadership culture so that managers at all levels focus on training, empowering and taking care of their people. Second, remedy critical management deficiencies: (1) restore diplomatic readiness by rebuilding State's staff; (2) give State modern information technology (IT); (3) focus on security of the nation (visas and passports), of information and of Americans abroad, including U.S. government employees (also involves holding overseas staffs to the minimum necessary—right-sizing); (4) assure safe, healthy and secure facilities, especially overseas buildings; and (5) relate budgets to agreed strategies, policies and priorities. Visa and passport security required reshaping consular affairs to deal with the post-

9/11 world. Secretary Powell also had to address two other major management issues: improving State's congressional relations and overhauling public diplomacy following the 1999 merger of USIA into State.

The accomplishments are extraordinary:

Employees at all levels, Foreign Service and Civil Service alike, feel empowered and respected. Morale is robust. "One Mission, One Team" has taken root as a value.

Leadership and management training are now mandatory for all mid-level and senior officers. Career candidates for Ambassador or Deputy Chief of Mission (DCM) appointments have the inside track if they have demonstrated leadership qualities. The Foreign Service employee representative, the American Foreign Service Association (AFSA), wants to write this practice into the permanent rulebook.

Congress has given State virtually all of the resources Secretary Powell requested. Congress understands that the increases for diplomatic readiness, information technology, overseas buildings and diplomatic security are permanent parts of the budget, not one-time catch-up costs.

State has achieved most of its Diplomatic Readiness Initiative (DRI) staffing goals. With its new, first-rate recruitment and marketing program, State has redressed in three years almost the entire personnel deficit of the 1990s (some 2,000 employees hired above attrition) and increased the diversity and quality of Foreign Service officers and specialists.

All the hardware for modern IT is now installed and on a four-year replacement cycle. All desks are finally linked worldwide. Information security is greatly enhanced. A new, robust, state-of-the-art message and archiving system (SMART) is being tested to do away with yesteryear's inadequate telegrams and their risky distribution and storage.

The new Overseas Buildings Office (OBO) has completed 13 safe, secure, functional buildings in two years and under budget. Twenty-six more are on the way. This contrasts with the pre–2002 rate of about one building per year. Congress and OMB have praised OBO effusively. Security upgrades have thwarted terrorist attacks at several posts.

The Deputy Secretary personally chairs the senior reviews of the Bureaus' Performance Plans (BPPs—policy-related budgets) and the bureaus in turn hold ambassadors accountable for their Mission Performance Plans (MPPs).

The senior reviews include USAID. There is a first-ever five-year Joint State-USAID Strategic Plan. And the new State-USAID Joint Management Councils, one for policy and one for management operations, are running effectively.

There are experiments with "virtual posts" which aid "right-sizing" and public diplomacy (15 of them as of October 2004—see p. 6).

Administrative operations at six embassies have qualified for ISO 9000 certification (p. 12), a point of pride, efficiency and service. The goal is to certify for ISO 9000 all administrative functions at all posts, meaning that all administrative functions at all posts meet ISO (International Organization for Standardization) criteria for certification for administrative excellence.

Visa operations use new IT systems and rigorously carry out post–9/11 security requirements—sometimes to the detriment of other U.S. programs and interests, despite energetic leadership efforts to maintain "open doors" along with "secure borders."

Many of the management improvements are institutionally well-rooted, partly because the new Foreign Service cohorts will demand that they stay. But many are vulnerable in a budget crisis, and others require more work. Key tasks:

1. State must maintain its partnership with Congress. Secretary Powell has been the critical actor in this regard, but he also has enabled his senior and mid-level subordinates to carry much of the load. This practice must continue.

2. Integration of public diplomacy into the policy process is still deficient. Experimentation on multiple fronts is needed to make the public diplomacy function more effective. Ideas include training, expansion of the ways public diplomacy officers relate to the Under Secretary for Public Diplomacy, and aggressive action to make public diplomacy a part of all policy development.

3. State's public affairs efforts need to go beyond explaining current policies to the public. They need to engage the public on a sustained basis regarding what the Department of State is and what its people do, especially overseas, as a way to build public confidence in the institution and confidence in the policies it is explaining and carrying out.

4. Diplomatic readiness is incomplete, budget outlooks are grim, and there are new needs: positions to replace those reprogrammed from diplomatic readiness to cover Iraq and Afghanistan; positions to provide surge capacity for crises; and positions to staff the new, congressionally-proposed Coordinator for Stabilization and Reconstruction. State should develop a ready reserve of active-duty personnel who have strong secondary skills in critical fields, plus a select cadre of recallable retirees with like skills (see Appendix A). Continuous attention to the recruitment system is needed to remain competitive. And State must protect its training resources, including those for hard language and leadership management training, from raids to cover operational emergencies. Sending people abroad without the requisite training is like deploying soldiers without weapons.

5. State must update its overseas consular staffing model to account for post–9/11 changes in workloads and procedures, so that the U.S. can truly have both "safe borders and open doors".

6. State has to find a way to staff hardship posts adequately, using directed assignments if necessary in order to assure Service discipline.

7. State has some distance to go before it reaps the full benefit of its new IT systems. The SMART system is almost a year behind schedule, albeit for good reasons. More formal training of users is needed and a cadre of IT coaches (today's secretaries?) should be developed to help overseas users. A common computerized accounting and control application is still being developed: the Joint [State-USAID] Financial Management System (JFMS). It is overdue.

8. "Right-sizing"—aligning the U.S. government presence abroad to reflect our national priorities and to attain policy objectives as efficiently as possible—has barely begun. It should be pursued in multiple venues: interagency capital cost-sharing for overseas buildings; wider use of "virtual posts" (see p. 6); conscious use of MPPs and, with White House support, the BPP senior reviews to manage the overseas presence of all U.S. agencies; completion of State's regional support center program; and ISO 9000 certification for all overseas administrative operations that have "critical mass."

9. Future Secretaries, Deputy Secretaries, Under Secretaries and Assistant Secretaries must engage fully in management and leadership processes as well as in congressional relations.

10. Finally, Congress and the executive branch have a series of management issues they need to examine together, including: the long-term relationship between State, USAID and other U.S. assistance vehicles (e.g., Millennium Challenge, U.S. Global AIDS program), and where in the budget and the appropriations structure it is most appropriate to fund State and USAID (perhaps merged under a separate "national security account").

JUSTICE FOR ALL ACT

Mr. CORNYN. Mr. President, almost 2 months ago, we passed H.R. 5107, the Justice for All Act. That bill was the product of months, even years, of hard work and dedication of many on both sides of the aisle. The final product includes a number of important provisions and badly needed funding for State criminal justice systems and, for that, I am happy to see it pass. However, in order to gain my support, as well as that of a number of my colleagues, a number of compromises were made with respect to certain aspects of the Innocence Protection Act section of the bill.

Specifically, the House majority leader, Mr. DELAY, and other members of the Texas delegation in the House inserted into the bill a provision designed to protect the capital representation system that is in place in Texas. Section 421(d)(1)(C) was added specifically to ensure that Texas or any State with a similarly structured system would qualify as an "effective system" under the statute.

My support of the bill depended entirely on that provision and on the generally agreed-upon understanding of what that provision accomplishes. As made clear in a colloquy given on this floor at the time of the bill's passage, on October 9, 2004, between myself, Senator SESSIONS and the chairman of the authorizing committee, Senator HATCH, who also happened to be the author and sponsor of the legislation, "it is this system [in Texas] or any future version of it that specifically is intended to be protected by this language." Further, we agreed that "Texas will not have to change a thing in order to receive grants under this bill—it is automatically pre-qualified." Mr. HATCH also noted that it was his understanding that "at least half a dozen other States also will automatically pre-qualify for funding under this proviso."

Typically, I would not take the floor to make this point so long after the date of passage.

But with regard to the Justice for All Act, I do feel compelled to respond to a statement the senior Senator from

Vermont made on the floor on November 19, 2004—a full 41 days after the passage of H.R. 5107 on October 9, 2004, indicating a different view of the meaning of this provision and others. The final bill was the product of careful negotiations that sought to protect many different States' interests. It does not represent the wish-list of the Senator from Vermont. Suffice to say that the bill likely would not even have been enacted had the interests of the different States, interests such as those protected by the revised section 421, been adequately protected. Indeed, I would further note that views of the senior Senator from Vermont are hardly authoritative with regard to this bill. It is the senior Senator from Utah that is the author and lead sponsor of the bill and the chairman of the committee that reported the bill. And as the senior Senator from Utah made clear at the time that the bill was enacted, actual legislative history, he and I understood the bill to carve out a State such as Texas that had preexisting capital appointment systems.

The senior Senator from Vermont also attempts to take some liberties with the meaning of other parts of the Justice for All Act's capital-counsel subtitle. He alleges that its grant provisions should be "strictly interpreted by grant administrators"; that a $125-an-hour rate for defense attorneys is what is "reasonable"; that defense attorneys' pay should be pegged to prosecutors' pay, and should include geographic cost-of-living adjustments; that the capital-counsel entity may not delegate some of its functions to individual trial judges; and that capital-improvement grants may not be used to higher prosecutors.

None of these ambitions for the Justice for All Act has support in the actual text of the law. Indeed, some of these assertions directly contradict the understanding of the law at the time that it was enacted. For example, as the senior Senator from Utah made clear to the Senator from Alabama at the time that the bill passed the Senate, and well before House passage of the accompanying enrolling resolution made Senate passage final, nothing in section 421 precludes a State from structuring the capital-counsel entity so that general rules and rosters are set by a larger group of qualified judges, and application of those rules in individual cases, selection of counsel from the roster and approval of fees and expenses, is made by a qualified trial judge presiding over the case.

Further, I would like to include the attached letter from the Texas Task Force on Indigent Defense regarding H.R. 5107, the Justice for All Act (P.L. 108-405), into the CONGRESSIONAL RECORD. This letter responds directly to the statement by Mr. LEAHY found on page 24228 of the November 19, 2004 CONGRESSIONAL RECORD.

I know that my friend, the House Majority Leader, included in the House record this same letter, but I want to ensure that the record is clear. As he pointed out on the House floor, the mission of the Texas Task Force on Indigent Defense is to promote justice and fairness to all indigent persons accused of criminal conduct. The Task Force was created by State law, the Fair Defense Act of 2001, and took effect on January 1, 2002. Since its implementation, the Task Force has awarded over $28 million to 250 counties in Texas in furtherance of its mission to improve legal representation for indigent persons accused of crimes.

I believe this letter responds in full and shows exactly the kind of system that H.R. 5107 envisions as effective, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TEXAS TASK FORCE
ON INDIGENT DEFENSE.

Re H.R. 5107, the "Justice For All Act"—Congressional Record page S11613.

Austin, TX, December 1, 2004.

Hon. TOM DELAY,
House Majority Leader,
The Capitol, Washington, DC.
Hon. LAMAR SMITH,
Rayburn House Office Building,
Washington, DC.
Hon. JOHN CARTER,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVES DELAY, SMITH, AND CARTER: In response to an inquiry last week regarding the statements made by Mr. Leahy in his statement on November 19, 2004, I am offering the following for clarification of what I believe is the current state of indigent defense in Texas.

I commend the goals of this bill and the willingness of Congress to provide States much needed money in the criminal justice arena. Since the reforms to Texas indigent defense laws known as the Texas Fair Defense Act were originally enacted in 2001, the Task Force on Indigent Defense, the Texas judiciary, and local government have worked diligently to meet and exceed the mandates of this reform. This reform was haled by Robert Spangenberg, a leading national expert on indigent defense as, "the most significant piece of indigent defense legislation passed by any state in the last twenty years."

Nevertheless, the key to meaningful reform lies in implementation. In that regard, Mr. Bill Beardall, Director of the Equal Justice Center, and leading advocate of indigent reform in Texas recently said that, "[S]ignificant indigent defense improvements were implemented both at the state level and in most of Texas's 254 counties in response to the new law."

Worth noting is that Mr. Spangenberg served as the primary author of the Fair Defense Report, which influenced the passage of the Fair Defense Act. In response to the progress made by Texas, he states: "In three short years, the Task Force has used the limited funding provided to mandate that each county has an indigent defense plan on file. Moreover, these plans are posted electronically and viewable by anyone. This in itself is significant in that what was formerly a closed process is now open to public scrutiny. Also significant is the fact that these are county-wide plans, thus providing greater uniformity than before when practices varied from judge to judge. From what I've seen, the Task Force has successfully built bridges with county government and leading advocate and public interest groups for meaningful collaboration and significant reform."

The following are some of the highlights of what Texas's courts, counties, and Task Force have accomplished.

More Indigent Defendants Receiving Court Appointed Counsel—In 2002, 278,479 persons received court appointed counsel. In 2004, 371,167 persons received court appointed counsel. This represents a 33% increase while all criminal case filings are up only 8%. Courts and local government are taking their responsibilities seriously.

Public Access—Every indigent defense plan (adult and juvenile) and every county's indigent defense expenditures are posted electronically and available to anyone with access to the Internet. In addition, all model forms, procedures, and rules promulgated by the Task Force are available online at www.courts.state.tx.us/tfid.

In response to Task Force recommendations, judges across the state have submitted amendments to bring indigent defense plans into compliance with the law. Also, every indigent defense plan has been reviewed by the Task Force and is in accordance with the law.

Accountability—Because of centralized oversight of plan submission, the judiciary is accountable to the Task Force. County officials are accountable to the Task Force through expenditure reporting and because of receipt of state grants. Prior to this act each county and court in Texas was left to its own means on how to provide these services.

Training and Outreach—Each year since 2001, the Task Force and staff have provided presentations across the state to 1,200 or more judges, county commissioners, defense attorneys, county employees, and other criminal justice stakeholders on their responsibilities and on the responsibilities of the State regarding effective indigent defense representation. One program of particular interest was designed specifically for State district trial judges who hear capital offenses. This program was sponsored by the Center for American and International Law in Plano, Texas on August 19-20, 2004.

Spending Up Almost 50% Since 2001—The State and counties have significantly increased expenditures for indigent defense services statewide to improve the quality of counsel appointed to represent the poor.

In 2001, counties expended approximately $92 million on indigent defense services without any state assistance. In 2002, county and state spending together reached approximately $107 million—$15 million more than was spent in 2001. In 2003, county and state spending together amounted to approximately $130—$38 million more than was spent in 2001. And, the most recent reports for FY04 reveal county and state spending together totaled approximately $137 million—$15 million more than 2001. All in all since the Fair Defense Act passed the State and counties are expending almost 50% more than they did prior to the Fair Defense Act. Neither the State nor the counties are abdicating their responsibilities—to the contrary, the State and counties are providing their best efforts to secure additional revenue sources as well as implementing process changes to ensure tax payers receive the most value possible for their tax dollars.

Nine Administrative Judicial Regions Working Collaboratively with Task Force—The Nine Administrative Judicial Regions are responsible for the development of qualifications and standards for counsel in death penalty cases. Notwithstanding the Texas Defender Service report referenced by Mr. Leahy in his testimony, the nine administrative presiding judges take very seriously their responsibilities under Texas law. Through officially published standards and qualifications and a thorough screening process, they ensure that only the most capable and competent attorneys are appointed in death penalty cases.

The report that Mr. Leahy relies on was criticized by many criminal justice stakeholders in Texas. I was disappointed with the secretive and surprise tactics utilized by the authors in its preparation. No Task Force members or staff were consulted prior to the report's publication. More significantly, the nine administrative judges were not consulted regarding its preparation or its findings prior to its release. For a Dallas Morning News article regarding this report, I noted the report's lack of methodology and stated that the report's conclusions "may be a matter more of form over substance." John Dahill, general counsel for the Texas Conference of Urban Counties and a former Dallas County prosecutor, was more blunt. "It just riles me to no end that the Texas Defender Service and the Equal Justice Center didn't bother to inquire of people with knowledge in each of these counties," he said. Counties generally follow the regional plan for appointment of counsel in capital cases, he said, and Dallas County follows the plan of the first administrative judicial region. That region covers 34 counties in northeast Texas.

Judge John Ovard of Dallas, who presides over the 1st administrative region, said he had not had a chance to read the report but said the county's failing grade surprised him. "We're in compliance with the task force . . . which is the primary state agency we report to," he said. "I certainly am interested in looking at it and see why they came to those conclusions."

Task Force staff meets quarterly with the 9 Administrative Presiding judges. The Task Force provides administrative assistance to the 9 Administrative Judicial Regions in posting the lists of standards and attorneys qualified for appointments in electronic format readily available to anyone in Texas. This collaborative effort is not mandated by State law but is being done at the request of the 9 Administrative Presiding judges to ensure that this process is open to the public and administered consistently across the State.

Summary: For the first time in Texas history the State is providing oversight, fiscal assistance, and technical support to local government and courts to improve the delivery of indigent defense services. All 254 counties in Texas are in compliance with the state reporting requirements. Each indigent defense plan in Texas has been reviewed by the Task Force to ensure it provides for prompt appointment of qualified counsel and reasonable compensation for appointed counsel. Since the passage of the Fair Defense Act, staff has provided presentations across the state to more than 4000 judges, county commissioners, defense attorneys, county employees, and other criminal justice stakeholders on their responsibilities and the responsibilities of State regarding effective indigent defense representation. The key criminal justice stakeholders in Texas are being trained and the Texas system has improved dramatically since the passage of this law. Furthermore, in what may be its greatest achievement, the Task Force has created an efficient and collaborative infrastructure for continuing implementation of the Fair Defense Act and for future improvements to indigent defense procedures statewide.

Thank you for considering my views. If you need any further information, feel free to contact me or any member of the Task Force. We are at your disposal to build on the successes all Texans have experienced since the passage of the Fair Defense Act.

Sincerely,

JAMES D. BETHKE,
Director, Task Force on Indigent Defense.

THE COURAGEOUS TUSKEGEE AIRMEN

Mr. LEVIN. Mr. President, today I would like to make my colleagues aware of my intention, when the 109th Congress convenes in January, 2005, to introduce bipartisan legislation, to authorize the awarding of the Congressional Gold Medal, collectively, to the Tuskegee Airmen.

The Tuskegee Airmen were not only unique in their military record, but they inspired revolutionary reform in the Armed Forces, paving the way for integration of the Armed Services in the U.S. The largely college-educated Tuskegee Airmen overcame the enormous challenges of prejudice and discrimination, succeeding, despite obstacles that threatened failure. What made these men exceptional was their willingness to leave their families and put their lives on the line to defend rights that were denied them here at home. Former Senator Bill Cohen, in remarks on the floor of the Senate in July of 1995 summed it up this way:

> . . . I listened to the stories of the Tuskegee airmen and . . . the turmoil they experienced fighting in World War II, feeling they had to fight two enemies: one called Hitler, the other called racism in this country.

Prior to the 1940s, many in the military held the notion that black servicemen were unfit for most leadership roles and mentally incapable of combat aviation. Between 1924 and 1939, the Army War College commissioned a number of studies aimed at increasing the military role of blacks. According to the Journal of the Air Force Magazine, Journal of the Air Force Association, March 1996:

> . . . these studies asserted that blacks possessed brains significantly smaller than those of white troops and were predisposed to lack physical courage. The reports maintained that the Army should increase opportunities for blacks to help meet manpower requirements but claimed that they should always be commanded by whites and should always serve in segregated units.

Overruling his top generals and to his credit, President Roosevelt in 1941 ordered the creation of an all black flight training program at Tuskegee Institute. He did so one day after Howard University student Yancy Williams filed suit in Federal Court to force the Department of Defense to accept black pilot trainees. Yancy Williams had a civilian pilot's license and received an engineering degree. Years later, "Lt. Col. Yancy Williams" participated in an air surveillance project created by President Eisenhower.

"We proved that the antidote to racism is excellence in performance," said retired Lt. Col. Herbert Carter, who started his military career as a pilot and maintenance officer with the 99th Fighter Squadron. "Can you imagine . . . with the war clouds as heavy as they were over Europe, a citizen of the United States having to sue his government to be accepted to training so he could fly and fight and die for his country?" The government expected the experiment to fail and end the issue, said Carter. "The mistake they made was that they forgot to tell us . . .".

The first class of cadets began in July of 1941 with 13 men, all of whom had college degrees, some with PhD's and all had pilot's licenses. From all accounts, the training of the Tuskegee Airmen was an experiment established to prove that "coloreds" were incapable of operating expensive and complex combat aircraft. Stationed in the segregated South, the black cadets were denied rifles.

Months passed with no call-up from the government. However, by 1943, the first contingent of black airmen were sent to North Africa, Sicily, and Europe. Their performance far exceeded anyone's expectation. They shot down six German aircrafts on their first mission, and were also the first squad to sink a battleship with only machine guns. Overall, nearly 1,000 black pilots graduated from Tuskegee, with the last class finishing in June of 1946, 450 of whom served in combat. Sixty-six of the aviators died in combat, while another 33 were shot down and captured as prisoners of war. The Tuskegee Airmen were credited with 261 aircraft destroyed, 148 aircraft damaged, 15,553 combat sorties and 1,578 missions over Italy and North Africa. They destroyed or damaged over 950 units of ground transportation and escorted more than 200 bombing missions. Clearly, the experiment, as it was called, was an unqualified success. Black men could not only fly, they excelled at it, and were equal partners in America's victory.

A number of Tuskegee Airmen have lived in Michigan, including Alexander Jefferson, Washington Ross, Wardell Polk, and Walter Downs, among others. Tuskegee Airmen also trained at Michigan's Selfridge and Oscoda air fields in the early 40s. In the early 1970s, the Airmen established their first chapter in Detroit. Today there are 42 chapters located in major cities of the U.S. The chapters support young people through scholarships, sponsorships to the military academies, and flight training programs. Detroit is also the location of the Tuskegee Airmen National Museum. which is on the grounds of historic Fort Wayne. The late Coleman Young. former mayor of the city of Detroit. was trained as a navigator bombardier for the 477th bombardment group of the Tuskegee Airmen. This group was still in training when WWII ended so they never saw combat. However, the important fact is that all of those receiving flight-related training—nearly 1.000—were instrumental in breaking the segregation barrier. They all had a willingness to see combat, and committed themselves to the segregated training with a purpose to defend their country.

The Tuskegee Airmen were awarded three Presidential Unit Citations, 150 Distinguished Flying Crosses and Legions of Merit. along with The Red Star of Yugoslavia, 9 Purple Hearts, 14 Bronze Stars and more than 700 Air medals and clusters. It goes without question that the Tuskegee Airmen are deserving of the Congressional Gold Medal.

According to existing records. a total of 155 Tuskegee Airmen originated from Michigan, I wish to recognize each one of them. I ask unanimous consent that their names be included for the RECORD. They are as follows:

Kermit Bailer: Clarence Banton; James Barksdale of Detroit: Hugh Barrington of Farmington Hills; Naomi Bell; Thomas Billingslea: Lee Blackmon: Charles Blakely of Detroit, Robert Bowers of Detroit; James Brown of Ypsilanti: Willor Brown of Ypsilanti; Ernest Browne of Detroit; Archibald Browning: Otis Bryant; Joseph Bryant, Jr. of Dowagiac; Charles Byous: Ernest Cabule of Detroit: Waldo Cain; Clinton Canady of Lansing; Carl Carey of Detroit: Gilbert Cargil: Nathaniel Carr of Detroit: Donald Carter of Detroit: Clifton Casey: David Cason, Jr; Peter Cassey of Detroit; Robert Chandler of Allegan: Pembleton Cochran of Detroit; Alfred Cole of Southfield: James Coleman of Detroit: William Coleman of Detroit; Eugene Coleman: Matthew Corbin of Detroit: Charles Craig of Detroit; Herbert Crushshon: John Cunningham of Romulus; and John Curtis of Detroit. Donald Davis of Detroit; Cornelius Davis of Detroit: Eugene Derricotte of Detroit; Taremund Dickerson of Detroit: Walter Downs of Southfield: John Egan: Leavie Farro. Jr.; Howard Ferguson; Thomas Flake of Detroit: Harry Ford. Jr. of Detroit; Luther Friday: Alfonso Fuller of Detroit: William Fuller of West Bloomfield: Frank Gardner: Robert Garrison of Muskegon: Thomas Gay of Detroit: Charles Goldsby of Detroit: Ollie Goodall. Jr. of Detroit; Quintus Green. Sr.; Mitchell Greene; James Greer of Detroit; Alphonso Harper of Detroit; Bernard Harris of Detroit: Denzal Harvey: James Hayes of Detroit; Ernest Haywood of Detroit; Minus Heath; Milton Henry of Bloomfield Hills: Mary Hill; Charles Hill, Jr. of Detroit: Lorenzo Holloway of Detroit: Lynn Hooe of Farmington Hills; Heber Houston of Detroit; Ted Hunt: and Hansen Hunter, Jr. Leonard Isabelle Sr., Leonard Jackson: Lawrence Jefferson of Grand Rapids; Alexander Jefferson of Detroit: Silas Jenkins of Lansing: Richard Jennings of Detroit: Louie Johnson of Farmington: Ralph Jones; William Keene of Detroit: Laurel Keith of Cassopolis; Hezekiah Lacy of River Rouge: Richard Macon of Detroit; Albert Mallory: Thomas Malone: Ralph Mason of Detroit; J. Caulton Mays of Detroit: William McClenic; Arthur Middlebrooks; Oliver Miller of Battle Creek: Vincent Mitchell of Mt. Clemens: Wilbur Moffett of Detroit; Dempsey Morgan of Detroit: Russell Nalle. Jr. of Detroit: Robert O'Neil of Detroit; Frederick Parker: Robert Pitts of Detroit; Wardell Polk of Detroit; Walter Poole: Calvin Porter of Detroit: Calvin Porter; Leonard Procctor; Della Rainey; Sandy Reid of Southfield: Edward Rembert; Harry Riggs of Bloomfield Hills: Walter Robinson of Detroit: Major Ross of Oak Park: Washington Ross of Detroit; John Roundtree of Westland: Calude Rowe of Detroit: William Ruben: William Rucker: Jesse Rutledge of Detroit; and Issac Rutledge. Calvin Sharp: Albert Simeon. Jr. of Detroit: Paul Simmons, Jr. of Detroit: Leon Smith; Chauncey Spencer; William Stevenson: Chester Stewart of Detroit: Harry Stewart of Bloomfield Hills; Roosevelt Stiger of Jackson; Howard Storey; Willie Sykes of Detroit: Willis Tabor; Kenneth Taitt of Detroit; William Taylor, Jr. of Inkster; Lucius Theus of Bloomfield Hills: Donald Thomas of Detroit: Austin Thomas; Wm. Horton Thompson of Detroit; Jordan Tiller: Paul Tucker of Detroit; Edward Tunstall of Detroit: Allen Turner of Ann Arbor; Cleophus Valentine of Detroit: Charles Walker of Jackson: Robert Walker; Roderick Warren of Detroit: Theodore Washington of Detroit; Richard Weatherford of Aibion: Jimmie Wheeler of Detroit: William Wheeler of Detroit: Cohen White of Detroit: Harold White of Detroit; Paul White: Peter Whittaker of Detroit; Leonard Wiggins of Detroit: David Williams of Bloomfield Hills: Willie Williamson of Detroit; Robert Wolfe: William Womack: and Coleman Young.

SIDETRACKING OF INTELLECTUAL PROPERTY AND TELECOMMUNICATIONS LEGISLATION

Mr. LEAHY. Mr. President, during the final days of this session. which have stretched over weeks and months. we have been struggling to pass a number of important and uncontroversial bills. but we have met with what some would call obstructionism from the Republican side of the aisle. Enactment of legislation needed for e-911 provisions to provide critical resources to our first responders. the Universal Service Administrative Corporation. a spectrum relocation trust fund. junk fax legislation. as well as the Family Entertainment and Copyright Act, anticounterfeiting legislation, film preservation legislation and many other measures have been sidetracked and hijacked.

The Federal Communications Commission Chairman Michael Powell has spoken out urging enactment of these needed telecommunications bills. The telecommunications package contains critically important provisions that will enhance 911 service. allow spectrum relocation. and preserve the ability of the universal service fund to do its important work. These are not controversial or partisan provisions. We should do all we can to ensure that first responders can provide their essential public services and that includes e-911. The spectrum relocation trust fund will free more space for wireless broadband services. This will help the American economy by promoting jobs and education. The Universal Service Fund provision will fix an accounting glitch that if left unattended will seriously impede the USF as it goes about its critical work. If we do not make this fix. rural communities and schools will suffer. and in the end everyone will pay. with higher fees. I echo the FCC's concern and add my own with respect to the intellectual property legislation.

Thanks to the ingenuity. the inspiration and the hard work of America's creators. the United States is the world leader in the creation of intellectual property. Protecting intellectual property matters. It matters to our creators. to our economy and to our future. Affording intellectual property straightforward and reasonable protections, and giving law enforcement officials the resources to give those protections genuine power should be bipartisan. noncontroversial goals. In the United States. copyright industries account for at least 12 percent of our gross domestic product and employ more than 11 million people. Copyright industries have been adding workers at an annual rate that exceeds that of the economy as a whole by 27 percent. and those industries have achieved annual foreign sales and exports of almost $90 billion. Republican objection has prevented the Senate from passing important intellectual property legislation. in an apparent effort to pressure the House to accept unrelated legislation.

Along with Senator HATCH. Senator CORNYN. Senator BIDEN. Senator FEINSTEIN, and many others. I have been working on a package of key intellectual property legislation for some time. Our staffs have worked late into the night and through weekends to accomplish all that we can this year. We have a package of strong and significant measures that would bolster protection of the intellectual property that helps drive our Nation's economy and that would ensure that law enforcement has the tools it needs to do its job in this regard. There was no good reason not to have sent this package to the House so that it could be enacted without delay. Instead, it has been blocked and the reason has nothing to do with the merits of the bill. It is merely being misused as leverage in an attempt to pass unrelated legislation that the Senate has already sent to the House and that the House finds objectionable. Apparently some are willing to sacrifice important intellectual property legislation for their own narrow purposes. That is unfortunate.

Our economy loses billions of dollars every year to various forms of piracy. Instead of making inroads in this fight, we face a Republican roadblock. It is a barrier that stands in the way of the ART Act, a bill that passed the Judiciary Committee and then the full Senate by unanimous consent. Senators CORNYN and FEINSTEIN introduced the bill, and I was pleased to work with them on it and to include it in our intellectual property legislation. These provisions would provide new tools in the fight against bootleg copies of movies snatched from the big screen by camcorders smuggled into theaters. Our bill would adopt a creative solution developed by the Copyright Office to address the growing problem of piracy of pre-release works. Republican obstruction is ensuring that these problems will be left unaddressed by this Senate and this Congress.

Our anticounterfeiting legislation would mark a step forward in the fight against software piracy. I was glad to work with Senator BIDEN on this provision, which we included in the intellectual property package. The Republican-led Congress can tell our software companies that they will have to wait at least another year for the remedies promised by this legislation. The Business Software Alliance tells us that $29 billion in software was stolen in 2003 alone. We are risking a higher number and more harm as we proceed into 2005.

There are other noncontroversial provisions in this legislation, as well, such as language that would help ensure that the Library of Congress is able to continue its important work in archiving our Nation's fading film heritage. Some of America's oldest films—works that document who we were as a people in the beginning of the 20th Century—are literally disintegrating faster than they can be saved.

It now appears an expanse of important, bipartisan legislation may fall victim to yet another Republican roadblock.

Our copyright holders will suffer, our patent holders will suffer, our economy will suffer, emergency services and broadband deployment will suffer, our rural communities and rural schools will suffer. The Senate will have failed to respond to the needs of the American people. That is a shame.

ART ACT

Mr. CORNYN. Mr. President, I note that Senator LEAHY today made a floor statement referencing important Intellectual Property legislation that unfortunately will not pass in the 108th Congress.

I agree completely with the Senior Senator from Vermont's view of the importance of these matters and I share his frustration that the bills are not moving forward because of matters not related to the substance of the legislation.

I joined with Senator FEINSTEIN, to introduce the ART Act, S. 1932, just over a year ago to help curtail the problem of piracy of films in movie theaters and to help stop the illegal distribution of pre-released copyrighted works. It is a good bill, but it will not become law despite having passed the Senate twice this year and enjoying overwhelming bipartisan support in the House.

Along with the ART Act, other valuable legislation such as the Family Movie Act, a bill that will help parents control the content of films and other entertainment their children see is being held up. Good legislation, such as anti-counterfeiting and film preservation, is also not moving forward again, for reasons completely unrelated to the substance of the bills.

As disappointed as I am about this, I am encouraged by the good faith bipartisan work that has occurred among my staff and the staffs of my colleagues. I want to thank Senators FEINSTEIN, LEAHY, HATCH and BIDEN for their assistance and support, and mostly, I want to thank their staffs for their dedication, hard work and long hours devoted to this effort.

I especially would like to note Senator LEAHY's diligence and dedication to this cause, and willingness to pass over legislation he introduced and believes to be important in deference to the greater cause of passing a larger bipartisan package that would have protected copyrighted works, but for the senseless and unneeded obstacles placed before it.

I am confident that when we take this legislation up in the 109th Congress, we will pass it and I look forward to working with these Senators and others to accomplish that goal.

ELECTION REFORM

Mr. DODD. Mr. President, yesterday the Leadership Conference on Civil Rights, along with Common Cause and the Century Foundation, sponsored the first comprehensive public review of election day issues, including a review of the implementation of certain provisions of the Help America Vote Act, HAVA, bipartisan legislation I was pleased to coauthor in the 107th Congress. Numerous other organizations are also planning similar reviews, including the distinguished ranking member of the House Judiciary Committee, Congressman JOHN CONYERS, who is hosting a forum on election day issues today on the House side. As the primary Senate author of HAVA, I welcome these reviews and believe that Congress can learn much from them in terms of whether HAVA is working as intended.

Following the debacle of the 2000 Presidential election, I sought the input and counsel of the Leadership Conference and countless other civil rights, disability, language minority, and voting rights groups to fashion legislation which would ensure that every eligible American voter would have an equal opportunity to cast a vote and have that vote counted. Our efforts, and the efforts of others, produced the Help America Vote Act. HAVA has been hailed as the first civil rights law of the 21st century, and I am committed to ensuring that it is fully implemented as such.

The results of the 2004 Presidential election have not been contested in the same manner as those of the 2000 election. However, the jury is still out on whether HAVA successfully addressed the problems that arose in the 2000 election. While I believe there is still much work to do to ensure the franchise for all Americans, I am confident that without HAVA, thousands of eligible American voters would not have been able to cast a vote, nor have their vote counted, in the November 2004 Presidential election.

It is important to remember that HAVA is not yet fully implemented. In some respects, the most important reforms have yet to be implemented by the States. These reforms include mandatory uniform and nondiscriminatory requirements that all voting systems provide second-chance voting for voters, be fully accessible to the disabled, provide for a permanent paper record for manual audits, and establish standards for what constitutes a vote and how such a vote will be counted for each type of voting system used by a State.

Additional reforms, which must be implemented by 2006, include the establishment of a computerized statewide voter registration list which must contain the name and registration information for every eligible voter in a State. Most importantly, the statewide database must be available electronically to every State and local election official, ensuring access to voter information at the polling place on election day. Had these additional reforms been in place this November, many of the election day problems that arose across the country could have been avoided or resolved at the polling place.

But what we do know is that HAVA's requirement that all States shall provide a provisional ballot to voters who are challenged at the polls, for any reason, ensured the franchise for thousands of Americans on November 2 this year. Although many States had forms of provisional ballots, HAVA requires that any voter who is willing to affirm that he or she is registered in the jurisdiction where they want to vote, and are eligible to vote in that election, must be allowed to cast a provisional ballot for the Federal offices in that jurisdiction. In Ohio alone, 155,000 voters cast provisional ballots, of which an estimated 77 percent were counted. That represents over 119,000 thousand American voters who otherwise might not have been able to cast a vote or have their vote counted, but for HAVA.

Some States, including Ohio, attempted to restrict the right to a provisional ballot, but were ultimately unsuccessful. The Federal Court of Appeals for the 6th Circuit of the United States affirmed the absolute right to receive a provisional ballot, without any additional requirements, in the decision of Sandusky vs. Blackwell decided on October 26, just one week prior to the election. That decision upheld the right of an individual voter to seek judicial redress of the rights conferred by HAVA and confirmed the absolute right of a challenged voter to receive a provisional ballot. I was pleased to file an amici curiae brief, along with my distinguished colleague, Congressman STENY HOYER, in this case in which we urged the court to affirm and enforce these rights.

As with any comprehensive civil rights legislation, HAVA's reach and effectiveness will have to be hammered out by the courts. As that process plays out, coupled with the States' implementation of the remaining HAVA reforms, we will be in a better position to assess whether this landmark legislation hit the mark or needs further reform.

In order to assist Congress in assessing the effectiveness of HAVA, specifically with regard to the implementation of the provisional ballot requirement, I have requested that the GAO conduct and compile a nationwide review of state implementation of this provision. In particular, I have asked the GAO to compile data on the number of provisional ballots cast in the 2004 election, the number of provisional ballots counted, the number not counted and the reasons such provisional ballots were not counted. While it is already clear that the States are implementing this provision in significantly differing manners, it is troublesome that whether a Federal ballot is counted or not depends upon State law.

Efforts such as the conference and forum this week, and others to occur in the coming weeks, are vital to understanding the full impact of HAVA and its limitations. Although some weaknesses in HAVA are already apparent, and it would be my intent to introduce legislation early in the 109th Congress to address these weaknesses to better ensure HAVA's effectiveness, it is through conferences and forums such as these that Congress can assess what further reforms are needed.

At some point, we must ask ourselves whether we can ever truly ensure an equal opportunity to cast a vote and have our votes counted for all Americans when our elections are administered by 55 different State and territorial governments through over 10,000 local jurisdictions in a decentralized manner. Even in light of HAVA's farreaching reforms, this Nation is almost unique in its administration of Federal elections at the local level. Even under HAVA, States and localities have broad, but not absolute, discretion in how they implement HAVA. Similarly, the voting system standards which the Federal Election Assistance Commission will issue, pursuant to HAVA, remain voluntary only.

This discretion played out quite differently across this Nation with respect to whether provisional ballots, once cast, were actually counted. It is time to consider whether, for Federal elections, there is a national responsibility to ensure that no matter where and how a ballot is cast for the Office of the President of the United States, all Americans will have confidence that their vote was cast and counted in a uniform and nondiscriminatory way.

The Help America Vote Act is historic landmark legislation that comprehensively defines, for the first time in this Nation's history, the role of the Federal Government in the conduct of Federal elections. It was an important first step. I look forward to working with my colleagues and the civil rights, disability, language minority, and voting rights communities, as well as State and local election officials, to continue our work to ensure that all Americans have access to the most fundamental right in a representative democracy: the right to cast a vote and have that vote counted.

RETIREMENT OF SENATOR ERNEST F. HOLLINGS

Mr. INOUYE. Mr. President, I rise to join my colleagues in tribute to Senator ERNEST "FRITZ" HOLLINGS. I will miss my good friend from South Carolina, who in 2003, at the age of 81, finally became his State's senior senator after 36 years as a junior Senator.

In addition to being remembered as a coauthor of the Gramm-Rudman-Hollings legislation that cut tens of billions of dollars from the Federal budget deficit, FRITZ HOLLINGS has left an indelible mark on our nation in the areas of health care, environmental protection, resource conservation, technology development, job creation, transportation security, and law enforcement, to name a few.

Immediately after the September 11, 2001, terrorist attacks on America, Senator HOLLINGS worked to protect the safety of our traveling public by authoring the Aviation Security Act which created the Transportation Security Administration. Similarly, recognizing that America's ports and borders were our Nation's weak security links, Senator HOLLINGS championed legislation to increase security at America's ports.

As the father of the National Oceanic and Atmospheric Administration, Senator HOLLINGS recognized the extent to which the ocean environment sustains us—from human uses in commerce and recreation to being the original cradle of life on our planet. He knew the importance of taking appropriate steps to be responsible stewards of this rich, yet fragile resource.

His oceans legacy includes authorship of the National Coastal Zone Management Act of 1972, which established Federal policy for protecting coastal areas, and the Marine Mammal Protection Act, which also became the model for other countries, for the protection of dolphins, sea otters and other mammals. In a continuing effort to do what is best for our ocean environment, Senator HOLLINGS created the U.S. Commission on Ocean Policy in 2000, to review the accomplishments of the last 30 years, and recommend actions for the future. Upon the issuance of the report, Senator HOLLINGS laid the groundwork for legislation to adopt the recommendations of the Ocean Commission. I am the proud cosponsor of two of those measures, S. 2647, the Fritz Hollings National Ocean Policy and Leadership Act, and S. 2648, the Ocean Research Coordination and Advancement Act.

Beyond the oceans, Senator HOLLINGS worked to make our communities and schools safer, through programs such as Community Oriented Policing Services, COPS, that put more than 100,000 police officers on the streets in 13,000 communities across the country. The COPS program is also the largest source of dedicated funding for interoperable communications for public safety officers.

Senator HOLLINGS brought competition to the telecommunications arena which resulted in new services to consumers at affordable rates.

I will miss Senator HOLLINGS' wisdom, vision, and wit, but mostly his friendship.

I wish FRITZ and his wife Peatsy a fond aloha.

Mr. DODD. Mr. President, I rise to discuss the FY 2005 omnibus appropriations bill, which the Senate passed late last month and the President signed into law earlier today.

When this legislation was considered by the Senate, I cast my vote in opposition. At that time, I stated several reasons for my vote. I rise today to state several additional reasons for my vote—reasons which have come to light only upon a more thorough examination of this legislation.

First, the omnibus appropriations bill underfunds educational activities in the No Child Left Behind Act by approximately $8 billion relative to authorized funding levels. It underfunds activities under Title I—which assist low-income school districts—by over $7.7 billion. The bill also underfunds activities authorized in the Individuals with Disabilities Education Act by over $10 billion. By denying localities adequate Federal support with which to raise school standards, student achievement, and infrastructure standards, we are denying millions of children and their families across the country the educational resources they need to succeed in a competitive world. We are denying them teachers. We are denying them tutors. We are denying them important components of the academic curricula—components that include art, foreign language, physical education, and music. Without these resources, our children are going to continue to struggle to keep up with children of other nations in educational achievement and proficiency.

Moreover, this legislation freezes the maximum Pell grant for low-income students who plan to attend college to $4,050 for the third year in a row. It also does not include a necessary recalculation of eligibility requirements—an oversight that will cause up to 90,000 low-income students across this country to lose this vital resource for paying tuition costs. That oversight will also reduce the amount of a Pell Grant by an average of $300 for about one million students. The Pell Grant is the cornerstone of the Federal financial aid system that provides affordable college access for thousands of American students who otherwise could not advance their education. In an era of growing inflation and skyrocketing tuition costs, we should be encouraging and not denying our students' chances of achieving the American dream through education and hard work.

Second, the bill does a poor job of making the needs of disadvantaged children and families a priority. Head Start, for example, has received $6.9 billion—a slight increase over the previous year, but only enough to reach and meet the needs of 60 percent of eligible young children. Inadequate investment levels have also been provided for important initiatives, such as the Child Care Development Block Grant and Community Health Centers, both of which provide vital services that ensure the health and well-being of disadvantaged families and their children. We all know that high-quality child care and health services for the poor continue to be in scarce supply or simply unavailable, unaffordable, and of dubious quality. Instead of trying to rectify these growing challenges, we are only exacerbating the problems faced by millions of Americans in urban, suburban, and rural areas.

Third, the omnibus bill severely cuts important housing and community development services—particularly those services that assist low-income and elderly individuals. While the Department of Housing and Urban Development has received a meager 2 percent increase, the Section 8 voucher initiative has received inadequate investment, the Fund for Elderly Housing has been cut by $30 million over last year's funding level, Housing for People with AIDS has been cut by $11 million over last year's funding level, and the Community Development Block Grant—an important initiative that has assisted dozens of distressed municipalities in my State—has been slashed by $212 million over the fiscal year 2004 level. In addition, the HOPE VI initiative, which has assisted in the redevelopment of public housing complexes across the country, has been cut by 75 percent over the past 4 years. Many municipalities in my State, including Danbury, Hartford, Middletown, New Haven, and Stamford have benefitted from HOPE VI resources totaling over $142 million to demolish deficient facilities and build quality affordable housing. Without this vital support, many of my constituents would have been denied the opportunity to live in decent and safe housing. I find it shameful that this bill fails to provide the resources that help Americans fulfill one of their most basic needs: a decent shelter over their heads.

Fourth, the omnibus bill, in my view, discourages positive job growth and business expansion. This administration and Congress have talked endlessly about helping people find work and encouraging small businesses to grow. Unfortunately, the actions of this bill sadly contradicts their words. Aside from the fact that this bill allows up to 425,000 Federal jobs to be outsourced and up to 8 million private workers to be denied overtime compensation—two issues about which I spoke in my previous statement—it also cuts funds to the Small Business Administration by almost 19 percent and reduces initiatives that encourage small business growth in rural America by 77 percent. Instead of working towards creating new jobs and helping working families and individuals, the legislation creates yet another obstacle for millions of Americans to provide for themselves and their families.

Beyond these four points, the omnibus bill provides inadequate investment levels for a variety of other services and initiatives that are vital to our country. The bill cuts the Environmental Protection Agency budget by 3 percent over the fiscal year 2004 level and cuts conservation programs run by the Department of Agriculture by 4 percent; it provides inadequate resources to the National Institutes of Health and beneficial research projects undertaken by that agency; it provides inadequate resources to the COPS initiatives, reduces support available to law enforcement agencies, and virtually eliminates a successful grant initiative to assist those agencies in hiring more personnel; it cuts the National Science Foundation's budget by $105 million over fiscal year 2004 levels and cuts $38 million from important arts initiatives run by the Smithsonian, the National Endowment for the Arts, and the National Endowment for the Humanities; and it freezes funding for Amtrak for the third year in a row—essentially negating any chance for our country to invest in new modes of regional rail transportation. Furthermore, every initiative in the bill suffers a further 0.8 percent reduction in support so that the strict budgetary restrictions imposed by the Bush administration would be met.

It is worth to note this bill is not completely without merit. There are increased investment in child nutrition assistance, food stamps, local transportation initiatives, and global HIV/AIDS prevention. There is also much-needed support for several important initiatives in my home State of Connecticut. Unfortunately, these positive provisions do not outshine the legislation's numerous shortcomings.

The President and several of our Republican colleagues have said repeatedly that the inadequate investment levels in this bill are designed to reduce the soaring deficits plaguing our country today. They go on to say that domestic initiatives are primarily responsible for the increasing deficits. Unfortunately, the facts before us today belie these assertions. According to a Congressional Budget Office report from September 7, 2004, it is not domestic investments but the grossly imbalanced tax cuts imposed by this administration that have chiefly caused our current deficit predicament—a predicament that promises to have long-term ramifications for the economic health of our country. According to CBO projections, the Bush tax cuts account for the majority of an expected $5.5 trillion deficit increase over the next 7 years. They are projected to increase the deficit more than all domestic investment combined.

In short, this legislation, in my view, reflects a continuing failure to invest in the productive potential of our children, workers, and small businesses. I sincerely hope that the Senate will do better in the 109th Congress.

PROTECTING AMERICAN AGRICULTURE

Mr. AKAKA. Mr. President, last Friday, December 3, 2004, Secretary of Health and Human Services Tommy Thompson, in his resignation speech, stated, "For the life of me, I cannot understand why the terrorists have not attacked our food supply because it is so easy to do so." These are strong words coming from the man charged with protecting the Nation's food supply. Yet this sort of warning is not news to those of us who follow this issue.

The security of our Nation's food supply is of great concern to me. Over the past year, the United States has been reminded repeatedly of the vulnerable nature of the American agriculture system and the ease with which terrorists could manipulate that vulnerability. In 2003, mad cow disease surfaced for the first time in Washington State and various strains of the avian influenza began cropping up across Asia and in the United States. I have come to the floor repeatedly over the past few years to call attention to this growing problem. I also introduced legislation to strengthen prevention and response efforts as early as 2002.

At a November 2003 Governmental Affairs Committee hearing, "Agroterrorism: The Threat to America's Breadbasket," Dr. Peter Chalk, a RAND policy analyst, testified that an attack on American livestock could be extremely attractive to a terrorist for the following four reasons: one, a low level of technology is needed to do considerable damage; two, at least 15 pathogens have the capability of severely harming the agriculture industry; three, a terrorist would not need to be at great personal risk in order to carry out a successful attack; and four, a disease could spread quickly throughout a city, State, or even the country.

Dr. Tom McGinn, formerly of the North Carolina Department of Agriculture, demonstrated a computer-simulated attack of foot-and-mouth, or FMD, disease at our hearing where FMD was introduced in five States. According to Dr. McGinn's simulation, after five days 23 States would be infected; after 30 days 40 States would be infected. In this scenario, it would be likely that the disease would not be detected until the fifth day and a national order to stop the interstate movement of livestock would take place a few days later. Using Dr. McGinn's assumptions, over 23 million animals would die from illness or need to be destroyed. It is horrifying that such a massive blow could strike one of the United States' largest markets by simply coordinating the infection of five animals.

As a senior member of the Governmental Affairs Committee, one of my greatest concerns is the lack of governmental organization—Federal, State, and local—to address this problem. Over 30 Federal agencies have jurisdiction over some part of the response process in the event of a breach of agricultural security.

In a report on the country's preparedness for responding to animal-bourne diseases issued in August 2003, Trust for America's Health, a non-profit, nonpartisan organization founded to raise the profile of public health issues, stated:

> The U.S. is left with a myriad of bureaucratic jurisdictions that respond to various aspects of the diseases, with little coordination and no clear plan for communicating with the public about the health threats posed by animal-borne diseases.

Protecting America's agriculture and its citizens requires Federal agencies to have clear areas of responsibility that leave no ground uncovered and open lines of communication, both between agencies and with the public.

State and local officials, and the communities they serve, are the front lines of defense for American agriculture. Without adequate resources, both in terms of funding and advice, these defenses will fail. Yet agriculture and food security have not been given the national attention necessary to prevent this failure.

On December 7, 2001, I stood on the floor of the Senate and warned of the vulnerability of American agriculture. To address my concerns, I introduced S. 2767, the Agriculture Security Preparedness Act, on July 22, 2002. My bill was not acted upon in the 107th Congress, so I continued my efforts in the 108th Congress with the introduction of S. 427, the Agriculture Security Assistance Act, and S. 430, the Agriculture Security Preparedness Act.

The Agriculture Security Assistance Act would assist States and communities in responding to threats to the agriculture industry by authorizing funds for: animal health professionals to participate in community emergency planning activities to assist farmers in strengthening their defenses against a terrorist threat; a biosecurity grant program for farmers and ranchers to provide needed funding to better secure their properties; and the use of sophisticated remote sensing and computer modeling approaches to agricultural diseases.

The Agriculture Security Preparedness Act would enable better interagency coordination within the Federal Government by: establishing senior level liaisons in the Departments of Homeland Security, or DHS, and Health and Human Services to coordinate with the Department of Agriculture and all other relevant agencies on agricultural disease emergency management and response; requiring DHS and USDA to work with the Department of Transportation to address the risks associated with transporting animals, plants, and people between and around farms; requiring the Attorney General to conduct a review of relevant Federal, State, and local laws to determine if they facilitate or impede agricultural security; and directing the State Department to enter into mutual assistance agreements with foreign governments to facilitate the sharing of resources and knowledge of foreign animal diseases.

While some in the administration will say the situation is under control and there is no need for legislation from Congress, I would point to the failure of the Food and Drug Administration to comply with the basic food safety requirements in the Bioterrorism Act of 2002 in a timely manner. On Monday, the FDA published regulations requiring all companies involved in food production, processing, manufacturing, and transportation to keep detailed records identifying the source from which a food product was received and/or the recipient to whom a product was sent.

The Bioterrorism Act required that these regulations be issued by December 2003—a full 12 months ago. The administration will continue to drag its feet on this issue if we in the Congress are not attentive.

In the wake of Secretary Thompson's remarks, there has been much national attention given to the vulnerability of the American food supply. Some who had not focused on this issue in the past are publicly expressing concern about the safety of American food, and the national media is broadcasting special investigative reports on agroterrorism. President Bush was questioned about the issue during his press briefing with President Musharraf on Saturday.

The spotlight is being focused on this glaring weakness in U.S. security. We must do more to protect the American public from what experts describe as an obvious and vulnerable target. The real, and perceived, security of the Nation's food supply is critical to the continued prosperity of the United States. I will reintroduce S. 427 and S. 430 in the 109th Congress, and I urge my colleagues to cosponsor my bills. Together we can move this legislation forward and demonstrate that Congress is protecting our food supply.

SPEECH BY PRIME MINISTER TONY BLAIR

Mr. McCAIN. Mr. President, I would like to call to the attention of my colleagues a speech given by British Prime Minister Tony Blair on September 14, 2004 at a dinner to mark the 10th Anniversary of his Royal Highness' Business and Environmental Programme. Prime Minister Blair states that he believes that climate change is the world's greatest environmental challenge. In the speech, Prime Minister Blair outlined his plans to have the G8 countries take action to address the causes and effects of climate change by reaching three basic agreements. The prime minister hopes to reach agreements on the basic science on climate change and the threat it poses; a process to speed up the research and deployment of technologies to meet the threat posed by climate change; and ways to meet the growing energy needs around the world without further impacting the world's climate.

I ask unanimous consent that the prime minister's speech on climate change be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Prime Minister Tony Blair Speech on Climate Change

The 10th anniversary of His Royal Highness' Business and the Environment Programme marks what is now recognised as the premier international forum for exploring sustainable development in the context of business.

1. Over the coming months we will take forward the wider sustainable development and environment agenda. Margaret Beckett is working on a comprehensive DEFRA 5 year programme to be released this year and a new sustainable development strategy for early next year. This will deal with, amongst other matters, issues of waste, recycling, sustainable agriculture, all aspects of biodiversity; and fishing, and will set out policies in each key area. For example, on the marine environment, I believe there are strong arguments for a new approach to managing our seas, including a new Marine Bill.

But tonight I want to concentrate on what I believe to be the world's greatest environmental challenge: climate change.

Our effect on the environment, and in particular on climate change, is large and growing.

To summarise my argument at the outset:

From the start of the industrial revolution more than 200 years ago, developed nations have achieved ever greater prosperity and higher living standards. But through this period our activities have come to affect our atmosphere, oceans, geology, chemistry and biodiversity.

What is now plain is that the emission of greenhouse gases, associated with industrialisation and strong economic growth from a world population that has increased sixfold in 200 years, is causing global warming at a rate that began as significant, has become alarming and is simply unsustainable in the long-term. And by long-term I do not mean centuries ahead. I mean within the lifetime of my children certainly; and possibly within my own. And by unsustainable, I do not mean a phenomenon causing problems of adjustment. I mean a challenge so far-reaching in its impact and irreversible in its destructive power, that it alters radically human existence.

The problem and let me state it frankly at the outset—is that the challenge is complicated politically by two factors. First, its likely effect will not be felt to its full extent until after the time for the political decisions that need to be taken, has passed. In other words, there is a mismatch in timing between the environmental and electoral impact. Secondly, no one nation alone can resolve it. It has no definable boundaries. Short of international action commonly agreed and commonly followed through, it is hard even for a large country to make a difference on its own.

But there is no doubt that the time to act is now. It is now that timely action can avert disaster. It is now that with foresight and will such action can be taken without disturbing the essence of our way of life, by adjusting behaviour not altering it entirely.

There is one further preliminary point. Just as science and technology has given us the evidence to measure the danger of climate change, so it can help us find safety from it. The potential for innovation, for scientific discovery and hence, of course for business investment and growth, is enormous. With the right framework for action, the very act of solving it can unleash a new and benign commercial force to take the action forward, providing jobs, technology spin-offs and new business opportunities as well as protecting the world we live in.

But the issue is urgent. If there is one message I would leave with you and with the British people today it is one of urgency.

Let me turn now to the evidence itself. The scientific evidence of global warming and climate change: UK leadership in environmental science.

Apart from a diminishing handful of sceptics, there is a virtual worldwide scientific consensus on the scope of the problem. As long ago as 1988 concerned scientists set up an unprecedented intergovernmental panel to ensure that advice to the world's decision-makers was sound and reliable.

Literally thousands of scientists are now engaged in this work. They have scrutinised the data and developed some of the world's most powerful computer models to describe and predict our climate.

UK excellence in science is well documented: we are second only to the US in our share of the world's most cited publications.

And amongst our particular strengths are the environmental sciences, lead by the world-renowned Hadley and Tyndall centres for climate change research.

And from Arnold Schwarzenegger's California to Ningxia Province in China, the problem is being recognised.

Let me summarise the evidence:

The 10 warmest years on record have all been since 1990. Over the last century average global temperatures have risen by 0.6 degrees Celsius: the most drastic temperature rise for over 1,000 years in the northern hemisphere.

Extreme events are becoming more frequent. Glaciers are melting. Sea ice and snow cover is declining. Animals and plants are responding to an earlier spring. Sea levels are rising and are forecast to rise another 88cm by 2100 threatening 100m people globally who currently live below this level.

The number of people affected by floods worldwide has already risen from 7 million in the 1960s to 150 million today.

In Europe alone, the severe floods in 2002 had an estimated cost of $16 billion.

This summer we have seen violent weather extremes in parts of the UK.

These environmental changes and severe weather events are already affecting the world insurance industry. Swiss Re, the world's second largest insurer, has estimated that the economic costs of global warming could double to $150 billion each year in the next 10 years, hitting insurers with $30-40 billion in claims.

By the middle of this century, temperatures could have risen enough to trigger irreversible melting of the Greenland ice-cap—eventually increasing sea levels by around seven metres.

There is good evidence that last year's European heat wave was influenced by global warming. It resulted in 26,000 premature deaths and cost $13.5 billion.

It is calculated that such a summer is a one in about 800 year event. On the latest modelling climate change means that as soon as the 2040s at least one year in two is likely to be even warmer than 2003.

That is the evidence. There is one overriding positive: through the science we are aware of the problem and, with the necessary political and collective will, have the ability to address it effectively.

The public, in my view, do understand this. The news of severe weather abroad is an almost weekly occurrence. A recent opinion survey by Greenpeace showed that 78 percent of people are concerned about climate change.

But people are confused about what they can do. It is individuals as well as Governments and corporations who can make a real difference. The environmental impacts from business are themselves driven by the choices we make each day.

To make serious headway towards smarter lifestyles, we need to start with clear and consistent policy and messages, championed both by government and by those outside government. Telling people what they can do that would make a difference.

UK ACTION

I said earlier it needed global leadership to tackle the issue. But we cannot aspire to such leadership unless we are seen to be following our own advice.

So, what is the UK Government doing? We have led the world in setting a bold plan and targets for reducing greenhouse gas emissions.

We are on track to meet our Kyoto target. The latest estimates suggest that greenhouse gas emissions in 2003 were about 14 percent below 1990 levels. But we have to do more to achieve our commitment to reduce carbon dioxide emissions by 20 percent by 2010.

Our targets are ambitious and we must continually review and refine how we can meet them. In 2000, we published our Climate Change Programme, which set out a comprehensive range of policies aimed at reducing our greenhouse gas emissions. Tomorrow, we'll be setting out the details of this review to see if it is achieving the necessary progress towards our short-term and long-term emissions targets, and if not, to see how we can do better.

In the longer term, The Royal Commission on Environmental Pollution's seminal report on energy concluded that to make its contribution towards tackling climate change, the UK needed to reduce our carbon dioxide emissions by 60 percent by 2050. This implies a massive change in the way this country produces and uses energy. We are committed to this change.

There are immense business opportunities in sustainable growth and moving to a low carbon economy.

The UK has already shown that it can have a strongly growing economy while addressing environmental issues. Between 1990 and 2002 the UK economy grew by 36 percent, while greenhouse gas emissions fell by around 15 percent.

But business itself must seize the opportunities; it is those hi-tech, entrepreneurial businesses with the foresight and capability to tap into the UK's excellent science base that will succeed. Tackling climate change will take leadership, dynamism and commitment qualities that I know are abundantly represented in this room.

As part of next year's G8 process I want to advance work on promoting the development and uptake of cleaner energy technologies begun under the French Presidency in 2003 and continued by the US this year.

We need both to invest on a large scale in existing technologies and to stimulate innovation into new low carbon technologies for deployment in the longer term. There is huge scope for improving energy efficiency and promoting the uptake of existing low carbon technologies like PV, fuel cells and carbon sequestration.

This technology is coming out of the laboratory and becoming reality in new fuel cell cars, combined heat and power generators and in new low carbon fuels. The next generation of photovoltaics are unlikely to need the now familiar panels: smart windows could generate the power required for new buildings. And carbon sequestration: literally capturing carbon and storing it in the ground, also has real potential. BP are already involved in an Algerian project which aims to store 17 million tonnes of CO2.

What we need to do is build an international consensus on how we can speed up the introduction of these technologies.

And there are already many great examples of companies here in the UK showing the way:

Ceres Power based in Crawley and utilising technology developed at Imperial College have developed a new fuel cell that has unique properties and is a world leader, and

Just a few weeks ago Ocean Power Delivery transmitted the first offshore wave energy from the seas off Orkney to the UK grid.

And these are not isolated examples.

Understandably, climate change focuses minds on big, industrial, energy users. But retailers are also working with suppliers to reduce the impacts of goods and services that they sell. I want to see the day when consumers can expect that environmental responsibility is as fundamental to the products they buy as health and safety is now.

Government has to work with business to move forward, faster. For example, we will help business cut waste and improve resource efficiency and competitiveness through a programme of new measures funded through landfill tax receipts. We will follow up the report of the Sustainable Buildings Task Group to raise environmental standards in construction.

The Carbon Trust is helping business to address their energy use and encourage low-carbon innovation. In total, efficiency measures are expected to save almost 8 million tonnes of carbon from business by 2010, more than 10 percent of their emissions in 2000.

Our 'renewables obligation has provided a major stimulus for the development of renewable energy in the UK. It has been extended to achieve a 15.4 percent contribution from renewables to the UK's electricity needs by 2015, on a path to our aspiration of a 20 percent contribution by 2020. In the short term, wind energy—in future increasingly offshore—is expected to be the primary source of smart, renewable power.

Our position on nuclear energy has not changed. And as we made clear in our Energy White Paper last year, the government does "not rule out the possibility that at some point in the future new nuclear build might be necessary if we are to meet our carbon targets."

In short, we need to develop the new green industrial revolution that develops the new technologies that can confront and overcome the challenge of climate change; and that above all can show us not that we can avoid changing our behaviour but we can change it in a way that is environmentally sustainable.

Just as British know-how brought the railways and mass production to the world, so British scientists, innovators and business people can lead the world in ways to grow and develop sustainably.

I am confident business will seize this opportunity. Cutting waste and saving energy could save billions of pounds each year. With about 90 percent of production materials never part of the final product and 80 percent of products discarded after single use, the opportunities are clear.

Local, practical sustainability: new schools, new housing and re-invigorating 'Agenda 21'.

But Government can give a lead in its own procurement policy.

NEW SUSTAINABLE SCHOOLS

There is a huge school building programme underway. All new schools and City Academies should be models for sustainable development: showing every child in the classroom and the playground how smart building and energy use can help tackle global warming.

The government is now developing a school specific method of environmental assessment that will apply to all new school buildings. Sustainable development will not just be a subject in the classroom: it will be in its bricks and mortar and the way the school uses and even generates its own power.

Our students won't just be told about sustainable development, they will see and work within it: a living, learning, place in which to explore what a sustainable lifestyle means.

HOUSING

The economic and social case for new housing is compelling. But we must also ensure that our approach is environmentally sustainable. This means action at both the national and local level. Heating, lighting and cooling buildings produces about half of total UK carbon emissions.

In 2002 we raised the minimum standard for the energy performance of new buildings by 25 percent. And next year we'll raise it by another 25 percent. The challenge now is to work with the building industry to encourage sustainability to be part of all new housing through a new flexible Code for Sustainable Buildings.

The new developments proposed in specific parts of the south east including the Thames Gateway represent a huge opportunity for us to show what can be achieved in terms of modern, smart, 21st century, sustainable living: not just in terms of reduced energy use, but also through better waste management, sustainable transport and availability of quality local parks and amenities.

RE-INVIGORATING AGENDA 21

Many local communities understand the links between the need to tackle national and global environmental challenges and everyday actions to improve our neighbourhoods and create better places to live.

In 1997, I encouraged all local authorities to work with their communities and produce Local Agenda 21 plans by 2000.

There was an overwhelming response: from County Durham to Wiltshire and from Redbridge to Cheshire, local people showed what could be done. Next year, as a key part of our new Sustainable Development Strategy, I want to reinvigorate community action on sustainable development.

ACTION IN THE EU

From this base of domestic action we move out to action Europe-wide.

We believe, as I know many of you do, that trading is the most cost effective way to reduce emissions. The emissions trading scheme which we have advocated and pushed in Europe is of great importance to our goals, and to those of Europe. The establishment of a carbon trading market throughout the world's most important economic area next year will be an enormous achievement, and will change the way thousands of businesses think about their energy use. Cutting carbon emissions is the way the future will be, and we have repeatedly said that there are advantages to British industry from early action.

In Britain and throughout the world, the expected rapid growth in demand for transport, including aviation, means that we must develop far cleaner and more efficient aircraft and cars.

I am advised that by 2030, emissions from aircraft could represent a quarter of the UK's total contribution to global warning. A big step in the right direction would be to see aviation brought into the EU emissions trading scheme in the next phase of its development. During our EU Presidency we will argue strongly for this.

And the UK is taking a strong lead globally.

From Europe, we need then to secure action world-wide. Here it is important to stress the scale of the implications for the developing world. It is far more than an environmental one, massive though that is. It needs little imagination to appreciate the security, stability and health problems that will arise in a world in which there is increasing pressure on water availability; where there is a major loss of arable land for many; and in which there are large-scale displacements of population due to flooding and other climate change effects.

It is the poorest countries in the world that will suffer most from severe weather events, longer and hotter droughts and rising oceans. Yet it is they who have contributed least to the problem. That is why the world's richest nations in the G8 have a responsibility to lead the way: for the strong nations to better help the weak.

Such issues can only be properly addressed through international agreements. Domestic action is important, but a problem that is global in cause and scope can only be fully addressed through international agreement. Recent history teaches us such agreements can achieve results.

The 1987 Montreal Protocol—addressing the challenge posed by the discovery of the hole in the ozone layer—has shown how quickly a global environmental problem can be reversed once targets are agreed.

However, our efforts to stabilise the climate will need, over time, to become far more ambitious than the Kyoto Protocol. Kyoto is only the first step but provides a solid foundation for the next stage of climate diplomacy. If Russia were to ratify that would bring it into effect.

We know there is disagreement with the US over this issue. In 1997 the US Senate voted 95–0 in favour of a resolution that stated it would refuse to ratify such a treaty. I doubt time has shifted the numbers very radically.

But the US remains a signatory to the UN Framework Convention on Climate Change, and the US National Academy of Sciences agree that there is a link between human activity, carbon emissions and atmospheric warming. Recently the US Energy Secretary and Commercial Secretary jointly issued a report again accepting the potential damage to the planet through global warming.

Climate change will be a top priority for our G8 Presidency next year.

Recently, I announced that together with Africa, climate change would be our top priority for next year's G8. I do not under-estimate the difficulties. This remains an issue of high and fraught politics for many countries. But it is imperative we try.

I want today to highlight three key parts of my G8 strategy.

First, I want to secure an agreement as to the basic science on climate change and the threat it poses. Such an agreement would be new and provide the foundation for further action.

Second, agreement on a process to speed up the science, technology, and other measures necessary to meet the threat.

Third, while the eight G8 countries account for around 50 percent of global greenhouse gas emissions, it is vital that we also engage with other countries with growing energy needs—like China and India; both on how they can meet those needs sustainably and adapt to the adverse impacts we are already locked into.

Given the different positions of the G8 nations on this issue, such agreement will be a major advance; but I believe it is achievable.

The G8 Presidency is a wonderful opportunity to give a big push to international opinion and understanding, among businesses as well as Governments.

We have to recognise that the commitments reflected in the Kyoto protocol and current EU policy are insufficient, uncomfortable as that may be, and start urgently building a consensus based on the latest and best possible science.

Prior to the G8 meeting itself we propose first to host an international scientific meeting at the Hadley Centre for Climate Prediction and Research in Exeter in February. More than just another scientific conference, this gathering will address the big questions on which we need to pool the answers available from the science:

What level of greenhouse gases in the atmosphere is self-evidently too much?; and What options do we have to avoid such levels?;

This can help inform discussion at the G8.

CONCLUSION

The situation therefore can be summarised in this way:

(1) If what the science tells us about climate change is correct, then unabated it will result in catastrophic consequences for our world.

(2) The science, almost certainly, is correct.

(3) Recent experience teaches us that it is possible to combine reducing emissions with economic growth.

(4) Further investment in science and technology and in the businesses associated with it has the potential to transform the possibilities of such a healthy combination of sustainability and development.

(5) To acquire global leadership, on this issue Britain must demonstrate it first at home.

(6) The G8 next year, and the EU Presidency provide a great opportunity to push this debate to a new and better level that, after the discord over Kyoto, offers the prospect of agreement and action.

None of this is easy to do. But its logic is hard to fault. Even if there are those who still doubt the science in its entirety, surely the balance of risk for action or inaction has changed. If there were even a 50 percent chance that the scientific evidence I receive is right, the bias in favour of action would be clear. But of course it is far more than 50 percent.

And in this case, the science is backed up by intuition. It is not axiomatic that pollution causes damage. But it is likely. I am a strong supporter of proceeding through scientific analysis in such issues. But I also, as I think most people do, have a healthy instinct that if we upset the balance of nature, we are in all probability going to suffer a reaction. With world growth, and population as it is, this reaction must increase.

We have been warned. On most issues we ask children to listen to their parents. On climate change, it is parents who should listen to their children.

Now is the time to start.

ELDER JUSTICE ACT OF 2004

Mr. BREAUX. Mr. President, I rise to speak about the Elder Justice Act of 2004, the substitute for S. 333 as reported by the Committee on Finance. This bill is designed to greatly enhance our knowledge about elder abuse, neglect and exploitation, and how to combat it in the 21st Century. First, I would like to take a moment to thank Chairman GRASSLEY, Senator BAUCUS, and the other Members of the Finance Committee for unanimously reporting this bill. I thank Senator HATCH for his unwavering support for this bill as a lead sponsor. I also thank all 45 bi-partisan Senate cosponsors and over 100 bipartisan House cosponsors and their staff members. All have been instrumental in helping move this legislation forward and I appreciate all of the time and effort each has contributed.

Despite the rapid aging of America, few pressing social issues have been as systematically ignored as elder abuse, neglect and exploitation, as illustrated by the following points:

Twenty five years of congressional hearings on the devastating effects of elder abuse, called elder abuse a "disgrace" and a "burgeoning national scandal."

To date, we have no Federal law enacted to address elder abuse in a comprehensive manner.

Congress passed comprehensive bills to address the ugly truth about child abuse and crimes against women, yet there is not one full-time Federal employee working on elder abuse in the entire Federal Government.

The cost of elder abuse is high by any measure, including needless human suffering, inflated healthcare costs, depleted public resource, and loss of one of our greatest national assets, the wisdom and experience of our elders.

Abuse of our seniors takes many forms. It can be physical, sexual, psychological or financial. The perpetrator may be a stranger, an acquaintance, a paid caregiver, a corporation and, far too often, a spouse or another family member. Elder abuse happens everywhere, in poor, middle class and upper income households: in cities, suburbs, and rural areas. It knows no demographic or geographic boundaries.

With scientific advances and the graying of millions of baby boomers, last year the number of elderly on the planet passed the number of children for the first time. Although we have made great strides in promoting independence, productivity and quality of life, old age still brings inadequate health care, isolation, impoverishment, abuse and neglect for far too many Americans.

Studies conclude that elder abuse, neglect and exploitation are widely under reported and these abuses significantly shorten the lives of older victims. A single episode of mistreatment can "tip-over" an otherwise independent, productive life, triggering a downward spiral that can result in depression, serious illness and even death.

Too many of our frailest citizens suffer needlessly and cannot simply move away from the abuse. Frequently, they cannot express their wishes or suffering. And, even if they can, often they do not, fearing retaliation.

This amendment will elevate elder abuse, neglect and exploitation to the national stage in a lasting way. We want to ensure Federal leadership to States and to provide resources for services, prevention and enforcement efforts to those on the front lines.

A crime is a crime whoever the victim and wherever it occurs. Crimes against seniors must be elevated to the level of child abuse and crimes against women.

It is clear in confronting child abuse and violence against women that the best method of prevention is three-pronged through law enforcement, public health and social services. With grant programs in the Departments of Health and Human Services and Justice, this amendment ensures a combined public health-law enforcement coordination at all levels. In addition, because elder abuse and neglect have been virtually absent from the national research agenda, this amendment establishes research projects to fuel future legislation.

These measures lay the foundation to address, in a meaningful and lasting way, a devastating and growing problem that has been invisible for far too long. We can no longer neglect these difficult issues afflicting frail and elderly victims.

This effort takes numerous steps to prevent and treat elder abuse:

It improves prevention and intervention by funding projects to make older Americans safer in their homes, facilities and neighborhoods, to enhance long-term care staffing and to stop financial fraud before the money goes out the door.

It enhances detection by creating forensic centers and developing expertise to enhance detection of the problem.

It bolsters treatment by funding efforts to find better ways to mitigate the devastating consequences of elder mistreatment.

It increases collaboration by requiring ongoing coordination at the Federal level, among Federal, State, local and private entities, law enforcement, long-term care facilities, consumer advocates and families.

It aids prosecution by assisting law enforcement and prosecutors to ensure that those who abuse our Nation's frail elderly will be held accountable, wherever the crime occurs and whoever the victim.

It helps consumers by creating a resource center for family caregivers and those trying to make decisions about different types of long-term care providers.

More and more of us will enjoy longer life in relative health, but with this gift comes the responsibility to prevent the needless suffering too often borne by our frailest citizens.

Let me take a moment to thank so many people who contributed to the development of this legislation. First, I thank Senator HATCH for joining me and working with me as a lead cosponsor of the bill. Without the support of Senator GRASSLEY and Senator BAUCUS, the chairman and ranking member of the Committee on Finance, this bill could never have advanced to this point. I deeply appreciative of their commitment, and perseverance to seeing this through the committee. I must thank all the members of the committee for their unanimous support of this bill. Further, I thank the 45 bipartisan Senate cosponsors and the 91 bipartisan House cosponsors, lead by Representative RAHM EMANUEL, Majority Whip ROY BLUNT, and Representative PETER KING for their tireless efforts toward passage in the House.

No legislation can advance without the efforts of an immensely dedicated staff. I would like to take this opportunity to mention the many individuals who worked to ensure the passage of this bill. I thank my Staff Director of the Special Committee on Aging, Michelle Easton, for assembling a talented staff and laying the groundwork for this important legislation, and my chief of staff Fred Hatfield for his leadership. I thank my chief investigative counsel, Lauren Fuller, for leading numerous hearings examining the nature and extent of elder abuse that resulted in the development of this legislation and for her tireless efforts to see it through to completion. I thank the following present and former staff of the Special Committee who worked on various aspects of the hearings and legislation, making many sacrifices in the process: Cecil Swamidoss, Janet Forlini, Phil Thevenet, Joy Cameron, Matt Lavigna, Arika Pierce, Dana Dupre, Kori Forster, Elaine Dalpiaz, Scott Mulhauser, Ryan McGinn and Patricia Hameister.

I also thank members of the Committee on Finance who went above and beyond the call of duty to shepherd this legislation: Ted Totman, Kolan Davis, Russ Sullivan, Bill Dauster, Liz Fowler, Mark Hayes, Andrea Cohen, David Schwartz, Emilia DiSanto, Becky Shipp, Chad Groover, Carla Martin and Robert Merulla.

I want to also mention the efforts of staff of other members including Patti DeLoatche, Bruce Artim, Kevin O'Scannlain, and Wan Kim with Senator HATCH; Pete Spiro and Liz Smith with Representative RAHM EMANUEL; Kevin Fogarty with Representative PETER KING; and Joe Trauger with Majority Whip ROY BLUNT. I would particularly like to thank the leadership of my colleagues in the House of Representatives, Representative EMANUEL, Representative KING and Majority Whip ROY BLUNT for their efforts throughout the process.

There are so many individuals across the country to recognize for their advocacy in passing the Elder Justice Act. However, there are too many to recognize here. So, I thank the 357 strong Elder Justice Coalition, lead by Robert Blancato, for their passionate advocacy on this legislation, and the members of the steering committee: National Committee for the Prevention of Elder Abuse, National Academy of Elder Law Attorneys, National Association of State Units on Aging, National Association of APS Administrators, and National Association of State Long-Term Care Ombudsman Programs. Last but not least, I would like to extend my sincerest appreciation to Marie-Therese Connolly, Nursing Home Initiative Coordinator at the U.S. Department of Justice who served as a resource and who provided immeasurable assistance in the development of this bill.

I am deeply gratified by how close the Senate came to passing the Elder Justice Act on the eve of my retirement from the Congress and look forward to this bill being passed expeditiously and signed into law in the next Congress so that elder justice can become a reality for those Americans who need it most.

IN TRIBUTE TO COL ANTHONY WALKER, USMC

Mr. CHAFEE. Mr. President, I rise to note the recent death of Marine Corps COL Anthony Walker, a Rhode Islander who served his country with the highest distinction.

After graduating in 1939 from Yale College, Mr. Walker enlisted in the Marine Corps, was commissioned a second lieutenant in 1941 and was deployed to the South Pacific during World War II.

As a Raider Company commander, he led part of the successful attack on Viru Harbor, New Georgia. He was wounded in New Georgia at the battle for Bairoko. Returning to combat, he fought in the campaigns of Emirau, Guam, and Okinawa. In Okinawa, he commanded the 6th Marine Division's Reconnaissance Company, leading numerous night patrols and attacks. The end of the war marked 30 continuous months for him in the Pacific Theater.

Colonel Walker later served tours of duty as a U.N. observer in Kashmir, as a battalion and regimental commander in the Fleet Marine Force, as a commander of Marine Barracks at Fort Campbell, KY, and at Guantanamo Bay, Cuba. He was a student and an instructor at the U.S. Naval War College in Newport, and in 1971 concluded 32 years of active duty, including a year in South Vietnam as the Operations Officer of the Joint Military Assistance Command.

In the Marine Corps, this Vietnam War veteran was known as "Cold Steel" in recognition of his particular skill in close combat and small unit tactics. Colonel Walker was highly regarded for his tactical and leadership skills. His decorations included two Silver Stars, the Purple Heart, a Presidential Unit Citation, a Navy Unit Commendation and the Legion of Merit.

A devoted military historian, he published two books and numerous articles, many on the Revolutionary War. His book, "So Few the Brave," is the definitive history of the Rhode Island regiments in the Revolution.

Colonel Walker served as president of Middletown Little League and was a volunteer for the Sachuest Point Wildlife Sanctuary. He was a member of the Sons of the American Revolution, the Marine Corps Heritage Foundation, and the Middletown Historical Society.

Colonel Walker leaves behind Judith Walker, his wife of 57 years, three sons, William W. Walker of Winston-Salem, NC, Daniel A. Walker of Hartford, CT, and Lt. Col. Andrew D. Walker, USMC, retired, of Poolesville, MD; and six grandchildren.

Colonel Walker was a man of integrity and honesty, a leader respected and loved by his family, friends, colleagues and military alumni in the Newport area. He will truly be missed.

CWO DAVID H. GARDNER JR.

Mr. GRASSLEY. Mr. President, I rise today to honor CWO David H. Gardner Jr., an Iowa native who was killed when his UH 60 Black Hawk helicopter went down near Fort Hood in Texas. A 1991 graduate of Mason City High School in Mason City, IA, David Gardner served as a helicopter pilot assigned to the 4th Infantry Division's A Company, 2nd Battalion, 4th Aviation Regiment. He had previously served in the Iowa National Guard before going on active duty in the 1990s. From October of 2003 until the following April, Chief Warrant Officer Gardner served his country in Iraq.

I ask my colleagues in the Senate and all Americans to join me today in paying tribute to Chief Warrant Officer Gardner. My deepest sympathy goes out to his friends and family, and particularly the 7-year-old daughter he leaves behind. It is my hope that she grows up knowing of the tremendous sacrifice her father made for his country and the deep appreciation America has for him. Chief Warrant Officer Gardner will always be honored as a hero who gave his life for his country, and he will be greatly missed.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the text of a letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, November 19, 2004.

Hon. BILL FRIST,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: The Department of Defense takes great pride in its longstanding and rich tradition of support to the Boy Scouts of America. Accordingly, the Department of Defense supports the proposed Concurrent Resolution expressing the sense of Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

Sincerely,

DONALD RUMSFELD.

GEORGIA AND THE TRUTH ABOUT SOUTH OSSETIA

Mr. KYL. Mr. President, I rise today to talk about the republic of Georgia, America's ally in the war on terror and partner in Iraq.

I am not sure if you are aware of this, but the republic of Georgia has dispatched 150 of its troops to participate in the coalition that liberated Iraq and is now assisting in the rebuilding of that country. Last month, the Georgian government announced that it would nearly quintuple its number of forces in Iraq.

In recent weeks, much has been heard and seen of the political crisis in Ukraine. A little more than 1 year ago, a similar crisis befell Georgia following its November presidential election. As with Ukraine, the election results appeared rigged in favor of the ruling party candidate.

As we all know, the people of Georgia, through a group of brave, young reformers, patriots, and democrats, brought about historic political change in that country. Known now as the Rose Revolution, the forces of democracy, led by Mikhail Saakashvili, prevailed in Georgia and forced then-President Eduard Shevardnadze to resign. During the past year, President Saakashvili's government has dramatically reformed the Georgian government, instituting far-reaching political, economic, and legal reforms. And, just last month, the U.S. Senate passed S. Res. 472 honoring the 1-year anniversary of the Rose Revolution and recognizing the achievements the Georgian government has made in democratizing that country.

I would like to focus the remainder of my remarks on a small region in the republic of Georgia called South Ossetia, a place I'm sure relatively few Americans have heard of. But the potential for violence in this region was highlighted by the vicious terrorist attack in September of this year against a school in North Ossetia—in Beslan, Russia, just over the border from Georgian South Ossetia.

In 1991, the Soviet Union dissolved and many republics gained independence, including Georgia. But almost since the beginning, some in Russia did not accept the end of the Soviet empire. Russian overt and covert pressure worked to undermine the new-found sovereignty among bordering countries. No former republic was subject to more pressure than Georgia. Russia refused to withdraw its troops—a refusal that continues even today, some 13 years after the collapse of the Soviet Union.

In South Ossetia (in north central Georgia), as well as in Abkhazia (in western Georgia), disputes broke out shortly after independence. In both South Ossetia and Abkhazia, Russian forces aided ethnic separatists as a way to weaken Georgia. They sent arms, money, "volunteers" and military advisers. In South Ossetia, Russian President Boris Yeltsin negotiated a ceasefire in 1992 and forced Georgia to accept Russian and North Ossetian "peacekeepers." In 1994, the Conference on Security and Cooperation in Europe (now the Organization on Security and Cooperation in Europe or OSCE) took responsibility for diplomatic efforts and monitoring in South Ossetia with the full support of the Georgian government. In 1999, the OSCE added monitoring of the Chechen-Georgian border, and later the Ingush and Dagestani portions of the Georgian border.

For 10 years following the OSCE's involvement in South Ossetia, several things happened. First, it became clear that the OSCE was unwilling or unable to take effective measures to resolve the separatist conflict—chiefly because Russia has a veto in the OSCE. The "peacekeeping" force has the Georgians out-numbered and out-gunned by South Ossetians, North Ossetians, and Russians. Any effort to expand the OSCE beyond its limited monitoring role or limited geographical area is opposed by Russia. The OSCE mission is unable to monitor Russian violations of Georgian airspace and only rarely uncovers illegal arms shipments. While individuals working in the OSCE mission perform admirably under difficult conditions, the unavoidable fact remains: the OSCE mission in Georgia is deeply and structurally flawed.

The second major development was in the economy of South Ossetia. Deeply isolated from the rest of Georgia but having a land link to the Russian Federation, South Ossetia became a giant smuggler's market—in effect criminalizing its entire economy. Cigarettes, alcohol, drugs, arms, and foodstuffs all came in duty-and-tax free. A massive open-air black market operated with impunity in Tskhinvali, the provincial capital of South Ossetia. Profit from the contraband smuggling and sale was distributed among Russian border guards, Russian military officers, and corrupt South Ossetian officials. Some foreign diplomats even suggested this smugglers paradise was positive because it provided employment and low-cost goods.

Earlier this summer, Georgian President Saakashvili decided the long-festering status quo was unacceptable—as it would be to the head of state of any democracy. What leader could tolerate separatists armed and sustained by a foreign power, the same foreign power that refuses to withdraw its own illegally stationed troops? What leader could tolerate a massive contraband market supplied directly from Russian territory and operating under the noses of international monitors? What leader could tolerate threats against ethnic Georgians in South Ossetia while foreign "volunteers" from Kuban, Abkhazia and Trans-Dniester arrived to fight Georgians—as happened in July 2004? What leader could tolerate separatists whose loyalty is to a foreign country and whose closest connections are with the intelligence services and criminal mafias of that country?

It should surprise no one that President Saakashvili began to take steps for the peaceful reincorporation of South Ossetia into Georgia. It should surprise no one that the Russian media portrayed President Saakashvili as rash, reckless, and irresponsible for his efforts. Surprisingly, Russian propaganda was picked up by some in the western media who portrayed democratically elected President Saakashvili's efforts toward national integration as impulsive or erratic. They were not. They were a legitimate effort to reach a peaceful resolution in accordance with international law.

In July, South Ossetian forces captured Georgian policemen operating legally in Georgian territory. The Georgian police were disarmed, detained, and paraded in a deliberately humiliating fashion—made to kneel in the town square before Ossetian women while TV cameras filmed everything. Yet, Georgia did not retaliate. In July, Georgian forces intercepted an illegal shipment of air-to-ground missiles for helicopters. The Russians claimed they were for their "peacekeepers" who didn't even have helicopters—a claim so dubious as to be ludicrous. Yet, the Georgians promptly offered to return the missiles to the Russians.

Despite relentless provocations, Georgia continues to search for a peaceful political solution. President Saakashvili has offered far-reaching autonomy status for South Ossetia, including complete freedom to use the Ossetian language—the issue that originally sparked conflict in 1991. Georgia has continually tried to expand the mandate and mission of the OSCE, including monitoring of the vital road link at the Roki tunnel between Georgia and Russia. Russia blocks any expansion, and the OSCE remains paralyzed.

This is where things stand today. On one side is a democratic ally of the United States backed by international law. On the other side is a criminal regime sustained by Russians who have not reconciled themselves to the loss of the Soviet Empire. The United States needs to do more to help our Georgian friends. We should work with the European Union on a joint diplomatic approach so that democratic Georgia is not outnumbered and to avoid the ever-present Russian veto. In the OSCE and the U.N., we should push for expanded monitoring and for genuine peacekeeping forces independent of Russian military and intelligence forces. If this draws a Russian veto, let Russia explain its veto. In the wake of appropriate sympathy for all the Russian victims of separatist terrorism, we should force Russia to explain and justify its continued support for separatists in Georgia. We must also be clear about the ultimate outcome. There will be no independence and there will be no incorporation into Russia for South Ossetia. The only solution for South Ossetia is within a sovereign Georgia.

Finally, the U.S. should increase our assistance to Georgia, especially our military assistance. The Georgia Train and Equip Program, GTEP, was very successful in improving Georgian capabilities so that terrorists in Georgia's Pankisi Gorge were killed, apprehended, or forced out. Unfortunately, GTEP was halted after the training of one battalion. GTEP should be reinstated to further increase Georgian capabilities. A strong Georgia is the best guarantee of deterring Russian or South Ossetian military action. A strong and secure Georgia is the best guarantee for the patience required for a multilateral diplomatic solution. And a strong and secure Georgia is in America's interest. Despite all the problems Georgia faces internally and externally, they have deployed troops to fight at our side in Afghanistan and in Iraq. Georgia is a steadfast ally in the war on terror.

THANKING BOB KENNEY AND WISHING HIM WELL

Mr. LAUTENBERG. Mr. President, I rise today to thank Robert ("Bob") Kenney, a lawyer with the Environmental Protection Agency, EPA, for his significant contributions to my office this year as a Brookings Legislative fellow. We will miss his contributions, experience land knowledge, but it is heartening to know that EPA's rank and file includes dedicated and capable civil servants like Bob.

Bob has worked at EPA for over 30 years implementing our clean air, clean water, and toxics laws. This is Bob's second year as a fellow in the Senate. In 1990, he helped draft parts of the Clean Air Act Amendments, the Oil Pollution Act, and Clean Water Act. He ill return later this month to his role as senior counsel at EPA, and I hope his experience in the Senate this year proves helpful to him in his future endeavors.

I would like to mention some of the specific contributions Bob made to my office and to our country. Bob took the lead in developing legislation I am introducing today to amend the Oil Pollution Act. Two weeks ago, my home State of New Jersey suffered a devastating oil spill in the Delaware River. The consequences for our natural resources and economy will take some time to assess, but it is clear they will be substantial. In response to that s Dill and to provide incentives to shippers to shift to safer double-hull vessels faster, the Oil Spill Liability Act of 2004 would phase out the liability cap for single-hull tankers. The bill would double the liability limits for double-hull vessels and facilities since those limits have not changed since they were established 14 years ago. I thank Bob for his hard work on this important bill.

Bob also took the lead on the brownfields tax provision that was successfully added to the JOBS bill which became law this year, Public Law 108–357. We all have so-called brownfields in our States—the long-abandoned manufacturing facilities—and we know how important it is to get these properties cleaned up and put back productive use. My amendment provides developers interested in brownfields with greater access to capital—alleviating what developers say is their number one problem when it comes to investing in these properties and sites. It does this by exempting funds which originate with tax-exempt entities, such as pension funds and university endowments, from being subject to the "unrelated business income tax" or UBIT, when those funds are used to clean up and re-sell large brownfield properties. This provision will give developers access to up to $7 trillion in assets. It represents a tremendous opportunity, potentially, for new jobs and a cleaner environment.

Based on Bob's research and recommendation, I worked to ensure that fiscal year 2005 funding to control the Asian longhorned beetle, ALB, ended up being more than triple the President's budget request. The ALB is a wood-boring insect native to China and Korea that has invaded New York, Illinois, and New Jersey via shipping containers. The beetle kills a wide variety of hardwood trees, but has a preference for sugar maples. In New Jersey, this insect's lethal damage to our forests is spreading, and these extra funds will help to combat that destruction.

I also thank Bob for his work on the New Jersey Coastal Heritage Trail, a Coastal Restoration bill, a bill to protect captive exotic animals, and many other projects. It has not been an easy year to promote, what I believe, are common sense environmental protections and initiatives, so we did not achieve all the successes we had hoped for during the year. But Bob's impact will last far beyond his stay here in the Senate.

It has become fashionable in some quarters to bash Government employees. This is unfortunate and unfair. I have to say that since I became a United States Senator, I have been impressed by the hard work and professionalism of the public servants I have encountered. Bob is no exception. He has tremendous expertise, he is diligent, and he obviously cares for our country. I appreciate his service during the past year he has been a member of my staff, more importantly, I appreciate an entire career spent in selfless service to our Nation. I extend my best wishes to Bob as he returns to EPA and resumes his career there.

FLEET RESERVE ASSOCIATION CELEBRATES ITS 80TH ANNIVERSARY

Mr. McCAIN. Mr. President, November 11 marked the 80th anniversary of the Fleet Reserve Association, FRA, whose original charter was issued in Philadelphia, PA. FRA is the oldest and largest professional military organization representing the men and women serving in, or retired from the United States Navy, Marine Corps and Coast Guard.

The Fleet Reserve Association is named after the Fleet Naval Reserve program, which allows sailors with 16 or more years of active enlisted service to separate from the Navy, but remain "on call" for periods of national emergency.

From its inception, FRA's purpose was to advocate for sailors' rights. The association started with the efforts of a few enlisted men in 1919, who pooled their monies to send two Navy chief petty officers to testify before Congress on pay reform. Since that time, FRA has established an enviable track record of promoting favorable legislation for members of the Naval Service.

In 1923, FRA's efforts resulted in legislation that allowed WWI veterans to count their commissioned or warrant service toward time requirements for transfer to the Fleet Naval Reserve.

In the 1930's, the FRA helped with legislation that eliminated the requirement for enlisted retirees to pay for rations while hospitalized in Government treatment facilities, mandated death gratuities be paid to the estate of recalled servicemembers who died on active duty, authorized commissary privileges for military widows, and restored reenlistment bonuses.

FRA's "Hospital Rights" and "Widow's Equity" studies also helped foster the creation of the Civilian Health Program of the Uniformed Services, CHAMPUS, in 1966 and the adoption of the Uniformed Services Survivor Benefit Program, USSBP, in 1972.

FRA's 1999 study on military pay also set the stage for the targeted pay hikes for mid-grade enlisted personnel over the last few years, the repeal of the 1986 military retirement system (Redux), authorization of sea pay for junior enlisted personnel, and the reduction of additional "out-of-pocket" housing costs for servicemembers living in civilian housing.

On top of its award-winning legislative advocacy work, the FRA continues to promote community service at their 300-plus branches located throughout the world. In 2004 they awarded $90,000 in college scholarships and $75,000 to worthy students who competed in the FRA's Americanism Essay Contest.

Mr. President, I thank the Fleet Reserve Association for its eight decades of service to the men and women of the Navy, Marine Corps and Coast Guard. As we close the 108th Congress, and look ahead toward the 109th Congress, I wish the Fleet Reserve Association continued success and look forward to working with them to support the past, present, and future member of all of the military services who protect our great Nation.

TRIBUTE TO JOHN LITTLE

Mr. SESSIONS. Mr. President, today I rise to pay tribute to an outstanding staffer who has worked for me for the past 7 years. John Little came to my office as a legislative correspondent in August of 1997 after working on my first Senate campaign. He was a young lawyer who had just graduated from Cumberland School of Law in Alabama and was looking for a job in politics. I doubt at the time that he knew where this road would take him. He continued to work his way up the ladder in my office becoming a research assistant, legislative counsel, and deputy legislative director. Then last year I asked him to take on the responsibility of being my legislative director. I'm pretty sure he didn't know what he was getting into when he said yes.

Since that time, I have had the privilege to work closely with John and see up close what many people notice when they first meet him. John is one of those people who epitomizes Teddy Roosevelt's adage "speak softly and carry a big stick." In fact, a quotation hangs in his office that says "a closed mouth gathers no feet." While he is often quietly working in the background, John has consistently demonstrated his desire to serve the people of Alabama through hard work and determination. He has served me well throughout his tenure in my office and has earned my respect, along with that of his colleagues, Members of Congress, and countless constituents. I have watched him grow from a young staffer into a strong leader with a sound foundation in policy and the knowledge of the inner workings of Congress.

John has come a long way since his first days on the Hill. I've witnessed many of the accomplishments of his life, both personal and professional. I've seen him learn the ways of Alabama politics, pass the bar exam, staff his first Senate hearing, and meet and marry his wife. In fact, I have to take some credit for his marriage. John met his future wife, Mary Catherine, while he was working for me and she was working for Senator Lott. Our offices were next to each other at that time, which led to more than one romance and marriage, including that of John and Mary Catherine.

John has worked hard and effectively on a number of important issues. He has contributed significantly to much legislation. His work on the No Child Left Behind Act and on the reauthorization of the Individuals with Disabilities Education Act, just a few weeks ago, was most noteworthy. John met with education officials, teachers, parents of disabled children, and lawyers to fully understand this important act and how to improve it. At the end he was ably assisted by my legislative assistant, Prim Formby, but I know he was very proud to see this important bill become law. He received great praise, and his work was favorably mentioned by Senator Gregg and Senator Kennedy.

Throughout all of these achievements and life experiences, John maintained his humility and strong work ethic and never waivered in his loyalty to me, my office, or the State. While I have shared in John's accomplishments to this point, his most recent achievement is bittersweet for me. John has accepted the Chief of Staff position with Senator-elect Mel Martinez. This is a tremendous opportunity for John and a testament to his skill and knowledge as one of the finest staff members in the Senate. While I am sad to see him go, I am confident that he will serve Senator Martinez in the same outstanding manner he has demonstrated over the past 7 years. From being elected president of his high school fraternity to serving as my legislative director, John has shown the strength of character and depth of knowledge which sets him apart as a truly great staffer. Phillip Brooks once said, "character may be manifested in the great moments, but it is made in the small ones." I have seen John's character in the small and great moments, and I know that he is ready to face this next challenge. John will be missed. I thank him for his service and wish him all the best in his new endeavor.

THANKING STAFF

Mr. EDWARDS. Mr. President, I recently came to the Senate floor to publicly thank my staff. Unfortunately, not all staff names were listed in the Record. Therefore, I enter the following names of my staff for the Record.

Tracy L. Allen; Laurie G. Armstrong; William O. Austin; Alexis Bar; Victoria Bassetti; Jared J. Bataillon; William Beane; Austina L. Bennett; Crystal M. Bennett; David G. Berard; Sonceria Ann Berry; Joshua L. Brekenfeld; Michael D. Briggs; Erica Buehrens; Derek H. Chollet; Marilyn J. Dixon; Charles R. Dorrier; Paul D. Dryden; Robert W. Elliott.

Justin E. Fairfax; Colette Forrest; Alice D. Garland; Katherine L. Garland; Laura Godwin; Robert Gordon, Steven K. Gryskiewicz; Wanda Haith; Peter Harbage Emma Harris; Kate G. Heath; Robert Hines; Lisa Hyman; Morgan Jackson; Stephanie Jones; Mildred J. Joyner; Jeremy Kyle Kinner; Jeffrey I. Kovick; James R. Kvaal; Miles M. Lackey.

Jeffrey Lane; Louise D. Learson; Lawrence (Andy) Magill; Maureen Mahon; Sharyn J. Malone; Kenneth F. Mansfield; Kathryn J. Marks; John J. Maron; Cory S. Menees; Heather L. Messera; Sophie Milam; Blair B. Milligan; Joyce Mitchell; Carlos A. Monje; Kevin A. Monroe; Robert Morgan; Matthew L. Nelson; Elizabeth E. Nicholas; Ashley I. O'Bryant; Sacha M. Ostern.

Joseph W. Parry-Hill; Lauren Partner; Elizabeth Pegram; Philip J. Pelsch; Sarah L. Pendergraft; Anthony Petty; Aaron S. Pickrell; Lesley Pittman; Sally Bussey Plyler; Mary Margaret Propes; Hunter L. Pruette; Jacqueline F. Ray; Karen A. Robb; David E. Roberts; Judith M. Rossabi; David A. Russell; Craig J. Saperstein; Heidi Schneble.

David G. Sewell; David L. Sherlin; Joseph L. Smalls; Julianna Smoot; Joshua H. Stein; Michael Sullivan; Jonathan Sumrell; Adrian Talbott; Noelle Shelby Talley, Bradford T. Thompson; Cindy E. Townes; Brooke I. Turner; Ann S. Vaughn; Jannice T. Verne; Rebecca Walldorff; Jewell E. Wilson; Jessica F. Wintringham; Andrew A. Young; Lisa E. Zeidner.

COMMENDING VERGENNES FIRE CHIEF RALPH JACKMAN FOR 50 YEARS OF SERVICE

Mr. LEAHY. Mr. President, I rise today to pay tribute to Ralph Jackman of Vergennes, VT. Mr. Jackman has been reporting for duty as chief of the Vergennes Fire Department for 50 years—since December 1, 1954.

Chief Jackman started with the fire department 8 years before he took over as chief. During his tenure a new station was built, the number of firefighters doubled, the number of vehicles tripled, and the budget more than quadrupled.

Though at 80 years of age Chief Jackman has given up fighting the fires himself, he continues to respond to calls and manage the volunteer department's paperwork and affairs.

I congratulate Chief Jackman and his family for over 50 years of service to the City of Vergennes and the State of Vermont. He has selflessly given so much to his community.

I ask unanimous consent that an editorial that appeared in today's Burlington Free Press be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Dec. 8, 2004]

OPINION: TRUE PUBLIC SERVANT

Rare is the modern-day employee who stays in a job throughout his adult lifetime.

In sharp contrast stands Ralph Jackman, who has committed the last 50 years to the Vergennes Fire Department. That surely makes him one of the longest serving fire chiefs in the nation.

Jackman became chief of the department on Dec. 1, 1954, eight years after joining the force. And at age 80, don't expect him to retire anytime soon. Jackman's not actually battling blazes these days, but he's still in the thick of the action by managing the volunteer department's paperwork and overseeing the changes that have brought this fire department into the 21st century.

Among those changes was construction of a new fire station and a doubling of the number of firefighters.

He has also seen destruction and death. Jackman recalls in 1948 following a fire engine on the way to a blaze, and watching the engine crash into an oncoming car, leaving firefighter Lee Schroder dead.

His most memorable blaze was the Feb. 24, 1958, fire that destroyed much of downtown Vergennes. He was an eyewitness to an event that shaped the spirit of a small Vermont city.

His devotion to his community was honored last weekend at a gathering that drew Gov. Jim Douglas and Vergennes Mayor Kitty Oxholm.

The nation came to understand the depth of that commitment on 9/11, when so many of New York City's firefighters lost their lives trying to save victims of the terrorist attacks on the World Trade Centers. Vermont firefighters don't face that extreme scenario, but they put their lives on the line every time they roll to a scene to protect their neighbors.

Jackman recently said, "Being chief is just a privilege and an honor."

However, it is the people of Vergennes who have been honored by his 50 years of service to their community.

ADDITIONAL STATEMENTS

FINAL THOUGHTS ON THE INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2003

• Mr. CAMPBELL. Mr. President, I am pleased to provide for inclusion in the CONGRESSIONAL RECORD, the final cost estimate for S. 556, the Indian Health Care Improvement Act Amendments of 2003 prepared by the Congressional Budget Office.

This estimate had not been completed in time to be filed with the Senate Report No. 108-411 on S. 556 that was filed on November 17, 2004.

S. 556 would reauthorize the Indian Health Care Improvement Act which sets forth the statutory framework for the Indian health system and was first enacted in 1976. The act was reauthorized in 1992. The goal of the 1976 act, as amended, is to raise the health status of Indians to achieve parity with that of other Americans.

American Indians and Alaska Natives rank at or near the bottom of nearly every health indicator when compared to the general U.S. population. Health studies indicate disproportionately higher mortality rates of alcoholism, between 670-770 percent; tuberculosis, 650 percent; diabetes, between 318-420 percent accidental injuries, 280 percent; suicide, 190 percent; and homicide, 210 percent, than other populations.

With the basic goals of the Act unrealized, the need for reauthorization grows greater. S. 556 would have provided an additional set of improvements to the Indian health care system—most notably, for facility construction, access to care through Medicaid cost-sharing waivers, and long-term planning through the establishment of a bipartisan commission to study the Indian health care system.

The reauthorization bill has been a work in progress since the 106th Congress when I introduced a bill to reauthorize the act. I have introduced a bill to reauthorize the act in every subsequent Congress. Over the course of the past three Congresses, the Committee has held eight hearings on the reauthorization with four hearings held in the 108th Congress alone.

I was particularly pleased to have Secretary Thompson testify before the Committee on July 21, 2004, regarding the administration's views on the proposed legislation. At this hearing, the Secretary expressed enthusiastic support of the proposed legislation and his desire to see it enacted this year.

This show of support was particularly important because we had been anticipating the administration's view for several months and were fast coming to the end of the 108th Congress.

At the hearing, Secretary Thompson committed his staff to immediately begin meeting with the bill committee staff to work on the bill. Much effort to advance this legislation had already been put forth by committee staff, tribal leaders and the Indian health community. With department staff working alongside committee staff, we anticipated swift passage of the bill.

However, swift passage did not happen and I am disappointed that the reauthorization did not get enacted this year. The committee staff worked diligently along with the administration and Indian tribal leaders until the very end of this Congress to finalize the bill for passage.

I believe that, in addition to the changes made prior to July, 2004, the committee was quite responsive to the department's concerns and suggestions in revising the bill.

In particular, the provisions for Medicare and health professional shortage areas were not included in the reported bill. The committee modified the establishment of creative funding programs such as the revolving loan funds and opted for studies for this type of funding mechanism instead—at the request of the administration.

There was substantial discussions at the eleventh hour regarding provisions governing urban Indians and non-eligible individuals. I believe the Federal responsibility to provide health care applies to individual Indians living in the urban centers, especially when it is remembered that Indians reside in urban areas primarily as a result of the Federal policy of relocation during the first half of the 20th Century.

In addition, in the course of negotiations, we were made aware of concerns dealing with the Veteran's Administration drug supply schedules and services to non-eligible individuals. A limited scope of services to certain non-eligibles has been a part of the Indian Health Care Improvement Act for years. Nevertheless, the Department and some tribes have different views of the scope of services.

In any event, the matter is being addressed in the courts. Any resolution we could offer would be better served by reviewing the decision of the courts and then thoroughly examining the matter instead of fixing what has not been determined by the courts to be a problem.

Likewise, I am concerned with what may be a desire to rollback the gains tribes have made in implementing the Indian Health Care Improvement Act and the Indian Self-Determination and Education Assistance Act.

The underlying policies and plain language of the both statutes should not be ignored and the commitment to self-governance needs to be respected when enacting any Indian legislation.

I certainly appreciated President Bush's Memorandum to Department Heads on "The Government-to-Government Relationship with Tribal Governments" dated September 30, 2004, in which he reiterated his support for the government-to-government relationship and tribal sovereignty. President Bush continued the long-standing policy of self-governance begun in 1970 by President Nixon.

The committee has continually upheld those principles and fought for expansions in self-governance, even over the objections of previous Administrations. I believe that retreating from those principles in enacting any Indian statutes would be inconsistent with the President's commitment as well as the will of Congress.

What I am particularly disappointed in having to set aside this year is the State Children's Health Insurance Program, SCHIP, improvements that we had worked on for several months. In mid-May, 2004, we were informed that the department lacked information regarding how many Indian children qualified for the program and how many Indian children were actually being served, despite clear statutory language mandating services to Indian children. Yet again, we find the most needy must continue to suffer until there is a serious effort to address these disparities.

There were many other Senators and committees which provided substantial assistance in seeking passage of this bill. Without the commitment and support of Majority Leader Bill Frist, we certainly could not have gotten as far as we did.

Senator FRIST was constructively engaged very early on this bill and continued his support throughout the negotiations with the Administration.

Senator STEVENS was also very supportive and committed to passage of this bill. His staff worked diligently also with the committee staff until the very end of the session.

Likewise, Senator GRASSLEY also committed his staff in assisting the committee staff in developing significant improvements in the Medicaid provisions.

I cannot forget the work of Senator HATCH on this matter as well. Senator HATCH was instrumental in developing the Indian provisions in the SCHIP statute and assisted in seeking resolutions for many of the problems we found in SCHIP implementation.

I am leaving the Senate knowing that there are many issues left unresolved but I have every confidence that the Committee under the leadership of Senator MCCAIN will continue to protect tribal sovereignty and uphold principles of tribal self-governance.'

I do look forward to seeing a vigorous discussion on the reauthorization next year and believe that coordinated efforts ensure its passage.

I ask that the CBO cost estimate be printed in the RECORD.

S. 556 Indian Health Care Improvement Act Amendments of 2004

Summary: S. 556 would authorize the appropriation of such sums as necessary through 2015 for the Indian Health Care Improvement Act, the primary authorizing legislation for the Indian Health Service (IHS). The bill also contains specific authorizations for loans and loan guarantees for urban Indian organizations and a commission on Indian health care. In addition, the bill also would affect direct spending, primarily through provisions that would make it easier for IHS to enter into capital leases and make changes to the Medicaid program.

CBO estimates that implementing S. 556 would cost $2.4 billion in 2005 and $31.8 billion over the 2005–2014 period, assuming appropriation of the necessary amounts. We also estimate that enacting the bill would increase direct spending by $8 million in 2005, by $69 million over the 2005–2009 period, and by $238 million over the 2005–2014 period.

S. 556 would preempt state licensing laws in certain cases, and this preemption would be an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA); however, CBO estimates that the costs of that mandate would be small and would not approach the threshold established in UMRA ($60 million in 2004, adjusted annually for inflation). Other provisions of the bill would establish new or expand existing programs for Indian health care. It also would place new requirements on Medicaid and the State Children's Health Insurance Program (SCHIP) that would result in additional spending of about $35 million over the 2005–2009 period. This bill contains no private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 556 is shown in Table 1. The costs of this legislation fall within budget function 550 (health).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF S. 556

	By fiscal year, in millions of dollars									
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION										
Estimated Authorizations Level	2,977	3,026	3,093	3,165	3,243	3,321	3,401	3,484	3,569	3,657
Estimated Outlays	2,353	2,843	2,995	3,131	3,212	3,289	3,368	3,450	3,535	3,621
CHANGES IN DIRECT SPENDING										
Estimated Budget Authority	7	42	90	44	46	96	49	51	104	54
Estimated Outlays	8	12	13	15	21	24	28	36	38	43

Basis of estimate: For the purpose of this estimate, CBO assumes that S. 556 would be enacted near the start of calendar year 2005 and that the authorized amounts will be appropriated for each fiscal year.

Spending Subject to Appropriation

The estimated effects of S. 556 on spending subject to appropriation are shown in Table 2. IHS programs were authorized for 2004 by the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108-108).

Existing Indian Health Service activities. S. 556 would authorize the appropriation of such sums as necessary for the Indian Health Service through 2015. The agency's responsibilities under the bill would be broadly similar to those in current law. CBO's estimate of the authorized level for IHS programs is the appropriated amount for 2004 adjusted for inflation in later years. The estimated outlays reflect CBO's current assumptions about spending patterns for IHS activities. (The pending omnibus appropriation act, H.R. 4818, would provide $2.985 billion in funding for IHS activities in fiscal year 2005).

TABLE 2.—ESTIMATED EFFECTS OF S. 556 ON DISCRETIONARY SPENDING

	By fiscal year, in millions of dollars										
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Spending Under Current Law[1]											
Budget Authority	2,921	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	2,909	605	153	71	5	0	0	0	0	0	0
Proposed Changes:											
Existing Indian Health Service Activities:											
Estimated Authorization Level	0	2,973	3,025	3,092	3,165	3,243	3,321	3,401	3,484	3,569	3,657
Estimated Outlays	0	2,352	2,841	2,994	3,131	3,212	3,289	3,368	3,450	3,535	3,621
Loan Guarantees for Urban Indian Organizations:											
Estimated Authorization Level	0	*	1	1	0	0	0	0	0	0	0
Estimated Outlays	0	*	*	*	*	*	*	0	0	0	0
Commission on Indian Health Care Entitlement:											
Authorization Level	0	4	0	0	0	0	0	0	0	0	0
Estimated Outlays	0	1	2	1	0	0	0	0	0	0	0
Total Changes in Spending Subject to Appropriation:											
Estimated Authorization Level	0	2,977	3,026	3,093	3,165	3,243	3,321	3,401	3,484	3,569	3,657
Estimated Outlays	0	2,353	2,843	2,995	3,131	3,212	3,289	3,368	3,450	3,535	3,621
Spending Under S. 556:											
Estimated Authorization Level[1]	2,921	2,977	3,026	3,093	3,165	3,243	3,321	3,401	3,484	3,569	3,657
Estimated Outlays	2,909	2,958	3,002	3,066	3,136	3,212	3,289	3,368	3,450	3,535	3,621

[1] The 2004 level is the amount appropriated for that year. The pending omnibus appropriation act (H.R. 4818) would provide $2.985 billion in funding for IHS activities in fiscal year 2005.

Note: *=Less than $500,000.

Loan Guarantees for Urban Indian Organizations. Section 509 of the bill would establish a loan guarantee program for urban Indian organizations. Under this new program, the federal government would provide loans or loan guarantees, with a term of up to 25 years, for construction or renovation by urban Indian organizations. The bill would not require any guarantee fees to be charged to the organizations and would not limit the percent of the loan that would be insured by the federal government. CBO therefore assumes that IHS would insure up to 100 percent of the loan value and that borrowers would not be charged any guarantee fees.

The new loan program would be considered a discretionary federal credit program and would require appropriation to establish a limit on the total value of outstanding loans and loan guarantees and to provide a credit subsidy for the cost of such loans and loan guarantees. Based on discussions with officials from the National Council of Urban Indian Health, CBO estimates that the total value of loans and loan guarantees would be $30 million. Using the Small Business Administration's 7(a) general business loan program as a guide, CBO assumes that, like small businesses, the default rate for loans made to urban Indian organizations would be about 10 percent and that recoveries on such loans would be about 60 percent. Using those assumptions, CBO estimates that the subsidy rate for the new loan program would be 5 percent, and that establishing the loan program would cost about $2 million over the next five years, assuming appropriation of the necessary amounts.

Commission on Indian Health Care Entitlement. Section 815 would authorize the appropriation of $4 million for a commission that would study establishing a legal entitlement for Indians to receive health care services. The members of the commission would have to be appointed within five months of the bill's enactment and would be required to submit a final report to the Congress no later than 18 months after that. Assuming the appropriation of the authorized amount, CBO estimates that implementing this provision would cost $1 million in 2005, $2 million in 2006, and $1 million in 2007.

New Hospital for Fort Berthold Indian Reservation. S. 556 contains a provision that would authorize the appropriation of $20 million for the construction of a new hospital on the Fort Berthold Indian Reservation in North Dakota. CBO estimates that this provision would have no effect on spending because it is also contained in a separate piece of legislation (S. 1146, the Three Affiliated Tribes Health Facility Compensation Act) that the Congress recently cleared.

Direct Spending

S. 556 contains several provisions, primarily related to leasing by IHS and the Medicaid program, that would affect direct spending. The bill's estimated effects on direct spending are shown in Table 3. Overall, CBO estimates that enacting the bill would increase direct spending by $8 million in 2005 and $238 million over the 2005-2014 period.

The effects of each provision are discussed in more detail below. IHS-funded health programs are commonly divided into three groups: those operated directly by the Indian Health Service, those operated by tribes and tribal organizations under self-governance agreements, and those operated by urban Indian organizations. For this estimate, they are referred to collectively as Indian health programs.

TABLE 3. ESTIMATED EFFECTS OF S. 556 ON DIRECT SPENDING

	By fiscal year, in millions of dollars									
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Spending on Health Facilities										
Estimated Budget Authority	0	31	78	32	32	82	33	34	86	35
Estimated Outlays	0	0	0	2	7	9	12	18	20	23
Consultation with Indian Health Programs										
Estimated Budget Authority	*	*	1	1	1	1	1	1	1	1
Estimated Outlays	*	*	1	1	1	1	1	1	1	1
Exempt Indians from Cost Sharing										
Medicaid										
Estimated Budget Authority	3	5	5	5	6	6	7	8	8	9
Estimated Outlays	3	5	5	5	6	6	7	8	8	9
SCHIP										
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	1	1	1	1	*	*	*	*	*	*
Exempt Indians from Premiums										
Medicaid										
Estimated Budget Authority	2	3	3	3	3	3	3	3	3	3
Estimated Outlays	2	3	3	3	3	3	3	3	3	3
SCHIP										
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	*	*	*	*	*	*	*	*	*	*
Medicaid Interaction with SCHIP										
Estimated Budget Authority	*	*	*	*	1	1	1	1	1	1
Estimated Outlays	*	*	*	*	1	1	1	1	1	1
Medicaid Managed Care Provisions										
Estimated Budget Authority	1	2	3	3	3	4	4	4	5	5
Estimated Outlays	1	2	3	3	3	4	4	4	5	5
Scholarship and Loan Repayment Recovery Fund										
Estimated Budget Authority	*	*	*	*	*	*	*	*	*	*
Estimated Outlays	*	*	*	*	*	*	*	*	*	*
Total Changes in Direct Spending										
Estimated Budget Authority	7	42	90	44	46	96	49	51	104	54
Estimated Outlays	8	12	13	15	21	24	28	36	38	43

Notes: Components may not sum to totals because of rounding. SCHIP is the State Children's Health Insurance Program. * = Costs or savings of less than $500,000.

Spending on Health Facilities. IHS already has the authority to enter into leases, contracts, or other agreements with tribes or tribal organizations that have title to, a leasehold interest in, or a beneficial interest in facilities that would be used by IHS to deliver health care services. Section 308 of the bill would require that all such arrangements be treated as operating leases for the purposes of the Balanced Budget and Emergency Deficit Control Act.

Under the bill, CBO anticipates that IHS would enter into arrangements that should be treated as capital leases because those arrangements would effectively allow IHS to acquire new buildings. Consistent with government rules for accounting for obligations, the full cost of those leases should be recorded in the budget as new budget authority at the time the lease agreements are signed. That budget authority (estimated to be about $440 million over the 2005-2014 period) is determined by calculating the discounted present value of the anticipated lease payments. Spending of that budget authority would occur over the term of the various leases (that is, outlays would significantly lag behind the budget authority).

For this estimate, CBO assumed that IHS would begin signing new capital leases starting in 2006. Based on information from IHS, we anticipate that those leases would be used for a variety of construction projects, including inpatient hospitals, outpatient hospitals, and staff quarters. We assume that IHS would not begin to make lease payments until 2008; payments in that year would total $2 million and then rise gradually to $23 million by 2014. Both the level of spending that might occur under the bill and the types of projects that might be financed are uncertain, and IHS spending may be more or less than the amounts CBO has estimated.

Consultation with Indian Health Programs. Section 409 would encourage state Medicaid programs to consult regularly with Indian health programs on outstanding Medicaid issues by allowing states to receive federal matching funds for the cost of those consultations. Those costs would be treated as an administrative expense under Medicaid and divided equally between the federal government and the states. CBO anticipates that a small number of states would take advantage of this provision, increasing federal Medicaid spending by about $200,000 in 2005 and by $7 million over the 2005-2014 period.

Exempt Indians from Cost Sharing. Section 412 would prohibit Medicaid and SCHIP from charging cost sharing to Indians for services provided directly or upon referral by Indian health programs. The provision also would require that payments by Medicaid and SCHIP for services provided directly by those programs could not be reduced by the amount of cost sharing that Indians otherwise would pay.

Medicaid. CBO anticipates that this provision's budgetary effect would stem primarily from eliminating cost sharing for referral services. Current law already prohibits Indian health programs from charging cost sharing to Indians who use their services. In addition, Medicaid pays almost all facilities operated by IHS and tribes based on an all-inclusive rate that is not reduced to account for any cost sharing that Indians would otherwise have to pay.

Using Medicaid administrative data, CBO estimates that about 225,000 Indians are Medicaid recipients who also use IHS, and that federal Medicaid spending on affected services would be about $400 per person annually in 2005. The amount of affected spending would be relatively low because Medicaid already prohibits cost sharing in many instances, such as long-term care services, emergency services, and all services for children and pregnant women. For the affected spending, CBO assumes that cost sharing paid by individuals equals 2 percent of total spending—Medicaid law limits cost sharing to nominal amounts—and that eliminating cost sharing would increase total spending by about 5 percent as individuals consume more services. Overall, CBO estimates that the provision would increase federal Medicaid spending by $3 million in 2005 and by $62 million over the 2005–2014 period.

State Children's Health Insurance Program. SCHIP regulations already prohibit states from charging cost sharing to Indian children enrolled in the program. As a result, the provision's impact on SCHIP spending reflects higher payments to Indian health programs and the use of additional referral services by adult enrollees that some states cover in waiver programs. CBO estimates that the additional spending would total $1 million in 2005 and $5 million over the 2005–2014 period. The provision's effects would be limited in later years because total funding for the program is capped.

Exempt Indians from Premiums. Section 412 also would exempt Indians from paying any premiums under Medicaid or SCHIP. Based on information from the Government Accountability Office on the limited extent to which states charge premiums in those programs and Medicaid administrative data, CBO estimated that this provision would affect about 5,000 Medicaid recipients, and that the loss of premium payments from those individuals would raise federal Medicaid spending by $2 million in 2005 and by $29 million over the next 10 years.

CBO also estimates that this provision would affect federal SCHIP spending by less than $500,000 annually. As noted above, Indian children do not pay premiums under SCHIP, so the provision would affect only adult recipients.

Medicaid Interaction with SCHIP. The changes in SCHIP spending outlined above also would lead to slightly higher Medicaid spending. Total funding for SCHIP is limited by statute, and CBO anticipates that many states will experience funding shortfalls over the 10-year projection period. CBO also assumes that states will partly offset those funding shortfalls by expanding Medicaid eligibility, which would allow states to continue to receive federal matching funds, albeit at a less-favorable matching rate. Since S. 556 would increase spending in SCHIP, it also would increase the extent to which states use Medicaid funds to offset funding shortfalls in SCHIP. CBO estimates that this interaction would raise federal Medicaid spending by less than $500,000 in 2005 and by about $5 million over the 2005–2014 period.

Medicaid Managed Care Provisions. Section 413 contains three provisions that would affect Medicaid spending on services provided in managed care settings.

Pay Indian Health Programs at Preferred Provider Rates. States that rely on managed care organizations (MCOs) to provide care to Medicaid beneficiaries and have an IHS presence commonly require MCOs to include Indian health programs in their networks or otherwise allow access to services provided by those programs. In other instances, states pay Indian health programs directly for services provided to Indians enrolled in managed care. Although Indian health programs are generally eligible for Medicaid reimbursement from MCOs, they may not be paid at the same rates as preferred providers. S. 556 would require that managed care organizations pay Indian health programs at least the rate paid to preferred providers. As an alternative, state Medicaid programs could pay the increased amounts directly to Indian health programs.

Under current law, about 200,000 Indians on Medicaid receive health care services through MCOs. Based on Medicaid administrative data, CBO estimates that about a third of Indians in Medicaid managed care also use Indian Health providers, mainly for primary care services. Assuming that a third of those enrollees use non-preferred providers, CBO estimates that providers serving about 23,000 Indians would receive rate increases by 2009. Based on administrative spending data for Indians in managed care and assuming that rates under the bill would be 20 percent higher than under current law, CBO estimates that the bill would increase payments to providers of about $150 per year in 2009, some of which would be paid through managed care plans and the balance directly by the states. Assuming the regular Medicaid match rate for plan spending and a 100 percent match rate for direct payments to facilities operated by IHS and tribes, CBO estimates that the bill would increase federal Medicaid payments by less than $1 million in 2005 and by about $16 million over the 2005–2014 period.

Submission of Claims. The bill also would prohibit MCOs from requiring enrollees to submit claims as a condition of payment to contracting Indian health programs. CBO anticipates that Indian health programs would be able to bill more, raising federal Medicaid spending by less than $1 million in 2005 and by $5 million over the 2005–2014 period.

Require States to Contract with Indian Health Programs. Finally, S. 556 would require states to enter into agreements with MCOs that are run by an Indian health program. CBO anticipates that the provision would increase the number of Indians who receive care from MCOs. Because payments to those MCOs would be reimbursed at a 100 percent federal matching rate (instead of the regular matching rate), CBO estimates that this provision would increase federal Medicaid spending by less than $1 million in 2005 and by $13 million over the 2005–2014 period.

Scholarship and Loan Repayment Recovery Fund. Section 111 would allow the Secretary of Health and Human Services to spend amounts collected for breach of contract from recipients of certain IHS scholarships. Under current law, those funds are deposited in the Treasury and not spent. Because the Secretary's ability to spend those funds would not be subject to appropriation, the provision would increase direct spending. Based on historical information from IHS, CBO estimated that the provision would increase spending by about $150,000 in 2005 and by $3 million over the 2005-2014 period.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

Intergovernmental Mandates

S. 556 would preempt state licensing laws in cases where a health care professional is licensed in one state but is performing services in another state under a funding agreement in a tribal health program. This preemption would be an intergovernmental mandate as defined in UMRA; however, CBO estimates that the loss of any licensing fees resulting from the mandate would be small and would not approach the threshold established in UMRA ($60 million in 2004, adjusted annually for inflation).

Other Impacts

S. 556 would reauthorize and expand grant and assistance programs available to Indian tribes, tribal organizations, and urban Indian organizations for a range of health care programs, including prevention, treatment, and ongoing care. The bill also would allow IHS and tribal entities to share facilities, and it would authorize joint ventures between IHS and Indian tribes or tribal organizations for the construction and operation of health facilities. The bill would authorize funding for a variety of health services including hospice care, long-term care, public health services, traditional Indian health care, and home and community-based services.

The bill would prohibit states from charging cost sharing or premiums in the Medicaid or SCRIP programs to Indians who receive services or benefits through an Indian health program. The bill also would require states that operate managed care systems within their Medicaid programs to enter into agreements with Indian health programs that operate managed care systems. CBO estimates that these requirements would result in additional spending by states of about $35 million over the 2005–2009 period. Some tribal entities, particularly those operating managed care systems, may realize some savings as a result of these provisions.

Estimated impact on the private sector. This bill contains no private-sector mandates as defined in UMRA.

Previous CBO estimate. On November 30, 2004, CBO transmitted a cost estimate for H.R. 2440, the Indian Health Care Improvement Act Amendments of 2004, as reported by the House Committee on Resources on November 19, 2004. The language in the two bills is almost identical, and CBO estimates that their budgetary effects would be the same.

Estimate Prepared by: Federal Costs: Eric Rollins; Impact on State, Local, and Tribal Governments: Leo Lex; Impact on the Private Sector: Stuart Hagen.

Estimate approved by: Peter H. Fontaine; Deputy Assistant Director for Budget Analysis.●

TRIBUTE TO CAROL SALISBURY

● Mr. ALLARD. Mr. President, on this occasion I pay tribute to a dear friend and employee, Carol Salisbury. Carol joined my office in January of 1991, when I was first elected to Congress from the Fourth Congressional District. One of my original staffers, Carol has served my office and the people of Colorado for 14 years, and she has done so with grace and conviction. She will be leaving my office in January 2005.

Carol began her career working out of my Fort Collins Congressional office, and later, the Senate offices in Greeley and Loveland. As Area Director, she managed the office and provided dedicated service on a variety of issues, including housing and healthcare. Carol was instrumental in establishing the Fall River Visitor Center at Rocky Mountain National Park, the acquisition of Cherokee Park by the Forest Service, and many other smaller projects that have greatly benefitted our public lands and will lead to greater enjoyment by the public. She was passionate about historic preservation and worked tirelessly on behalf of many worthwhile interests, including the historic Cumbres & Toltec Scenic Railroad in Southern Colorado. Her presence on Team Allard will be missed and I know the Northern Colorado community will miss her as well. Carol was a hard working and earnest friend and employee.

My wife, Joan, joins me in thanking her for dedication and loyalty. We both wish her and her husband Jack the best in their future endeavors.•

HONORING WALTER THAYER, JR., MD. OF RHODE ISLAND HOSPITAL

• Mr. CHAFEE. Mr. President, I want to take this opportunity to recognize the retirement of an extraordinary Rhode Islander, Dr. Walter Thayer.

Walter Thayer was born in East Providence in 1929—back when there were farms in what is now an urban area. He graduated from Providence College and left for Tufts University Medical School in 1950. He returned to Rhode Island in 1965 to become the first Director of the Gastroentorology Division of Brown Medical School and Rhode Island Hospital after having worked at the National Institutes of Health, Georgetown, and Yale University School of Medicine.

Dr. Thayer's professional qualifications are outstanding. He served for 30 years as the Chief of Gastroenterology at Brown University and affiliated hospitals, and has been a professor at Brown since 1972: he was the Head of Gastroenterology at Rhode Island Hospital from 1965 to 1994 and continued as a practicing physician until this year. He has been presented with the Distinguished Clinician Award by the American Gastroenterology Association, the Humanitarian of the Year Award by both the Rhode Island and New England Chapters of the Crohns Colitis Foundation of America, and the W.W. Keene Award for Contribution to Brown Medical School. Walter has presented at the Quadrennial Lecture on Crohns Disease at the Third World Congress in Copenhagen, and served as the chairman of the NIH-NFIC Sponsored Symposium on Infectious Agents in Inflammatory Bowel Diseases and as the Governor for Rhode Island to the American College of Gastroenterology.

One of the great ironies is that Walter, who became such a fixture at Brown Medical School and trained and mentored so many fine physicians there, so desired to attend Brown University and was not admitted. Indeed, his experience in the world outside of Brown and the Ivy League was one of the factors that made him such a valuable bridge between town and gown between patient care and academic research.

This bridging between patient care and academic research is a key facet of Dr. Thayer's career. His true caring and empathy for his patients informed his extensive research. That research, where Walter sought to understand the causes of Crohn's disease and ulcerative colitis, and find effective treatments to these and other debilitating gastrointenstinal illnesses, has been remarkable and extensive, and has garnered Walter national and international renown.

To honor Dr. Thayer's service to the health and academic communities in Rhode Island, many of those whom Walter has affected, including mentors, colleagues, students and patients, gathered on October 7 to wish him well in his life in retirement, and to thank him for his service, dedication, caring, and friendship. At that time, one colleague said that Walter had earned the highest respect a doctor could earn—his colleagues would refer their family members to him. He was described as the father of gastroenterology in Rhode Island, someone who is a masterful teacher and had great love for his patients. Dr. Jose Behar said that Walter's patients trusted him so completely that when Dr. Behar would treat one of them, perhaps when Walter was on vacation, they would invariably ask him "Do you think Dr. Thayer would agree with you?" Dr. Behar said that as an accomplished doctor having his treatments questioned so bluntly was a little off-putting, but he came to realize that it did not stem from a lack of confidence in him as much as the patients remarkable level of trust, respect and belief in Walter.

To only speak of his professional life, however, is to miss a great deal about Walter. He is someone who is constantly curious, as is demonstrated by the fact that even now, well beyond the age of 70, he finds himself back in school pursuing an associate's degree in wildflower ecology. He has a great love of books, and is often found in his favorite chair, his glasses perched on his nose, a great book open in his hands. He is extremely active—he has run triathlons, marathons, and he spends many winter hours cross-country skiing. And he is a loving husband, father, and friend.

He sincerely cares about issues far from the realm of medicine, important social issues, and tries to address them in a real and admirable fashion. For example, as his children were growing up, he did not want them to only have knowledge of the city, so one summer he took his kids to an Amish farm and they all worked on that farm. He did not want his children to grow up isolated from questions of race, and made many efforts to bring them into close contact with families and children of different races and ethnicities.

Now, even though Dr. Thayer is officially retired, he continues his long volunteer service at the Veterans Affairs hospital and in his teaching at Brown University. He is looking forward to the opening of the new infectious bowel disease research laboratory that will open at Rhode Island Hospital—which will be named "The Walter R. Thayer Inflammatory Bowel Disease Laboratory." What a fitting honor that this new, state-of-the-art research laboratory will be named for him.

Walter leaves behind a remarkable legacy. I know my colleagues join me in saluting him on his well-deserved retirement.•

TRIBUTE TO HELEN CHAMBERS HUNT

• Mr. SESSIONS. Mr. President, I wish to remember the life of one of Alabama's finest First Ladies, Helen Chambers Hunt, the wife of former Gov. Guy Hunt. Miss Helen, as she was known, was a gracious and caring woman, who carried out her duties as First Lady with charm and compassion, and she will be greatly missed by all who knew and loved her.

I was honored to get to personally know this wonderful lady. Governor Hunt told me once of a lady who had seen Mrs. Hunt walk across the stage. The lady said to him, "I can tell she is a fine lady and you must be a fine person too." It was true. Her very countenance and carriage projected an aura of faith, compassion and humility. The Governor was so very proud of her and so were the people of Alabama. In all her gifts and graces she represented the highest of Alabama values.

Miss Helen grew up in the Birdsong community in Cullman County. She met Guy Hunt, the future Governor of Alabama, during high school, when they started dating. They met at church and their first date was to a drive-in movie. They were married in 1950, when Helen was only 16 years old and Guy was 17. The Hunts were blessed with four wonderful children—Pam, Sherrie, Keith and Lynn.

Miss Helen enjoyed cooking and sewing and also spending time with her husband at their Holly Pond home. She stood with him through two terms as Cullman County Probate Judge as well as his tenure as Governor from 1987 1993. Although she did not seek the spotlight, as First Lady she embraced a campaign to reduce littering along Alabama highways that resulted in the creation of the highly successful Adopt-a-Mile Program. She also was a wonderful hostess at the Governor's Mansion, organizing numerous dinners, barbeques, and other social events. The Retirement Systems of Alabama recognized Miss Helen's service by naming a daycare center in Montgomery the RSA Helen Hunt Learning Center. She also devoted a great deal of her time to helping disabled children—a passion that grew from the fact that Pam, the Hunt's eldest daughter, was a special-needs child.

Not only was Helen Hunt the wife of a Baptist minister, but she was a devoted Christian and her life was a witness to her faith. She will be remembered by all the people of Alabama who loved her dearly as a warm and gracious First Lady, and a devoted and loving wife.●

CONGRATULATIONS TO FORT LEWIS COLLEGE CYCLING

● Mr. ALLARD. Mr. President, today I recognize the commendable performance of the Fort Lewis College Cycling Team. On the treacherous slopes of Seven Springs Resort in Pennsylvania the Skyhawks competed against the Nation's best cyclists to determine who was the best. When the dust settled at the bottom of the track the Fort Lewis College Skyhawks stood victorious, clinching the National Collegiate Cycling Association, NCCA, Mountain Bike Championship.

Fort Lewis College has a distinguished history of athletic excellence. This impressive win was the sixth time in the sport's eleven year history that the Skyhawks have brought the championship trophy back to Durango, CO.

In addition to the impressive overall team achievement there were several individual athletes that stood out: Susan Grandjean, Leana Gerrard, Matt Shriver, and Paul Smith all delivered championship performances. Fort Lewis College's victory would not have been possible without the leadership of the team's coach, Rick Crawford.

I would like to share my congratulations with the entire Fort Lewis College Community. Congratulations to all Fort Lewis College Skyhawks, congratulations to President Brad Bartel, congratulations to the Board of Trustees of Fort Lewis College, and especially congratulations to the members of Fort Lewis College Cycling, students and fans. You have made all Coloradans proud.●

THERE'S PLENTY FOR A FREE PRESS TO REPORT

● Mr. HOLLINGS. Mr. President, I recently authored a column that appeared in The State newspaper in Columbia. In it, I offer my thoughts on the media's shoddy coverage of the budget deficit and Social Security, U.S. trade policy, and the War in Iraq. I ask that it be printed in the RECORD.

The article follows.

[From The State, Dec. 8, 2004.]

THERE'S PLENTY FOR A FREE PRESS TO REPORT

(By Ernest F. Hollings)

In the beginning, Thomas Jefferson observed that if he had to choose "between a government without newspapers or newspapers without a government," he would choose the latter. He envisioned the press would report the truth to the American people, keeping the Congress honest. The government wouldn't stay free long without a free press.

Today the press—the media, now—has joined the political fray, and the watchdog has become the attack dog. As a result, Mark Twain's admonition has become the creed of both Congress and the media: The truth is so precious a commodity it should be used sparingly.

Take Social Security. Both the Greenspan Commission and the Budget Act forbade using Social Security monies for any programs other than Social Security. But the government continues to spend Social Security surpluses on everything but Social Security. Then—presto!—the Congress and the media contend that Social Security is broke and needs fixing. Social Security is not broke; it's the government that's broke.

One fix is political: Privatize Social Security to get the young vote. The other choice, raising the retirement age or taxes, merely means more money for programs other than Social Security. Moreover, Congress has made it a federal crime for a private company to pay the company debt with its pension fund. Yet the government constantly pays its debt with Social Security and other pension funds. The Congress and the media then cite a false deficit of $413 billion for fiscal year 2004 while the true deficit, according to the Congressional Budget Office, is $593 billion.

Take trade. The second bill to pass the Congress on July 4, 1789, was a tariff bill—protectionism. We financed the government and built this economic giant, the United States, with protectionism. But after World War II, we took up the chant of "free trade," treating trade as aid to defeat communism with capitalism in the Cold War. Now after 50 years of draining our industrial strength, it's time to rebuild. Article 1, Section 8 of the Constitution provides that Congress shall regulate foreign commerce. To open markets we must control access to ours—practice protectionism. But the media acts as if protecting the economy was unconstitutional.

Worst of all is the media's refusal to report the truth on Iraq. Saddam Hussein was no part of 9/11, had no weapons of mass destruction and was no threat to our national security. We invaded Iraq to implement a plan to democratize the Mideast for Israel.

In 1996, Richard Perle, Douglas Feith and David Wurmser submitted a plan to Israeli Prime Minister Benjamin Netanyahu for a "Clean Break" from Arafat and to institute democracy in the Mideast by bombing Lebanon, invading Syria and replacing Saddam with a Hashemite ruler favorable to Israel. Rejected by Prime Minister Netanyahu, Perle and company joined Dick Cheney, Paul Wolfowitz, Donald Rumsfeld, Scooter Libby, Stephen Cambone et. al. in the "Project for the New American Century."

They pressured Congress in the 1990s for a change of regime in Iraq, and when George W. Bush was elected president in 2000 "Clean Break" hit paydirt. Cheney became vice president; Rumsfeld, Wolfowitz and Feith took the Nos. 1, 2 and 3 positions in defense; Libby headed Cheney's staff; Cambone became Rumsfeld's right-hand man; and Perle, the architect of "Clean Break," was made chairman of the Defense Policy Board.

Upon winning the presidency and before his inauguration, President Bush sought a briefing on Iraq from President Clinton's secretary of Defense, William Cohen. After the inauguration, Paul O'Neill, the new secretary of the Treasury, tells of going to the first meeting of the Security Council prepared to discuss the impending recession, but the discussion was mostly on Iraq.

When I served in World War II 60 years ago, we liberated Morocco, Algeria and Tunisia, but they have yet to opt for democracy. We liberated Kuwait in the Gulf War, but it has yet to opt for democracy. But by 9/11 the president, intent on democratizing the Mideast, was asking Rumsfeld for a plan to invade Iraq. Bush was so determined to invade he disregarded his father's admonition in A World Transformed: "We should not march into Baghdad. . . . To occupy Iraq would instantly shatter our coalition, turning the whole Arab world against us . . . condemning (young soldiers) to fight in what would be an unwinnable urban guerrilla war."

If the media had reported the truth to the American people, we would have rejected "Clean Break" like Prime Minister Netanyahu. If the media had kept Congress honest, we would not be sending GIs to a war that most believe is a mistake and the top command says we can't win.●

OBRA S. KERNODLE III

● Mr. SANTORUM. Mr. President, I rise today to reflect on the loss of my good friend, Obra Kernodle. Obra recently suffered a fatal heart attack while in Cancun, Mexico, celebrating his daughter's wedding. The Kernodle family has suffered a tremendous loss, and I offer them my condolences and deepest sympathy in this difficult time.

I was introduced to Obra during my 2000 Senate campaign. He was a bright, resourceful and wonderful person, and I remained in contact with him ever since.

Using his bipartisan negotiating skills to render change, Obra became one of Philadelphia's most influential African American leaders. As a politically active Philadelphia lawyer who most recently served as general counsel to the Philadelphia Parking Authority, Obra actively served his community. Obra was also a member of the Pennsylvania Convention Center board.

His kind disposition and generous heart attracted people from both sides of the aisle, and he will never be forgotten. My thoughts and prayers are with the Kernodle family during the days and months ahead.●

REMEMBERING OUR POW/MIAs

● Mr. CAMPBELL. Mr. President, as a veteran who served in Korea, I have, throughout my congressional career, vigorously sought to ensure that our men and women in uniform who were listed as POW/MIA are not forgotten. I have also worked hard to promote a better understanding and appreciation of these brave men and women's extraordinary service and sacrifice by the American public.

Underscoring this commitment, I was proud to have authored a number of important laws, including the POW/MIA Memorial flag Act of 2001, P.L. 107-323; the Bring Them Home Alive Act of 2000, P.L. 106-484; the Persian Gulf War Accountability Act of 2002, P.L. 107-258; and the Vietnam Veterans Recognition Act of 1999, P.L. 106 214. I want to take this opportunity to also commend my deputy chief of staff and legislative director, Larry Vigil, for all of his good work in getting these important initiatives passed on behalf of all Americans.

As my colleagues know, the United States has fought in many wars and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action. In the 20th century wars alone, more than 147,000 Americans were captured and became prisoners of war. Of that number, more than 15,000 died while in captivity. When we add to this number, those who are still missing in action, we realize that we cannot do enough to not only remember their service, but to bring them back home alive.

Our mission is far from over. Today we continue to look for Capt. Michael Speicher from the 1991 Persian gulf war and PFC Keith "Matt" Maupin who went missing in action in Iraq on April 9, 2004. To that end, we must remain fully committed to leave no one behind and push for a full accounting for those who are still missing. We must spare no effort to bring them home.

The power of our democracy and the strength of our society comes from acknowledging our interdependence on each other. In our best moments we know full well that the commitment of so many in the military service has made our Nation and our lives fuller and more complete.

I commend Danny "Greasy" Belcher with Task Force Omega of Kentucky for his tireless efforts in bringing awareness to the POW/MIA issue and organizing national support for many of these successful legislative initiatives. I also thank Artie Muller, president of Rolling Thunder National, for his continued years of work on the POW/MIA issue and the National League of POW/MIA Families, the National Vietnam and Gulf War Veterans Coalition, VietNow and Veterans of the Vietnam War, Inc., and others.

As I conclude my tenure in the United States Senate, I challenge my colleagues and those who will follow in my footsteps to continue this valuable and necessary work to support the friends and families of those who are POW/MIA.●

125TH ANNIVERSARY OF ST. LOUIS CHILDREN'S HOSPITAL

● Mr. BOND. Mr. President, in 1878 a group of pioneering women led by Mrs. Appoline A. Blair had the innovative idea to open a hospital in St. Louis where children could receive the special care they needed and deserved. In 1879, St. Louis Children's Hospital opened its doors to children and families in downtown St. Louis, Missouri in a small, rented house with 15 beds. This year, St. Louis Children's Hospital, the first children's hospital west of the Mississippi River and the seventh oldest in the country, is proud to celebrate its 125th anniversary.

Today, St. Louis Children's Hospital's clinical and community outreach programs touch more than 250,000 patients annually. Patients from all 50 States and nearly 50 countries around the world have passed through the doors and been served by this remarkable institution.

The pioneering spirit with which this hospital was founded has continued through its long and distinguished history. St. Louis Children's Hospital, working in conjunction with Washington University School of Medicine, has consistently been at the forefront of pediatric care. From its earliest days St. Louis Children's Hospital has been home to critical pediatric advances. For example, from 1915 through the 1920s, Dr. Vilray Blair, known as the father of plastic surgery in America, perfected several important methods for correction of cleft palate and cleft lip. At about the same time, Dr. W. McKim Marriott, the hospital's pediatrician-in-chief from 1917 to 1936, revolutionized the artificial feeding of infants developing a formula using evaporated milk corn syrup and lactic acid supplemented with vitamins and iron. In 1922, for the first time anywhere, insulin was used to successfully treat an infant with diabetes. In 1927, Dr. James Barrett Brown performed the first homograft on a child resulting in the development of modern care for burns for children. In 1929, Dr. Alexis P. Hartmann developed the first practical treatment, Lactate Ringers Solution, for infants suffering from severe diarrhea and dehydration. Dr. Hartmann served as the hospital's pediatrician-in-chief from 1936 to 1964.

St. Louis Children's Hospital pioneered developments in many other health areas, including diagnosis of congenital heart diseases. After the acquisition of a heart-lung machine in 1958, the hospital became one of the most active institutions in the country in the field of pediatric open heart surgery. David Goldring, MD, who formed the hospital's cardiology division in 1950 and remained its director until 1985, was a pioneer in pediatric open heart surgery. In another "first," doctors oversaw the first complete exchange of blood in a tiny infant weighing less than 3 pounds.

The first pediatric dialysis unit in the Midwest was set up at St. Louis Children's Hospital in 1974. Another innovation during the 1970s was the establishment of the Cleft Palate and Craniofacial Deformities Institute, the only one of its kind in the Midwest at the time. This unit works with many other areas of the hospital to reconstruct head and facial deformities in children. Dr. Thomas Spray, a cardiothoracic surgeon, performed his first successful Norwood procedure, an advanced surgical technique used to correct the fatal congenital heart defect known as hypoplastic left heart syndrome. Doctors at St. Louis Children's Hospital also performed the region's first cochlear implant, surgically implanting a device the helps children who are deaf to speak and comprehend language.

In addition, St. Louis Children's Hospital established the first free-standing pediatric lung transplant program in the United States. Today, St. Louis Children's Hospital is home to the world's most active pediatric lung transplant program. The hospital is one of the nation's leaders in total pediatric organ transplants, offering kidney, liver, heart and bone marrow transplant programs as well.

St. Louis Children's Hospital is recognized among America's best children's hospitals by Child magazine and US News & World Report, and its Neonatal Intensive Care Unit is distinguished nationally by Child magazine.

Mr. President, please join with me in celebrating 125 years of excellence in pediatric care. The pioneering vision and spirit of St. Louis Children's Hospital has improved the lives of children and families in Missouri and around the globe.●

CALIFORNIA GOLDEN BEARS AND THE ROSE BOWL

● Mrs. FEINSTEIN. Mr. President, I rise today to express my concerns about college football's Bowl Championship Series and the formula used to select teams to play in the major bowls at the end of the season.

Despite having one of their best seasons in years, the University of California at Berkeley Golden Bears were denied an opportunity to play the University of Michigan in the Rose Bowl on New Years Day, and will instead play Texas Tech in the Holiday Bowl on December 30 in San Diego.

For decades the Rose Bowl has featured the top teams from the Pac Ten Conference and the Big Ten Conference. Players and coaches dream of representing their universities in one of college football's showcase events. For their part, Cal fans and alumni have waited 46 years for another opportunity to see their Bears play in the "granddaddy of them all".

With all due respect to Texas, it just does not seem right to see the champion of the Big Ten Conference, Michigan, play a school from the Big Twelve Conference and not the Pac Ten. It would be like eliminating the traditional floats from the Tournament of Roses Parade.

I know it may surprise some that a proud Stanford alum would take to the Senate floor to speak out on behalf of the Cardinal's bitter rival, but as a Senator representing the entire State of California, I feel it is my obligation to support all of our fine college athletes and to ensure that fairness and good sportsmanship prevails in the competitive arena.

The BCS was designed to ensure that the top two schools in the country have a chance to play each other for the national title. I am proud that another California school, the University of Southern California Trojans, will play number two ranked Oklahoma in the Orange Bowl.

If the top team from the Pac Ten cannot play in the Rose Bowl because it is playing for the national title, fans expect to see the next best school from the conference take its place.

And, make no mistake about it, Cal has earned a right to play in the Rose Bowl.

Led by Head Coach Jeff Tedford, quarterback Aaron Rodgers, defensive end Ryan Riddle, and running back J.J. Arrington, Cal won 10 and lost only once—on the road at USC—beating teams by an average of 23.9 points per game. They were the only team to rank in the top six both in scoring and scoring defense.

In the end, despite beating Southern Mississippi 26–16 to win their final game of the year, Cal lost points in the ESPN/USA Today coaches poll—one of the polls that accounts for 33 per cent of the BCS rankings—and thus was edged out by Texas for the opportunity to play in the Rose Bowl.

Let me be clear: The Texas Longhorns had a great season, and I have a lot of respect for the university and their coaches and players.

But, Cal led Texas in the BCS rankings for most of the season and it is common sense to me that if a team is in position to earn a trip to the Rose Bowl and they win their last four games of the season—as Cal did—they should not be denied an opportunity to play in that game.

Surely we can find a way to preserve the best traditions of college football and ensure that teams that earn an opportunity play in a major bowl, are allowed to do so.

In their last game, Cal had an opportunity to score another touchdown when the result of the game was no longer in doubt. Instead, Coach Tedford decided to let the clock run out. Perhaps another score would have impressed enough voters in the coaches poll to give Cal a chance to play in the Rose Bowl. But Coach Tedford did the right thing and college football should reward those decisions, not penalize them.

Nothing can detract from Cal's great season and I am confident that the team will bring home a win in the Holiday Bowl on December 30. I wish them the best of luck.•

REMEMBERING RICHARD K. SORENSON

• Mr. ENSIGN. Mr. President, I rise today to pay tribute to a man of remarkable courage, compassion, and patriotism and to join Nevadans and Americans in mourning the loss of American patriot and former Marine Richard K. Sorenson.

A shining example of just how one individual can make a difference is found in the life story of Richard K. "Rick" Sorenson.

Born the 28th day of August in 1924, Sorenson tried unsuccessfully to enlist in the Navy on the day after Pearl Harbor. He was only 17 at the time, and his parents refused to give their permission. He finished his junior year in high school, but the next fall, the day after football season ended, he and some of his teammates joined the Marine Corps.

Little did Rick Sorenson know, but he would soon make history.

On February 1, 1944, at the age of 19, Private Sorenson and his five man machine gun squad found themselves part of the amphibious assault of Namur, a small island in the Kwajalein atoll which was defended by 4,000 Japanese soldiers fighting from heavy concrete fortifications.

At dawn the following morning, the Japanese counterattacked Sorenson's position in what he later called a "full-fledged banzai charge." His squad had been fighting for its life for half an hour when a Japanese soldier got close enough to throw a grenade in their midst. Sorenson's first impulse was to jump to the other side of the concrete foundation, but he instantly realized that his buddies would take the impact and that the entire squad would be overrun, so he threw himself on the grenade and took the full force of the explosion.

For his actions he was awarded the Medal of Honor. His citation was signed by Franklin D. Roosevelt and read, in part: "For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty . . . Unhesitatingly, and with complete disregard for his own safety, Private Sorenson hurled himself upon the deadly weapon, heroically taking the full impact of the explosion. As a result of his gallant action, he was severely wounded, but the lives of his comrades were saved. His great personal valor and exceptional spirit of self-sacrifice in the face of almost certain death were in keeping with the highest traditions of the United States Naval Service."

Sorenson would undergo six operations over the next nine months. But he survived and went on to graduate from college, marry, and raise a family. He was also recalled to active duty with the Marines in 1950 during the Korean War and was commissioned a first lieutenant.

After eventually leaving the Marines for good in 1955, he returned to civilian life and pursued a career as an insurance underwriter before finally joining the Veterans' Administration. In 1978 he transferred to Reno, NV, and assumed duties as Director of Veterans Affairs for all of Nevada and nine counties in California. He retired in 1985 but remained a resident of Reno until his passing several months ago.

Those who lived through World War II are often referred to as our Greatest Generation. And that Greatest Generation is well represented in the life story of Rick Sorenson. He was not only a battle-tested Marine but he also was a loving husband, father, and grandfather. In his vocation he served other veterans, and in his free time he was active in community affairs.

Simply stated, the world is a better place because of Rick Sorenson.

To Rick's wife Milli I offer the condolences and the admiration of Nevadans and Americans. This great nation that Rick Sorenson risked his life for and lived his life for will always be grateful for his contributions.•

RECOGNIZING A RACING STAR

• Mr. ENSIGN. Mr. President, I rise today to recognize and congratulate an outstanding athlete and a tremendous competitor from my home State of Nevada.

A Las Vegas native, Kurt Busch is the epitome of a team player who thrives on pressure and has the utmost respect for his competition.

His journey to the finish line of the NASCAR Nextel Cup title started in go carts and dwarf cars in Pahrump and Las Vegas. Kurt and his brother, Kyle, shared their father Tom's love for racing, and once Kurt hit the track there was no stopping him.

His career highlights start with the Las Vegas Motor Speedway and the Nevada State Dwarf Car Rookie of the Year and Champion in 1994 and 1995 respectively. From there he broadened his horizons to the Southwest Series after graduating from Durango High School in Las Vegas. Durango High School is the home of the Trailblazers, and Kurt's road to champion race-car driver at the age of 26 certainly blazed a trail or two along the way.

Since those early Las Vegas days, Kurt has been an incredible presence in the American racing scene. He competed and finished above expectation time and time again. He started this season with the goal of winning the championship. There were no guarantees in this Cup season though. Kurt stayed focused, and keeping his eye on the prize paid off. But it was a nail biter. Kurt faced many hurdles that would have meant the end for a lesser competitor. There was the broken wheel, the late restart, and the intense competition. And those challenges all came in the last race at the Homestead-Miami Speedway.

Mechanical failures and pressures aside, racing fans attribute Kurt's success to his consistency. I say it's all about heart.

Following his victory, Kurt stated matter-of-factly: "This is what a team does to win a championship . . . I'd like to put a cap on today and move on to what we did this year as a team, which is unbelievable. This championship is for Jimmy Fennig and everyone that's put work into this car."

And that team—including those of us who cheered on our native son from Las Vegas—is proud of its driver. He showed us all a passion for racing and a loyalty to those who got him to this point. And he has proven that it is okay to dream big. From go carts in the Las Vegas desert to top racing machines on professional tracks, Kurt Busch is an inspiration. As Co-Chair of the Congressional Motorsports Caucus and a true race fan, I congratulate Kurt Busch on all his accomplishments, including this championship. Kurt, you have made us proud in Las Vegas, and we look forward to watching you continue to shine in the future. God bless you.•

HONORING DELBERT V. GROBERG

• Mr. CRAPO. Mr. President, I rise today to honor a civic leader in Idaho who passed away this week at the age of 98. Delbert V. Groberg was so active in community efforts in eastern Idaho that the local newspaper reported "it would take the best part of a newspaper page to list" his accomplishments. But I knew him best as a close family friend; the father of one of my best friends, Dr. George Groberg; and a man who held a place of trust and honor in the community for decades.

Delbert and his late wife, Jennie Holbrooke, were married nearly 74 years and are the parents of eleven children, all born and reared in Idaho Falls. His family was his proudest accomplishment, and he leaves behind Mary Jane, Richard who is currently serving an LDS mission in Finland, Joseph, Lewis, George, Julia, John, David, Delbert, Elizabeth, and Gloria, along with 64 grandchildren, 116 great-grandchildren and one great-great-grandchild. What a legacy he has fostered!

His business accomplishments began in 1929 in real estate when he founded the D. V. Groberg Company in Idaho Falls. The company expanded into real estate sales, appraisals, property management and development, building subdivisions throughout the area. He served as the president of the Idaho Falls Real Estate Board and of the Idaho Real Estate Association. He was also the chairman of the Idaho Real Estate Commission and vice-president of the National Association of Realtors. Not surprisingly, he was selected as the Idaho Realtor of the Year. He was the first in southern Idaho to receive the professional designation from the American Institute of Real Estate Appraisers, which awarded him a lifetime membership. He was the founding president of its southern Idaho chapter.

His interest in real estate led to an achievement that is a landmark in Idaho Falls—the siting and building of an LDS temple on the banks of the Snake River. He later served as president of the Idaho Falls LDS Temple from 1975 to 1980 and authored a book about the temple, "The Idaho Falls Temple: The First LDS Temple in Idaho."

His service to his religion took many forms as well. He served as a bishop of the Idaho Falls Third Ward, a member of the South Idaho Falls Stake high council, and a stake patriarch. He set an example of Christian living throughout his life.

Delbert's business accomplishments moved outside of real estate into banking and broadcasting. He was a director and vice president of the Bank of Commerce and founded KID Broadcasting Corporation. He and his wife Jennie were honored pioneers of the Bonneville County Historical Society. He was also inducted into the Idaho Hall of Fame. His civic positions included president or chairman of the Chamber of Commerce, Kiwanis Club, the Selective Service Board, the United Way, and the Bonneville Bicentennial Commission. He was given the Idaho 7th District Bar Association Liberty Bell Award, the BYU Alumni Service to Family Award, and the Presidential Citation Award from Brigham Young University.

While I have presented a long list of accomplishments, what I want to share with you most is that Delbert V. Groberg was a man of great integrity. I learned much from him in my childhood, lessons that continue to serve me well today. He was thoughtful, sensitive, and considerate. He was patriotic and civic-minded. Although his accomplishments are legion, he remained humble and interested. Despite his busy schedule, his children say they never felt neglected. Delbert served his community, his church, and his family and managed to do it all through difficult times in our country's history. His life is an outstanding example for all. He will be missed by his family, his community, and so many whose lives he has touched over nearly a century of living. I was privileged to know him and to have his influence in my life. For that, I will always be grateful.•

TRIBUTE TO JAMES LEROY WILLIAMS

• Mr. BURNS. Mr. President, I rise today to recognize a fellow Montanan who represents the embodiment of many of us who stand in steadfast and determined support of our armed forces both yesterday and today. James LeRoy Williams was born just south of Montana, in Sheridan, WY and now makes his home in beautiful Columbus, MT.

At a time many recall in the late sixties, men were volunteering to serve in Vietnam, and being drafted to serve. For some, service wasn't an option due to medical complications, in this case a back injury kept Mr. Williams from fulfilling what he felt was his duty to our Nation, and our future generations, and he stayed here in the States as a civilian.

This did not hinder his determination to make a difference to those who did serve in our armed forces, and Mr. Williams made it his mission to ensure Veterans received that handshake and 'thank you', and did so by creating a repository in Columbus of military history that spans the history of our great Nation. Mr. Williams believes, as I do, that we must remember our history, as it is our roadmap to the future, and that we owe it to our children and grandchildren to provide them the proud history of our armed forces, and their defense of our freedoms these so many years.

Mr. Williams has become a historian of our military, and keeps an authentic World War One Doughboy's uniform that he wears when giving talks on both the vast history of our services, and the individual tales of bravery and sacrifice one learns when taking the time to listen to the men who climbed the cliffs at Pointe Du Hoc, froze in both the Ardennes and the Chosin, or made one more climb up a numbered hill in the jungles of Vietnam.

To Mr. Williams and those like him, I can only say thank you, both as a Veteran, and as an American, for keeping alive the history that shapes our Nation. He may not have served directly in our armed forces, but he has served his Nation by honoring the sacrifice of the thousands of men and women who did wear the uniform, and I know that if circumstances had been different, he would have made our Nation proud in that capacity as well.•

MESSAGE FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4116. An act to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an "endangered" species under the Endangered Species Act of 1973, and for other purposes.

H.R. 5426. An act to make technical corrections relating to the Coast Guard and Maritime Transportation Act of 2004.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 531. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Eighth Congress.

H. Con. Res. 532. Concurrent resolution commending the Aero Squad After School Program at Tomorrow's Aeronautical Museum in Compton, California, as well as other youth aviation programs that expose young minorities to the field of civil aviation.

The message further announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

The message also announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5426. An act to make technical corrections relating to the Coast Guard and Maritime Transportation Act of 2004; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 430. Concurrent resolution recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 532. Concurrent resolution commending the Aero Squad After School Program at Tomorrow's Aeronautical Museum in Compton, California, as well as other youth aviation programs that expose young minorities to the field of civil aviation; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–10072. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyazofamid; Pesticide Tolerance; Technical Correction" (FRL7685–1) received on September 30, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10073. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Designation of Quarantined Area" (Doc. No. 04–105–1) received November 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10074. A communication from the Congressional Review Coordinator, Animal Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Avocado Import Program" (Doc. No. 03–022–5) received November 30, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10075. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Melons Grown in South Texas; Temporary Suspension of Handling and Assessment Collection Regulations" (Doc. No. FV05–979–1 IFR) received December 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10076. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Vidalia Onions Grown in Georgia; Change in Assessment Requirements" (Doc. No. FV04–955–1 IFR) received December 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10077. A communication from the Secretary of Commerce, transmitting, pursuant to law, the periodic report on the national emergency caused by the lapse of the Export Administration Act of 1979 for February 19, 2004 to August 19, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–10078. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–10079. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, the report of a transaction involving U.S. exports to Taiwan; to the Committee on Banking, Housing, and Urban Affairs.

EC–10080. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary (Management); to the Committee on Banking, Housing, and Urban Affairs.

EC–10081. A communication from the Deputy Chief Financial Officer, transmitting, pursuant to law, the U. S. Department of the Treasury Fleet Alternative Fuel Vehicle Acquisition Report for Fiscal Year 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–10082. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employment and income tax treatment of amounts paid to a baseball player as a signing bonus and amounts paid to an employee pursuant to a collective bargaining agreement (CBA) upon ratification of the CBA by the union" (Rev. Rul. 2004–109) received on December 5, 2004; to the Committee on Finance.

EC–10083. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employment and income tax treatment of amounts paid to an employee as consideration for cancellation of an employment contract and relinquishment of contract rights" (Rev. Rul. 2004–110) received on December 5, 2004; to the Committee on Finance.

EC–10084. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Definitions of Dependent under section 106 of the Internal Revenue Code" (Notice 2004–79) received on December 5, 2004; to the Committee on Finance.

EC–10085. A communication from the Acting Chief of the Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Preferential Treatment of Brassieres Under the Caribbean Basin Economic Recovery Act" (RIN1505–AB42) received on December 5, 2004; to the Committee on Finance.

EC–10086. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Expedited Determination Procedures for Provider Service Terminations" (RIN0938–AL67) received on December 5, 2004; to the Committee on Finance.

EC–10087. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the annual inventory report for 2004 listing commercial activities based on OMB guidance; to the Committee on Finance.

EC–10088. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's Year 2004 Inventory of Commercial Activities; to the Committee on Energy and Natural Resources.

EC–10089. A communication from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA–141–FOR) received on December 6, 2004; to the Committee on Energy and Natural Resources.

EC–10090. A communication from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled

"Pennsylvania Regulatory Program" (PA-143-FOR) received on December 6, 2004; to the Committee on Energy and Natural Resources.

EC–10091. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (IN-141-FOR) received on December 6, 2004; to the Committee on Energy and Natural Resources.

EC–10092. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Office of Law Enforcement, U.S. Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Conferring Designated Port Status for Houston, Texas; Louisville, Kentucky; and Memphis, Tennessee" (RIN1018–AT59) received on December 6, 2004; to the Committee on Energy and Natural Resources.

EC–10093. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Designation of Critical Habitat for the California Tiger Salamander (Ambystoma californiense) in Santa Barbara County" (RIN1018–AT44) received on December 6, 2004; to the Committee on Energy and Natural Resources.

EC–10094. A communication from the Secretary of Education, transmitting, pursuant to law, the Annual Report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–10095. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report on the Refugee Resettlement Program for Fiscal Year 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–10096. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Report on the Community Services Block Grant Discretionary Activities: Community Economic Development Program (CEDP) projects funded during Fiscal Year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10097. A communication from the President of the Barry M. Goldwater Scholarship Foundation, transmitting, pursuant to law, the Fiscal Year 2004 Report on the Accountability of Tax Dollars Act (ADTA); to the Committee on Health, Education, Labor, and Pensions.

EC–10098. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on Temporary Assistance for Needy Families (TANF) Program dated September 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–10099. A communication from the Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Updating OSHA Based on National Consensus Standards; General, Incorporation by Reference; Hazardous Materials, Flammable and Combustible Liquids; General Environmental Controls, Temporary Labor Camps; Hand and Portable Powered Tools and Other Hand Held Equipment, Guarding of Portable Powered Tools; Welding, Cutting, and Brazing, Arc Welding and Cutting; Special Industries, Sawmills" (RIN1218-AC08) received on December 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–10100. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report on Charter for State Advisory Committees; to the Committee on the Judiciary.

EC–10101. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report describing the efforts undertaken by the U.S. Department of Justice Office of Victims of Crime (OVC) during Fiscal Year 2001 and 2002; to the Committee on the Judiciary.

EC–10102. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report describing the assignment of responsibility for the functions of the United States Parole Commission (USPC) regarding supervised release of District of Columbia offenders; to the Committee on the Judiciary.

EC–10103. A communication from the Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Agreement Between the Government of the United States of America and the Government of Canada Regarding Asylum Claims Made in Transit and at Land Border Ports-of-Entry" (RIN1615-AA91) received on December 6, 2004; to the Committee on the Judiciary.

EC–10104. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Asylum Claims Made by Aliens Arriving from Canada at Land Border Ports-of-Entry" (RIN1125–AA46) received on December 6, 2004; to the Committee on the Judiciary.

EC–10105. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of Four Compounds" (FRL7840–7) received on December 6, 2004; to the Committee on Environment and Public Works.

EC–10106. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference" (FRL7835-7) received on December 6, 2004; to the Committee on Environment and Public Works.

EC–10107. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Emergency Planning and Community Right-to-Know Act; Extremely Hazardous Substances List; Deletion of Phosment" (FRL7842-1) received on December 6, 2004; to the Committee on Environment and Public Works.

EC–10108. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List; Petition to Delist of Ethylene Glycol Monobutyl Ether" (FRL7841-8) received on December 6, 2004; to the Committee on Environment and Public Works.

EC–10109. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to Definition of Volatile Organic Compounds—Exclusion of t-Butyl Acetate" (FRL7840–8) received on December 6, 2004; to the Committee on Environment and Public Works.

EC–10110. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Oregon: Removal of Perchlorethylene Dry Cleaning Systems Rules" (FRL7839-5) received on December 6, 2004; to the Committee on Environment and Public Works.

EC–10111. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Indiana: Rules to Control Particulate Matter and Carbon Monoxide from Incinerators" (FRL7838-3) received on December 6, 2004; to the Committee on Environment and Public Works.

EC–10112. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC Requirements for Portable Fuel Containers" (FRL7845–3) received on December 6, 2004; to the Committee on Environment and Public Works.

EC–10113. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC Requirements for Consumer Products" (FRL7845–1) received on December 6, 2004; to the Committee on Environment and Public Works.

EC–10114. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Preliminary Assessment Information Reporting; Addition of Certain Chemicals" (FRL7366–8) received on December 6, 2004; to the Committee on Environment and Public Works.

EC–10115. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tennessee: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7846–2) received on December 6, 2004; to the Committee on Environment and Public Works.

EC–10116. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Statistical Programs of the United States Government for Fiscal Year 2005"; to the Committee on Governmental Affairs.

EC–10117. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–10118. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's fiscal year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10119. A communication from the Chairman of the Federal Communication

Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10120. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Governmental Affairs.

EC–10121. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Fiscal Year 2004 Annual Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10122. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Fiscal Year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10123. A communication from the Chairman of the Board of Governors of the United States Postal Service, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Governmental Affairs.

EC–10124. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Governmental Affairs.

EC–10125. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2004 through September 30, 2004; to the Committee on Governmental Affairs.

EC–10126. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the Fiscal Year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10127. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2004 through September 30, 2004; to the Committee on Governmental Affairs.

EC–10128. A communication from the Chief Financial Officer, United States Holocaust Museum, transmitting, pursuant to law, the Fiscal Year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10129. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2004 through September 30, 2004; to the Committee on Governmental Affairs.

EC–10130. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Fiscal Year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10131. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Fiscal Year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10132. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Fiscal Year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10133. A communication from the Acting Director, National Science Foundation, transmitting, pursuant to law, the Fiscal Year 2004 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–10134. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the Fiscal Year 2004 Performance and Accountability Act; to the Committee on Governmental Affairs.

EC–10135. A communication from the Acting Under Secretary of Defense, transmitting, pursuant to law, seven quarterly Selected Acquisition Reports (SARs) for the quarter ending September 30, 2004; to the Committee on Armed Services.

EC–10136. A communication from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of Defense, transmitting, pursuant to law, a report regarding a decision to implement performance by the Most Efficient Organization (MEO) for Physical Distribution in Bremerton, WA; to the Committee on Armed Services.

EC–10137. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account, and a report concerning the value of personal property that foreign nations have provided the United States for the global war on terrorism; to the Committee on Armed Services.

EC–10138. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Research and Development Contracting” (Case 2003–D067) received on November 22, 2004; to the Committee on Armed Services.

EC–10139. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Sealed Bidding” (Case 2003–D076) received on November 22, 2004; to the Committee on Armed Services.

EC–10140. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Publicizing Contract Actions” (Case 2003–D016) received on November 22, 2004; to the Committee on Armed Services.

EC–10141. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Cost Principles and Procedures” (Case 2003–D036) received on November 22, 2004; to the Committee on Armed Services.

EC–10142. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Laws Inapplicable to Commercial Subcontracts” (Case 2003–D018) received on November 22, 2004; to the Committee on Armed Services.

EC–10143. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Acquisition of Commercial Items” (Case 2003–D074) received on November 22, 2004; to the Committee on Armed Services.

EC–10144. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Insurance” (Case 2003–D037) received on November 22, 2004; to the Committee on Armed Services.

EC–10145. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Transition of Weapons-Related Prototype Projects to Follow-On Contracts” (Case 2003–D106) received on November 22, 2004; to the Committee on Armed Services.

EC–10146. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Federal Prison Industries—Deletion of Duplicative Text” (Case 2004–D005) received on November 22, 2004; to the Committee on Armed Services.

EC–10147. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Procedures, Guidance, and Information” (Case 2003–D090) received on November 22, 2004; to the Committee on Armed Services.

EC–10148. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Contractor Qualifications Relating to Contract Placement” (Case 2003–D011) received on November 22, 2004; to the Committee on Armed Services.

EC–10149. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Kyrgyzstan, Moldova, and the Ukraine; to the Committee on Foreign Relations.

EC–10150. A communication from the Assistant Secretary of Legislative Affairs, transmitting, pursuant to law, a report relative to information on U.S. military personnel and U.S. individual civilians retained as contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–10151. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of text and background statements of international agreement other than treaties; to the Committee on Foreign Relations.

EC–10152. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the preliminary fleet alternative fuel vehicle program report for fiscal year 2004; to the Committee on Foreign Relations.

EC–10153. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Poland; to the Committee on Foreign Relations.

EC–10154. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Italy; to the Committee on Foreign Relations.

EC–10155. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more with Japan; to the Committee on Foreign Relations.

EC–10156. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more with Japan; to the Committee on Foreign Relations.

EC–10157. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more with Mexico, Greece, and France; to the Committee on Foreign Relations.

EC–10158. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more with Kuwait; to the Committee on Foreign Relations.

EC–10159. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more with India; to the Committee on Foreign Relations.

EC–10160. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more with Columbia; to the Committee on Foreign Relations.

EC–10161. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more with the United Arab Emirates; to the Committee on Foreign Relations.

EC–10162. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Italy; to the Committee on Foreign Relations.

EC–10163. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more with Canada; to the Committee on Foreign Relations.

EC–10164. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC–10165. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report Waiving Prohibition on United States Military Assistance with Respect to Burundi, Guyana, and Liberia; to the Committee on Foreign Relations.

EC–10166. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report for 2003 on United States Participation in the United Nations; to the Committee on Foreign Relations.

EC–10167. A communication from the Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, the report of inventories of commercial and inherently governmental positions in the U.S. Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC–10168. A communication from the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the report on competitive sourcing efforts for fiscal year 2003; to the Committee on Commerce, Science, and Transportation.

EC–10169. A communication from the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the report of functions performed by the Agency that are not inherently governmental after the inventory has been reviewed by the Office of Management and Budget for 2003; to the Committee on Commerce, Science, and Transportation.

EC–10170. A communication from the Assistant Secretary, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984" (Doc. No. 03-15) received on November 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10171. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final rule to implement Amendments 48/48 to the Fishery Management Plans for Groundfish of the Bering Sea and Aleutian Islands Management Area, and Groundfish of the Gulf of Alaska" (RIN0648-AR77) received on November 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10172. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notice of Closure of the Recreational Red Snapper Component of the Reef Fish Fishery of the Gulf of Mexico" received on November 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10173. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #13—Adjustments of the Recreational Fisheries from the U.S.-Canada Border to Cape Falcon, Oregon" (ID 102604C) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10174. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Proper Disposal of Consumer Report Information and Records" (R411007) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10175. A communication from the Legal Counsel, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Part 51—Interconnection; Section 51.319 Specific Unbundling Requirements; Section 51.325 Notice of network changes: Public Notice Requirement; Section 51.331 Notice of network changes: Timing of notice; Section 51.333 Notice of Network Changes: Short Term Notice, Objections Thereto and Objections to Retirement of Copper Loops or Copper Subloops" (FCC04-248) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10176. A communication from the Senior Legal Advisor, International Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangement" (Doc. No. 94-102) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10177. A communication from the Chief, Network Technology Division, Office of Engineering and Technology, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "New Part 4 of the Commission's Rule Concerning Disruptions to Communications" (Doc. No. 04-35) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10178. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 1 of the Commission's Rules and Procedures for the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process" (Doc. No. 03-128) received on December 5, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10179. A communication from the Deputy Chief, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 15 regarding new requirements and measurement guidelines for Access Broadband over Power Line Systems, Carrier Current Systems, including Broadband over Power Line Systems" (Doc. No. 04-37 and 03-104) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10180. A communication from the Deputy Chief, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of part 2 of the Commission's rules to allocate spectrum below 3 GHz for mobile and fixed service to support the introduction of new advanced wireless services, including third generation wireless systems'' (Doc. No. 00-258) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10181. A communication from the Chief, Office of Engineering and Technology, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of part 2 of the Commission's rules to allocate spectrum below 3 GHz for mobile and fixed services to support the introduction of new advanced wireless services, including third generation wireless systems'' (Doc. No. 00-258) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10182. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Local Telephone Competition and Broadband Reporting'' (FCC 04-266) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10183. A communication from the Senior Attorney, Office of Chief Counsel, Research and Special Programs Administration, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Miscellaneous Changes to the Hazard Communication Requirements'' (RIN2137-AD28) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10184. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of Part 15 and other Parts of the Commission's Rules'' (Doc. No. 01-278) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10185. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Label Placement on Rear Impact Guards'' (RIN2127-AI04) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10186. A communication from the Attorney-General, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Rear Impact Guards'' (RIN2127-AI56) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10187. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Termination of Certain Emergencies with Respect to Yugoslavia and Related Removal of Restrictions on Transactions with Persons Identified by the Bracketed Initials (FRYM) under the Export Administration Regulations'' (RIN0694-AC84) received on November 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10188. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations: Removal of the List of Missile Projects and Expansion of Missile-related End-Use and End-User Controls'' (RIN0694-AC46) received on November 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10189. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC-8-102 Airplanes'' ((RIN2120-AA64)(2004-0485)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10190. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 and 11F Airplanes'' ((RIN2120-AA64)(2004-0484)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10191. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileria de Aeronautica SA (EMBRAER) model EMB-135 and EMB-145'' ((RIN2120-AA64)(2004-0483)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10192. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and Model A340-200 and 300 Airplanes'' ((RIN2120-AA64)(2004-0488)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10193. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc RG 211-22B, RB211-524, and RB211-535 Turbofan Engines'' ((RIN2120-AA64)(2004-0486)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10194. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777 Airplanes'' ((RIN2120-AA64)(2004-0487)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10195. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4 Airplanes and Model A300 B4-601, B4-603, B4-605R, B4-620, B4-622R, C4-605R Variant F, and F4-605R Airplanes'' ((RIN2120-AA64)(2004-0490)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10196. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-10, 10, DC-10-10F, DC-1-15, DC-10-30, DC-10-30F, DC-10-30F (KC10A and KDC-10), DC-10-40, DC-1—40F, MD-10-10F, and MD-10-30F Airplanes'' ((RIN2120-AA64)(2004-0489)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10197. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Smiley, Yoakum, and Markham, Texas'' (Doc. No. 02-248) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10198. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Windsor and Bethel, North Carolina'' (Doc. No. 04-72) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10199. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotment, FM Broadcast Stations (Susanville, Quincy, Corning, and Portola, California'' (Doc. No. 04-164) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10200. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Maplesville, Alabama)'' (Doc. No. 03-5) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10201. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Boligee, Alabama and Vaiden, Mississippi)'' (Doc. No. 04-213 and 04-216) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10202. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (El Indio, Texas)'' (Doc. No. 04-169) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10203. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cross City and Key Largo, Florida; McCall, Idaho)'' (Doc. No. 04-195—04-200) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10204. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dexter, Georgia)'' (Doc. No. 04-69) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10205. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Trenton and Burlington, New Jersey)'' (Doc. No. 04-150) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10206. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cordele, Dawson, and Pinehurst, Georgia)" (Doc. No. 04-33) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10207. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Green Bay, Wisconsin)" (Doc. No. 01-334) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10208. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Valley Mills, Teague, Brady, Hico, Meridian, San Saba, and Richland Springs, Texas)" (Doc. No. 01–47) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10209. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Telecommunications Services Inside Wiring, Customer Premises Equipment, In the Matter of the Cable TV Consumer Protection and Competition Act of 1992; Cable Home Wiring" (Doc. No. 95-184) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10210. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Kalispell, Montana)" (Doc. No. 04-283) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10211. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Greenwood, Mississippi)" (Doc. No. 04-187) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10212. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Sections 73.606(b) and 73.622(b), Table of Allotments, TV and DTV Broadcast Stations (Tulsa, Oklahoma)" (Doc. No. 04-260) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10213. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Calhoun, Georgia) and Reclassification of License of Station WYSF FM, Birmingham, Alabama" (Doc. No. 04-201) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10214. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Islamorada, Florida)" (Doc. No. 04-205) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10215. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Waitsburg, Washington)" (Doc. No. 04-168) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10216. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sells, Arizona)" (Doc. No. 02-376) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10217. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Greeley, Colorado)" (Doc. No. 04-253) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10218. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric CF6-80C2 Turbofan Engines" ((RIN2120–AA64) (2004–0505)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10219. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Models 190, 195 (L-126A, B, B), 195A, and 195B Airplanes" ((RIN2120–AA64)(2004–0506)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10220. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320 Series Airplanes)" (RIN2120–AA64) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10221. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 222, 222B, 222U, and 230 Helicopters" (RIN2120–AA64) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10222. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace (Salina, Kansas)" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10223. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney Canada Models PW 123, 123B, 123C, 123D, 123E, 123AF, 124B, 125B, 126A, PW127, 127E , 127F, and 127G Turboprop Engines" (RIN2120–AA64) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10224. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, 200, 200C, 300, 400, and 500 Series Airplanes" (RIN2120–AA64) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10225. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc RB211 Trent 800 Series Turbofan Engines" (RIN2120–AA64) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10226. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace (Hannibal, Missouri)" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10227. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace (Lamar, Missouri)" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10228. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace and Modification of Class D Airspace and Modification of Class E Airspace (Grand Island, Nebraska)" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10229. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace and Modification of Class E Airspace (Harrisonville, Missouri)" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10230. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace (Merrill, Wisconsin)" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10231. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace (Teller, Alaska)" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10232. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace (Jonesville, Virginia)" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10233. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Burwell, Nebraska" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10234. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; California, California" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10235. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Beaver, Alaska" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10236. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Nulato, Alaska" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10237. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Albert Lea, Minnesota" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10238. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Fremont, Nebraska" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10239. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (59)" (RIN2120–AA65) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10240. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Kennett, Missouri" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10241. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Joplin, Missouri" (RIN2120–AA66) received on December 6 , 2004; to the Committee on Commerce, Science, and Transportation.

EC–10242. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace and Modification of Class E Airspace; Grand Island, Nebraska" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10243. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (95)" (RIN2120–AA65) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10244. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Correction to Class E Airspace; Kalispell, Montana" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10245. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Przedsiebiorstwo Doswiadezalno-Produkcyjne Szybownictwa "PZL-Bielski" Model SZD 50–3 "Puchacz" Sailplane" (RIN2120–AA64) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10246. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Restricted Area 2503D: Camp Pendleton, California" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10247. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Alpine Airstrip, Nuiqsut, Alaska" (RIN2120–AA66) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10248. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Correction Bombardier Model CL 600 2C10, and CL 600 2D24 Series Airplanes" ((RIN2120–AA64(2004–0507)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10249. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Kelly Aerospace Power Systems B–Series Combustion Heaters Models B1500, B2030, B2500, B3040, B3500, B4050, and B4500" ((RIN2120–AA64)(2004–0508)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10250. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileria de Aeronautica SA Model EMB 120Series Airplanes" ((RIN2120–AA64)(2004–0357)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10251. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Stemme Gmbh and Co. Models S10, S10–V, and S10–CT Sailplanes" ((RIN2120–AA64)(2004–0358)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10252. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300–B4–600, B4–600R, C4–605R Variant F, and F4–600R, and A310 Series Airplanes" ((RIN2120–AA64)(2004–0359)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10253. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–100, 200B, 200C, 200F, 300, 400, 400D, 400F, and 747 SR Series Airplanes" ((RIN2120–AA64)(2004–0360)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10254. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8 102, 103, and 106 Airplanes" ((RIN2120–AA64)(2004–0361)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10255. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B4 600, B4 600R, and F4 600R Series Airplanes; and Models A310 Series Airplanes; Equipped with Pratt and Whitney JT9D–7R4 or 4000 Series Engines" ((RIN2120–AA64)(2004–0362)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10256. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce Corporation Models 250–C28, C–28B, and C–28 Turboshaft Engines" ((RIN2120–AA64)(2004–0363)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10257. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F28 Mark 0070 and 0100 Airplanes" ((RIN2120–AA64)(2004–0364)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10258. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330, A340–200 and A340–300 Series Airplanes" ((RIN2120–AA64)(2004–0365)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10259. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319–11, 112, 113, and 114; A320–111, 211, 212, and 214; and A321–111, 112, and 211 Series Airplanes" ((RIN2120–AA64)(2004–0366)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–10260. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus

Model A320-111, 211, 212, and 231" ((RIN2120-AA64)(2004-0367)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10261. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A310 Series Airplanes" ((RIN2120-AA64)(2004-0368)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10262. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 8 11, 8 12, 8 21, 8 31, 8 32, 8 33, 8 41, 8 42, 8 43, 8F 54 and 8F 55 Airplanes" ((RIN2120-AA64)(2004-0369)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10263. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Saab Model SAAB 2000 Series Airplanes" ((RIN2120-AA64)(2004-0370)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10264. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Correction Boeing Model 737-100, 200, 200C, 300, 400, and 500 Series Airplanes" ((RIN2120-AA64)(2004-0372)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10265. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes" ((RIN2120-AA64)(2004-0371)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10266. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Airplanes" ((RIN2120-AA64)(2004-0373)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10267. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas DC 9 82 and DC 9 83 Airplanes; and Model MD88 Airplanes" ((RIN2120-AA64)(2004-0374)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10268. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model 4101 Airplanes" ((RIN2120-AA64)(2004-0375)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10269. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Limited Model BAE 146 Series Airplanes and Model AVRO 146 RJ Series Airplanes" ((RIN2120-AA64)(2004-0376)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10270. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 and 11 F Airplanes" ((RIN2120-AA64)(2004-0377)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10271. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model 4101 Airplanes" ((RIN2120-AA64)(2004-0378)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10272. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Israel Aircraft Industries, Lrd Model 1121, 1121A, 1121B, 1123, 1124, and 1124A Series Airplanes" ((RIN2120-AA64)(2004-0379)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10273. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC8-400 Airplanes" ((RIN2120-AA64)(2004-0380)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10274. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The New Piper Aircraft, Inc. Models PA 28-161, 181, PA-28R-301, -301T, PA-32-301FT, PA-32-301XTC, PA-34-22OT, PA-44-180, PA-46-350P, and PA-46-500TP Airplanes" ((RIN2120-AA64)(2004-0381)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10275. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Model 525 Airplanes" ((RIN2120-AA64)(2004-0382)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10276. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: International Aero Engines AGV2500-AL, V2522-AL, V2524-A5, V2525-D5, V2527-A5, V2527M-A5, V2528-D5, V2530-A5, and V2533-A5 Turbofan Engines" ((RIN2120-AA64)(2004-0383)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10277. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135 and 145 Series Airplanes" ((RIN2120-AA64)(2004-0498)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10278. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters Inc Model 600N Helicopters" ((RIN2120-AA64)(2004-0500)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10279. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-400, 400D, and 400F Series Airplanes; Equipped with General Electric or Pratt and Whitney Series Engines" ((RIN2120-AA64)(2004-0499)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10280. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 and 2B19 Airplanes" ((RIN2120-AA64)(2004-0501)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10281. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Various Transport Category Airplanes on Which Cargo Restraint Strap Assemblies Have Been Installed per Supplemental Type Certificate" ((RIN2120-AA64)(2004-0502)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10282. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-300, 400, and 500 Series Airplanes" ((RIN2120-AA64)(2004-0503)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Model MU 300-10, 400, 400A, and 400T Series Airplanes; and Raytheon Model Beech MU 300 Airplanes" ((RIN2120-AA64)(2004-0504)) received on December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-10284. A message from the President of the United States, transmitting, pursuant to law, a report relative to the Federal Payment for Emergency Planning and Security Costs in the District of Columbia; to the Committee on Appropriations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM of South Carolina:

S. 3033. A bill for the relief of Ricardo F. Pedrotti; to the Committee on the Judiciary.

By Mr. PRYOR:

S. 3034. A bill for the relief of Susan Overton Huey; considered and passed.

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 3035. A bill to amend the Oil Pollution Act of 1990 to prevent oil spills and increase liability limits, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself, Mr. BIDEN, Ms. STABENOW , and Mr CORZINE):

S. Res. 485. A resolution expressing the sense of the Senate regarding the November 21, 2004, Presidential runoff election in Ukraine; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. DASCHLE, Mr. BURNS, and Mr. LEAHY):

S. Res. 486. A resolution relative to the death of J. Stanley Kimmitt, Former Secretary of the Senate; considered and agreed to.

By Mr. SMITH (for himself, Mr. BIDEN, Mr. LUGAR, Ms. STABENOW, Mr. MCCAIN, and Mr. CORZINE):

S. Res. 487. A resolution expressing the sense of the Senate regarding the November 21, 2004, Presidential runoff election in Ukraine; considered and agreed to.

ADDITIONAL COSPONSORS

S. 585

At the request of Mr. NELSON of Florida, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 585, a bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation.

S. 2672

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2672, a bill to establish an Independent National Security Classification Board in the executive branch, and for other purposes.

S. 2889

At the request of Mr. ALEXANDER, the names of the Senator from Texas (Mr. CORNYN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2889, a bill to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the National symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an endangered species under the Endangered Species Act of 1973, and for other purposes.

S. 2900

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2900, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Elizabeth Wanamaker Peratrovich and Roy Peratrovich in recognition of their outstanding and enduring contributions to civil rights and dignity of the Native peoples of Alaska and the Nation.

S. 2994

At the request of Ms. SNOWE, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2994, a bill to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Anti-deficiency Act, for a period of time.

S. 3026

At the request of Mr. TALENT, his name was added as a cosponsor of S. 3026, a bill to support the Boy Scouts of America and the Girl Scouts of the United States of America.

S. CON. RES. 152

At the request of Mr. ENZI, his name was added as a cosponsor of S. Con. Res. 152, a concurrent resolution expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

At the request of Mr. SESSIONS, his name was added as a cosponsor of S. Con. Res. 152, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 3035. A bill to amend the Oil Pollution Act of 1990 to prevent oil spills and increase liability limits, and for other purposes; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Oil Spill Prevention and Liability Act of 2004. This bill encourages the oil industry to speed up the shift to double-hull tankers by phasing out liability caps on oil spills involving single-hull tankers. My bill also updates the liability caps which haven't changed since 1990—for all other oil-carrying vessels and facilities.

I am introducing this bill because on November 26, the *Athos I*, a foreign-owned, single-hull tanker, leaked up to 473,000 gallons of Venezuelan crude oil into the Delaware River near Philadelphia. It is the Delaware River's worst oil spill in a decade. The effects of this spill are clearly devastating.

Eighty-five miles of shoreline have been contaminated. Scores of shorebirds have been killed and hunting and fishing areas have been closed. The spill is approaching inlets used as sources for drinking water. Two nuclear reactors have been shut down because contaminated water could damage cooling systems.

The effect on our economy is immense. The Philadelphia Delaware River ports have more calls by general cargo vessels than any other port system in the country. Now, restrictions have been placed on all ships entering the port, and ships leaving the port have to be decontaminated first.

The clean-up effort, headed by the U.S. Coast Guard, is remarkable.

I want to thank the men and women who are involved. More than 1,600 people and 145 vessels are working on this response effort. But we are told that it will take months to complete.

And because of the type of oil spilled by the ship raw crude oil the ecological impacts of this spill could last for decades.

What is so infuriating is that this spill didn't have to happen. So why did it happen? Because the oil industry is dragging its feet when it comes to shifting from single-hull vessels to double-hull vessels that is why.

They are supposed to be doing that under the Oil Pollution Act of 1990, a bill I co-sponsored. I also served on the conference committee on the bill.

The 1990 act was our response to the infamous *Exxon Valdez* oil spill in 1989, which devastated the pristine Prince William Sound of Alaska with more than 11 million gallons of oil.

We all remember the enormous cost of that spill to the community, the environment, and the economy—costs which continue to this day.

The 1990 act improved our ability to prevent and respond to oil spills.

Since that act was passed, we have not built any single-hull tankers in the United States. That is the good news. But the oil industry is still using old, single-hull vessels, and it is evident that the industry will continue to use them until the last minute, putting private profit over the public good. That is the bad news.

As of last year, 14 years after the most catastrophic oil spill in our Nation's history, there were still more single-hull tankers operating out of Valdez, AK, than double-hull tankers.

Apparently, the lessons of the *Exxon Valdez* have been lost on the oil industry. And now we are paying the price on the Delaware River.

When we passed the 1990 act, we gave the oil industry plenty of time to phase out single-hull tankers in an orderly fashion. But the industry hasn't acted in good faith. The fact is, the only way we are going to get the industry to stop relying on single-hull vessels is to lift the liability caps on their use.

That is why my bill phases out the liability cap for single-hull vessels by 2010, the same year the Coast Guard predicts that the Federal Oil Spill Trust Fund will run out of money. The Trust Fund has been used to clean up over 7,500 oil spills in nearly every State of the Nation.

Right now, the liability for the owner of the *Athos 1* is capped at $45 million.

That may seem like a lot, but the full costs of this spill may continue to accrue for years to come.

Why should we cap liability for companies that insist on using old, unsafe single-hull vessels when they are supposed to be upgrading their fleets to newer, safer double-hull vessels?

The bill I am introducing today has several other features to help protect our ports and waterways from oil spills:

It requires more frequent inspections of older single-hull tankers. Other countries do this; why shouldn't we? Are we getting their rejects?

The bill would double liability caps set in the 1990 act for other oil-carrying vessels and facilities. This provision is extremely important since, as I mentioned, the Federal Oil Spill Trust Fund will run out of money by 2010.

Also, since many ports simply can't handle an interruption of commerce that could be caused by a major oil spill, the bill would require the Coast Guard to establish procedures for determining what types of vessels and cargo are just too risky for certain ports to handle.

I am pleased that Senator CORZINE has joined me as a cosponsor of this bill.

I urge my other colleagues to support this bill, too. Single-hull oil tankers pose a titanic risk to our oceans, coasts, rivers, lakes, and ports: it is time we got back on the right course when it comes to fighting and cleaning up oil spills.

I ask unanimous consent that the text of the bill be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oil Spill Prevention and Liability Act of 2004".

SEC. 2. DEFINITION OF RESPONSIBLE PARTY.

Section 1001(32) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)) is amended by striking subparagraph (A) and inserting the following:

"(A) VESSELS.

"(i) IN GENERAL.—In the case of a vessel other than a single-hull tank vessel, any person that owns, operates, or demise charters the vessel.

"(ii) SINGLE-HULL TANK VESSELS.—In the case of a single-hull tank vessel, any person that—

"(I) owns, operates, or demise charters the vessel; or

"(II) by contract or agreement, through an agent, or otherwise, arranges for the shipment in a single-hull tank vessel of oil owned or possessed by the person or any other person.".

SEC. 3. LIMITS ON LIABILITY.

(a) INCREASE IN LIABILITY LIMITS.—Section 1004(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)) is amended—

(1) in paragraph (1)—

(A) by striking "for a tank vessel, the greater of—" and inserting "for a double-hull tank vessel, after December 31, 2004, the greater of—";

(B) in subparagraph (A), by striking "$1,200" and inserting "$2,400"; and

(C) in subparagraph (B)—

(i) in clause (i), by striking "$10,000,000" and inserting "$20,000,000"; and

(ii) in clause (ii), by striking "$2,000,000" and inserting "$4,000,000";

(2) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(3) by inserting after paragraph (1) the following:

"(2) for a single-hull tank vessel—

"(A) during the period beginning January 1, 2005, and ending December 31, 2005, the greater of—

"(i) $2,400 per gross ton; or

"(ii)(I) in the case of a vessel of greater than 3,000 gross tons, $20,000,000; or

"(II) in the case of a vessel of 3,000 gross tons or less, $4,000,000;

"(B) during the period beginning January 1, 2006, and ending December 31, 2006, the greater of—

"(i) $3,600 per gross ton; or

"(ii)(I) in the case of a vessel of greater than 3,000 gross tons, $30,000,000; or

"(II) in the case of a vessel of 3,000 gross tons or less, $6,000,000;

"(C) during the period beginning January 1, 2007, and ending December 31, 2007, the greater of—

"(i) $4,800 per gross ton; or

"(ii)(I) in the case of a vessel of greater than 3,000 gross tons, $40,000,000; or

"(II) in the case of a vessel of 3,000 gross tons or less, $8,000,000;

"(D) during the period beginning January 1, 2008, and ending December 31, 2008, the greater of—

"(i) $6,000 per gross ton; or

"(ii)(I) in the case of a vessel of greater than 3,000 gross tons, $50,000,000; or

"(II) in the case of a vessel of 3,000 gross tons or less, $10,000,000;

"(E) during the period beginning January 1, 2009, and ending December 31, 2009, the greater of—

"(i) $7,200 per gross ton; or

"(ii)(I) in the case of a vessel of greater than 3,000 gross tons, $60,000,000; or

"(II) in the case of a vessel of 3,000 gross tons or less, $12,000,000; and

"(F) after December 31, 2009, the maximum amount permitted under the Constitution;";

(4) in paragraph (3) (as redesignated by paragraph (2))—

(A) by striking "$600" and inserting "$1,200"; and

(B) by striking "$500,000" and inserting "$1,000,000";

(5) in paragraph (4) (as redesignated by paragraph (2)), by striking "$75,000,000" and inserting "$150,000,000"; and

(6) in paragraph (5) (as redesignated by paragraph (2)), by striking "$350,000,000" and inserting "$700,000,000".

(b) ADJUSTMENT OF LIABILITY LIMITS.—Section 1004(d) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) DEEPWATER PORTS AND ASSOCIATED VESSELS.—The Secretary may establish a limit of liability of less than $700,000,000, but not less than $100,000,000, for the transportation of oil by vessel to deepwater ports (as defined in section 3 of the Deepwater Port Act of 1974 (33 U.S.C. 1502)."; and

(2) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(c) ADJUSTMENT FOR INFLATION.—Paragraph (2) of section 1004(d) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)) (as redesignated by subsection (b)(2)) is amended—

(1) by striking "The President" and inserting "The Secretary of the department in which the Coast Guard is located, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of the Interior,"; and

(2) by striking "significant".

SEC. 4. CARRIAGE OF LIQUID BULK DANGEROUS CARGOES.

(a) CONDITIONS FOR ENTRY TO PORTS IN THE UNITED STATES.—Section 9 of the Ports and Waterways Safety Act (33 U.S.C. 1228) is amended by adding at the end the following:

"(c) RISK OF SEVERE HARM.—Not later than January 1, 2006, the Secretary of the department in which the Coast Guard is located shall promulgate regulations under which the owner or operator of a port on the navigable waters of the United States may, after December 31, 2009, request the Secretary of the department in which the Coast Guard is located to place restrictions on the entry into port of the shipment of an individual tank vessel, or class of tank vessels, that presents a risk of severe harm to the environment, economy, or public safety of the port or port region.".

(b) INSPECTION AND EXAMINATION.—Section 3714(a) of title 46, United States Code, is amended by adding at the end the following:

"(6) In addition to the inspections required under paragraphs (1) and (2), each single-hull tank vessel that is more than 15 years of age shall undergo an annual inspection in accordance with the Condition Assessment Scheme of the Marine Environment Protection Committee of the International Maritime Organization, adopted by Resolution 94(46) on April 27, 2001, as determined in accordance with regulations promulgated by the Secretary.".

SEC. 5. STUDY.

(a) ADMINISTRATION.—The Commandant of the Coast Guard shall offer to enter into a contract with the National Academy of Sciences to conduct a study to assess the total economic cost of oil spills, and the types of costs resulting from oil spills, in the United States.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to Congress a report describing the results of the study.

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on January 1, 2005.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 485—EXPRESSING THE SENSE OF THE SENATE REGARDING THE NOVEMBER 21, 2004, PRESIDENTIAL RUNOFF ELECTION IN UKRAINE

Mr. SMITH (for himself, Mr. BIDEN, Ms. STABENOW, and Mr. CORZINE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 485

Whereas on November 21, 2004, Ukraine held a presidential runoff election between former Prime Minister and opposition candidate Victor Yushchenko and current Prime Minister Victor Yanukovych;

Whereas the Ukrainian Central Election Commission reported that Mr. Yanukovych won 49.42 percent of the vote and Mr. Yushchenko won 46.7 percent of the vote in the runoff election, despite the fact that several exit polls indicated that Mr. Yushchenko secured significantly more votes than Mr. Yanukovych;

Whereas the International Election Observation Mission from the Organization for Security and Cooperation in Europe (OSCE) determined that the runoff election did not meet international standards for democratic elections, and specifically declared that state resources were abused to support the candidacy of Prime Minister Yanukovych;

Whereas the Committee of Voters of Ukraine, a nongovernmental electoral organization in Ukraine, reported on illegal voting by absentee ballot, multiple voting, assaults on electoral observers and journalists, the use of counterfeit ballots, and even kidnaping;

Whereas such reports of fraud were also echoed by Senator Richard Lugar of Indiana, Chairman of the Committee on Foreign Relations of the Senate, an observer to the runoff election designated by President George W. Bush;

Whereas since November 22, 2004, tens of thousands of people have engaged in peaceful demonstrations in Kiev, Ukraine, to protest the declaration by the Central Election Commission of Mr. Yanukovych as the winner of the runoff election;

Whereas antigovernment protests in support of opposition candidate Mr. Yushchenko took place in cities throughout Ukraine, and several city councils adopted resolutions that declared Mr. Yushchenko as the legally elected president;

Whereas on November 23, 2004, opposition candidate Mr. Yushchenko declared victory in the runoff election and took a symbolic oath of office;

Whereas the United States has called for a complete and immediate investigation into the conduct of the runoff election to examine fully the reports of fraud and corruption;

Whereas the European Union has also stated that authorities in Ukraine must redress election irregularities and that the reported results do not reflect the will of the people of Ukraine;

Whereas the Ukrainian Supreme Court blocked the publication of the official runoff election results stating that Mr. Yanukovych was the winner, thus preventing his inauguration as President of Ukraine until the court examined the reports of voter fraud;

Whereas on November 27, 2004, the Parliament of Ukraine passed a resolution declaring that there were violations of law during the runoff election but on November 30, 2004, with support from progovernment and communist parties, canceled the resolution;

Whereas 15 eastern and southern regions in Ukraine that supported the candidacy of Mr. Yanukovych threatened to split off from the country if an illegitimate president were to come to power;

Whereas on December 1, 2004, the Parliament of Ukraine passed a no confidence motion in the cabinet of Prime Minister Yanukovych as approximately 100,000 supporters of Mr. Yushchenko demonstrated in front of the parliament building;

Whereas Mr. Yanukovych and Mr. Yushchenko, along with European mediators and current Ukraine President Leonid Kuchma, began discussions on December 1, 2004, to attempt to work out a resolution to the standoff;

Whereas on December 3, 2004, the Ukrainian Supreme Court ruled that the November 21, 2004, runoff election was invalid and ordered a new vote on December 26, 2004;

Whereas on December 8, 2004, the Parliament of Ukraine passed electoral changes to reform the Central Election Commission and close loopholes for fraud, as well as constitutional changes to reduce the power of the President of Ukraine; and

Whereas the manner in which this crisis is resolved will have significant implications for the perceptions of the democratic institutions of Ukraine by the international community: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the widespread fraud in the November 21, 2004, runoff presidential election in Ukraine;

(2) objects to the separatist initiatives in Ukraine that are being used by one side to influence the outcome of the election dispute; and

(3) supports a peaceful political and legal settlement in Ukraine that is based on the principles of democracy and reflects the will of the people of Ukraine.

SENATE RESOLUTION 486—RELATIVE TO THE DEATH OF J. STANLEY KIMMITT, FORMER SECRETARY OF THE SENATE

Mr. FRIST (for himself, Mr. DASCHLE, Mr. BURNS, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 486

Whereas Stan Kimmitt served with distinction in the United States Army for 25 years, served in combat during World War II in Europe and later in Korea, received the Silver Star, the Legion of Merit, and the Bronze Star for Valor with Three Oak Leaf Clusters, and retired with the rank of Colonel;

Whereas Stan Kimmitt began his service to the United States Senate in 1965 as administrative assistant to Majority Leader Mike Mansfield;

Whereas Stan Kimmitt served as Secretary for the Majority of the Senate from 1966 until 1977;

Whereas Stan Kimmitt served as Secretary of the Senate from 1977 until 1981;

Whereas after a distinguished career in the United States Army, Stan Kimmitt served as an employee of the Senate of the United States and ably and faithfully upheld the high standards and traditions of the staff of the Senate from 1965 until 1981;

Whereas Stan Kimmitt faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life with honesty, integrity, loyalty and humility; and

Whereas Stan Kimmitt's clear understanding and appreciation of the challenges facing the Nation has left his mark on those many areas of public life: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Stan Kimmitt.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of Stan Kimmitt.

SENATE RESOLUTION 487—EXPRESSING THE SENSE OF THE SENATE REGARDING THE NOVEMBER 21, 2004, PRESIDENTIAL RUNOFF ELECTION IN UKRAINE

Mr. SMITH (for himself, Mr. BIDEN, Mr. LUGAR, Ms. STABENOW, Mr. MCCAIN, and Mr. CORZINE) submitted the following resolution; which was considered and agreed to:

S. RES. 487

Whereas on November 21, 2004, Ukraine held a presidential runoff election between former Prime Minister and opposition candidate Victor Yushchenko and current Prime Minister Victor Yanukovych;

Whereas the Ukrainian Central Election Commission reported that Mr. Yanukovych won 49.42 percent of the vote and Mr. Yushchenko won 46.7 percent of the vote in the runoff election, despite the fact that several exit polls indicated that Mr. Yushchenko secured significantly more votes than Mr. Yanukovych;

Whereas the International Election Observation Mission from the Organization for Security and Cooperation in Europe (OSCE) determined that the runoff election did not meet international standards for democratic elections, and specifically declared that state resources were abused to support the candidacy of Prime Minister Yanukovych;

Whereas the Committee of Voters of Ukraine, a nongovernmental electoral organization in Ukraine, reported on illegal voting by absentee ballot, multiple voting, assaults on electoral observers and journalists and the use of counterfeit ballots;

Whereas such reports of fraud were also echoed by Senator Richard Lugar of Indiana, Chairman of the Committee on Foreign Relations of the Senate, an observer to the runoff election designated by President George W. Bush;

Whereas since November 22, 2004, tens of thousands of people have engaged in peaceful demonstrations in Kiev, Ukraine, to protest the declaration by the Central Election Commission of Mr. Yanukovych as the winner of the runoff election;

Whereas antigovernment protests in support of opposition candidate Mr. Yushchenko took place in cities throughout Ukraine, and several city councils adopted resolutions that declared Mr. Yushchenko as the legally elected president;

Whereas on November 23, 2004, opposition candidate Mr. Yushchenko declared victory in the runoff election;

Whereas the United States has called for a complete and immediate investigation into the conduct of the runoff election to examine fully the reports of fraud and corruption;

Whereas the European Union has also stated that authorities in Ukraine must redress election irregularities and that the reported results do not reflect the will of the people of Ukraine;

Whereas the Ukrainian Supreme Court blocked the publication of the official runoff election results stating that Mr. Yanukovych was the winner, thus preventing his inauguration as President of Ukraine until the court examined the reports of voter fraud;

Whereas on November 27, 2004, the Parliament of Ukraine passed a resolution declaring that there were violations of law during the runoff election but on November 30, 2004, with support from progovernment and communist parties, canceled the resolution;

Whereas 15 eastern and southern regions in Ukraine that supported the candidacy of Mr. Yanukovych threatened to split off from the country if an illegitimate president were to come to power;

Whereas on December 1, 2004, the Parliament of Ukraine passed a no confidence motion in the cabinet of Prime Minister Yanukovych as approximately 100,000 supporters of Mr. Yushchenko demonstrated in front of the parliament building;

Whereas Mr. Yanukovych and Mr. Yushchenko, along with European mediators and current Ukraine President Leonid Kuchma, began discussions on December 1, 2004, to attempt to work out a resolution to the standoff;

Whereas on December 3, 2004, the Ukrainian Supreme Court ruled that the November 21, 2004, runoff election was invalid and ordered a new vote on December 26, 2004;

Whereas on December 8, 2004, the Parliament of Ukraine passed electoral changes to reform the Central Election Commission and close loopholes for fraud, as well as constitutional changes to reduce the power of the President of Ukraine; and

Whereas the manner in which this crisis is resolved will have significant implications for the perceptions of the democratic institutions of Ukraine by the international community: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the widespread fraud in the November 21, 2004, runoff presidential election in Ukraine; and

(2) supports a peaceful political and legal settlement in Ukraine that is based on the principles of democracy and reflects the will of the people of Ukraine.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4086. Mr. FRIST (for Mr. McCain (for himself and Mr. Cornyn)) proposed an amendment to the bill S. 2603, to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

SA 4087. Mr. FRIST (for Mr. Bingaman (for himself and Mr. Feingold)) proposed an amendment to the resolution S. Res. 387, commemorating the 40th Anniversary of the Wilderness Act.

SA 4088. Mr. FRIST (for Mr. Roberts) proposed an amendment to the bill H.R. 2121, to amend the Eisenhower Exchange Fellowship Act of 1990 to authorize additional appropriations for the Eisenhower Exchange Fellowship Program Trust Fund, and for other purposes.

TEXT OF AMENDMENTS

SA 4086. Mr. FRIST (for Mr. McCain (for himself and Mr. Cornyn)) proposed an amendment to the bill S. 2603, to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions; as follows:

TITLE I—JUNK FAXES

SEC. 101. SHORT TITLE.

This title may be cited as the "Junk Fax Prevention Act of 2004".

SEC. 102. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) Prohibition.—Section 227(b)(1)(C) of the Communications Act of 1934 (47 U.S.C. 227(b)(1)(C)) is amended to read as follows:

"(C) to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement, unless—

"(i) the unsolicited advertisement is from a sender with an established business relationship with the recipient;

"(ii) in the case of an unsolicited advertisement sent based on the established business relationship to a residential telephone facsimile machine, or, after the date of enactment of the Junk Fax Prevention Act of 2004, in the case of an unsolicited advertisement sent based on the established business relationship to a business telephone facsimile machine, such number was obtained by the sender through—

"(I) the voluntary communication of such number, within the context of such established business relationship, from the recipient of the unsolicited advertisement, or

"(II) a directory, advertisement, or site on the World Wide Web to which the recipient voluntarily agreed to make available its facsimile number for public distribution; and

"(iii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D), except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or".

(b) Definition of Established Business Relationship.—Section 227(a) of the Communications Act of 1934 (47 U.S.C. 227(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) The term 'established business relationship', for purposes only of subsection (b)(1)(C)(i), shall have the meaning given the term in section 64.1200 of title 47, Code of Federal Regulations, as in effect on January 1, 2003, except that—

"(A) such term shall include a relationship between a person or entity and a business subscriber subject to the same terms applicable under such section to a relationship between a person or entity and a residential subscriber; and

"(B) an established business relationship shall be subject to any time limitation established pursuant to paragraph (2)(G))".

(c) Required Notice of Opt-Out Opportunity.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(D) shall provide that a notice contained in an unsolicited advertisement complies with the requirements under this subparagraph only if—

"(i) the notice is clear and conspicuous and on the first page of the unsolicited advertisement;

"(ii) the notice states that the recipient may make a request to the sender of the unsolicited advertisement not to send any future unsolicited advertisements to a telephone facsimile machine or machines and that failure to comply, within the shortest reasonable time, as determined by the Commission, with such a request meeting the requirements under subparagraph (E) is unlawful;

"(iii) the notice sets forth the requirements for a request under subparagraph (E);

"(iv) the notice includes—

"(I) a domestic contact telephone and facsimile machine number for the recipient to transmit such a request to the sender; and

"(II) a cost-free mechanism for a recipient to transmit a request pursuant to such notice to the sender of the unsolicited advertisement; the Commission shall by rule require the sender to provide such a mechanism and may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, exempt certain classes of small business senders, but only if the Commission determines that the costs to such class are unduly burdensome given the revenues generated by such small businesses;

"(v) the telephone and facsimile machine numbers and the cost-free mechanism set forth pursuant to clause (iv) permit an individual or business to make such a request during regular business hours; and

"(vi) the notice complies with the requirements of subsection (d);".

(d) Request To Opt-Out of Future Unsolicited Advertisements.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsection (c), is further amended by adding at the end the following:

"(E) shall provide, by rule, that a request not to send future unsolicited advertisements to a telephone facsimile machine complies with the requirements under this subparagraph only if—

"(i) the request identifies the telephone number or numbers of the telephone facsimile machine or machines to which the request relates;

"(ii) the request is made to the telephone or facsimile number of the sender of such an unsolicited advertisement provided pursuant to subparagraph (D)(iv) or by any other method of communication as determined by the Commission; and

"(iii) the person making the request has not, subsequent to such request, provided express invitation or permission to the sender, in writing or otherwise, to send such advertisements to such person at such telephone facsimile machine;".

(e) Authority To Establish Nonprofit Exception.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c) and (d), is further amended by adding at the end the following:

"(F) may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, allow professional or trade associations that are tax-exempt nonprofit organizations to send unsolicited advertisements to their members in furtherance of the association's tax-exempt purpose that do not contain the notice required by paragraph (1)(C)(iii), except that the Commission may take action under this subparagraph only—

"(i) by regulation issued after public notice and opportunity for public comment; and

"(ii) if the Commission determines that such notice required by paragraph (1)(C)(iii) is not necessary to protect the ability of the members of such associations to stop such associations from sending any future unsolicited advertisements; and".

(f) AUTHORITY TO ESTABLISH TIME LIMIT ON ESTABLISHED BUSINESS RELATIONSHIP EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c), (d), and (e) of this section, is further amended by adding at the end the following:

"(G)(i) may, consistent with clause (ii), limit the duration of the existence of an established business relationship to a period after the last occurrence of an action sufficient to establish such a relationship, but only if—

"(I) the Commission determines that the existence of the exception under paragraph (1)(C) relating to an established business relationship has resulted in a significant number of complaints to the Commission regarding the sending of unsolicited advertisements to telephone facsimile machines;

"(II) upon review of such complaints referred to in subclause (I), the Commission has reason to believe that a significant number of such complaints involve unsolicited advertisements that were sent on the basis of an established business relationship that was longer in duration than the Commission believes is consistent with the reasonable expectations of consumers;

"(III) the Commission determines that the costs to senders of demonstrating the existence of an established business relationship within a specified period of time do not outweigh the benefits to recipients of establishing a limitation on such established business relationship; and

"(IV) the Commission determines that, with respect to small businesses, the costs are not unduly burdensome, given the revenues generated by small businesses, and taking into account the number of specific complaints to the Commission regarding the sending of unsolicited advertisements to telephone facsimile machines by small businesses; and

"(ii) may not commence a proceeding to determine whether to limit the duration of the existence of an established business relationship before the expiration of the 3-year period that begins on the date of the enactment of the Junk Fax Prevention Act of 2004.".

(g) UNSOLICITED ADVERTISEMENT.—Section 227(a)(5) of the Communications Act of 1934, as so redesignated by subsection (b)(1), is amended by inserting ", in writing or otherwise" before the period at the end.

(h) REGULATIONS.—Except as provided in section 227(b)(2)(G)(ii) of the Communications Act of 1934 (as added by subsection (f)), not later than 270 days after the date of enactment of this Act, the Federal Communications Commission shall issue regulations to implement the amendments made by this section.

SEC. 103. FCC ANNUAL REPORT REGARDING JUNK FAX ENFORCEMENT.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended by adding at the end the following:

"(g) JUNK FAX ENFORCEMENT REPORT.—The Commission shall submit an annual report to Congress regarding the enforcement during the past year of the provisions of this section relating to sending of unsolicited advertisements to telephone facsimile machines, which report shall include—

"(1) the number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertisement via telephone facsimile machine in violation of the Commission's rules;

"(2) the number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(3) the number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(4) for each notice referred to in paragraph (3)—

"(A) the amount of the proposed forfeiture penalty involved;

"(B) the person to whom the notice was issued;

"(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

"(D) the status of the proceeding;

"(5) the number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(6) for each forfeiture order referred to in paragraph (5)—

"(A) the amount of the penalty imposed by the order;

"(B) the person to whom the order was issued;

"(C) whether the forfeiture penalty has been paid; and

"(D) the amount paid;

"(7) for each case in which a person has failed to pay a forfeiture penalty imposed by such a final order, whether the Commission referred such matter for recovery of the penalty; and

"(8) for each case in which the Commission referred such an order for recovery—

"(A) the number of days from the date the Commission issued such order to the date of such referral;

"(B) whether an action has been commenced to recover the penalty, and if so, the number of days from the date the Commission referred such order for recovery to the date of such commencement; and

"(C) whether the recovery action resulted in collection of any amount, and if so, the amount collected.".

SEC. 104. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which study shall determine—

(1) the mechanisms established by the Commission to receive, investigate, and respond to such complaints;

(2) the level of enforcement success achieved by the Commission regarding such complaints;

(3) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and

(4) whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) ADDITIONAL ENFORCEMENT REMEDIES.—In conducting the analysis and making the recommendations required under subsection (a)(4), the Comptroller General shall specifically examine—

(1) the adequacy of existing statutory enforcement actions available to the Commission;

(2) the adequacy of existing statutory enforcement actions and remedies available to consumers;

(3) the impact of existing statutory enforcement remedies on senders of facsimiles;

(4) whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and

(5) whether establishing penalties and enforcement actions for repeat violators or abusive violations similar to those established under section 1037 of title 18, United States Code, would have a greater deterrent effect.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

TITLE II—PROFESSIONAL BOXING SAFETY

SEC. 201. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Professional Boxing Amendments Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 201. Short title; table of contents.
Sec. 202. Amendment of Professional Boxing Safety Act of 1996.
Sec. 203. Definitions.
Sec. 204. Purposes.
Sec. 205. United States Boxing Commission approval, or ABC or commission sanction, required for matches.
Sec. 206. Safety standards.
Sec. 207. Registration.
Sec. 208. Review.
Sec. 209. Reporting.
Sec. 210. Contract requirements.
Sec. 211. Coercive contracts.
Sec. 212. Sanctioning organizations.
Sec. 213. Required disclosures by sanctioning organizations.
Sec. 214. Required disclosures by promoters and broadcasters.
Sec. 215. Judges and referees.
Sec. 216. Medical registry.
Sec. 217. Conflicts of interest.
Sec. 218. Enforcement.
Sec. 219. Repeal of deadwood.
Sec. 220. Recognition of tribal law.
Sec. 221. Establishment of United States Boxing Commission.
Sec. 222. Study and report on definition of promoter.
Sec. 223. Effective date.

SEC. 202. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

SEC. 203. DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) COMMISSION.—The term 'Commission' means the United States Boxing Commission.

"(2) BOUT AGREEMENT.—The term 'bout agreement' means a contract between a promoter and a boxer that requires the boxer to participate in a professional boxing match for a particular date.

"(3) Boxer.—The term 'boxer' means an individual who fights in a professional boxing match.

"(4) Boxing commission.—The term 'boxing commission' means an entity authorized under State or tribal law to regulate professional boxing matches.

"(5) Boxer registry.—The term 'boxer registry' means any entity certified by the Commission for the purposes of maintaining records and identification of boxers.

"(6) Boxing service provider.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

"(7) Contract provision.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

"(8) Indian lands; Indian tribe.—The terms 'Indian lands' and 'Indian tribe' have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

"(9) Licensee.—The term 'licensee' means an individual who serves as a trainer, corner man, second, or cut man for a boxer.

"(10) Manager.—The term 'manager' means a person other than a promoter who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

"(11) Matchmaker.—The term 'matchmaker' means a person that proposes, selects, and arranges for boxers to participate in a professional boxing match.

"(12) Physician.—The term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action and who has training and experience in dealing with sports injuries, particularly head trauma.

"(13) Professional boxing match.—The term 'professional boxing match' means a boxing contest held in the United States between individuals for financial compensation. The term 'professional boxing match' does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Commission.

"(14) Promoter.—The term 'promoter'—

"(A) means the person primarily responsible for organizing, promoting, and producing a professional boxing match; but

"(B) does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

"(i) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

"(ii) there is no other person primarily responsible for organizing, promoting, and producing the match.

"(15) Promotional agreement.—The term 'promotional agreement' means a contract, for the acquisition of rights relating to a boxer's participation in a professional boxing match or series of boxing matches (including the right to sell, distribute, exhibit, or license the match or matches), with—

"(A) the boxer who is to participate in the match or matches; or

"(B) the nominee of a boxer who is to participate in the match or matches, or the nominee is an entity that is owned, controlled or held in trust for the boxer unless that nominee or entity is a licensed promoter who is conveying a portion of the rights previously acquired.

"(16) State.—The term 'State' means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

"(17) Sanctioning organization.—The term 'sanctioning organization' means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

"(A) between boxers who are residents of different States; or

"(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

"(18) Suspension.—The term 'suspension' includes within its meaning the temporary revocation of a boxing license.

"(19) Tribal organization.—The term 'tribal organization' has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).".

(b) Conforming Amendment.—Section 21 (15 U.S.C. 6312) is amended to read as follows:

"SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.

"(a) In General.—Notwithstanding any other provision of law, a tribal organization may establish a boxing commission to regulate professional boxing matches held on Indian land under the jurisdiction of that tribal organization.

"(b) Standards and Licensing.—A tribal organization that establishes a boxing commission shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

"(1) the otherwise applicable requirements of the State in which the Indian land on which the professional boxing match is held is located; or

"(2) the guidelines established by the United States Boxing Commission.

"(c) Application of Act to Boxing Matches on Tribal Lands.—The provisions of this Act apply to professional boxing matches held on tribal lands to the same extent and in the same way as they apply to professional boxing matches held in any State.".

SEC. 204. PURPOSES.

Section 3(2) (15 U.S.C. 6302(2)) is amended by striking "State".

SEC. 205. UNITED STATES BOXING COMMISSION APPROVAL, OR ABC OR COMMISSION SANCTION, REQUIRED FOR MATCHES.

(a) In General.—Section 4 (15 U.S.C. 6303) is amended to read as follows:

"SEC. 4. APPROVAL OR SANCTION REQUIREMENT.

"(a) In General.—No person may arrange, promote, organize, produce, or fight in a professional boxing match within the United States unless the match—

"(1) is approved by the Commission; and

"(2) is held in a State, or on tribal land of a tribal organization, that regulates professional boxing matches in accordance with standards and criteria established by the Commission.

"(b) Approval Presumed.—

"(1) In general.—For purposes of subsection (a), the Commission shall be presumed to have approved any match other than—

"(A) a match with respect to which the Commission has been informed of an alleged violation of this Act and with respect to which it has notified the supervising boxing commission that it does not approve;

"(B) a match advertised to the public as a championship match;

"(C) a match scheduled for 10 rounds or more; or

"(D) a match in which 1 of the boxers has—

"(i) suffered 10 consecutive defeats in professional boxing matches; or

"(ii) has been knocked out 5 consecutive times in professional boxing matches.

"(2) Delegation of approval authority.—Notwithstanding paragraph (1), the Commission shall be presumed to have approved a match described in subparagraph (B), (C), or (D) of paragraph (1) if—

"(A) the Commission has delegated in writing its approval authority with respect to that match to a boxing commission; and

"(B) the boxing commission has approved the match.

"(3) Knocked-out defined.—Except as may be otherwise provided by the Commission by rule, in paragraph (1)(D)(ii), the term 'knocked out' means knocked down and unable to continue after a count of 10 by the referee or stopped from continuing because of a technical knockout.".

(b) Conforming Amendment.—Section 19 (15 U.S.C. 6310) is repealed.

SEC. 206. SAFETY STANDARDS.

Section 5 (15 U.S.C. 6304) is amended—

(1) by striking "requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:" and inserting "requirements:";

(2) by adding at the end of paragraph (1) "The examination shall include testing for infectious diseases in accordance with standards established by the Commission.";

(3) by striking paragraph (2) and inserting the following:

"(2) An ambulance continuously present on site.";

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

"(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site."; and

(5) by striking "match." in paragraph (5), as redesignated, and inserting "match in an amount prescribed by the Commission.".

SEC. 207. REGISTRATION.

Section 6 (15 U.S.C. 6305) is amended—

(1) by inserting "or Indian tribe" after "State" the second place it appears in subsection (a)(2);

(2) by striking the first sentence of subsection (c) and inserting "A boxing commission shall, in accordance with requirements established by the Commission, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.";

(3) by striking "should" in the second sentence of subsection (c) and inserting "shall, at a minimum,"; and

(4) by adding at the end the following:

"(d) Copy of Registration and Identification Cards To Be Sent to Commission.—A boxing commission shall furnish a copy of each registration received under subsection (a), and each identification card issued under subsection (b), to the Commission.".

SEC. 208. REVIEW.

Section 7 (15 U.S.C. 6306) is amended—

(1) by striking "that, except as provided in subsection (b), no" in subsection (a)(2) and inserting "that no";

(2) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

"(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.";

(3) by striking subsection (b); and

(4) by striking "(a) PROCEDURES.—".

SEC. 209. REPORTING.

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking "48 business hours" and inserting "2 business days";

(2) by striking "bxoing" and inserting "boxing"; and

(3) by striking "each boxer registry." and inserting "the Commission.".

SEC. 210. CONTRACT REQUIREMENTS.

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

"SEC. 9. CONTRACT REQUIREMENTS.

"(a) IN GENERAL.—The Commission, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxer-manager contract, and promotional agreement. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

"(b) FILING AND APPROVAL REQUIREMENTS.—

"(1) COMMISSION.—A manager or promoter shall submit a copy of each boxer-manager contract and each promotional agreement between that manager or promoter and a boxer to the Commission, and, if requested, to the boxing commission with jurisdiction over the bout.

"(2) BOXING COMMISSION.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and approved by it.

"(c) BOND OR OTHER SURETY.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission.".

SEC. 211. COERCIVE CONTRACTS.

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting "OR ELIMINATION" after "MANDATORY" in the heading of subsection (b); and

(3) by inserting "or elimination" after "mandatory" in subsection (b).

SEC. 212. SANCTIONING ORGANIZATIONS.

(a) IN GENERAL.—Section 11 (15 U.S.C. 6307c) is amended to read as follows:

"SEC. 11. SANCTIONING ORGANIZATIONS.

"(a) OBJECTIVE CRITERIA.—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2004, the Commission shall develop guidelines for objective and consistent written criteria for the rating of professional boxers based on the athletic merits and professional record of the boxers. Within 90 days after the Commission's promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.

"(b) NOTIFICATION OF CHANGE IN RATING.—A sanctioning organization shall, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers—

"(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, including an explanation of the change, for a period of not less than 30 days;

"(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Commission;

"(3) provide the boxer an opportunity to appeal the ratings change to the sanctioning organization; and

"(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.

"(c) CHALLENGE OF RATING.—If, after disposing with an appeal under subsection (b)(3), a sanctioning organization receives a petition from a boxer challenging that organization's rating of the boxer, it shall (except to the extent otherwise required by the Commission), within 7 days after receiving the petition—

"(1) provide to the boxer a written explanation under penalty of perjury of the organization's rating criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer); and

"(2) submit a copy of its explanation to the Association of Boxing Commissions and the Commission for their review.".

(b) CONFORMING AMENDMENTS.—Section 18(e) (15 U.S.C. 6309(e)) is amended—

(1) by striking "FEDERAL TRADE COMMISSION," in the subsection heading and inserting "UNITED STATES BOXING COMMISSION"; and

(2) by striking "Federal Trade Commission," in paragraph (1) and inserting "United States Boxing Commission,".

SEC. 213. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.

Section 12 (15 U.S.C. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting "Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization, if any, for that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match, a written statement of—";

(2) by striking "will assess" in paragraph (1) and inserting "has assessed, or will assess,"; and

(3) by striking "will receive" in paragraph (2) and inserting "has received, or will receive,".

SEC. 214. REQUIRED DISCLOSURES BY PROMOTERS AND BROADCASTERS.

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking "promoters." in the section caption and inserting "promoters and broadcasters.";

(2) by striking so much of subsection (a) as precedes paragraph (1) and inserting the following:

"(a) DISCLOSURES TO BOXING COMMISSIONS AND THE COMMISSION.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match—";

(3) by striking "writing," in subsection (a)(1) and inserting "writing, other than a bout agreement previously provided to the commission,";

(4) by striking "all fees, charges, and expenses that will be" in subsection (a)(3)(A) and inserting "a written statement of all fees, charges, and expenses that have been, or will be,";

(5) by inserting "a written statement of" before "all" in subsection (a)(3)(B);

(6) by inserting "a statement of" before "any" in subsection (a)(3)(C);

(7) by striking the matter in subsection (b) following "BOXER.—" and preceding paragraph (1) and inserting "Within 7 days after a professional boxing match of 10 rounds or more, the promoter of the match shall provide to each boxer participating in the bout or match with whom the promoter has a bout or promotional agreement a statement of—";

(8) by striking "match;" in subsection (b)(1) and inserting "match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match;"; and

(9) by adding at the end the following:

"(d) REQUIRED DISCLOSURES BY BROADCASTERS.—

"(1) IN GENERAL.—A broadcaster that owns the television broadcast rights for a professional boxing match of 10 rounds or more shall, within 7 days after that match, provide to the Commission—

"(A) a statement of any advance, guarantee, or license fee paid or owed by the broadcaster to a promoter in connection with that match;

"(B) a copy of any contract executed by or on behalf of the broadcaster with—

"(i) a boxer who participated in that match; or

"(ii) the boxer's manager, promoter, promotional company, or other representative or the owner or representative of the site of the match; and

"(C) a list identifying sources of income received from the broadcast of the match.

"(2) COPY TO BOXING COMMISSION.—Upon request from the boxing commission in the State or Indian land responsible for regulating a match to which paragraph (1) applies, a broadcaster shall provide the information described in paragraph (1) to that boxing commission.

"(3) CONFIDENTIALITY.—The information provided to the Commission or to a boxing commission pursuant to this subsection shall be confidential and not revealed by the Commission or a boxing commission, except that the Commission may publish an analysis of the data in aggregate form or in a manner which does not disclose confidential information about identifiable broadcasters.

"(4) TELEVISION BROADCAST RIGHTS.—In paragraph (1), the term 'television broadcast rights' means the right to broadcast the match, or any part thereof, via a broadcast station, cable service, or multichannel video programming distributor as such terms are defined in section 3(5), 602(6), and 602(13) of the Communications Act of 1934 (47 U.S.C. 153(5), 602(6), and 602(13), respectively).".

SEC. 215. JUDGES AND REFEREES.

(a) IN GENERAL.—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting "(a) LICENSING AND ASSIGNMENT REQUIREMENT.—" before "No person";

(2) by striking "certified and approved" and inserting "selected";

(3) by inserting "or Indian lands" after "State"; and

(4) by adding at the end the following:

"(b) CHAMPIONSHIP AND 10-ROUND BOUTS.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Commission.

“(c) Role of Sanctioning Organization.—A sanctioning organization may provide a list of judges and referees deemed qualified by that organization to a boxing commission, but the boxing commission shall select, license, and appoint the judges and referees participating in the match.

“(d) Assignment of Nonresident Judges and Referees.—A boxing commission may assign judges and referees who reside outside that commission's State or Indian land.

“(e) Required Disclosure.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian land a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Commission.”.

(b) Conforming Amendment.—Section 14 (15 U.S.C. 6307f) is repealed.

SEC. 216. MEDICAL REGISTRY.

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

“SEC. 14. MEDICAL REGISTRY.

“(a) In General.—The Commission shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.

“(b) Content; Submission.—The Commission shall determine—

“(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and

“(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

“(c) Confidentiality.—The Commission shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—

“(1) protect the health and safety of boxers by making relevant information available to the boxing commissions for use but not public disclosure; and

“(2) ensure that the privacy of the boxers is protected.”.

SEC. 217. CONFLICTS OF INTEREST.

Section 17 (15 U.S.C. 6308) is amended—

(1) by striking “enforces State boxing laws,” in subsection (a) and inserting “implements State or tribal boxing laws, no officer or employee of the Commission,”;

(2) by striking “belong to,” and inserting “hold office in,” in subsection (a);

(3) by striking the last sentence of subsection (a);

(4) by striking subsection (b) and inserting the following:

“(b) Boxers.—A boxer may not own or control, directly or indirectly, an entity that promotes the boxer's bouts if that entity is responsible for—

“(1) executing a bout agreement or promotional agreement with the boxer's opponent; or

“(2) providing any payment or other compensation to—

“(A) the boxer's opponent for participation in a bout with the boxer;

“(B) the boxing commission that will regulate the bout; or

“(C) ring officials who officiate at the bout.”.

SEC. 218. ENFORCEMENT.

Section 18 (15 U.S.C. 6309) is amended—

(1) by striking “(a) Injunctions.—” in subsection (a) and inserting “(a) Actions by Attorney General.—”;

(2) by striking “enforces State boxing laws,” in subsection (b)(3) and inserting “implements State or tribal boxing laws, any officer or employee of the Commission,”;

(3) by inserting “has engaged in or” after “organization” in subsection (c);

(4) by striking “subsection (b)” in subsection (c)(3) and inserting “subsection (b), a civil penalty, or”; and

(5) by striking “boxer” in subsection (d) and inserting “person”.

SEC. 219. REPEAL OF DEADWOOD.

Section 20 (15 U.S.C. 6311) is repealed.

SEC. 220. RECOGNITION OF TRIBAL LAW.

Section 22 (15 U.S.C. 6313) is amended—

(1) by insert “**OR TRIBAL**” in the section heading after “**STATE**”; and

(2) by inserting “or Indian tribe” after “State”.

SEC. 221. ESTABLISHMENT OF UNITED STATES BOXING COMMISSION.

(a) In General.—The Act is amended by adding at the end the following:

“TITLE II—UNITED STATES BOXING COMMISSION

“SEC. 201. PURPOSE.

“The purpose of this title is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.

“SEC. 202. UNITED STATES BOXING COMMISSION.

“(a) In General.—The United States Boxing Commission is established as a commission within the Department of Commerce.

“(b) Members.—

“(1) In general.—The Commission shall consist of 3 members appointed by the President, by and with the advice and consent of the Senate.

“(2) Qualifications.—

“(A) In general.—Each member of the Commission shall be a citizen of the United States who—

“(i) has extensive experience in professional boxing activities or in a field directly related to professional sports;

“(ii) is of outstanding character and recognized integrity; and

“(iii) is selected on the basis of training, experience, and qualifications and without regard to political party affiliation.

“(B) Specific qualifications for certain members.—At least 1 member of the Commission shall be a former member of a local boxing authority. If practicable, at least 1 member of the Commission shall be a physician or other health care professional duly licensed as such.

“(C) Disinterested persons.—No member of the Commission may, while serving as a member of the Commission—

“(i) be engaged as a professional boxer, boxing promoter, agent, fight manager, matchmaker, referee, judge, or in any other capacity in the conduct of the business of professional boxing;

“(ii) have any pecuniary interest in the earnings of any boxer or the proceeds or outcome of any boxing match; or

“(iii) serve as a member of a boxing commission.

“(3) Bipartisan membership.—Not more than 2 members of the Commission may be members of the same political party.

“(4) Geographic balance.—Not more than 2 members of the Commission may be residents of the same geographic region of the United States when appointed to the Commission. For purposes of the preceding sentence, the area of the United States east of the Mississippi River is a geographic region, and the area of the United States west of the Mississippi River is a geographic region.

“(5) Terms.—

“(A) In general.—The term of a member of the Commission shall be 3 years.

“(B) Reappointment.—Members of the Commission may be reappointed to the Commission.

“(C) Midterm vacancies.—A member of the Commission appointed to fill a vacancy in the Commission occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that unexpired term.

“(D) Continuation pending replacement.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

“(6) Removal.—A member of the Commission may be removed by the President only for cause.

“(c) Executive Director.—

“(1) In general.—The Commission shall employ an Executive Director to perform the administrative functions of the Commission under this Act, and such other functions and duties of the Commission as the Commission shall specify.

“(2) Discharge of functions.—Subject to the authority, direction, and control of the Commission the Executive Director shall carry out the functions and duties of the Commission under this Act.

“(d) General Counsel.—The Commission shall employ a General Counsel to provide legal counsel and advice to the Executive Director and the Commission in the performance of its functions under this Act, and to carry out such other functions and duties as the Commission shall specify.

“(e) Staff.—The Commission shall employ such additional staff as the Commission considers appropriate to assist the Executive Director and the General Counsel in carrying out the functions and duties of the Commission under this Act.

“(f) Compensation.—

“(1) Members of commission.—

“(A) In general.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

“(B) Travel expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

“(2) Executive director and staff.—The Commission shall fix the compensation of the Executive Director, the General Counsel, and other personnel of the Commission. The rate of pay for the Executive Director, the General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“SEC. 203. FUNCTIONS.

“(a) Primary Functions.—The primary functions of the Commission are—

“(1) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and

“(2) to ensure uniformity, fairness, and integrity in professional boxing.

“(b) Specific Functions.—The Commission shall—

“(1) administer title I of this Act;

“(2) promulgate uniform standards for professional boxing in consultation with the Association of Boxing Commissions;

“(3) except as otherwise determined by the Commission, oversee all professional boxing matches in the United States;

“(4) work with the boxing commissions of the several States and tribal organizations—

“(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

“(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

“(C) to improve the status and standards of professional boxing in the United States;

“(5) ensure, in cooperation with the Attorney General (who shall represent the Commission in any judicial proceeding under this Act), the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

“(6) review boxing commission regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Commission under this title;

“(7) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

“(8) if the Commission determines it to be appropriate, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Commission;

“(9) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Commission determines to be reasonable; and

“(10) promulgate rules, regulations, and guidance, and take any other action necessary and proper to accomplish the purposes of, and consistent with, the provisions of this title.

“(c) Prohibitions.—The Commission may not—

“(1) promote boxing events or rank professional boxers; or

“(2) provide technical assistance to, or authorize the use of the name of the Commission by, boxing commissions that do not comply with requirements of the Commission.

“(d) Use of Name.—The Commission shall have the exclusive right to use the name ‘United States Boxing Commission’. Any person who, without the permission of the Commission, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Commission for the purpose of inducing the sale or exchange of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Commission for the remedies provided in the Act of July 5, 1946 (commonly known as the ‘Trademark Act of 1946’; 15 U.S.C. 1051 et seq.)

“SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

“(a) Licensing.—

“(1) Requirement for license.—No person may compete in a professional boxing match or serve as a boxing manager, boxing promoter, or sanctioning organization for a professional boxing match except as provided in a license granted to that person under this subsection.

“(2) Application and term.—

“(A) In general.—The Commission shall—

“(i) establish application procedures, forms, and fees;

“(ii) establish and publish appropriate standards for licenses granted under this section; and

“(iii) issue a license to any person who, as determined by the Commission, meets the standards established by the Commission under this title.

“(B) Duration.—A license issued under this section shall be for a renewable—

“(i) 4-year term for a boxer; and

“(ii) 2-year term for any other person.

“(C) Procedure.—The Commission may issue a license under this paragraph through boxing commissions or in a manner determined by the Commission.

“(b) Licensing Fees.—

“(1) Authority.—The Commission may prescribe and charge reasonable fees for the licensing of persons under this title. The Commission may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Commission.

“(2) Limitations.—In setting and charging fees under paragraph (1), the Commission shall ensure that, to the maximum extent practicable—

“(A) club boxing is not adversely effected;

“(B) sanctioning organizations and promoters pay comparatively the largest portion of the fees; and

“(C) boxers pay as small a portion of the fees as is possible.

“(3) Collection.—Fees established under this subsection may be collected through boxing commissions or by any other means determined appropriate by the Commission.

“SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.

“(a) Requirement for Registry.—The Commission shall establish and maintain (or authorize a third party to establish and maintain) a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

“(b) Contents.—The information in the registry shall include the following:

“(1) Boxers.—A list of professional boxers and data in the medical registry established under section 114 of this Act, which the Commission shall secure from disclosure in accordance with the confidentiality requirements of section 114(c).

“(2) Other personnel.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Commission as performing a professional activity for professional boxing matches.

“SEC. 206. CONSULTATION REQUIREMENTS.

“The Commission shall consult with the Association of Boxing Commissions—

“(1) before prescribing any regulation or establishing any standard under the provisions of this title; and

“(2) not less than once each year regarding matters relating to professional boxing.

“SEC. 207. MISCONDUCT.

“(a) Suspension and Revocation of License or Registration.—

“(1) Authority.—The Commission may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Commission finds that—

“(A) the license holder has violated any provision of this Act;

“(B) there are reasonable grounds for belief that a standard prescribed by the Commission under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license; or

“(C) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest.

“(2) Period of suspension.—

“(A) In general.—A suspension of a license under this section shall be effective for a period determined appropriate by the Commission except as provided in subparagraph (B).

“(B) Suspension for medical reasons.—In the case of a suspension or denial of the license of a boxer for medical reasons by the Commission, the Commission may terminate the suspension or denial at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Commission shall prescribe the standards and procedures for accepting certifications under this subparagraph.

“(3) Period of revocation.—In the case of a revocation of the license of a boxer, the revocation shall be for a period of not less than 1 year.

“(b) Investigations and Injunctions.—

“(1) Authority.—The Commission may—

“(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this Act or any regulation prescribed under this Act;

“(B) require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated;

“(C) in its discretion, publish information concerning any violations; and

“(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this Act, in the prescribing of regulations under this Act, or in securing information to serve as a basis for recommending legislation concerning the matters to which this Act relates.

“(2) Powers.—

“(A) In general.—For the purpose of any investigation under paragraph (1) or any other proceeding under this title—

“(i) any officer designated by the Commission may administer oaths and affirmations, subpoena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records the Commission considers relevant or material to the inquiry; and

“(ii) the provisions of sections 6002 and 6004 of title 18, United States Code, shall apply.

“(B) Witnesses and evidence.—The attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the United States, including Indian land, at any designated place of hearing.

“(3) Enforcement of subpoenas.—

“(A) Civil action.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may file an action in any district court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Commission to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

"(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that court.

"(C) PROCESS.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

"(4) EVIDENCE OF CRIMINAL MISCONDUCT.—

"(A) IN GENERAL.—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Commission, in obedience to the subpoena of the Commission, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

"(B) LIMITED IMMUNITY.—No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning the matter about which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(5) INJUNCTIVE RELIEF.—If the Commission determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this Act, or of any regulation prescribed under this Act, the Commission may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

"(6) MANDAMUS.—Upon application of the Commission, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Commission.

"(c) INTERVENTION IN CIVIL ACTIONS.—

"(1) IN GENERAL.—The Commission, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a district court of the United States.

"(2) AMICUS FILING.—The Commission may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

"(d) HEARINGS BY COMMISSION.—Hearings conducted by the Commission under this Act shall be public and may be held before any officer of the Commission. The Commission shall keep appropriate records of the hearings.

"SEC. 208. NONINTERFERENCE WITH BOXING COMMISSIONS.

"(a) NONINTERFERENCE.—Nothing in this Act prohibits any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this Act.

"(b) MINIMUM STANDARDS.—Nothing in this Act prohibits any boxing commission from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Commission under this Act.

"SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

"Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Commission, upon the request of the Commission, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

"SEC. 210. REPORTS.

"(a) ANNUAL REPORT.—The Commission shall submit a report on its activities to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include—

"(1) a detailed discussion of the activities of the Commission for the year covered by the report; and

"(2) an overview of the licensing and enforcement activities of the State and tribal organization boxing commissions.

"(b) PUBLIC REPORT.—The Commission shall annually issue and publicize a report of the Commission on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing, which shall include comments on issues of continuing concern to the Commission.

"(c) FIRST ANNUAL REPORT ON THE COMMISSION.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

"SEC. 211. INITIAL IMPLEMENTATION.

"(a) TEMPORARY EXEMPTION.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

"(b) EXPIRATION.—The exemption under subsection (a) with respect to a license issued by a boxing commission expires on the earlier of—

"(A) the date on which the license expires; or

"(B) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2004.

"SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated for the Commission for each fiscal year such sums as may be necessary for the Commission to perform its functions for that fiscal year.

"(b) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

"(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

"(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

"(3) shall remain available until expended.".

(b) CONFORMING AMENDMENTS.—

(1) PBSA.—The Professional Boxing Safety Act of 1996, as amended by this Act, is further amended—

(A) by striking section 1 and inserting the following:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Professional Boxing Safety Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Section 1. Short title; table of contents.
"Sec. 2. Definitions.

"TITLE I—PROFESSIONAL BOXING SAFETY

"Sec. 101. Purposes.
"Sec. 102. Approval or sanction requirement.
"Sec. 103. Safety standards.
"Sec. 104. Registration.
"Sec. 105. Review.
"Sec. 106. Reporting.
"Sec. 107. Contract requirements.
"Sec. 108. Protection from coercive contracts.
"Sec. 109. Sanctioning organizations.
"Sec. 110. Required disclosures to State boxing commissions by sanctioning organizations.
"Sec. 111. Required disclosures by promoters and broadcasters.
"Sec. 112. Medical registry.
"Sec. 113. Confidentiality.
"Sec. 114. Judges and referees.
"Sec. 115. Conflicts of interest.
"Sec. 116. Enforcement.
"Sec. 117. Professional boxing matches conducted on Indian lands.
"Sec. 118. Relationship with State or Tribal law.

"TITLE II—UNITED STATES BOXING COMMISSION

"Sec. 201. Purpose.
"Sec. 202. United States Boxing Commission.
"Sec. 203. Functions.
"Sec. 204. Licensing and registration of boxing personnel.
"Sec. 205. National registry of boxing personnel.
"Sec. 206. Consultation requirements.
"Sec. 207. Misconduct.
"Sec. 208. Noninterference with boxing commissions
"Sec. 209. Assistance from other agencies.
"Sec. 210. Reports.
"Sec. 211. Initial implementation.
"Sec. 212. Authorization of appropriations.";

(B) by inserting before section 3 the following:

"TITLE I—PROFESSIONAL BOXING SAFETY";

(C) by redesignating sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 22 as sections 101 through 118, respectively;

(D) by striking subsection (a) of section 113, as redesignated, and inserting the following:

"(a) IN GENERAL.—Except to the extent required in a legal, administrative, or judicial proceeding, a boxing commission, an Attorney General, or the Commission may not disclose to the public any matter furnished by a promoter under section 111.";

(E) by striking "section 13" in subsection (b) of section 113, as redesignated, and inserting "section 111";

(F) by striking "9(b), 10, 11, 12, 13, 14, or 16," in paragraph (1) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114,";

(G) by striking "9(b), 10, 11, 12, 13, 14, or 16" in paragraph (2) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114";

(H) by striking "section 17(a)" in subsection (b)(3) of section 116, as redesignated, and inserting "section 115(a)";

(I) by striking "section 10" in subsection (e)(3) of section 116, as redesignated, and inserting "section 108"; and

(J) by striking "of this Act" each place it appears in sections 101 through 120, as redesignated, and inserting "of this title".

(2) COMPENSATION OF MEMBERS. Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Members of the United States Boxing Commission.".

SEC. 222. STUDY AND REPORT ON DEFINITION OF PROMOTER.

(a) STUDY.—The United States Boxing Commission shall conduct a study on how the term "promoter" should be defined for purposes of the Professional Boxing Safety Act.

(b) HEARINGS. As part of that study, the Commission shall hold hearings and solicit testimony at those hearings from boxers, managers, promoters, premium, cable, and satellite program service providers, hotels, casinos, resorts, and other commercial establishments that host or sponsor professional boxing matches, and other interested parties with respect to the definition of that term as it is used in the Professional Boxing Safety Act.

(c) REPORT. Not later than 12 months after the date of the enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study conducted under subsection (a). The report shall

(1) set forth a proposed definition of the term "promoter" for purposes of the Professional Boxing Safety Act; and

(2) describe the findings, conclusions, and rationale of the Commission for the proposed definition, together with any recommendations of the Commission, based on the study.

SEC. 223. EFFECTIVE DATE.

(a) IN GENERAL. Except as provided in subsection (b), the amendments made by this title shall take effect on the date of enactment of this Act.

(b) 1-YEAR DELAY FOR CERTAIN TITLE II PROVISIONS.—Sections 205 through 212 of the Professional Boxing Safety Act of 1996, as added by section 221(a) of this title, shall take effect 1 year after the date of enactment of this Act.

TITLE III—INTELLECTUAL PROPERTY

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Entertainment and Copyright Act of 2004".

TITLE I—ARTISTS' RIGHTS AND THEFT PREVENTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Artists' Rights and Theft Prevention Act of 2004" or the "ART Act".

SEC. 102. CRIMINAL PENALTIES FOR UNAUTHORIZED RECORDING OF MOTION PICTURES IN A MOTION PICTURE EXHIBITION FACILITY.

(a) IN GENERAL. Chapter 113 of title 18, United States Code, is amended by adding after section 2319A the following new section:

"§ 2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility

"(a) OFFENSE. Any person who, without the authorization of the copyright owner, knowingly uses or attempts to use an audiovisual recording device to transmit or make a copy of a motion picture or other audiovisual work protected under title 17, or any part thereof, from a performance of such work in a motion picture exhibition facility, shall—

"(1) be imprisoned for not more than 3 years, fined under this title, or both; or

"(2) if the offense is a second or subsequent offense, be imprisoned for no more than 6 years, fined under this title, or both.

The possession by a person of an audiovisual recording device in a motion picture exhibition facility may be considered as evidence in any proceeding to determine whether that person committed an offense under this subsection, but shall not, by itself, be sufficient to support a conviction of that person for such offense.

"(b) FORFEITURE AND DESTRUCTION. When a person is convicted of a violation of subsection (a), the court in its judgment of conviction shall, in addition to any penalty provided, order the forfeiture and destruction or other disposition of all unauthorized copies of motion pictures or other audiovisual works protected under title 17, or parts thereof, and any audiovisual recording devices or other equipment used in connection with the offense.

"(c) AUTHORIZED ACTIVITIES. This section does not prevent any lawfully authorized investigative, protective, or intelligence activity by an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or a person acting under a contract with the United States, a State, or a political subdivision of a State.

"(d) IMMUNITY FOR THEATERS. With reasonable cause, the owner or lessee of a facility where a motion picture is being exhibited, the authorized agent or employee of such owner or lessee, the licensor of the motion picture being exhibited, or the agent or employee of such licensor

"(1) may detain, in a reasonable manner and for a reasonable time, any person suspected of a violation of this section for the purpose of questioning or summoning a law enforcement officer; and

"(2) shall not be held liable in any civil or criminal action arising out of a detention under paragraph (1).

"(e) VICTIM IMPACT STATEMENT.—

"(1) IN GENERAL.—During the preparation of the presentence report under rule 32(c) of the Federal Rules of Criminal Procedure, victims of an offense under this section shall be permitted to submit to the probation officer a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

"(2) CONTENTS. A victim impact statement submitted under this subsection shall include—

"(A) producers and sellers of legitimate works affected by conduct involved in the offense;

"(B) holders of intellectual property rights in the works described in subparagraph (A); and

"(C) the legal representatives of such producers, sellers, and holders.

"(f) STATE LAW NOT PREEMPTED. Nothing in this section may be construed to annul or limit any rights or remedies under the laws of any State.

"(g) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) TITLE 17 DEFINITIONS. The terms 'audiovisual work', 'copy', 'copyright owner', 'motion picture', 'motion picture exhibition facility', and 'transmit' have, respectively, the meanings given those terms in section 101 of title 17.

"(2) AUDIOVISUAL RECORDING DEVICE. The term 'audiovisual recording device' means a digital or analog photographic or video camera, or any other technology or device capable of enabling the recording or transmission of a copyrighted motion picture or other audiovisual work, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319A the following:

"2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility.".

(c) DEFINITION.—Section 101 of title 17, United States Code, is amended by inserting after the definition of "Motion pictures" the following:

"The term 'motion picture exhibition facility' means a movie theater, screening room, or other venue that is being used primarily for the exhibition of a copyrighted motion picture, if such exhibition is open to the public or is made to an assembled group of viewers outside of a normal circle of a family and its social acquaintances.".

SEC. 103. CRIMINAL INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) PROHIBITED ACTS. Section 506(a) of title 17, United States Code, is amended to read as follows:

"(a) CRIMINAL INFRINGEMENT.—

"(1) IN GENERAL.—Any person who willfully infringes a copyright shall be punished as provided under section 2319 of title 18, if the infringement was committed—

"(A) for purposes of commercial advantage or private financial gain;

"(B) by the reproduction or distribution, including by electronic means, during any 180-day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than $1,000; or

"(C) by the distribution of a work being prepared for commercial distribution, by making it available on a computer network accessible to members of the public, if such person knew or should have known that the work was intended for commercial distribution.

"(2) EVIDENCE.—For purposes of this subsection, evidence of reproduction or distribution of a copyrighted work, by itself, shall not be sufficient to establish willful infringement of a copyright.

"(3) DEFINITION. In this subsection, the term 'work being prepared for commercial distribution' means—

"(A) a computer program, a musical work, a motion picture or other audiovisual work, or a sound recording, if at the time of unauthorized distribution—

"(i) the copyright owner has a reasonable expectation of commercial distribution; and

"(ii) the copies or phonorecords of the work have not been commercially distributed; or

"(B) a motion picture, if at the time of unauthorized distribution, the motion picture—

"(i) has been made available for viewing in a motion picture exhibition facility; and "(ii) has not been made available in copies for sale to the general public in the United States in a format intended to permit viewing outside a motion picture exhibition facility."

(b) Criminal Penalties.—Section 2319 of title 18, United States Code, is amended

(1) in subsection (a)—

(A) by striking "Whoever" and inserting "Any person who"; and

(B) by striking "and (c) of this section" and inserting ", (c), and (d)";

(2) in subsection (b), by striking "section 506(a)(1)" and inserting "section 506(a)(1)(A)";

(3) in subsection (c), by striking "section 506(a)(2) of title 17, United States Code" and inserting "section 506(a)(1)(B) of title 17";

(4) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(5) by adding after subsection (c) the following:

"(d) Any person who commits an offense under section 506(a)(1)(C) of title 17—

"(1) shall be imprisoned not more than 3 years, fined under this title, or both;

"(2) shall be imprisoned not more than 5 years, fined under this title, or both, if the offense was committed for purposes of commercial advantage or private financial gain;

"(3) shall be imprisoned not more than 6 years, fined under this title, or both, if the offense is a second or subsequent offense; and

"(4) shall be imprisoned not more than 10 years, fined under this title, or both, if the offense is a second or subsequent offense under paragraph (2)."; and

(6) in subsection (f), as redesignated—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the term 'financial gain' has the meaning given the term in section 101 of title 17; and

"(4) the term 'work being prepared for commercial distribution' has the meaning given the term in section 506(a) of title 17.".

SEC. 104. CIVIL REMEDIES FOR INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) Preregistration.—Section 408 of title 17, United States Code, is amended by adding at the end the following:

"(f) Preregistration of Works Being Prepared for Commercial Distribution.—

"(1) Rulemaking.—Not later than 180 days after the date of enactment of this subsection, the Register of Copyrights shall issue regulations to establish procedures for preregistration of a work that is being prepared for commercial distribution and has not been published.

"(2) Class of works.—The regulations established under paragraph (1) shall permit preregistration for any work that is in a class of works that the Register determines has had a history of infringement prior to authorized commercial distribution.

"(3) Application for registration.—Not later than 3 months after a the first publication of a work preregistered under this subsection, the applicant shall submit to the Copyright Office—

"(A) an application for registration of the work;

"(B) a deposit; and

"(C) the applicable fee.

"(4) Effect of untimely application.—An action under this chapter for infringement of a preregistered work, in a case in which the infringement commenced no later than 2 months after the first publication of the work shall be dismissed if the items described in paragraph (3) are not submitted to the Copyright Office in proper form within the earlier of—

"(A) 3 months after the first publication of the work; or

"(B) 1 month after the copyright owner has learned of the infringement.".

(b) Infringement Actions.—Section 411(a) of title 17, United States Code, is amended by inserting "preregistration or" after "shall be instituted until".

(c) Exclusion.—Section 412 of title 17, United States Code, is amended by inserting ", an action for infringement of the copyright of a work that has been preregistered under section 408(f) before the commencement of the infringement and that has an effective date of registration not later than the earlier of 3 months after the first publication of the work or 1 month after the copyright owner has learned of the infringement," after "section 106A(a)".

SEC. 105. FEDERAL SENTENCING GUIDELINES.

(a) Review and Amendment.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of intellectual property rights crimes, including any offense under

(1) section 506, 1201, or 1202 of title 17, United States Code; or

(2) section 2318, 2319, 2319A, 2319B, or 2320 of title 18, United States Code.

(b) Authorization.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(c) Responsibilities of United States Sentencing Commission.—In carrying out this section, the United States Sentencing Commission shall—

(1) take all appropriate measures to ensure that the Federal sentencing guidelines and policy statements described in subsection (a) are sufficiently stringent to deter, and adequately reflect the nature of, intellectual property rights crimes;

(2) determine whether to provide a sentencing enhancement for those convicted of the offenses described in subsection (a), if the conduct involves the display, performance, publication, reproduction, or distribution of a copyrighted work before it has been authorized by the copyright owner, whether in the media format used by the infringing party or in any other media format;

(3) determine whether the scope of "uploading" set forth in application note 3 of section 2B5.3 of the Federal sentencing guidelines is adequate to address the loss attributable to people who broadly distribute copyrighted works without authorization over the Internet; and

(4) determine whether the sentencing guidelines and policy statements applicable to the offenses described in subsection (a) adequately reflect any harm to victims from copyright infringement if law enforcement authorities cannot determine how many times copyright material has been reproduced or distributed.

TITLE II—EXEMPTION FROM INFRINGEMENT FOR SKIPPING AUDIO AND VIDEO CONTENT IN MOTION PICTURES

SEC. 201. SHORT TITLE.

This title may be cited as the "Family Movie Act of 2004".

SEC. 202. EXEMPTION FROM INFRINGEMENT FOR SKIPPING AUDIO AND VIDEO CONTENT IN MOTION PICTURES.

(a) In General.—Section 110 of title 17, United States Code, is amended—

(1) in paragraph (9), by striking "and" after the semicolon at the end;

(2) in paragraph (10), by striking the period at the end and inserting "; and";

(3) by inserting after paragraph (10) the following:

"(11) the making imperceptible, by or at the direction of a member of a private household, of limited portions of audio or video content of a motion picture, during a performance in or transmitted to that household for private home viewing, from an authorized copy of the motion picture, or the creation or provision of a computer program or other technology that enables such making imperceptible and that is designed and marketed for such use at the direction of a member of a private household, if no fixed copy of the altered version of the motion picture is created by such computer program or other technology."; and

(4) by adding at the end the following:

"For purposes of paragraph (11), the term 'making imperceptible' does not include the addition of audio or video content that is performed or displayed over or in place of existing content in a motion picture.

"Nothing in paragraph (11) shall be construed to imply further rights under section 106 of this title, or to have any effect on defenses or limitations on rights granted under any other section of this title or under any other paragraph of this section."

(c) Exemption From Trademark Infringement.—Section 32 of the Trademark Act of 1946 (15 U.S.C. 1114) is amended by adding at the end the following:

"(3)(A) Any person who engages in the conduct described in paragraph (11) of section 110 of title 17, United States Code, and who complies with the requirements set forth in that paragraph is not liable on account of such conduct for a violation of any right under this Act. This subparagraph does not preclude liability, nor shall it be construed to restrict the defenses or limitations on rights granted under this Act, of a person for conduct not described in paragraph (11) of section 110 of title 17, United States Code, even if that person also engages in conduct described in paragraph (11) of section 110 of such title.

"(B) A manufacturer, licensee, or licensor of technology that enables the making of limited portions of audio or video content of a motion picture imperceptible as described in subparagraph (A) is not liable on account of such manufacture or license for a violation of any right under this Act, if such manufacturer, licensee, or licensor ensures that the technology provides a clear and conspicuous notice at the beginning of each performance that the performance of the motion picture is altered from the performance intended by the director or copyright holder of the motion picture. The limitations on liability in subparagraph (A) and this subparagraph shall not apply to a manufacturer, licensee, or licensor of technology that fails to comply with this paragraph.

"(C) The requirement under subparagraph (B) to provide notice shall apply only with respect to technology manufactured after the end of the 180-day period beginning on the date of the enactment of the Family Movie Act of 2004.

"(D) Any failure by a manufacturer, licensee, or licensor of technology to qualify for the exemption under subparagraphs (A) and (B) shall not be construed to create an inference of liability for trademark infringement for any such party that engages in conduct described in paragraph (11) of section 110 of title 17, United States Code.".

(d) DEFINITION.—In this section, the term "Trademark Act of 1946" means the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

TITLE III—NATIONAL FILM PRESERVATION

Subtitle A—Reauthorization of the National Film Preservation Board

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "National Film Preservation Act of 2004".

SEC. 302. REAUTHORIZATION AND AMENDMENT.

(a) DUTIES OF THE LIBRARIAN OF CONGRESS.—Section 103 of the National Film Preservation Act of 1996 (2 U.S.C. 179m) is amended—

(1) in subsection (b)—

(A) by striking "film copy" each place that term appears and inserting "film or other approved copy";

(B) by striking "film copies" each place that term appears and inserting "film or other approved copies"; and

(C) in the third sentence, by striking "copyrighted" and inserting "copyrighted, mass distributed, broadcast, or published"; and

(2) by adding at the end the following:

"(c) COORDINATION OF PROGRAM WITH OTHER COLLECTION, PRESERVATION, AND ACCESSIBILITY ACTIVITIES.—In carrying out the comprehensive national film preservation program for motion pictures established under the National Film Preservation Act of 1992, the Librarian, in consultation with the Board established pursuant to section 104, shall—

"(1) carry out activities to make films included in the National Film registry more broadly accessible for research and educational purposes, and to generate public awareness and support of the Registry and the comprehensive national film preservation program;

"(2) review the comprehensive national film preservation plan, and amend it to the extent necessary to ensure that it addresses technological advances in the preservation and storage of, and access to film collections in multiple formats; and

"(3) wherever possible, undertake expanded initiatives to ensure the preservation of the moving image heritage of the United States, including film, videotape, television, and born digital moving image formats, by supporting the work of the National Audio-Visual Conservation Center of the Library of Congress, and other appropriate nonprofit archival and preservation organizations.".

(b) NATIONAL FILM PRESERVATION BOARD.—Section 104 of the National Film Preservation Act of 1996 (2 U.S.C. 179n) is amended—

(1) in subsection (a)(1) by striking "20" and inserting "22";

(2) in subsection (a) (2) by striking "three" and inserting "5";

(3) in subsection (d) by striking "11" and inserting "12"; and

(4) by striking subsection (e) and inserting the following:

"(e) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.".

(c) NATIONAL FILM REGISTRY.—Section 106 of the National Film Preservation Act of 1996 (2 U.S.C. 179p) is amended by adding at the end the following:

"(e) NATIONAL AUDIO-VISUAL CONSERVATION CENTER.—The Librarian shall utilize the National Audio-Visual Conservation Center of the Library of Congress at Culpeper, Virginia, to ensure that preserved films included in the National Film Registry are stored in a proper manner, and disseminated to researchers, scholars, and the public as may be appropriate in accordance with—

"(1) title 17, United States Code; and

"(2) the terms of any agreements between the Librarian and persons who hold copyrights to such audiovisual works.".

(d) USE OF SEAL.—Section 107 (a) of the National Film Preservation Act of 1996 (2 U.S.C. 179q(a)) is amended—

(1) in paragraph (1), by inserting "in any format" after "or any copy"; and

(2) in paragraph (2), by striking "or film copy" and inserting "in any format".

(e) EFFECTIVE DATE.—Section 113 of the National Film Preservation Act of 1996 (2 U.S.C. 179w) is amended by striking "7" and inserting "12".

Subtitle B—Reauthorization of the National Film Preservation Foundation

SEC. 311. SHORT TITLE.

This subtitle may be cited as the "National Film Preservation Foundation Reauthorization Act of 2004".

SEC. 312. REAUTHORIZATION AND AMENDMENT.

(a) BOARD OF DIRECTORS.—Section 151703 of title 36, United States Code, is amended—

(1) in subsection (b)(2)(A), by striking "nine" and inserting "12"; and

(2) in subsection (b)(4), by striking the second sentence and inserting "There shall be no limit to the number of terms to which any individual may be appointed.".

(b) POWERS.—Section 151705 of title 36, United States Code, is amended in subsection (b) by striking "District of Columbia" and inserting "the jurisdiction in which the principal office of the corporation is located".

(c) PRINCIPAL OFFICE.—Section 151706 of title 36, United States Code, is amended by inserting ", or another place as determined by the board of directors" after "District of Columbia".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 151711 of title 36, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Library of Congress amounts necessary to carry out this chapter, not to exceed $530,000 for each of the fiscal years 2004 through 2008. These amounts are to be made available to the corporation to match any private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.

"(b) LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.—Amounts authorized under this section may not be used by the corporation for management and general or fundraising expenses as reported to the Internal Revenue Service as part of an annual information return required under the Internal Revenue Code of 1986.".

TITLE IV—PRESERVATION OF ORPHAN WORKS

SEC. 401. SHORT TITLE.

This title may be cited as the "Preservation of Orphan Works Act".

SEC. 402. REPRODUCTION OF COPYRIGHTED WORKS BY LIBRARIES AND ARCHIVES.

Section 108(i) of title 17, United States Code, is amended by striking "(b) and (c)" and inserting "(b), (c), and (h)".

TITLE V—ANTICOUNTERFEITING PROVISIONS AND FRAUDULENT ONLINE IDENTITY SANCTIONS

Subtitle A—Anticounterfeiting Provisions

SEC. 501. SHORT TITLE.

This subtitle may be cited as the "Anticounterfeiting Act of 2004".

SEC. 502. PROHIBITION AGAINST TRAFFICKING IN COUNTERFEIT COMPONENTS.

(a) IN GENERAL.—Section 2318 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 2318. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging";

(2) by striking subsection (a) and inserting the following:

"(a) Whoever, in any of the circumstances described in subsection (c), knowingly traffics in—

"(1) a counterfeit label or illicit label affixed to, enclosing, or accompanying, or designed to be affixed to, enclose, or accompany—

"(A) a phonorecord;

"(B) a copy of a computer program;

"(C) a copy of a motion picture or other audiovisual work;

"(D) a copy of a literary work;

"(E) a copy of a pictorial, graphic, or sculptural work;

"(F) a work of visual art; or

"(G) documentation or packaging; or

"(2) counterfeit documentation or packaging, shall be fined under this title or imprisoned for not more than 5 years, or both.";

(3) in subsection (b)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3)—

(i) by striking "and 'audiovisual work' have" and inserting the following: "'audiovisual work', 'literary work', 'pictorial, graphic, or sculptural work', 'sound recording', 'work of visual art', and 'copyright owner' have"; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(4) the term 'illicit label' means a genuine certificate, licensing document, registration card, or similar labeling component—

"(A) that is used by the copyright owner to verify that a phonorecord, a copy of a computer program, a copy of a motion picture or other audiovisual work, a copy of a literary work, a copy of a pictorial, graphic, or sculptural work, a work of visual art, or documentation or packaging is not counterfeit or infringing of any copyright; and

"(B) that is, without the authorization of the copyright owner—

"(i) distributed or intended for distribution not in connection with the copy, phonorecord, or work of visual art to which such labeling component was intended to be affixed by the respective copyright owner; or

"(ii) in connection with a genuine certificate or licensing document, knowingly falsified in order to designate a higher number of licensed users or copies than authorized by the copyright owner, unless that certificate or document is used by the copyright owner solely for the purpose of monitoring or tracking the copyright owner's distribution channel and not for the purpose of verifying that a copy or phonorecord is noninfringing;

"(5) the term 'documentation or packaging' means documentation or packaging, in physical form, for a phonorecord, copy of a computer program, copy of a motion picture or other audiovisual work, copy of a literary work, copy of a pictorial, graphic, or sculptural work, or work of visual art; and

"(6) the term 'counterfeit documentation or packaging' means documentation or packaging that appears to be genuine, but is not.";

(4) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

"(3) the counterfeit label or illicit label is affixed to, encloses, or accompanies, or is designed to be affixed to, enclose, or accompany—

"(A) a phonorecord of a copyrighted sound recording or copyrighted musical work;

"(B) a copy of a copyrighted computer program;

"(C) a copy of a copyrighted motion picture or other audiovisual work;

"(D) a copy of a literary work;

"(E) a copy of a pictorial, graphic, or sculptural work;

"(F) a work of visual art; or

"(G) copyrighted documentation or packaging; or"; and

(B) in paragraph (4), by striking "for a computer program"; and

(5) in subsection (d)—

(A) by inserting "or illicit labels" after "counterfeit labels" each place it appears; and

(B) by inserting before the period at the end the following: ", and of any equipment, device, or material used to manufacture, reproduce, or assemble the counterfeit labels or illicit labels".

(b) CIVIL REMEDIES.—Section 2318 of title 18, United States Code, is further amended by adding at the end the following:

"(f) CIVIL REMEDIES.—

"(1) IN GENERAL.—Any copyright owner who is injured, or is threatened with injury, by a violation of subsection (a) may bring a civil action in an appropriate United States district court.

"(2) DISCRETION OF COURT.—In any action brought under paragraph (1), the court—

"(A) may grant 1 or more temporary or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain a violation of subsection (a);

"(B) at any time while the action is pending, may order the impounding, on such terms as the court determines to be reasonable, of any article that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation of subsection (a); and

"(C) may award to the injured party—

"(i) reasonable attorney fees and costs; and

"(ii)(I) actual damages and any additional profits of the violator, as provided in paragraph (3); or

"(II) statutory damages, as provided in paragraph (4).

"(3) ACTUAL DAMAGES AND PROFITS.—

"(A) IN GENERAL.—The injured party is entitled to recover—

"(i) the actual damages suffered by the injured party as a result of a violation of subsection (a), as provided in subparagraph (B) of this paragraph; and

"(ii) any profits of the violator that are attributable to a violation of subsection (a) and are not taken into account in computing the actual damages.

"(B) CALCULATION OF DAMAGES.—The court shall calculate actual damages by multiplying—

"(i) the value of the phonorecords, copies, or works of visual art which are, or are intended to be, affixed with, enclosed in, or accompanied by any counterfeit labels, illicit labels, or counterfeit documentation or packaging, by

"(ii) the number of phonorecords, copies, or works of visual art which are, or are intended to be, affixed with, enclosed in, or accompanied by any counterfeit labels, illicit labels, or counterfeit documentation or packaging.

"(C) DEFINITION.—For purposes of this paragraph, the 'value' of a phonorecord, copy, or work of visual art is—

"(i) in the case of a copyrighted sound recording or copyrighted musical work, the retail value of an authorized phonorecord of that sound recording or musical work;

"(ii) in the case of a copyrighted computer program, the retail value of an authorized copy of that computer program;

"(iii) in the case of a copyrighted motion picture or other audiovisual work, the retail value of an authorized copy of that motion picture or audiovisual work;

"(iv) in the case of a copyrighted literary work, the retail value of an authorized copy of that literary work;

"(v) in the case of a pictorial, graphic, or sculptural work, the retail value of an authorized copy of that work; and

"(vi) in the case of a work of visual art, the retail value of that work.

"(4) STATUTORY DAMAGES.—The injured party may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for each violation of subsection (a) in a sum of not less than $2,500 or more than $25,000, as the court considers appropriate.

"(5) SUBSEQUENT VIOLATION.—The court may increase an award of damages under this subsection by 3 times the amount that would otherwise be awarded, as the court considers appropriate, if the court finds that a person has subsequently violated subsection (a) within 3 years after a final judgment was entered against that person for a violation of that subsection.

"(6) LIMITATION ON ACTIONS.—A civil action may not be commenced under this subsection unless it is commenced within 3 years after the date on which the claimant discovers the violation of subsection (a).".

(c) CONFORMING AMENDMENT.—The item relating to section 2318 in the table of sections for chapter 113 of title 18, United States Code, is amended to read as follows:

"2318. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging.".

SEC. 503. OTHER RIGHTS NOT AFFECTED.

(a) CHAPTERS 5 AND 12 OF TITLE 17; ELECTRONIC TRANSMISSIONS.—The amendments made by this subtitle—

(1) shall not enlarge, diminish, or otherwise affect any liability or limitations on liability under sections 512, 1201, or 1202 of title 17, United States Code; and

(2) shall not be construed to apply—

(A) in any case, to the electronic transmission of a genuine certificate, licensing document, registration card, similar labeling component, or documentation or packaging described in paragraph (4) or (5) of section 2318(b) of title 18, United States Code, as amended by this subtitle; and

(B) in the case of a civil action under section 2318(f) of title 18, United States Code, to the electronic transmission of a counterfeit label or counterfeit documentation or packaging defined in paragraph (1) or (6) of section 2318(b) of title 18, United States Code.

(b) FAIR USE.—The amendments made by this subtitle shall not affect the fair use, under section 107 of title 17, United States Code, of a genuine certificate, licensing document, registration card, similar labeling component, or documentation or packaging described in paragraph (4) or (5) of section 2318(b) of title 18, United States Code, as amended by this subtitle.

Subtitle B—Fraudulent Online Identity Sanctions

SEC. 511. SHORT TITLE.

This subtitle may be cited as the "Fraudulent Online Identity Sanctions Act".

SEC. 512. AMENDMENT TO TRADEMARK ACT OF 1946.

Section 35 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (commonly referred to as the "Trademark Act of 1946"; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

"(e) In the case of a violation referred to in this section, it shall be a rebuttable presumption that the violation is willful for purposes of determining relief if the violator, or a person acting in concert with the violator, knowingly provided or knowingly caused to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the violation. Nothing in this subsection limits what may be considered a willful violation under this section.".

SEC. 513. AMENDMENT TO TITLE 17, UNITED STATES CODE.

Section 504(c) of title 17, United States Code, is amended by adding at the end the following new paragraph:

"(3) (A) In a case of infringement, it shall be a rebuttable presumption that the infringement was committed willfully for purposes of determining relief if the violator, or a person acting in concert with the violator, knowingly provided or knowingly caused to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the infringement.

"(B) Nothing in this paragraph limits what may be considered willful infringement under this subsection.

"(C) For purposes of this paragraph, the term 'domain name' has the meaning given that term in section 45 of the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes' approved July 5, 1946 (commonly referred to as the 'Trademark Act of 1946'; 15 U.S.C. 1127).".

SEC. 514. AMENDMENT TO TITLE 18, UNITED STATES CODE.

(a) SENTENCING ENHANCEMENT.—Section 3559 of title 18, United States Code, is amended by adding at the end the following:

"(f)(1) If a defendant who is convicted of a felony offense (other than offense of which an element is the false registration of a domain name) knowingly falsely registered a domain name and knowingly used that domain name in the course of that offense, the maximum imprisonment otherwise provided by law for that offense shall be doubled or increased by 7 years, whichever is less.

"(2) As used in this subsection—

"(A) the term 'falsely registers' means registers in a manner that prevents the effective identification of or contact with the person who registers; and

"(B) the term 'domain name' has the meaning given that term in section 45 of the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes' approved July 5, 1946 (commonly referred to as the 'Trademark Act of 1946') (15 U.S.C. 1127).".

(b) United States Sentencing Commission.—

(1) Directive.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend the sentencing guidelines and policy statements to ensure that the applicable guideline range for a defendant convicted of any felony offense carried out online that may be facilitated through the use of a domain name registered with materially false contact information is sufficiently stringent to deter commission of such acts.

(2) Requirements.—In carrying out this subsection, the Sentencing Commission shall provide sentencing enhancements for anyone convicted of any felony offense furthered through knowingly providing or knowingly causing to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the violation.

(3) Definition.—For purposes of this subsection, the term "domain name" has the meaning given that term in section 45 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (commonly referred to as the "Trademark Act of 1946"; 15 U.S.C. 1127).

SEC. 515. CONSTRUCTION.

(a) Free Speech and Press.—Nothing in this subtitle shall enlarge or diminish any rights of free speech or of the press for activities related to the registration or use of domain names.

(b) Discretion of Courts in Determining Relief.—Nothing in this subtitle shall restrict the discretion of a court in determining damages or other relief to be assessed against a person found liable for the infringement of intellectual property rights.

(c) Discretion of Courts in Determining Terms of Imprisonment.—Nothing in this subtitle shall be construed to limit the discretion of a court to determine the appropriate term of imprisonment for an offense under applicable law.

TITLE VI—COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Cooperative Research and Technology Enhancement (CREATE) Act of 2004".

SEC. 602. COLLABORATIVE EFFORTS ON CLAIMED INVENTIONS.

Section 103(c) of title 35, United States Code, is amended to read as follows:

"(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

"(2) For purposes of this subsection, subject matter developed by another person and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person if—

"(A) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made;

"(B) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

"(C) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

"(3) For purposes of paragraph (2), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by two or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.".

SEC. 603. EFFECTIVE DATE.

(a) In General.—The amendments made by this title shall apply to any patent granted on or after the date of the enactment of this Act.

(b) Special Rule.—The amendments made by this title shall not affect any final decision of a court or the United States Patent and Trademark Office rendered before the date of the enactment of this Act, and shall not affect the right of any party in any action pending before the United States Patent and Trademark Office or a court on the date of the enactment of this Act to have that party's rights determined on the basis of the provisions of title 35, United States Code, in effect on the day before the date of the enactment of this Act.

SA 4087. Mr. FRIST (for Mr. Bingaman (for himself and Mr. Feingold)) proposed an amendment to the resolution S. Res. 387, commemorating the 40th Anniversary of the Wilderness Act; as follows:

Strike the preamble and insert the following:

Whereas September 3, 2004, marked the 40th Anniversary of the enactment of the Wilderness Act (16 U.S.C. 1131 et seq.), which gave to the people of the United States an enduring resource of natural heritage as part of the National Wilderness Preservation System;

Whereas American explorers Meriwether Lewis, William Clark, and Sergeant York, and Native American guide Sacajawea helped the United States recognize the expanse of American wilderness;

Whereas Native American leaders such as Kiowa Chief Santanta, Chief Luther Standing Bear, and Chief Seattle recognized that the land involved was not in fact "wild", but existed as the land should be;

Whereas great American writers such as Ralph Waldo Emerson, Mary Austin, Henry David Thoreau, George Perkins Marsh, Isabella L. Bird, and John Muir joined poets like William Cullen Bryant, and painters such as Thomas Cole, Frederic Church, Frederic Remington, Albert Bierstadt, Georgia O'Keefe, and Thomas Moran to define the United States' distinct cultural value of wild nature and unique concept of wilderness;

Whereas national leaders such as President Theodore Roosevelt reveled in outdoor pursuits and sought diligently to preserve those opportunities for molding individual character, shaping a nation's destiny, striving for balance, and ensuring the wisest use of natural resources, to provide the greatest good for the greatest many;

Whereas luminaries in the conservation movement, such as scientist Aldo Leopold, forester Bob Marshall, writer Howard Zahniser, teacher Sigurd Olson, biologists Olaus, Margaret (Mardy), and Adolph Murie, conservation leader Celia Hunter, and conservationist David Brower believed that the people of the United States could have the boldness to project into the eternity of the future some of the wilderness that has come from the eternity of the past;

Whereas Senator Hubert H. Humphrey, a Democrat from Minnesota, and Representative John Saylor, a Republican from Pennsylvania, originally introduced the legislation with strong bipartisan support in both bodies of Congress;

Whereas with the help of their colleagues, including cosponsors Gaylord Nelson, William Proxmire, Clinton P. Anderson, and Henry "Scoop" M. Jackson, and other conservation allies, including Secretary of the Interior Stewart L. Udall and Representative Morris K. Udall, Senator Humphrey and Representative Saylor toiled 8 years to secure nearly unanimous passage of the legislation, 78 to 8 in the Senate, and 373 to 1 in the House of Representatives;

Whereas critical support in the Senate for the Wilderness Act came from 3 Senators who still serve in the Senate as of 2004: Senator Robert C. Byrd, Senator Daniel Inouye, and Senator Edward M. Kennedy;

Whereas President John F. Kennedy, who came into office in 1961 with enactment of wilderness legislation part of his administration's agenda, was assassinated before he could sign a bill into law;

Whereas 4 wilderness champions, Aldo Leopold, Olaus Murie, Bob Marshall, and Howard Zahniser, sadly, also passed away before seeing the fruits of their labors ratified by Congress and sent to the President;

Whereas President Lyndon B. Johnson signed into law the Wilderness Act in the Rose Garden on September 3, 1964, establishing a system of wilderness heritage as President Kennedy and the conservation community had so ardently envisioned and eloquently articulated;

Whereas now, as a consequence of wide popular support, the people of the United States have a system of places wild and free for the permanent good of the whole people of this great Nation;

Whereas over the past 40 years the system for protecting an enduring resource of wilderness has been built upon by subsequent Presidents, successive leaders of Congress, and experts in the land managing agencies within the Departments of the Interior and Agriculture;

Whereas today that system is 10 times larger than when first established;

Whereas the Wilderness Act instituted an unambiguous national policy to recognize the natural heritage of the United States as a resource of value and to protect that wilderness for future generations to use and enjoy as previous and current generations have had the opportunity to do;

Whereas since 1964, when the first 9,000,000 acres of wilderness were included by Congress, more than 110 additional laws have been passed to build the National Wilderness Preservation System to its current size of 106,000,000 acres;

Whereas wild places protected in perpetuity can currently be found and enjoyed in 44 of the Nation's 50 States;

Whereas this wealth of the heritage of the United States can be seen today from Alaska to Florida in over 650 units, from Fire Island in New York's Long Island South Shore and Ohio's West Sister Island in Lake Erie, to far larger Mojave in eastern California and Idaho's River of No Return;

Whereas President Gerald R. Ford stated that the National Wilderness Preservation System "serves a basic need of all Americans, even those who may never visit a wilderness area—the preservation of a vital element of our natural heritage" and that, "wilderness preservation ensures that a central facet of our Nation can still be realized, not just remembered"; and

Whereas President Gerald R. Ford has joined with President Jimmy Carter and more than 100 other prominent United States citizens as honored members of Americans for Wilderness, a committee formed to celebrate this national achievement. Now, therefore, be it

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SA 4088. Mr. FRIST (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2121, to amend the Eisenhower Exchange Fellowship Act of 1990 to authorize additional appropriations for the Eisenhower Exchange Fellowship Program Trust Fund, and for other purposes; as follows:

On page 4, on lines 5 and 6, strike "for fiscal year 2004".

PRIVILEGES OF THE FLOOR

Ms. COLLINS. I ask unanimous consent floor privileges be extended to Deborah Barger, a CMA detailee in my office, for the duration of today's consideration of S. 2845.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I ask unanimous consent that the staff members of the Senate Intelligence Committee be given floor privileges during consideration of the intelligence reform conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that floor privileges be extended to Bob Kenney, a Brookings Legislative Fellow on loan to my office from the Environmental Protection Agency, for the rest of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCIAL SPECTRUM ENHANCEMENT ACT

Mr. FRIST. I ask unanimous consent that the Senate now proceed to consideration of H.R. 5419, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5419) to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E-911 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system; and to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time.

There being no objection, the Senate proceeded to consider the bill.

LIFESAVING E–911 SERVICE

Mr. FRIST. Mr. President, I wish to engage the Senator from Montana in a brief colloquy for a point of clarification on the bill.

First, I wish to congratulate the Senator and others who worked tirelessly on this bill. This bill provides critical assistance to State and local governments to help them reach the goals and standards set by Congress and the FCC for bringing lifesaving E 911 service to all Americans. I especially commend the bill's authors for providing much needed financial assistance in the form of grants for training, equipment and other needs in providing and advancing E 911 service.

I am very proud of my home State's E–911 leaders. They, along with the wireless industry, have helped make Tennessee one of the Nation's leaders in wireless E–911 implementation. I am informed that to date all but one of our 95 counties are Phase II E–911 ready, with the goal of reaching 100 percent by the end of this year. Since 1998, our State has committed itself to bringing E 911 service to all its citizens, rural and urban, from Memphis to Mountain City.

However, much work remains to be done. Our State is re-writing its requirements for 911 dispatchers and their training. We currently have no formal training program or academy. In spite of all of Tennessee's accomplishments, financial challenges continue to grow.

I am concerned that the Federal agency administering the bill's grant program will not give equal funding and eligibility consideration to States and localities that have achieved E 911 service, thus penalizing States such as Tennessee and others for their accomplishments. Would such an outcome be the intent of the bill's authors?

Mr. BURNS. I thank the Senator from Tennessee for his question and commend his State for its leadership on E–911 issues. It is not our intent to give any less priority in grant eligibility and funding to States like Tennessee that have made substantial progress in wireless E 911 deployment. We recognize that once a State or local government achieves E–911 service, other challenges and needs exist such as those pointed out by the Senator. So that was not our intent in the crafting of the "grants" provision.

Mr. FRIST. I thank the Senator for that clarification and commend his leadership on this very important legislation.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5419) was read the third time and passed.

PROVIDING FOR SINE DIE ADJOURNMENT OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 531, the adjournment resolution; provided that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 531) was agreed to, as follows:

H. CON. RES. 531

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Tuesday, December 7, 2004, through Friday, December 10, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution; and that when the Senate adjourns on any day from Tuesday, December 7, 2004, through Saturday, December 11, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

Passed the House of Representatives December 7, 2004.

ORDERS FOR TUESDAY, JANUARY 4, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn sine die under the provisions of H. Con. Res. 531.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRIST. I further ask consent that when the Senate returns on Tuesday, January 4, at 12 noon, following the presentation of the certificates of election and the swearing in of elected Members, and the required live quorum, the morning hour then be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that there then be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, the hour is late, but let me say that I have some real mixed emotions tonight. I have had this desk for 6 years and it has been a great experience for me to serve as the assistant leader, the whip, of the Senate Democrats. I have learned so much being on the floor regarding procedures of this very classic body. I am now going to move over one desk. As I have said on this floor previously, I will miss very much my dear friend, my brother, TOM DASCHLE. My ability to function here these past 6 years has been based upon my relationship with Senator DASCHLE.

I look forward to my new job. I look forward to working with my friend, the distinguished Republican leader. I have said publicly and privately what a good experience this will be for me. He has dedicated 12 years of his life, at least, to public service after having been a very distinguished transplant surgeon. I look forward to our relationship. I hope we can do some good things for the country. I am certainly going to try.

I know that the experience of these past 6 years has been made much more interesting as a result of the chairman of the Appropriations Committee, Senator STEVENS, the President pro tempore of the Senate. He is here tonight and this legislation that just passed is an indication of his tenaciousness and the role model he sets for all of us. Six hours ago, none of us could have thought we would have accomplished this. A couple of hours ago, we wished he had not tried. But it is over with now.

I thank the staff very much for working as hard as they do and putting up with our many delays which are necessary to move things forward. I wish everyone a Merry Christmas and a Happy New Year.

Mr. STEVENS. Mr. President, if the Senator would yield just for a second, I want to thank the Senator from Nevada and tell him that I spent 8 years in the whip's job and sought to move left. Unfortunately, it did not happen.

I do congratulate the Senator from Nevada, and we look forward to working with him and the assistant Democratic leader.

I thank, Senator BURNS for his tenaciousness on this bill, and I want to acknowledge the really intense cooperation of the Senator from Arizona, Mr. MCCAIN, and really praise my great and longtime friend Senator BYRD from West Virginia for having recognized the necessity to have this bill passed before we go home for the recess. We are really going to adjourn sine die.

I do congratulate the Senator. He listened to us. It is quite late. He has been quite gracious to proceed with us on the commitment that we will protect the appropriations process in the future and work with him to make certain that the provisions of the law that govern expenditures of the money covered by the bill we just passed be followed, as far as the protection of the Treasury. And we will be consistent with the Constitution, as he has urged us so many times to be.

I thank the Senator for his patience in keeping us in session, and I am prepared to take tickets here as we leave the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. I can add very little to what has just been said. But as America has watched and as our colleagues have participated over the last, really, 6 hours, you have seen—not on the floor, but we have all worked together over the course of the day to bring to resolution another major bill before we close out this session. We came to a lameduck, now, several weeks ago. Lameduck sessions are notoriously not very productive. Both the Democratic leader, our leadership, their leadership on the other side of the aisle, again and again said these lameducks never produce very much, if you look at history. A lot of time is spent, although we clearly end up producing something.

I think if you look at this lameduck session and the intervening time before coming back in this week, we can all be very proud of what has been accomplished in the series of bills, the bill we just discussed and the series of bills we passed over the course of the day, and the major intelligence reform bill that was passed. So we have had a very productive session of which we can all be proud.

As the Democratic leader said, I very much look forward to working with him and having this leadership team meet with their leadership team as we move forward in accomplishing what America expects from us.

When the 109th Congress convenes on January 4, we will immediately proceed to the presentation of certificates of election. Following the swearing in ceremonies and the live quorum, the Senate will consider the normal routine housekeeping matters of the 109th Congress beginning.

Once again, I thank everyone who has contributed to our efforts during the past Congress. We always want to mention the pages who are here tonight at a little before 11. They have been here all day. We thank them for their dedication, for their hard work in making the cogs in this body function as well as they possibly could; the law enforcement, the police who, again, are standing right outside the doors with us, from early in the morning until late at night; the cloakroom staff; the clerks who are here before us; the many others who work to keep the institution running. We appreciate their service to this body.

We are going to have a fresh start in January. People are quite tired, producing all of this legislation. It is going to be a fresh start. We all look forward to that. I do wish everybody a happy holiday season.

ADJOURNMENT SINE DIE

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn sine die, under the provisions of H. Con. Res. 531.

There being no objection, the Senate, at 10:54 p.m., adjourned sine die.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

FOREIGN SERVICE NOMINATIONS BEGINNING WITH DONNA LURLINE WOOLF AND ENDING WITH LISA BOBBIE SCHREIBER-HUGHES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2004.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CYNTHIA A. HALEY AND ENDING WITH WALTER D. PATTERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2004.

The Senate Committee on Energy and Natural Resources was discharged from further consideration of the following nominations and the nominations were confirmed:

KAREN ALDERMAN HARBERT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (INTERNATIONAL AFFAIRS AND DOMESTIC POLICY).

JOHN S. SHAW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENT, SAFETY AND HEALTH).

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination and the nomination was confirmed:

VERONICA VARGAS STIDVENT, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF LABOR.

NOMINATIONS RETURNED TO THE PRESIDENT AT SINE DIE ADJOURNMENT OF 108TH CONGRESS ON DECEMBER 8, 2004

LOUIS S. THOMPSON, OF MARYLAND, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

FAYZA VERONIQUE BOULAD RODMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006.

PETER CYRIL WYCHE FLORY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

ROBERT LERNER, OF MARYLAND, TO BE COMMISSIONER OF EDUCATION STATISTICS FOR A TERM EXPIRING JUNE 21, 2009.

SUSAN JOHNSON GRANT, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY.

PAMELA HUGHES PATENAUDE, OF NEW HAMPSHIRE, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

KIRK VAN TINE, OF VIRGINIA, TO BE DEPUTY SECRETARY OF TRANSPORTATION.

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006.

KIRON KANINA SKINNER, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

ROBERT L. CRANDALL, OF TEXAS, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

WALTER H. KANSTEINER, ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2003.

EPHRAIM BATAMBUZE, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING FEBRUARY 9, 2008.

EDWARD BREHM, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING NOVEMBER 13, 2007.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

LT. GEN. JOHN D. HOPPER JR., 6003, TO BE LIEUTENANT GENERAL.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

COLONEL JAMES T. WILLIAMS, 4240, TO BE BRIGADIER GENERAL.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

BRIG. GEN. HAROLD A. CROSS, 6940, TO BE MAJOR GENERAL.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10 U.S.C., SECTION 624:

COLONEL ROBERT R. ALLARDICE, 0051, TO BE BRIGADIER GENERAL.

COLONEL C.D. ALSTON, 3231, TO BE BRIGADIER GENERAL.

COLONEL THOMAS K. ANDERSEN, 8905, TO BE BRIGADIER GENERAL.

COLONEL BROOKS L. BASH, 3966, TO BE BRIGADIER GENERAL.

COLONEL MICHAEL J. BASLA, 6753, TO BE BRIGADIER GENERAL.

COLONEL MARK S. BORKOWSKI, 5289, TO BE BRIGADIER GENERAL.

COLONEL FRANCIS M. BRUNO, 3512, TO BE BRIGADIER GENERAL.

COLONEL HERBERT J. CARLISLE, 9032, TO BE BRIGADIER GENERAL.

COLONEL GARY S. CONNOR, 3923, TO BE BRIGADIER GENERAL.

COLONEL CHARLES R. DAVIS, 8766, TO BE BRIGADIER GENERAL.

COLONEL DANIEL R. DINKINS JR., 2842, TO BE BRIGADIER GENERAL.

COLONEL GREGORY A. FEEST, 5242, TO BE BRIGADIER GENERAL.

COLONEL FRANK GORENC, 1031, TO BE BRIGADIER GENERAL.

COLONEL BLAIR E. HANSEN, 0421, TO BE BRIGADIER GENERAL.

COLONEL MARY K. HERTOG, 9595, TO BE BRIGADIER GENERAL.

COLONEL JIMMIE C. JACKSON JR., 9118, TO BE BRIGADIER GENERAL.

COLONEL FRANK J. KISNER, 0380, TO BE BRIGADIER GENERAL.

COLONEL JAMES M. KOWALSKI, 3604, TO BE BRIGADIER GENERAL.

COLONEL DONALD LUSTIG, 4218, TO BE BRIGADIER GENERAL.

COLONEL WILLIAM N. MCCASLAND, 7469, TO BE BRIGADIER GENERAL.

COLONEL CHRISTOPHER D. MILLER, 9947, TO BE BRIGADIER GENERAL.

COLONEL HAROLD W. MOULTON II, 5917, TO BE BRIGADIER GENERAL.

COLONEL JOSEPH F. MUDD JR., 8962, TO BE BRIGADIER GENERAL.

COLONEL MARK H. OWEN, 6573, TO BE BRIGADIER GENERAL.

COLONEL ELLEN M. PAWLIKOWSKI, 2245, TO BE BRIGADIER GENERAL.

COLONEL ROBIN RAND, 6920, TO BE BRIGADIER GENERAL.

COLONEL JOSEPH M. REHEISER, 0899, TO BE BRIGADIER GENERAL.

COLONEL JOSEPH REYNES JR., 5709, TO BE BRIGADIER GENERAL.

COLONEL ALBERT F. RIGGLE, 3194, TO BE BRIGADIER GENERAL.

COLONEL PAUL G. SCHAFER, 7952, TO BE BRIGADIER GENERAL.

COLONEL STEPHEN D. SCHMIDT, 3532, TO BE BRIGADIER GENERAL.

COLONEL MARK S. SOLO, 7827, TO BE BRIGADIER GENERAL.

COLONEL LAWRENCE A. STUTZRIEM, 7077, TO BE BRIGADIER GENERAL.

COLONEL JANET ANTHEA THERIANOS, 7369, TO BE BRIGADIER GENERAL.

COLONEL ROBERT YATES, 5708, TO BE BRIGADIER GENERAL.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

LT. GEN. RONALD E. KEYS, 5357, TO BE GENERAL.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

MAJ. GEN. STEPHEN R. LORENZ, 2664, TO BE LIEUTENANT GENERAL.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

MAJ. GEN. KEVIN P. CHILTON, 6603, TO BE LIEUTENANT GENERAL.

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

BRIG. GEN. STEVEN R. HAWKINS, 7697, TO BE MAJOR GENERAL.

BRIG. GEN. BENJAMIN C. FREAKLEY, 0002, TO BE MAJOR GENERAL.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

BRIGADIER GENERAL ROBLEY S. RIGDON, 7740, TO BE MAJOR GENERAL.

COLONEL LINWOOD M. SAWYER, 2075, TO BE BRIGADIER GENERAL.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

COL. GERALD E. FERGUSON JR., 6004, TO BE BRIGADIER GENERAL.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

BRIG. GEN. MICHAEL A. KUEHR, 0757, TO BE MAJOR GENERAL.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

BRIG. GEN. RONALD D. SILVERMAN, 3658, TO BE MAJOR GENERAL.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

BRIGADIER GENERAL VINCENT E. BOLES, 8885, TO BE MAJOR GENERAL.

BRIGADIER GENERAL THOMAS P. BOSTICK, 3680, TO BE MAJOR GENERAL.

BRIGADIER GENERAL HOWARD B. BROMBERG, 2959, TO BE MAJOR GENERAL.

BRIGADIER GENERAL SEAN J. BYRNE, 2057, TO BE MAJOR GENERAL.

BRIGADIER GENERAL CHARLES A. CARTWRIGHT, 2898, TO BE MAJOR GENERAL.

BRIGADIER GENERAL THOMAS R. CSRNKO, 1332, TO BE MAJOR GENERAL.

BRIGADIER GENERAL JOHN DEFREITAS III, 7924, TO BE MAJOR GENERAL.

BRIGADIER GENERAL ROBERT E. DURBIN, 9351, TO BE MAJOR GENERAL.

BRIGADIER GENERAL DAVID A. FASTABEND, 5081, TO BE MAJOR GENERAL.

BRIGADIER GENERAL CHARLES W. FLETCHER JR., 4165, TO BE MAJOR GENERAL.

BRIGADIER GENERAL DANIEL A. HAHN, 0301, TO BE MAJOR GENERAL.

BRIGADIER GENERAL RHETT A. HERNANDEZ, 7009, TO BE MAJOR GENERAL.

BRIGADIER GENERAL MARK P. HERTLING, 3917, TO BE MAJOR GENERAL.

BRIGADIER GENERAL JAY W. HOOD, 6271, TO BE MAJOR GENERAL.

BRIGADIER GENERAL CHARLES H. JACOBY JR., 3627, TO BE MAJOR GENERAL.

BRIGADIER GENERAL JEROME JOHNSON, 6280, TO BE MAJOR GENERAL.

BRIGADIER GENERAL GARY M. JONES, 0483, TO BE MAJOR GENERAL.

BRIGADIER GENERAL WILLIAM M. LENAERS, 8865, TO BE MAJOR GENERAL.

BRIGADIER GENERAL DOUGLAS E. LUTE, 2691, TO BE MAJOR GENERAL.

BRIGADIER GENERAL JAMES R. MYLES, 2299, TO BE MAJOR GENERAL.

BRIGADIER GENERAL ROGER A. NADEAU, 8893, TO BE MAJOR GENERAL.

BRIGADIER GENERAL DAVID M. RODRIGUEZ, 1850, TO BE MAJOR GENERAL.

BRIGADIER GENERAL RICHARD J. ROWE JR., 5346, TO BE MAJOR GENERAL.

BRIGADIER GENERAL JEFFREY J. SCHLOESSER, 3460, TO BE MAJOR GENERAL.

BRIGADIER GENERAL JEFFREY A. SORENSON, 3510, TO BE MAJOR GENERAL.

BRIGADIER GENERAL ABRAHAM J. TURNER, 5542, TO BE MAJOR GENERAL.

BRIGADIER GENERAL ROBERT M. WILLIAMS, 6304, TO BE MAJOR GENERAL.

BRIGADIER GENERAL RICHARD P. ZAHNER, 3707, TO BE MAJOR GENERAL.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

BRIG. GEN. DONNA L. DACIER, 9272, TO BE MAJOR GENERAL.

COL. CHARLES K. EBNER, 6011, TO BE BRIGADIER GENERAL.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

COL. JULIA A. KRAUS, 8646, TO BE BRIGADIER GENERAL.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

COL. JAMES O. BARCLAY III, 4493, TO BE BRIGADIER GENERAL.

COL. DONALD M. CAMPBELL JR., 3215, TO BE BRIGADIER GENERAL.

COL. DENNIS E. ROGERS, 6273, TO BE BRIGADIER GENERAL.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

MAJ. GEN. STANLEY E. GREEN, 4130, TO BE LIEUTENANT GENERAL.

CHARLES P. RUCH, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 2010.

FAYZA VERONIQUE BOULAD RODMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006.

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS.

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007.

D. JEFFREY HIRSCHBERG, OF WISCONSIN, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007.

GARY LEE VISSCHER, OF MARYLAND, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

WILLIAM A. SCHAMBRA, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2006.

DONNA N. WILLIAMS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2006.

CYNTHIA BOICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007.

HENRY LOZANO, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008.

DOROTHY A. JOHNSON, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007.

EDWARD L. FLIPPEN, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

CLAUDIA PUIG, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008.

GAY HART GAINES, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2004.

MICHAEL D. GALLAGHER, OF WASHINGTON, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.

THEODORE WILLIAMS KASSINGER, OF MARYLAND, TO BE DEPUTY SECRETARY OF COMMERCE.

ALBERT A. FRINK, JR., OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

JONATHAN W. DUDAS, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

R. BRUCE MATTHEWS, OF NEW MEXICO, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2005.

MICHAEL W. WYNNE, OF FLORIDA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

JOHN PAUL WOODLEY, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

JOHN J. YOUNG, JR., OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.

KIRON KANINA SKINNER, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

RAYMOND F. DUBOIS, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS.

BUDDIE J. PENN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

GERALD REYNOLDS, OF MISSOURI, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCTION.

ROBERT LERNER, OF MARYLAND, TO BE COMMISSIONER OF EDUCATION STATISTICS FOR A TERM EXPIRING JUNE 21, 2009.

RAYMOND SIMON, OF ARKANSAS, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION.

EUGENE HICKOK, OF PENNSYLVANIA, TO BE DEPUTY SECRETARY OF EDUCATION.

CRAIG T. RAMEY, OF WEST VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS.

CRISTINA BEATO, OF NEW MEXICO, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO THE QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

DANIEL R. LEVINSON, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

CLARK KENT ERVIN, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY.

CLARK KENT ERVIN, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CATHY M. MACFARLANE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DENNIS C. SHEA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

ROMOLO A. BERNARDI, OF NEW YORK, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

CARIN M. BARTH, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

EARL CRUZ AGUIGUI, OF GUAM, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES MARSHAL FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS.

GRETCHEN C. F. SHAPPERT, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

LANCE ROBERT OLSON, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

ALBERTO R. GONZALES, OF TEXAS, TO BE ATTORNEY GENERAL.

GRANT S. GREEN, JR., OF VIRGINIA, TO BE DEPUTY SECRETARY OF STATE FOR MANAGEMENT AND RESOURCES.

HOWARD J. KRONGARD, OF NEW JERSEY, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE.

ALDONA WOS, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CHARLES GRAVES UNTERMEYER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JOHN D. ROOD, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

LINDA MORRISON COMBS, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

KIRK VAN TINE, OF VIRGINIA, TO BE DEPUTY SECRETARY OF TRANSPORTATION.

SUE ELLEN WOOLDRIDGE, OF VIRGINIA, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR.

GREGORY FRANKLIN JENNER, OF OREGON, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

PAUL JONES, OF COLORADO, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008.

JESUS H. DELGADO-JENKINS, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

HAROLD DAMELIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY.

RAYMOND THOMAS WAGNER, JR., OF MISSOURI, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2009.

LUIS LUNA, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTEÇTION AGENCY.

CHARLES JOHNSON, OF UTAH, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY.

ANN R. KLEE, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

THOMAS V. SKINNER, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

STEPHEN L. JOHNSON, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

NAOMI CHURCHILL EARP, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2005.

ADAM MARC LINDEMANN, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2005.

JORGE A. PLASENCIA, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2006.

LINDA MYSLIWY CONLIN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2007.

RONALD ROSENFELD, OF OKLAHOMA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR THE REMAINDER OF THE TERM EXPIRING FEBRUARY 27, 2009.

PETER EIDE, OF MARYLAND, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS.

A. PAUL ANDERSON, OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2007.

STANLEY C. SUBOLESKI, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2006.

DAVID B. RIVKIN, JR., OF VIRGINIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2004.

BRIAN DAVID MILLER, OF VIRGINIA, TO BE INSPECTOR GENERAL, GENERAL SERVICES ADMINISTRATION.

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2003.

PATRICK LLOYD MCCRORY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005.

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2003.

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2009, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006.

ADOLFO A. FRANCO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2008.

ADOLFO A. FRANCO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2008.

ROGER W. WALLACE, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008.

NADINE HOGAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008.

JACK VAUGHN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006.

NADINE HOGAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008.

JACK VAUGHN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006.

ROGER W. WALLACE, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008.

JAY PHILLIP GREENE, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 2005.

DAVID WESLEY FLEMING, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2007.

JOHN RICHARD PETROCIK, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2008.

GEORGE PERDUE, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 5, 2006.

LILLIAN R. BEVIER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004.

THOMAS A. FUENTES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005.

THOMAS A. FUENTES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005.

BERNICE PHILLIPS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

COL. CRAIG T. BODDINGTON, 6953, TO BE BRIGADIER GENERAL.

BRIGADIER GENERAL DON T. RILEY, UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 USC 642).

MICHAEL BUTLER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008.

D. MICHAEL RAPPOPORT, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008.

ALLEN WEINSTEIN, OF MARYLAND, TO BE ARCHIVIST OF THE UNITED STATES.

HARRY ROBINSON, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008.

RICHARD KENNETH WAGNER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2006.

WILLIAM HARDIMAN, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2006.

RONALD E. MEISBURG, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008.

RONALD E. MEISBURG, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008.

A. WILSON GREENE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2009.

KATINA P. STRAUCH, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2009.

JAMES WILLIAM CARR, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

GEORGE M. DENNISON, OF MONTANA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

ANDREW J. MCKENNA, JR., OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

CAPT. CAROL M. POTTENGER, 3454, TO BE REAR ADMIRAL (LOWER HALF).

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

CAPT. ALBERT GARCIA III, 3459, TO BE REAR ADMIRAL (LOWER HALF).

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

CAPT. NATHAN E. JONES, 9123, TO BE REAR ADMIRAL (LOWER HALF).

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

CAPT. VICTOR C. SEE, JR., 8526, TO BE REAR ADMIRAL (LOWER HALF).

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

CAPT. KEVIN M. MCCOY, 6826, TO BE REAR ADMIRAL (LOWER HALF).
CAPT. WILLIAM D. RODRIGUEZ, 8529, TO BE REAR ADMIRAL (LOWER HALF).

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

CAPT. CHRISTINE M. BRUZEK-KOHLER, 7779, TO BE REAR ADMIRAL (LOWER HALF).

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

CAPT. RAYMOND E. BERUBE, 0187, TO BE REAR ADMIRAL (LOWER HALF).
CAPT. JOHN J. PRENDERGAST III, 0415, TO BE REAR ADMIRAL (LOWER HALF).

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

REAR ADM. (LH) ALAN S. THOMPSON, 2891, TO BE REAR ADMIRAL.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

CAPT. PETER M. GRANT III, 3624, TO BE REAR ADMIRAL (LOWER HALF).

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

REAR ADM. (LH) NANCY J. LESCAVAGE, 7676, TO BE REAR ADMIRAL.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

CAPT. MARK W. BALMERT, 8404, TO BE REAR ADMIRAL (LOWER HALF).

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

REAR ADM. (LH) JEFFREY A. BROOKS, 5383, TO BE REAR ADMIRAL.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

REAR ADM. (LH) ROBERT B. MURRETT, 7287, TO BE REAR ADMIRAL.

GREGORY B. JACZKO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM EXPIRING JUNE 30, 2008.

ALBERT HENRY KONETZNI, JR., OF NEW YORK, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM EXPIRING JUNE 30, 2009.

EDWIN D. WILLIAMSON, OF SOUTH CAROLINA, TO BE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS FOR A TERM OF FIVE YEARS.

TONY HAMMOND, OF VIRGINIA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2010.

JACK EDWIN MCGREGOR, OF CONNECTICUT, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

SCOTT KEVIN WALKER, OF WISCONSIN, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

TERRENCE W. BOYLE, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

RICHARD A. GRIFFIN, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

CAROLYN B. KUHL, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

DAVID W. MCKEAGUE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

SUSAN BIEKE NEILSON, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

PRISCILLA RICHMAN OWEN, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

CHARLES W. PICKERING, SR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

HENRY W. SAAD, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

JAMES C. DEVER III, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA.

THOMAS L. LUDINGTON, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

WILLIAM H. PRYOR, JR., OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

ROBERT J. CONRAD, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA.

DANIEL P. RYAN, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

WILLIAM GERRY MYERS III, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

JANICE R. BROWN, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

BRETT M. KAVANAUGH, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

WILLIAM JAMES HAYNES II, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

PETER G. SHERIDAN, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

CLAUDE A. ALLEN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

CHARLES W. PICKERING, SR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

WILLIAM H. PRYOR, OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

THOMAS B. GRIFFITH, OF UTAH, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

LAURA A. CORDERO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

JULIET JOANN MCKENNA, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

PAUL A. CROTTY, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

SEAN F. COX, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

J. MICHAEL SEABRIGHT, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII.

JENNIFER M. ANDERSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

NOEL ANKETELL KRAMER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

JAY T. SNYDER, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2007.

JAMES R. KUNDER, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DANIEL PIPES, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

DANIEL PIPES, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

CHARLOTTE A. LANE, OF WEST VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2009.

DANIEL PEARSON, OF MINNESOTA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2011.

DEBORAH ANN SPAGNOLI, OF CALIFORNIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

CAROLYN L. GALLAGHER, OF TEXAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 2005.

LOUIS J. GIULIANO, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2009.

LOUIS J. GIULIANO, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2009.

CAROLYN L. GALLAGHER, OF TEXAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 2005.

RICARDO H. HINOJOSA, OF TEXAS, TO BE CHAIR OF THE UNITED STATES SENTENCING COMMISSION.

23 NOMINATIONS IN THE AIR FORCE BEGINNING WITH PAUL N. AUSTIN AND ENDING WITH FLORENCE A. VALLEY.

134 NOMINATIONS IN THE AIR FORCE BEGINNING WITH TRAVIS R. ADAMS AND ENDING WITH WENDY J. WYSE.

17 NOMINATIONS IN THE AIR FORCE BEGINNING WITH STEPHEN M. ALLEN AND ENDING WITH THEADORE L. WILSON.

57 NOMINATIONS IN THE AIR FORCE BEGINNING WITH STEVEN G. ALLRED AND ENDING WITH JOHN R. WROCKLOFF.

1425 NOMINATIONS IN THE AIR FORCE BEGINNING WITH DAVID C. ABRUZZI AND ENDING WITH MICHAEL J. ZUBER.

49 NOMINATIONS IN THE ARMY BEGINNING WITH STANLEY P. ALLEN AND ENDING WITH HENRY J. YOUNG.

TONI CHRISTIANSEN WAGNER IN THE FOREIGN SERVICE.
DENIS P. COLEMAN, JR. IN THE FOREIGN SERVICE.
DAVID J. WILSON IN THE MARINE CORPS TO BE LIEUTENANT COLONEL.
AMY V. DUNNING IN THE MARINE CORPS TO BE COLONEL.
MICHAEL AKSELRUD IN THE MARINE CORPS TO BE MAJOR.

2 NOMINATIONS IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION BEGINNING WITH JAMES D. RATHBUN AND ENDING WITH ANDREW P. SEAMAN.

DAVID B. WEIDING IN THE NAVY TO BE COMMANDER.

THOMAS C. DORR, OF IOWA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT.

THOMAS C. DORR, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 8, 2004:

DEPARTMENT OF ENERGY

SUSAN JOHNSON GRANT, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

KAREN ALDERMAN HARBERT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (INTERNATIONAL AFFAIRS AND DOMESTIC POLICY).

JOHN S. SHAW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENT, SAFETY AND HEALTH).

DEPARTMENT OF LABOR

VERONICA VARGAS STIDVENT, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF JUSTICE

WILLIAM SANCHEZ, OF FLORIDA, TO BE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES FOR A TERM OF FOUR YEARS.

FOREIGN SERVICE NOMINATIONS BEGINNING DONNA LURLINE WOOLF AND ENDING LISA BOBBIE SCHREIBER-HUGHES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2004.

FOREIGN SERVICE NOMINATIONS BEGINNING CYNTHIA A. HALEY AND ENDING WALTER D. PATTERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2004.

HOUSE OF REPRESENTATIVES—*Monday, December 20, 2004*

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT OF THE 108TH CONGRESS 2D SESSION

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 9, 2004.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 9, 2004 at 12:35 p.m.:

That the Senate agreed to conference report S. 2845.

That the Senate passed without amendment H.R. 530.

That the Senate passed without amendment H.R. 2457.

That the Senate passed without amendment H.R. 2619.

That the Senate passed without amendment H.R. 3632.

That the Senate passed without amendment H.R. 3785.

That the Senate passed without amendment H.R. 3818.

That the Senate passed without amendment H.R. 4027.

That the Senate passed without amendment H.R. 4116.

That the Senate passed without amendment H.R. 4569.

That the Senate passed without amendment H.R. 4657.

That the Senate passed without amendment H.R. 5204.

That the Senate passed without amendment H.R. 5363.

That the Senate passed without amendment H.R. 5382.

That the Senate passed without amendment H.R. 5394.

That the Senate passed without amendment H.R. 5419.

That the Senate agreed to conference report H.R. 4548.

That the Senate passed without amendment H. Con. Res. 531.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

FURTHER COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 13, 2004.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 20, 2004 at 5:18 p.m.:

That the Senate agreed to House Amendment to S. 1301.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED AFTER SINE DIE ADJOURNMENT

Mr. Trandahl, Clerk of the House, after sine die adjournment of the 2d session, 108th Congress, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker on December 9, 2004:

H.R. 480. An act to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the "United States Postal Service Henry Johnson Annex".

H.R. 2119. An act to provide for the conveyance of Federal lands, improvements, equipment, and resource materials at the Oxford Research Station in Granville County, North Carolina, to the State of North Carolina.

H.R. 2523. An act to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the "Tomochichi United States Courthouse".

H.R. 3124. An act to designate the facility of the United States Geological Survey and the United States Bureau of Reclamation located at 230 Collins Road, Boise, Idaho, as the "F.H. Newell Building".

H.R. 3147. An act to designate the Federal building located at 321 Twenty-Fifth Street in Ogden, Utah, as the "James V. Hansen Federal Building".

H.R. 3204. An act to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

H.R. 3242. An act to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown crops, and for other purposes.

H.R. 3734. An act to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building".

H.R. 3884. An act to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the "Hipolito F. Garcia Federal Building and United States Courthouse".

H.R. 4232. An act to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the "Congressman Jack Fields Post Office".

H.R. 4324. An act to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes.

H.R. 4620. An act to confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

H.R. 4807. An act to designate the facility of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the "Adam G. Kinser Post Office Building".

H.R. 4829. An act to designate the facility of the United States Postal Service located at 103 East Kleberg in Kingsville, Texas, as the "Irma Rangel Post Office Building".

H.R. 4847. An act to designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, as the "Lieutenant General James V. Edmundson Post Office Building".

H.R. 4968. An act to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the "Bill Monroe Post Office".

H.R. 5360. An act to authorize grants to establish academies for teachers and students of American history and civics, and for other purposes.

H.R. 5364. An act to designate the facility of the United States Postal Service located at 5505 Stevens Way in San Diego, California, as the "Earl B. Gilliam/Imperial Avenue Post Office Building".

H.R. 5365. An act to treat certain arrangements maintained by the YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, and for other purposes.

H.R. 5370. An act to designate the facility of the United States Postal Service located

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

at 4985 Moorhead Avenue in Boulder, Colorado, as the "Donald G. Brotzman Post Office Building".

H.J. Res. 102. Joint resolution recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there.

Mr. Trandahl, Clerk of the House, after sine die adjournment of the 2d session, 108th Congress, further reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. TOM DAVIS of Virginia, on December 14, 2004:

H.R. 530. An act for the relief of Tanya Andrea Goudeau.

H.R. 2457. An act to authorize funds for an educational center for the Castillo de San Marcos National Monument, and for other purposes.

H.R. 2619. An act to provide for the expansion of Kilauea Point National Wildlife Refuge.

H.R. 3632. An act to prevent and punish counterfeiting of copyrighted copies and phonorecords, and for other purposes.

H.R. 3785. An act to authorize the exchange of certain land in Everglades National Park.

H.R. 3818. An act to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes.

H.R. 4027. An act to authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration of Virginia Key, Florida, for use by the University for a Marine Life Science Center.

H.R. 4116. An act to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an "endangered" species under the Endangered Species Act of 1973, and for other purposes.

H.R. 4548. An act to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 4569. An act to provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen Phytophthora ramorum, and for other purposes.

H.R. 4657. An act to amend the Balanced Budget Act of 1997 to improve the administration of Federal pension benefit payments for District of Columbia teachers, police officers, and fire fighters, and for other purposes.

H.R. 5204. An act to amend section 340E of the Public Health Service Act (relating to children's hospitals) to modify provisions regarding the determination of the amount of payments for indirect expenses associated with operating approved graduate medical residency training programs.

H.R. 5363. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2005.

H.R. 5382. An act to promote the development of the emerging commercial human space flight industry, and for other purposes.

H.R. 5394. An act to amend the Internal Revenue Code of 1986 to modify the taxation of arrow components.

H.R. 5419. An act to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E 911 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system; and to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time.

SENATE ENROLLED BILLS SIGNED AFTER SINE DIE ADJOURNMENT

The Speaker pro tempore, Mr. TOM DAVIS of Virginia, after sine die adjournment of the 2d session, 108th Congress, announced his signature to enrolled bills of the Senate of the following titles on December 14, 2004:

S. 1301. An act to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

S. 2657. An act to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2781. An act to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

S. 2845. An act to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

S. 2856. An act to limit the transfer of certain Commodity Credit Corporation funds between conservation programs for technical assistance for the programs.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

Mr. Trandahl, Clerk of the House, prior to sine die adjournment of the 2d Session, 108th Congress, reported that, on the following dates, he presented to the President of the United States, for his approval, the following bills and a joint resolution of the following titles:

On November 30, 2004:

H.R. 1350. To reauthorize the Individuals with Disabilities Education Act, and for other purposes.

H.R. 2655. To amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

H.R. 4302. To amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect.

On December 1, 2004:

H.J. Res. 115. Making further continuing appropriations for the fiscal year 2005, and for other purposes.

On December 7, 2004:

H.R. 4012. A bill to amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act.

H.R. 4818. Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Mr. Trandahl, Clerk of the House, after sine die adjournment of the 2d Session, 108th Congress, reported that, on the following date, he presented to the President of the United States, for his approval, the following bills and a joint resolution of the following titles:

On December 10, 2004:

H.R. 480. To redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the "United States Postal Service Henry Johnson Annex".

H.R. 2119. To provide for the conveyance of Federal lands, improvements equipment, and resource materials at the Oxford Research Station in Granville County, North Carolina, to the State of North Carolina.

H.R. 2523. To designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the "Tomochichi United States Courthouse".

H.R. 3124. To designate the facility of the United States Geological Survey and the United States Bureau of Reclamation located at 230 Collins Road, Boise, Idaho, as the "F.H. Newell Building".

H.R. 3147. To designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the "James V. Hansen Federal Building".

H.R. 3204. To require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

H.R. 3242. To ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops, and for other purposes.

H.R. 3734. To designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building".

H.R. 3884. To designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the "Hipolito F. Garcia Federal Building and United States Courthouse".

H.R. 4232. To redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the "Congressman Jack Fields Post Office".

H.R. 4324. To amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time.

H.R. 4620. To confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

H.R. 4807. To designate the facility of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the "Adam G. Kinser Post Office Building".

H.R. 4829. To designate the facility of the United States Postal Service located at 103 East Kelberg in Kingsville, Texas, as the "Irma Rangel Post Office Building".

H.R. 4847. To designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, as the "Lieutenant General James V. Edmundson Post Office Building".

H.R. 4968. To designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the "Bill Monroe Post Office".

H.R. 5360. To authorize grants to establish academies for teachers and students of American history and civics, and for other purposes.

H.R. 5364. To designate the facility of the United States Postal Service located at 5505 Stevens Way in San Diego, California, as the "Earl B. Gilliam/Imperial Avenue Post Office Building".

H.R. 5365. To treat certain arrangements maintained by the YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, and for other purposes.

H.R. 5370. To designate the facility of the United States Postal Service located at 4985 Moorhead Avenue in Boulder, Colorado, as the "Donald G. Brotzman Post Office Building".

H.J. Res. 102. Recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there.

On December 16, 2004:

H.R. 530. For the relief of Tanya Andrea Goudeau.

H.R. 2457. To authorize funds for an educational center of the Castillo de San Marcos National Monument, and for other purposes.

H.R. 2619. To provide for the expansion of Kilauea Point National Wildlife Refuge.

H.R. 3632. To prevent and punish counterfeiting of copyrighted copies and phonorecords, and for other purposes.

H.R. 3785. To authorize the exchange of certain land in Everglades National Park.

H.R. 3818. To amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes.

H.R. 4027. To authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center.

H.R. 4116. To require the Secretary of the treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an "endangered" species under the Endangered Species Act of 1973, and for other purposes.

H.R. 4548. To authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 4569. To provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen Phytophthora ramorum, and for other purposes.

H.R. 4657. To amend the Balanced Budget Act of 1997 to improve the administration of Federal pension benefit payments for District of Columbia teachers, police officers, and fire fighters, and for other purposes.

H.R. 5204. To amend section 340E of the Public Health Service Act (relating to children's hospitals) to modify provisions regarding the determination of the amount of payments for indirect expenses associated with operating approved graduate medical residency training programs.

H.R. 5363. To authorize salary adjustments for Justices and judges of the United States for fiscal year 2005.

H.R. 5382. To promote the development of the emerging commercial human space flight industry, and for other purposes.

H.R. 5394. To amend the Internal Revenue Code of 1986 to modify the taxation of arrow components.

H.R. 5419. To amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E-911 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system; and to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time.

BILL AND JOINT RESOLUTION APPROVED BY THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

The President, prior to sine die adjournment of the 2d Session, 108th Congress, notified the Clerk of the House that on the following date, he had approved and signed a bill and joint resolution of the following titles:

December 3, 2004:

H.R. 1350. An act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

SENATE BILL APPROVED BY THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

The President, prior to sine die adjournment of the 2d Session, 108th Congress, notified the Clerk of the House that on the following date, he had approved and signed a bill of the Senate of the following title:

December 3, 2004:

S. 150. An act to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet tax Freedom Act.

BILLS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, after sine die adjournment of the 2d Session, 108th Congress, notified the Clerk of the House that on the following dates, he had approved and signed bills and joint resolutions of the following titles:

December 8, 2004:

H.R. 4818. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

December 10, 2004:

H.R. 2655. An act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

H.R. 4302. An act to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect.

SENATE BILLS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, after sine die adjournment of the 2d Session, 108th Congress, notified the Clerk of the House that on the following dates, he had approved and signed bills of the Senate of the following titles:

December 8, 2004:

S. 2618. An act to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

December 10, 2004:

S. 437. An act to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

S. 1466. An act to facilitate the transfer of land in the State of Alaska, and for other purposes.

S. 2192. An act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2486. An act to amend title 38, United States Code, to improve and enhance housing, education, and other benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2873. An act to extend the authority of the United States District Court for the

Southern District of Iowa to hold court in Rock Island, Illinois.

S. 3014. An act to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11467. A letter from the Clerk of the U.S. House of Representatives, transmitting a list of reports, pursuant to Rule II, clause 2(b), of the Rules of the House; (H. Doc. No. 108–188); to the Committee on House Administration and ordered to be printed.

SENATE—*Monday, December 20, 2004*

OFFSHORE OUTSOURCING

Mr. LIEBERMAN. Mr. President, on December 15, 2004, my office released a white paper entitled "Data Dearth in Offshore Outsourcing: Policymaking Requires Facts." This white paper is closely linked to a previous white paper entitled "Offshore Outsourcing and America's Competitive Edge: Losing Out in the High Technology R&D and Services Sectors." The latter was released by my office in May 2004. A summary of that report appeared in the RECORD on May 21, 2004.

A key conclusion of the May paper was the absence of reliable data to measure and assess the offshore outsourcing phenomenon. We do not have good data on the offshoring problem, and the data we have are general in nature. Estimates vary widely on the number of jobs moving overseas, and the lack of reliable data contributes to incorrect conclusions about the impacts of offshore outsourcing, which can result in flawed policy responses. We need data to understand what we are facing so we can chart a sure and steady course for the future. There is enough anecdotal data about job losses to spark debate and, in some cases, result in policies which may provide a short-term fix but which do not produce longer term solutions to preserve U.S. innovation and ensure U.S. competitiveness. Comprehensive and balanced data on both job gains and job losses resulting from offshore outsourcing are essential. This data must be assembled by U.S. Federal Government agencies, including the Department of Commerce and the Department of Labor, where data-gathering capabilities are extensive and research methodologies are transparent.

The lack of data is critical because the issues raised in the May white paper are so important. The white paper was designed to stimulate a deeper review of the long-term implications for our policy responses and to change the terms of the debate on offshore outsourcing. The paper looked at rising global competition and the challenges posed to America's competitive advantage. Globalization is our current and future reality; there is no escaping it. The U.S. economy is inextricably linked to the rest of the world; our fortunes rise and fall depending on our performance with our trading partners and our competitors. Our strength and success with China, India, and other emerging markets is as important to future U.S. economic and national security as the competition with Japan and Europe was to U.S. growth over the last 50 years. The offshore outsourcing phenomenon is one of the challenging manifestations of globalization.

The May white paper found that it was not just manufacturing jobs that are subject to global outsourcing—where 2.7 million jobs have disappeared since 2000—but service sector and high-end R&D jobs are also being hit by offshore outsourcing. And it is not just call centers, data entry facilities, and other entry-level service jobs that are impacted by offshore outsourcing. Higher skill professional jobs—from engineering, computer chip design to nanotechnology R&D—are beginning to go overseas, and with these jobs, we may be losing key parts of the talent and technology which fueled the record growth and prosperity of the 1990s. Fundamental changes are facing us, as key components of our innovation infrastructure knowledge, capital, labor, technology and facilities—are increasingly mobile. Offshore outsourcing of labor, capital, and technology not only hurts workers but threatens our knowledge-based economy. If engineering, design, R&D, and services follow manufacturing abroad, U.S. competitiveness is weakened, and our economic prosperity and national security are threatened.

What is at stake is the ability of the United States to remain a global leader in innovation, to maintain good-paying jobs, and to expand our global market share. We must rethink long-term strategies on competitiveness, innovation, R&D, trade policy, and enforcement, as well as education and investments in human capital. However, we cannot begin to develop effective solutions until we have an understanding of the scope of the offshore outsourcing phenomenon. The need for data on offshore outsourcing is paramount.

Lord Kelvin, the 19th century Belfast-born physicist said:

> When you can measure what you are speaking about and express it in numbers, you know something about it; but when you cannot measure it, when you cannot express it in numbers, your knowledge is of the meager and unsatisfactory kind.

That was in a May 3, 1883 lecture to the Institute of Civil Engineers.

By improving U.S. Government data collection, we can ensure that our knowledge of offshore outsourcing is neither meager nor unsatisfactory, but informed and balanced. With improved data and analysis, we will build constructive and lasting solutions to address the challenges posed by offshore outsourcing.

I would like to thank Sara E. Hagigh of my staff and Mary Jane Bolle of the Congressional Research Service for their hard work in researching and preparing this report.

Mr. President, I ask unanimous consent to have excerpts from the white paper printed in the CONGRESSIONAL RECORD.

The material follows:

EXCERPT 1, SUMMARY OF WHITE PAPER

The issue of offshore outsourcing has been at the center of many key political and public debates over the last few years. The term "outsourcing" has become part of our everyday lexicon, gracing the covers of news magazines, television broadcasts, and playing a central role in Congressional debates during an election year. Most Americans are aware of the issue of offshore outsourcing, but few of us have an understanding of the full dimensions of the problem.

To develop a better understanding of offshore outsourcing, my office released a white paper in May 2004 entitled "Offshore Outsourcing and America's Competitive Edge: Losing Out in the High Technology R&D and Services Sectors." The white paper found that it is not only manufacturing jobs that are being outsourced overseas, where 2.7 million jobs have disappeared since 2000. Offshore outsourcing has also begun to hit high-end services and R&D jobs, and there is evidence that it is not just call centers, data entry and other entry-level service jobs that are impacted by offshoring. We are beginning to send higher skill professional jobs overseas—including engineering, computer chip design and nanotechnology R&D, and with these jobs, we may be losing the talent and technology that created the growth of the 1990s. The white paper concluded that offshore outsourcing of high-end services and R&D jobs could threaten our innovation infrastructure, and therefore our economic prosperity, and our national security.

A key conclusion of the white paper was the absence of reliable data to measure and assess the offshore outsourcing phenomenon. Estimates vary widely on the number of jobs moving overseas, and the lack of reliable data contributes to incorrect conclusions about the impacts of offshore outsourcing. The result is flawed and ineffective policy responses. In order to develop effective policies to address the many facets of the offshore outsourcing challenge—including investments in education and human capital, greater investments in Federal, industrial, and services R&D, and better enforcement of our trade agreements—we must have better, more reliable data.

This paper provides a review and assessment of Federal data on offshore outsourcing:

1. It begins by identifying a series of questions that would produce useful data to measure offshore outsourcing. These questions address information about job "losses" as well as job "gains" from offshore outsourcing so we can arrive at a balanced assessment of the impacts of offshore outsourcing.

2. The report then surveys ten existing U.S. government data sets, from the Departments of Labor and Commerce, measuring aspects of offshore outsourcing. The report enumerates strengths and weaknesses of

each of the ten data sets in measuring offshore outsourcing and identifies which federal agency data best answer the questions posed in Table 1 of the report—Useful Data to Measure Offshore Outsourcing. The report also contains Table 2 (Aspects of Offshore Outsourcing Potentially Measurable with Existing Data), Table 3 (Legislative Recommendations for Improving Federal Agency Data on Offshore Outsourcing), Appendix A (Federal Agency Data's Strengths and Weaknesses for Measuring Offshore Outsourcing) and Appendix B (Major U.S. trading partners).

3. Finally, the report makes five legislative recommendations for improving Federal agency data to provide a more useful measure of offshore outsourcing. The five recommendations (summarized in Table 3, Legislative Recommendations for Improving Federal Agency Data on Offshore Outsourcing) are:

a. Extend the Trade Adjustment Assistance Program;

b. Require the Office of Trade Adjustment Assistance to report data;

c. Require Bureau of Labor Statistics to make changes to Mass Layoff data program;

d. Require the Commerce Department to publish annual multipliers; and

e. Link Bureau of Economic Analysis and Bureau of Labor Statistics data sets.

This report represents a beginning, not the end. We must develop reliable and comprehensive data-gathering capabilities at U.S. government agencies to measure employment and economic effects of offshore outsourcing. Without a better understanding of the scope of the problem, effective policy solutions to offshore outsourcing cannot be developed.

This is the fifth major white paper in a recent series on U.S. economic growth my office has released. The four previous papers are:

1. "Offshore Outsourcing and America's Competitive Edge: Losing Out in the High Technology R&D and Services Sectors," May 11, 2004.

2. "Making America Stronger: A Report with Legislative Recommendations on Restoration of U.S. Manufacturing," September 2003.

3. "National Security Aspects of the Global Migration of the U.S. Semiconductor Industry," June 2003.

4. "Broadband: A 21st Century Technology and Productivity Strategy," May 2002.

EXCERPT 2. DATA WE WOULD LIKE TO HAVE: USEFUL DATA TO MEASURE OFFSHORE OUTSOURCING

In a perfect world, data on offshore outsourcing and its impact on the U.S. economy would be available to answer questions about job losses from offshore outsourcing and counterbalancing job gains. An assessment of the impact of offshore outsourcing on U.S. employment levels and the overall economy must balance both job gains and job losses. Table 1 on p. 12 sets out these questions together with short-hand answers on where the data can be found to respond to each question. This report will then analyze and assess all Federal agency data on offshore outsourcing.

In prioritizing data needs, it would be most important to have data to answer the questions in Part A and Part B of Table 1—a total of 10 questions. Part A includes 6 questions on job losses from offshore outsourcing and Part B poses 4 questions on counterbalancing job gains. If data were available to answer all of the questions in Parts A and B in Table 1, the result would be a reasonably good picture of the positive and negative effects of offshore outsourcing on the U.S. economy, as well as on industries, States, and localities, and their workers. After data in Parts A and B are gathered, it would be useful to have the data in Part C of Table 1, which address 7 specific questions including the role of visa programs in offshoring operations and the impact of offshore outsourcing on career choices of U.S. students.

Table 1 shows that almost no data are being made available at this time to provide answers to any of the questions in Table 1. Much of the data is either unpublished or not being collected. Some data relating to U.S. exports and U.S. foreign direct investment (both foreign and domestic) are gathered by the Department of Commerce, but for the more detailed questions relating to offshore outsourcing (listed in Part C of Table 1), no U.S. government agency collects the data. The unavailability of basic data to answer the questions in Parts A and B (job losses and job gains from offshore outsourcing) is in sharp contrast to the comprehensive data that were available to answer similar questions related to Mexico and Canada under the North American Free Trade Agreement (NAFTA). These data were available between 1994 and 2003 but are no longer being published.

EXCERPT 3. RECOMMENDATIONS

The next section outlines five legislative recommendations that might be taken to produce data that would offer some estimates of the extent and nature of offshore outsourcing. These recommendations range from amending existing legislation to increasing Federal agency reporting requirements.

RECOMMENDATION 1: EXTEND THE TRADE ADJUSTMENT ASSISTANCE (TAA) PROGRAM

One recommendation is to extend the TAA program to cover two groups of workers not presently covered who lose their jobs to offshore outsourcing: a) all service sector workers; and b) workers producing "articles" who are currently not covered under Sec. 113 of Title I of the Trade Act of 2002 (P.L. 107-210). Sec. 113 provides TAA benefits to workers if they lose their jobs due to shifts in production to certain countries, primarily countries with which the United States has a trade agreement or a trade preference program (see footnote 29 for a list of these 72 countries).

On the first issue of covering all displaced service sector workers, there are a number of benefits in making this change to the legislation authorizing the TAA program. Aside from issues of equality in having the Trade Adjustment Assistance Program cover all workers who lose their jobs to offshore outsourcing, extending the program would result in data covering virtually the complete range of jobs lost to offshore outsourcing. From these data, analysts could estimate the effects of offshore outsourcing on the Nation as a whole, on individual industries, and on States and localities. One drawback of expanding the TAA program to provide benefits to services workers whose jobs are lost to offshore outsourcing is that the program would cost more. No estimate has been made on additional costs to the TAA program resulting from covering services workers who lose their jobs due to offshore outsourcing.

Legislation has been introduced in the 108th Congress to extend the TAA program to cover service sector workers. Senator Lieberman co-sponsored "The Services Workers Fairness Act" (S. 2143), introduced by Senator Durbin, to ensure that services workers losing their jobs to offshoring are eligible for TAA benefits. Senator Lieberman also supported an amendment to the Senate version of the Foreign Sales Corporation-Extraterritorial Income Act bill (S. 1637) introduced by Senators Wyden, Coleman, and Rockefeller to extend the TAA program to cover services workers. While the amendment failed to pass, Congress must continue efforts to extend TAA benefits to all Americans who lose their jobs due to offshoring, including services workers.

The second change to the TAA program would extend the TAA program to cover workers producing articles whose job relocates to any country. This provision was included in the Senate-passed version of the TAA reauthorization, included in the Trade Act of 2002, however it was yielded in the Conference committee [See Trade Act of 2002, Conference Report 107-624, July 26, 2002, p. 122.]. Under existing law, TAA benefits go to workers who lose jobs when their firms have shifted production to a country which: a) has a free trade agreement with the United States; b) is a beneficiary country under the Andean Trade Preference Act, the African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or c) is likely to be an increase in imports to the United States of articles like or directly competitive with those the job loser produced (Sec. 113, P.L. 107-210).

A review of the Department of Labor-Employment and Training Agency's website on the TAA program shows that there are 72 countries that meet these requirements for shifts in production (see footnote 29 of this report for the list of countries). Yet, there are 148 members of the World Trade Organization, and important trading partners and key outsourcing destinations like China and India are not on the list for shifts in production. This is a significant limitation in the TAA program. At a minimum, the list of eligible countries for production shifts should be expanded to include all WTO members—currently 148 countries.

RECOMMENDATION 2: REQUIRE THE OFFICE OF TRADE ADJUSTMENT ASSISTANCE TO REPORT DATA

A second recommendation is to require the Office of Trade Adjustment Assistance to report data which it is already collecting on applications for TAA certification. A database for such reported data could include the following categories of information for certified workers: Name of company, location of business, products produced and North American Industry Classification System (NAICS) industry code, place to which production has shifted, or from which new imports are being sourced, reason for the offshore outsourcing (imports or production shift) and number of workers affected.

Publishing data of this type would not be new for the TAA Office. Under the NAFTA-TAA program the office made available data on certifications: a) By number of workers affected; b) by industry code; c) by State and locality of the job losers; and d) by country source of the job loss (i.e., the country which was the source of imports or the target of the production shift). These data are potentially the best, most complete data available because: a) They are a direct count of the estimated number of workers potentially affected by the various offshore outsourcing events; and b) they are required, not voluntary, on the part of applicants for certification.

Despite these benefits, TAA data are an imperfect measure of the total jobs lost to offshore outsourcing. They do not measure service-producing jobs outsourced offshore (with a few minor exceptions), and they do not measure all goods-producing jobs outsourced offshore. Other imperfections are that: a) They measure potential, not actual job loss, some of which may not actually have occurred; and b) they fail to measure tertiary jobs lost (e.g., independent service sector jobs which support goods-production operations outsourced offshore, such as those in stores in areas hit by closures).

RECOMMENDATION 3: REQUIRE BLS TO MAKE CHANGES IN MASS LAYOFF DATA PROGRAM

Three requirements could improve data being reported by the Bureau of Labor Statistics on the Extended Mass Layoffs Associated with Domestic and Overseas Relocations Survey: 1) Reduce survey size to businesses with 25 layoffs; 2) disaggregate (separate into component parts) data on movement of work; and 3) report data annually instead of quarterly.

(1) Reduce Survey Size to Businesses With 25 Layoffs. The Extended Mass Layoff Survey, which contains a question on movement of work, could be conducted on businesses which lay off 25 or more workers instead of businesses which lay off 50 or more workers as is currently the case. A reduction in the size of the companies surveyed would capture more layoff events and increase the share of offshore outsourcing instances reported.

BLS officials estimate that expanding the Mass Layoff Survey to layoffs of 25 workers or more would allow the program to identify more than double the number of potential layoff events requiring a telephone interview. BLS officials estimate that such an expansion in the MLS survey program will require $3.3 million in additional funds, including 3 full time equivalent employees. Of this total, $2.7 million would go to States for the MLS employer interview and related activity. The remaining $600,000 would support BLS data collection, analysis, and publication activities.

Reducing the size of the business surveyed in the Extended Mass Layoff Survey does not alter the weaknesses of such data and survey methods, namely that the survey is voluntary and the quality of results depends on who in the organization responds to the survey and their knowledge of the causes of jobs going offshore. BLS officials also raised concerns about extra reporting burdens by reducing the size of business surveyed.

(2) Disaggregate Data on Movement of Work. BLS could be required to disaggregate (separate into component parts) and report separately detailed data on the two categories of "movement of work" movement of work to another location inside the United States versus movement of work to another location outside the United States. Detailed data to be reported could include distribution of layoffs by industry or region of the country affected by the layoff.

Many believe that disaggregating the data is the only way to make the data on movement of work useful. In its current form, data on offshore outsourcing are imbedded in data on movement of work within the United States, thus the data are not useful for measuring offshore outsourcing except for a few summary numbers.

Even with greater data disaggregation, the Extended Mass Layoff Survey remains voluntary. It is widely believed that companies are reluctant to reveal data on offshore outsourcing, although BLS reports a better than 90 percent response rate in the Extended Mass Layoff Survey in each of the first three quarters of 2004. As previously noted, the quality of survey responses depends on the company contact person who may not readily have answers about whether the "movement of work" is to an offshore location or to another location in the United States. Companies will likely argue that providing this level of detail presents additional burdens, both from a personnel and a financial point of view.

(3) Report Data Annually. The Department of Labor-Bureau of Labor Statistics could be required to report the Extended Mass Layoff Survey data annually instead of quarterly. Annual reporting would enable more detail to be published, since privacy rules prohibit the reporting of survey data which represents a sample size of fewer than three businesses.

Annual reporting of data would not solve the survey's limitations, namely that reporting is voluntary, results depend on who responds to the survey, and the additional reporting burdens placed on businesses. However, we could gain very helpful data if this recommendation was implemented.

RECOMMENDATION 4: REQUIRE DOC TO PUBLISH ANNUAL MULTIPLIERS

The Department of Commerce should be required to publish annual "multipliers" showing for goods and services separately and combined, the number of jobs supporting a billion dollars worth of exports in each category. The product of the multipliers and the value of exports can then yield an estimate of the total number of U.S. jobs producing for export. Comparing the number of workers producing for export across years yields an estimate of job "gains" from exports over time. These job gain estimates could provide an important context for estimates of job losses and are necessary to provide a full assessment of the effects of offshore outsourcing.

Some updating of the model used to prepare the job gains from trade estimates would likely be required in order to produce these data on an annual basis.

RECOMMENDATION 5: LINK BEA AND BLS DATA SETS

The Department of Commerce-Bureau of Economic Analysis and the Department of Labor-Bureau of Labor Statistics should be required to link their data sets, which could provide synergies. BEA could link its data on multinational corporations with relevant BLS data including occupational data and movement of work data in the Extended Mass Layoff Survey. Both BEA and BLS would be required to be transparent regarding their data collection methodologies. While there may be some value in sharing data and identifying greater detail on wages, occupation and skill level of jobs going overseas, there is no certainty that providing these data links will improve the quality of data on offshore outsourcing. Such data linkages may be more valuable after BEA and BLS improve their individual agency's data collection on offshore outsourcing, by implementing the recommendations in this report and any other suggestions to be developed. However, data linkages could provide important additional perspectives.

EXCERPT 4, CONCLUSION

If all of these legislative recommendations are followed, Congress would have available more accurate data on the phenomenon of offshore outsourcing. This could include better estimates of how many jobs both goods-producing jobs and services producing jobs—are being outsourced to other countries. From the Trade Adjustment Assistance database, that would be equivalent to the data available between 1994 and 2002 under NAFTA. Data would be available for the United States as a whole and by State, on how many jobs were being "lost" by industry, by city, by cause (imports or production shifts), and by country to which jobs were being transferred. Congress would also have available estimates on U.S. jobs "created" to balance jobs lost to offshore outsourcing. These new jobs would represent U.S. jobs supporting new exports and U.S. jobs supported by new foreign direct investment in the United States.

These data, providing U.S. government estimates of the magnitude of job "losses" from offshore outsourcing and counterbalancing job "gains" from new exports and foreign direct investment in the United States, could assist Congress in making a variety of informed policy decisions. In a narrower sense, these policy decisions would help displaced workers become employed in new jobs or help critical U.S. industries maintain a presence in the United States. In a broader sense, the data would help Congress make more informed decisions which could affect both the short-range and long-term economic health and welfare of the United States, its industries, and its citizens.

TABLE 1 USEFUL DATA TO MEASURE OFFSHORE OUTSOURCING

[Table prepared by Congressional Research Service]

Question	Location where answers can be found
A. Questions about job "losses" from offshore outsourcing:	
1. How many business operations are moving offshore?	Unpublished Trade Adjustment Assistance (TAA) data for covered countries, minimal data available in Bureau of Labor Statistics (BLS) Mass Layoff Survey.
2. What industries are affected?	Unpublished TAA data.
3. From what states and localities are they moving?	Unpublished TAA data.
4. To which countries are businesses shifting production?	Unpublished TAA data.
5. How many workers are affected, by state, by industry, by cause (imports vs. production shift) and by country to which the plant is relocating or from which imports are arriving?	Unpublished TAA data.
6. What is the re-employment experience of those workers displaced by offshore outsourcing (level and new wages and type of new jobs)?	BLS worker displacement surveys (some useful estimates).
B. Questions about counterbalancing job "gains" from offshore outsourcing:	
1. How much are exports increasing?	Available Department of Commerce export data, Census & BEA data.
2. What is the extent of job gains associated with increased exports?	Unpublished DOC jobs multiplier.
3. What is the extent of new foreign direct investment in the United States?	Available DOC-BEA data.
4. What is the extent of job "gains" from foreign direct investment in the United States?	Available BEA data.

TABLE 1.—USEFUL DATA TO MEASURE OFFSHORE OUTSOURCING—Continued

[Table prepared by Congressional Research Service]

Question	Location where answers can be found
C. Additional questions for which data on offshore outsourcing would be useful include:	
[The first six questions on the list, plus the question on re employment prospects of dislocated workers (Pt. A, question 6), were developed by Dr. Ron Hira, P.E., Assistant Professor, Public Policy, Rochester Institute of Technology]	
1. What are the number and types of jobs moving offshore by occupation, skill level, and wages?	No data are available.
2. What are the number and types of jobs created overseas by U.S.-owned companies for the purpose of exporting to U.S. markets compared to those created to serve foreign markets?	Some BEA data are available by affiliates, employment data are not
3. What are the numbers and types of jobs created in the United States by foreign-owned companies for the purpose of selling in the U.S. market compared to those created to produce exports for overseas market?	Some BEA data are available by affiliates, employment data are not
4. What are the companies' near-term and long-range plans for relocating facilities and transferring jobs to overseas locations?	No data are available.
5. What is the impact of offshore outsourcing on academic and career choices by American students?	No data are available.
6. What is the role of H-1B and L-1 temporary visa programs on offshore operations by U.S. and foreign companies?	No data are available.
7. How many and what types of research and development jobs are being sent offshore?	No data are available.

STANLEY KIMMITT—HONORED PUBLIC SERVANT AND LOYAL MONTANAN

Mr. BAUCUS. Last week the Senate lost one of its most dedicated public servants. Stan Kimmitt was deeply devoted to this great body and to his beloved country. He never forgot his humble beginnings and strong Montana roots. Stan devoted his life to public service, always defending democracy and decency whether it was on the dangerous battlefields of War World II Europe or in the Halls of the U.S. Capitol, he always held true to his core values.

Born James Stanley Kimmitt on April 5, 1918, to wheat farmers in Lewistown, MT, the 1920s drought forced the family to move to Great Falls where he was raised. After graduating from the University of Montana in Missoula in 1940, Stan immediately enlisted to serve his country in World War II. He fought as a tireless combat commander often volunteering to lead the most dangerous missions. Stan was eventually part of the first U.S. division to occupy Berlin and he was honored for his service by receiving the Silver and Bronze Stars. Stan would later heroically fight in the Korean war and his accomplishments were recognized when he was inducted into the Field Artillery Officer Candidate School Hall of Fame. Stan's exemplary military career served as a great building block for what lay ahead for his career.

When he returned to the States, Stan sought other ways to serve his country. One presented itself when Mike Mansfield was elected to the U.S. Senate from Montana. As Senator Mansfield's chief of staff, Stan was able to honor his roots and work on the issues important to his beloved home State. When Senator Mansfield became majority leader, his right-hand man, Stan Kimmitt, became his secretary of the majority. For 11 years, Mike and Stan worked quietly behind the scenes reaching across party lines to provide support to move the country forward. Kimmitt's long tenure represented a deep desire to work behind the scenes with both sides to provide support to move the country forward. It is clear that both sides respected this commitment.

Stan's leadership and ability to move opposing forces forward made him the perfect choice to become Secretary of the Senate, which he served as from 1977 to 1981. In this role Stan became a very influential member of the Senate. He was never elected but many Senators used to affectionately refer to him as the 101st Senator or the third Senator from Montana.

After Stan left the Secretary of the Senate position, he continued to be involved in governmental affairs. He sat on the board for the Democratic Leadership Council in 1985. The DLC was instrumental in introducing then-Governor Bill Clinton in 1985 to a wider public. Stan represented the same ideals that Bill Clinton ran on in 1992. He wanted to find politicians that would represent a new energetic vitality in the Democratic Party as Bill Clinton promised to do.

In spite of Stan's own notoriety, he continued to value his Montana roots. In 1983, he founded the Maureen and Mike Mansfield Foundation. The Maureen and Mike Mansfield Foundation was a tribute to his former boss but to Montana as well. The foundation is part of Mansfield's legacy and the causes he advocated during his time in the Senate. The foundation sponsors exchanges, dialogues, and publications to create networks or partnerships between U.S. and Asian leaders. The foundation provides excellent educational opportunities through fellowships to Japan for government employees.

Throughout the early 1990s Stan continued political activism that had been the trademark of his life. In 1991, Stan founded a political consulting firm now known as Kimmitt, Senter, Coates and Weinfurter.

Stan brought to politics and his time in the Senate a strong sense of deep moral principles and convictions. He believed that government could and should be a force for good. Stan was very much the idealist and did not see bitter division in the Senate only as ideological disagreements. To Stan, the Senate was one big family with all the characteristics of a family.

Stan lived his political life by three principles: First was to hold true to your conviction; second, be grateful for what is given to you and the opportunities you are given; and third, never give up unless you can make it better. The other value Stan saw as important in his political life was "to thine own self be true."

Stan started his professional life as a public servant. It seems only fitting that the last day of his life he started the morning in the Senate cloakroom on the Democratic side talking with former colleagues and friends. That night he attended an event honoring retiring Louisiana Democratic Senator JOHN BREAUX. Stan died honoring a fellow colleague who shared his beliefs and deeply felt convictions. He died doing what he loved best, which was very appropriate, very fitting.

Stan, you will be deeply missed in the Senate, but you will not soon be forgotten.

HONORING J. STANLEY KIMMITT

Mr. DASCHLE. Mr. President, as the Senate family knows, one of our former Secretaries of the Senate, J. Stanley Kimmitt, passed away suddenly on December 6, 2004. I recently received a note from William F. Hildenbrand, another former Secretary of the Senate, concerning Mr. Kimmitt, and I would like to have its contents printed in the CONGRESSIONAL RECORD. On a historical note, Mr. Hildenbrand had succeeded Mr. Kimmitt as Secretary. This was occasioned by the Democrats losing the majority of the Senate in the elections of 1980. It is clear that admiration of Mr. Kimmitt extends across the aisle.

The material follows:

William F. Hildenbrand: It was with great sadness that I learned of the passing of my predecessor, the Honorable J. Stanley Kimmitt. Stan was one of the shining lights in the Senate's illustrious history. He was the twenty-second Secretary of the Senate in its history. We did not know at the time of our meeting that we both had served in the 78th Infantry Division in World War II, and both had crossed the Rhine at Remagan. On the anniversary of that crossing we were honored by the then-mayor of Remagan and invited to attend the ceremonies. Our Senate duties precluded our attendance but Stan managed to have a flag flown over the Capitol and he had it presented to the mayor on behalf of both of us to be flown on the day of the ceremony.

Stan was truly a Senate man and the Senate will not see his like again. Vaya con dios, Mr. Secretary.

TRIBUTE TO SENATOR ERNEST "FRITZ" HOLLINGS

Mr. SARBANES. Mr. President, with the retirement of Senator FRITZ HOLLINGS, the Senate is losing its fourth most senior member, an extraordinary and important repository of institutional history. The people of South Carolina are losing an outspoken and respected spokesperson for their needs and concerns. All of us who have served with him are losing an effective colleague, a wise counselor, and a good friend.

FRITZ HOLLINGS has spent well over half a century in public service, beginning with nearly 3 years of military service during World War II in the North African and European theaters. He returned to civilian life, received his law degree at the University of South Carolina, and in 1948 was elected to the South Carolina House of Representatives, where he served three terms, two of them as the House speaker pro tempore. In 1954 he was elected lieutenant governor, and 4 years later he was elected Governor. He was then 36 years old—the youngest governor of South Carolina in the 20th century.

Over many years and on many issues, FRITZ HOLLINGS has shown himself to be a public servant with solid common sense. He is also a visionary. Very early he foresaw the need for technical education, and as Governor nearly 50 years ago, he established South Carolina's system of technical colleges. In the late 1950s, when other Governors in the South were setting out plans to preserve legal segregation notwithstanding the Supreme Court's decision in Brown v. Board of Education, the young Governor of South Carolina rallied the people of South Carolina to comply with the law. "He managed the peaceful integration of Clemson University back when other Southern Governors were fighting to keep their universities all-white," Mike Wallace has observed.

The people of South Carolina, the Members of this body, and people in every corner and region of the United States have seen FRITZ HOLLINGS' forceful combination of common sense and vision at work on issues like hunger, the environment, jobs, and fiscal policy. Soon after coming to the Senate, he helped focus the Nation's attention on hunger; WIC, the Women, Infants and Children's Special Supplemental Food Program, was modeled on a pilot program in South Carolina. For more than three decades he has played a major part in the vital movement first to establish, then to maintain and strengthen the legislative framework for protection of the natural environment. It was FRITZ HOLLINGS who wrote this Nation's first land-use law to protect coastal wetlands. Admiral James Watkins, USN (Ret.), who chairs the U.S. Commission on Ocean Policy, recently recognized his efforts saying: "Senator HOLLINGS' tireless work on behalf of this Nation's ocean and coasts will help preserve and protect our precious marine and coastal resources for generations to come. . . . (including) his work to establish the National Oceanic and Atmospheric Administration (NOAA) over 30 years ago. . . ."

It was his concern for jobs in South Carolina that led him to establish the State's technical colleges while Governor, and in recent years has made him a forceful critic of policies that facilitate outsourcing. "In South Carolina," according to the Chief Justice of the State Supreme Court, Jean Toal, "we have heard him talk about the debt and outsourcing jobs for 30 years, and all of that is now what the American public is so focused on. He was always ahead of his time."

FRITZ HOLLINGS believes in the good that government can accomplish. In a recent interview on "Sixty Minutes," he said: "We believe in feeding the hungry, and housing the homeless, and educating the uninformed and everything else like that . . . in 'We the people' in order to form a more perfect Union." In his many years of service to the people of South Carolina and of this Nation, FRITZ HOLLINGS has faithfully honored that principle. His common sense, his vision, and his great humor will be missed, but surely not forgotten.

TRIBUTE TO SENATOR JOHN BREAUX

Mr. SARBANES. Mr. President, with the adjournment of the 108th Congress, Senator JOHN BREAUX is retiring. With his departure Louisiana loses a vigorous and effective advocate, the Nation loses a dedicated and skillful legislator, and the Members of this body, on both sides of the aisle, lose a trusted and respected colleague and a dear friend.

JOHN BREAUX has spent 35 years serving the people of Louisiana in one capacity or another. In 1969, as a recent law school graduate, he came to Washington for the first time to become a legislative assistant to the Representative from Louisiana's Seventh Congressional District. When the seat became open 3 years later, JOHN ran for Congress himself, and won. He was then 25 years old. From 1973 until 1977, we served together in the House of Representatives. JOHN continued serving the House for another 5 years, before being elected to the first of three terms in the Senate, in 1986.

The decision to come to Washington was a very major decision for the Breaux family, so much so that one child prayed: "Good-bye God. We are moving to Washington." For the people of Louisiana and the Nation, it has proved to be a most fortunate decision.

JOHN BREAUX's accomplishments over 18 years in the U.S. Senate are legion. He has served on the Finance Committee; the Commerce, Science, and Transportation Committee; and the Rules Committee. He has chaired the Special Committee on Aging. For 8 years he served his Senate Democratic colleagues as Chief Deputy Whip. He has left his mark on virtually every piece of legislation that passed through the committees on which he has served. He has been a tireless advocate for older Americans, and a proponent of universal health care.

Above and beyond any specific issue, JOHN BREAUX has sought to make government work. He has won the respect and affection of his colleagues—and, time and again, their attention—with what Charlie Cook, in "The Cook Report," described as "his moderation, personality, manner and legislative style." In commenting on JOHN's decision to retire, The Shreveport Times called him "a Louisiana natural resource" and "the bridge-builder in an era of burning bridges."

TRIBUTE TO SENATOR JOHN EDWARDS

Mr. SARBANES. Mr. President, in 1998, JOHN EDWARDS was elected to the U.S. Senate from his home State of North Carolina to fill the seat once held by Senator Sam Ervin. He had never before run for, or served in, public office. From the time he received his law degree in 1977 until he entered the Senate, he was an attorney in private practice. For two decades JOHN represented in court North Carolinians who had been grievously injured or disabled and had no one to speak up for them. He quickly made the transition from the courtroom to the Senate Chamber, however, because in both he has been guided by the same unwavering principle: putting to work his formidable talents and energy, along with his training, on behalf of "the people I grew up with."

JOHN EDWARDS grew up in Robbins, NC. Robbins was a mill town. JOHN's father spent nearly four decades working in textile mills; his mother worked in a number of jobs as well. As David Broder once put it, his parents and their friends and coworkers were people who "earn their bread by the sweat of their brow."

JOHN was the first person in his family to go to college. For the millions of Americans who were the first in the family to receive a college education—and I count myself among them—this has very special meaning. He worked his way through school in 3 years, finding summer jobs in the mills. He went on to study law at the University of North Carolina at Chapel Hill, one of the Nation's ranking law schools, and there he met, and soon married, a fellow student, Elizabeth Anania. In his book, "Four Trials," which was published just this year, JOHN pays tribute to the men and women who have played some part in his life, but none is more moving than his richly deserved tribute to Elizabeth: "I have spent many years trying to live up to what she believed I could be, and I am the better for it."

In the 108th Congress, JOHN served on the Health, Education, Labor, and Pensions Committee; the Judiciary Committee; the Small Business Committee; and the Intelligence Committee—and also for a while on the Banking, Housing, and Urban Affairs Committee, where we first had an opportunity to work together. These are formidable, wide-ranging jurisdictions. In every assignment he undertook, JOHN fought for policies, as he has put it, that "reward work—not just wealth, work—and (to) ensure that the American dream stays alive and available to every single American, no matter where they live or who their family is or what the color of their skin."

Together with the senior Senator from Massachusetts and the senior Senator from Arizona, JOHN EDWARDS led the successful effort in the Senate to pass landmark patients' rights legislation, only to see the bill falter in the face of implacable opposition from the White House. JOHN has been a forceful advocate for the thousands of North Carolinians, and indeed Americans, who "did everything right," but were still powerless to prevent their jobs from being swept overseas.

When the 109th Congress convenes in January, JOHN EDWARDS will no longer represent his beloved State of North Carolina in the U.S. Senate. He will be home in the State he loves—"the place that made me love America to begin with"—with the family he loves so dearly. Whether in the Nation's Capital or in North Carolina, however, we know that JOHN will continue to do what he has always done so well, fighting "for those who do not have a voice, to make sure that "no one—no one—is lost in America, that that dream is everlasting." He will be sorely missed in this Chamber.

TRIBUTE TO SENATOR BOB GRAHAM

Mr. SARBANES. Mr. President, with the adjournment of the 108th Congress, BOB GRAHAM completes about 40 uninterrupted years of dedicated service to the people of Florida as an elected public official. Floridian's first elected him to their State house of representatives in 1966, where he served two 2-year terms. In 1970 they elected him to the State senate, where he served two 4-year terms. In 1978 Floridians across the State chose him for their Governor; no one from south Florida had ever before been elected. He served in that office with great distinction for two terms, until in 1986 Floridians sent BOB GRAHAM to the first of three terms in the U.S. Senate.

BOB GRAHAM has not only worked for the people of Florida; he has worked with them. While a State senator, he established a workday program for himself that regularly took him out of the halls of government and into literally dozens of different jobs. Since coming to the Senate, BOB has made time for 214 workdays, which means that roughly once a month, for 18 years, he has worked alongside his constituents, all the time learning from them.

BOB began his workdays while a State senator, teaching a semester of civics at a Miami high school. Over the years, though, he has not limited himself to a single form of employment: on the contrary, he has been an agricultural worker, a factory worker, a construction worker; he has worked in the public sector as a policeman and as a trash collector. Writing in the Washington Post on May 4, 2003, Michael Grunwald observed that the regular, wide-ranging workdays became "a remarkable window" for BOB GRAHAM's political education. Working as an auto mechanic, BOB GRAHAM learned firsthand that "Florida auto inspections were a joke. He learned at a nursing home that orderlies earned only $17 a day. He learned as a parking attendant that tiny curb cuts changed the lives of disabled workers." BOB used the workday program to learn directly from his own observation and experience, and not simply from the reports of others.

Florida is an extraordinarily diverse State in its demography, its environment, and its economy. In many ways it encapsulates the broad range of challenges that we confront not just in our States, but in the Nation at large. Senator BOB GRAHAM brought to the great debates in the Congress over education, health care, the economy, environmental standards, and many other issues, domestic and foreign, his substantial experience as a State legislator and Governor. The legislation enacted in 2000 to restore the Florida Everglades was built around a program that Governor BOB GRAHAM had established in 1983. It was not only his State that benefited, it was our Nation; for the Everglades are a precious national resource. As chairman of the Intelligence Committee in the 107th Congress, BOB GRAHAM provided vigorous and clear-headed leadership in the aftermath of the attacks of September 11.

Broadly experienced in public governance as BOB is, he has had the wisdom to remain a student of government. The U.S. Senate is both a place to protect and advance the needs and concerns of constituents, and also a place to learn; as he put it in his remarks in this Chamber on December 7: "The Senate is our country's best graduate school." He leaves the Senate with an abiding and profound concern for programs to keep our country safe, improve our children's schools, improve our health care, and strengthen employment opportunities, among many others. Above and beyond these programs, however, as he observed on December 7, is the very institution of the Senate itself, with a "unique role" to play "in balancing our Government in order to avoid excessive power falling into the hands of any one person or governmental institution."

For over 18 years BOB has worked to ensure that this body does indeed honor its unique role among our institutions of government. The Senate is stronger for having BOB GRAHAM as a Member. He will be greatly missed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 15, 2004, she had presented to the President of the United States, the following enrolled bills:

S. 1301. An act to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

S. 2657. An act to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2781. An act to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

S. 2845. An act to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

S. 2856. An act to limit the transfer of certain Commodity Credit Corporation funds between conservation programs for technical assistance for the programs.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on December 9, 2004, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 480. An act to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the "United States Postal Service Henry Johnson Annex".

H.R. 2119. An act to provide for the conveyance of Federal lands, improvements, equipment, and resource materials at the Oxford Research Station in Granville County, North Carolina, to the State of North Carolina.

H.R. 2523. An act to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the "Tomochichi United States Courthouse".

H.R. 3124. An act to designate the facility of the United States Geological Survey and the United States Bureau of Reclamation located at 230 Collins Road, Boise, Idaho, as the "F.H. Newell Building".

H.R. 3147. An act to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the "James V. Hansen Federal Building".

H.R. 3204. An act to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

H.R. 3242. An act to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops, and for other purposes.

H.R. 3734. An act to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building".

H.R. 3884. An act to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the "Hipolito F. Garcia Federal Building and United States Courthouse".

H.R. 4232. An act to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the "Congressman Jack Fields Post Office".

H.R. 4324. An act to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes.

H.R. 4620. An act to confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

H.R. 4807. An act to designate the facility of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the "Adam G. Kinser Post Office Building".

H.R. 4829. An act to designate the facility of the United States Postal Service located at 103 East Kleberg in Kingsville, Texas, as the "Irma Rangel Post Office Building".

H.R. 4847. An act to designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, as the "Lieutenant General James V. Edmundson Post Office Building".

H.R. 4968. An act to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the "Bill Monroe Post Office".

H.R. 5360. An act to authorize grants to establish academies for teachers and students of American history and civics, and for other purposes.

H.R. 5364. An act to designate the facility of the United States Postal Service located at 5505 Stevens Way in San Diego, California, as the "Earl B. Gilliam/Imperial Avenue Post Office Building".

H.R. 5365. An act to treat certain arrangements maintained by the YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, and for other purposes.

H.R. 5370. An act to designate the facility of the United States Postal Service located at 4985 Moorhead Avenue in Boulder, Colorado, as the "Donald G. Brotzman Post Office Building".

H.J. Res. 102. Joint resolution recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there.

Under the authority of the order of the Senate of January 7, 2003, the enrolled bills and joint resolution were previously signed by the President pro tempore on December 9, 2004.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on December 14, 2004, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. TOM DAVIS of Virginia) has signed the following enrolled bills:

H.R. 530. An act for the relief of Tanya Andrea Goudeau.

H.R. 2457. An act to authorize funds for an educational center for the Castillo de San Marcos National Monument, and for other purposes.

H.R. 2619. An act to provide for the expansion of Kilauea Point National Wildlife Refuge.

H.R. 3632. An act to prevent and punish counterfeiting of copyrighted copies and phonorecords, and for other purposes.

H.R. 3785. An act to authorize the exchange of certain land in Everglades National Park.

H.R. 3818. An act to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes.

H.R. 4027. An act to authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center.

H.R. 4116. An act to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an "endangered" species under the Endangered Species Act of 1973, and for other purposes.

H.R. 4548. An act to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 4569. An act to provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen Phytophthora ramorum, and for other purposes.

H.R. 4657. An act to amend the Balanced Budget Act of 1997 to improve the administration of Federal pension benefit payments for District of Columbia teachers, police officers, and fire fighters, and for other purposes.

H.R. 5204. An act to amend section 340E of the Public Health Service Act (relating to children's hospitals) to modify provisions regarding the determination of the amount of payments for indirect expenses associated with operating approved graduate medical residency training programs.

H.R. 5363. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2005.

H.R. 5382. An act to promote the development of the emerging commercial human space flight industry, and for other purposes.

H.R. 5394. An act to amend the Internal Revenue Code of 1986 to modify the taxation of arrow components.

H.R. 5419. An act to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E-911 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system; and to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time.

Under the authority of the order of the Senate of January 7, 2003, the enrolled bills were previously signed by the President pro tempore on December 11, 2004.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on December 14, 2004, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. TOM DAVIS of Virginia) has signed the following enrolled bill:

S. 2845. An act to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

Under the authority of the order of the Senate of January 7, 2003, the enrolled bill was previously signed by the President pro tempore on December 13, 2004.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on December 14, 2004, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. TOM DAVIS of Virginia) has signed the following enrolled bills:

S. 1301. An act to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

S. 2657. An act to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2781. An act to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

S. 2856. An act to limit the transfer of certain Commodity Credit Coporation funds between conservation programs for technical assistance for the programs.

Under the authority of the order of the Senate of January 7, 2003, the enrolled bills and joint resolutions were previously signed by the President pro tempore on December 11, 2004.

EXTENSIONS OF REMARKS

LOSS OF U.S. MARINE CORPS CPL. ZACHARY A. KOLDA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to a great American patriot, U.S. Marine Corps Cpl. Zachary A. Kolda of Corpus Christi, Texas, who gave the last full measure of devotion to the country he loved and served when he was killed in combat in Al Anbar Province, Iraq on December 1, 2004.

He served with the Marine Reserves' 1st Battalion, 23rd Marine Regiment, 4th Marine Division.

This 23-year-old Marine, who taught others how to live and enjoy life, left his studies at the University of Texas at Austin this spring when called to active duty for deployment to Iraq. Those who knew and loved him described him as a compassionate, funny, and lively young man who was always encouraging his friends and family to live life to the fullest each day.

That is a fitting legacy for this brave young Marine, who hailed from a family of military service. One grandfather served in the Navy for 28 years, while the other grandfather served in World War II.

Cpl. Kolda was mischievous, fun-loving, and forever cheering up his family and friends. He was an artist, peppering friends and family with cherished drawings and cartoons. He was proud to be a Marine, proud to serve this Nation in battle. His gentle spirit was uplifting and an inspiration to those who knew and loved him.

He had a sweet soul and he saw the best in people. He had a gift for cheering people up, making them laugh and see the silly side of life. He was friendly, engaging and straightforward.

Cpl. Kolda, who was majoring in international business at UT, lived with his wife, Arleen, in Austin. They were married in April, 2004, after a year-long engagement.

I ask my colleagues to join me in remembering with gratitude this great, sweet, funny patriot; his sacrifice on behalf of all of us; and the family he leaves behind in South Texas.

DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 4818

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr UDALL of New Mexico. Mr Speaker, I rise today in support of the measure before us today, H. Con Res. 528. This will come as no surprise to anyone since I am fairly certain that this resolution has unanimous support from my colleagues, and rightly so. H. Con. Res. 528 corrects a provision included in H.R. 4818 that permits members of the Appropriations Committee and their staff to examine individuals' Federal tax returns. This is clearly a gross invasion of privacy, and I am thankful that this provision was brought to light before it was signed into law.

However, Mr. Speaker, the fact that we are considering H. Con. Res. 528 at all highlights the need for a change in the way this institution operates under the current Majority's leadership. Far too frequently in recent years, the Majority has brought significant pieces of legislation to the floor with little, if any, chance for Members to review the measures. We considered the Omnibus Appropriations bill here in the House the same day it was completed, which is a perfect example of this egregious process. H.R. 4818 included funding for 15 governmental agencies in the amount of approximately $388 billion dollars, and stacked up at over 3,000 pages long. Yet Members and staff had less than 24 hours to go through the measure before voting on it.

Mr. Speaker, each and every time the Majority subverts the democratic process and brings legislation to the floor in this fashion, we are doing a disservice to the people of this country. It must stop and it must stop now. I am hopeful that we will return to "regular order" in the 109th Congress.

HONORING LIFETIME TELEVISION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mrs. MALONEY. Mr Speaker, I rise today to salute Lifetime Television on its 20th anniversary and honor not only the outstanding work of the network in raising awareness about the issues affecting women, but for their efforts to pass critical legislation that will make a real difference in the lives of women.

I have been fortunate to work with Lifetime Television to end violence against women and families by pushing Congress to pass landmark legislation that I introduced, "The Debbie Smith Act," that will put rapists behind bars by reducing the number of unprocessed rape kits. In March 2002, Lifetime sponsored several events on Capitol Hill to educate Congress about the violence that many women face daily and what was being done to stop it. It was then that I introduced Debbie Smith, a courageous rape survivor whose assailant had been identified through the use of DNA technology, to Lifetime. This occasion marked the beginning of a collaborative effort to move "The Debbie Smith Act" through Congress and signed into law.

Lifetime initiated a petition drive, and 120,000 signatures were sent to Congress expressing outrage that rapists were walking the streets when the evidence that could put them behind bars was collecting dust. By holding numerous educational briefings and receptions over the course of 2½ years, Lifetime continued the momentum to pass this legislation. Through their relentless work, Lifetime was instrumental in ensuring that "The Debbie Smith Act" became law in October.

Lifetime also has committed itself to providing valuable information to its viewers about women's healthcare, childcare, voting and running for elected office, and women who are making the world a better place. The network was one of the earliest leaders of efforts to raise awareness of breast cancer and refuses to back down until this deadly disease is eradicated. Lifetime, along with more than 10 million of its viewers, also continue to urge Congress to pass critical legislation to end the disgraceful practice of drive-through mastectomies, when women are forced out of the hospital only hours after surgery. In addition, one of Lifetime's original movies, "Video Voyeur: The Susan Wilson Story," helped to inspire recently passed legislation that will make video voyeurism a serious, punishable crime.

I believe that with its ability to reach millions of people everyday, Lifetime will continue to educate and enlighten. Although Lifetime's commitment is company-wide, I want to specifically acknowledge its outgoing president and CEO Carole Black and its executive vice president of public affairs Meredith Wagner, who initiated the network's advocacy efforts. Thanks to their passion and dedication, Lifetime truly has become an example of the power of the media to cause positive change, and I hope that others will follow its lead.

Once again, I commend Lifetime Television for its dedication to improve the lives of women and families, and I look forward to working with them again in the future. Lifetime will once again be bringing its campaign to Stop Violence Against Women to Washington in March 2005, and I hope all of my colleagues will get involved.

TRIBUTE TO ANN O'CONNELL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. PORTER. Mr. Speaker, I rise today to give thanks and praise to a fellow Nevadan and friend who has served her state well in many capacities. Ann O'Connell, a former Nevada State Senator, retired at the end of this state session. I stand today to give praise to her for her wonderful 19-year contribution to the great state of Nevada.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ms. O'Connell was born in 1934 in Albuquerque, New Mexico. She later earned a degree from the University of New Mexico. Upon moving to Nevada she began a very successful career in politics in which she has served her fellow Nevadans well.

In 1988 Ms. O'Connell received the Woman of Achievement in Politics award from the Women's Council of the Greater Las Vegas Chamber of Commerce. She has also appeared in several editions of the "Distinguished Women's Book of Nevada." In 2002 she received the Women's Role Model Award from the Nevada Office of the Attorney General.

Mr. Speaker, it is with great honor that I stand today to pay tribute to a great legislator and public servant. Ann O'Connell will be missed but not forgotten. I know that her retirement will not be the end of her public service and I thank her for her diligence in serving those around her.

LOSS OF U.S. ARMY CPL ISAAC E. DIAZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to a great American patriot, U.S. Army CPL Isaac E. Diaz, of Rio Hondo, Texas, who gave the last full measure of devotion to the country he loved and served when he was killed in Afghanistan on December 1, 2004.

He served with the 2nd Battalion, 27th Infantry Regiment, 25th Infantry Division (Light) from Schofield Barracks, Hawaii. He had been driving military vehicles in the Army for several years.

Like so many young people, Corporal Diaz wanted to find a way to go to college, so he joined the military in 1998, after graduating from Rio Hondo High School. Yet, the 26-year-old never enrolled in college. He was killed in Sharona, Afghanistan, when his Humvee rolled over while on routine patrol in the Paktika province.

In a sad—but brave—irony, after Corporal Diaz completed his initial three-year tour of duty at Fort Campbell, KY, he reenlisted for another four years to financially support his wife, Amber, and their infant son, Aaron.

Those that knew him well in the Rio Grande Valley of Texas spoke of his quiet intensity and his hard-working nature. The Rio High School Principal, Juan Montez, remembered Corporal Diaz as a studious teenager, the sort of student educators enjoyed having in class.

He worked hard and didn't complain. He was an excellent soldier. He was serving in the front of this war that is closest to the hiding places of Osama bin Laden and the al Qaida leaders who plotted the attack on this nation on September 11, 2001.

Corporal Diaz's service was honorable, as was his life. We all mourn the loss of this young American, whose life was cut short, leaving a hole in our hearts and forever altering his young family.

I want Corporal Diaz's son, Aaron, who is too young now to understand the depth of his father's sacrifice, to one day appreciate that his father loved this country—and him—enough to go in harm's way to protect our democracy.

I ask my colleagues to remember this great patriot, his sacrifice on behalf of all of us, and the family he leaves behind in South Texas.

CONFERENCE REPORT ON S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. UDALL of New Mexico. Mr. Speaker, the Conference Report we have before us today is of great importance to the safety of our Nation and I would like to commend my colleagues involved with the negotiations of this conference report for their diligent and tireless work.

Unfortunately, once again, the amount of time allotted for debate, as well as the amount of time we had to try and determine what actually is in the conference report does not do justice to the important task at hand. We may sound like broken records on this point, but that's simply because the majority continues to undermine the democratic process by putting critically important pieces of legislation on the bullet-train for passage.

Mr. Speaker, we are talking about no less than the most dramatic restructuring of our Nation's intelligence community since the creation of the National Security Council and Central Intelligence Agency in 1947. As such, each and every member of this body should have adequate time to sift through this lengthy and important legislation in order to have a full understanding of what exactly we are voting on tonight.

Nevertheless, as best as I have been able to determine from looking through the conference report thus far, it is a great improvement on the politically driven, partisan legislation the House passed in October. The 9/11 Commissioners who made these important recommendations support the conference report, as do families of the victims of the 9/11 attacks. Although I plan to vote in support of this conference report, I will be doing so with great concern over several provisions.

I have concerns that important civil liberty protection provisions have been watered down. I am pleased that there is language in the conference report to establish a Privacy and Civil Liberties Oversight Board, but am concerned that it was not given enough independence from the White House. The 9/11 Commission recommended the Board be given subpoena power. This bill gives no such power. I will introduce legislation in the 109th Congress to give the board this subpoena power it deserves to do its job. Also, Mr. Speaker, I am concerned that the sunset of specific provisions of the PATRIOT Act pertaining to financial institutions has been eliminated.

Despite these concerns, I believe this legislation is too important to the safety of our country and will therefore be voting in support of it. I do hope, however, as I recently stated during debate of a different bill, that the majority will stop bringing legislation and conference reports to the floor in the manner that this was brought before us today. It is a subversion of the democratic process and it must stop.

S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2004

Mrs. MALONEY. Mr. Speaker, earlier, I had an opportunity to praise the work of the 9/11 Family Steering Committee and of the "leaders in Congress that has allowed the Congress to vote on and pass the Conference Report to S. 2845, which is the legislation that will enact the recommendations of the 9/11 Commission. While it would be nearly impossible to thank and recognize everyone that played a part in its passing, I would like to recognize the hard work of two 9/11 Pentagon family members, Abraham Scott and Rosemary Dillard.

Over the last several months these two individuals have been a constant presence on the Hill fighting for the implementation of intelligence reform. During this time I have had a chance to get to know these two remarkable individuals and I would like to share with you a little bit about them.

Abraham Scott, lost his wife of 24 years, Janice Marie, who was working in the Pentagon on September 11, 2001. Everyday that Abe has traveled to the Hill, I have always been touched by the pictures of his family and his wife. He speaks fondly of his children and he speaks lovingly of his wife.

Rosemary Dillard lost her husband, Eddie A. Dillard, who was on flight 77 that struck the Pentagon on September 11, 2001. Ms. Dillard, as a retired flight attendant manager for American Airlines also lost a crew of flight attendants that she managed.

I cannot imagine the grief and loss that these two individuals have had to endure, but I am honored to have had the opportunity to know them and work with them in fighting for the passage of the 9/11 Commission's recommendations. Both of them know that we still have work to do to ensure that our Nation will be safe from future terrorist attacks and I look forward to the opportunity to working with them again.

HONORING RAYMOND RAWSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. PORTER. Mr. Speaker, it is with great pleasure that I stand today to pay tribute to a friend and fellow Nevadan. Mr. Raymond Rawson has served the great State of Nevada in the Nevada State Senate since 1985. I have had the honor to serve with him as he served as the Senate Assistant Majority Floor Leader in which he served as a great legislative role model and leader. I know that he will be missed in his retirement.

Mr. Rawson was born in Sandy, Utah, in 1940. He later moved to Nevada to pursue a bachelor's degree at the University of Nevada, Las Vegas. He received his D.D.S. from Loma Linda University Dental School, California, and then returned to Las Vegas to pursue a masters degree at UNLV in physical anthropology.

Mr. Rawson served the public in his 19 years of political service, as well as in his dental practice where he received numerous dental awards including Dentist of the Year in 1997. Mr. Rawson has served his community well in his political capacity, and I am sure he will continue to serve even after his retirement.

Mr. Speaker, I ask my fellow colleagues to stand with me today and honor all those State legislators across the country, like Mr. Rawson, who have dedicated so many years to building a better State community, which in turn contributes to a better Nation.

LOSS OF ARMY MAJ. HORST GERHARD MOORE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to a great American patriot, Army Major Horst Gerhard "Gary" Moore of Los Fresnos, Texas, who gave the last full measure of devotion to the country he loved and served when he was killed in Iraq in November.

He was a child of the Army, following both his father and his grandfather in the uniformed services. Roaming the Nation at the whim of the U.S. Army as a child made him yearn for a home in which to grow old with his beloved wife, Raquel Vallejo-Moore.

He came home from Iraq for a while and, before returning to the war zone in September, he and Raquel bought their dream home. Major Moore was killed in a mortar attack in Mosul, Iraq; he never even spent the night in their new home. He felt strongly about getting his family moved in and settled there.

The last conversation with his wife was to wish her happy birthday. Major Moore served with the 1st Brigade, 25th Infantry Division for about a year, then he was deployed to Mosul, Iraq, in October to replace the 3rd Brigade, 2nd Infantry Division. He served in the Army 17 years and was considering retiring when his tour of duty ended in about 3 years.

Soldiers who knew and served with Major Moore spoke candidly about the human side of this tough soldier. He was known for his kind and caring manner, and his absolute love of Raquel and their 2-year old daughter, Sophia.

Like so many of our soldiers, Major Moore had a mindset that he could do anything. He lived life to the fullest, and often spoke of living in the moment and making the best out of life's challenges.

I want the Major's daughter, Sophia, who is too young now to understand the depth of her father's sacrifice, to one day appreciate that her father loved this country—and her—enough to go in harm's way to protect our democracy.

I ask my colleagues to remember this great patriot, his great sacrifice, and the family he leaves behind in South Texas.

IN HONOR OF NANCY KIST, ESQ.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Nancy Kist for her outstanding leadership and contributions to her community. Ms. Kist was honored as a distinguished alumna at the Harvest Ball Sixth Annual Saint Dominic Academy Gala on November 13, 2004, in Lincoln Park, New Jersey.

Throughout the years, Ms. Kist has served the citizens of Bayonne in a variety of capacities. She has contributed greatly to the city's development by serving as general counsel of the Bayonne Local Redevelopment Authority and as a member of the law department. Among other accomplishments, Ms. Kist was instrumental in the redevelopment of the Military Ocean Terminal, which has become the Peninsula at Bayonne Harbor. She continues to play a leadership role as the current executive director of the Bayonne Local Redevelopment Authority, and is known for pursuing all her professional endeavors with enthusiasm and a passion for improving the well-being of the community.

A graduate of Saint Dominic Academy, Ms. Kist developed an early interest in civic affairs and was vice president of the student government in school.

Today, I ask my colleagues to join me in honoring Nancy Kist for her years of dedication to serving the people and city of Bayonne, New Jersey.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. LARSON of Connecticut. Mr. Speaker, in my capacity as the ranking minority member of the Committee on House Administration, our panel has authorizing responsibilities over much of the legislative-branch portion of the omnibus appropriations bill. Like the rest of the omnibus, the legislative portion is not perfect, but the sundry agencies under our jurisdiction will generally have the resources they need to continue providing their services to the Congress, and to the American people.

Of course, as a procedural matter, I am disappointed that a freestanding legislative appropriation did not become law in a regular process, before the start of the fiscal year. Such a bill, H.R. 4755, passed the House in July and later passed the Senate in plenty of time for conferees to report. I recognize that this was not the fault of the gentleman from Georgia [Mr. KINGSTON] or the gentleman from Virginia [Mr. MORAN]. I hope they and all Members have the opportunity to consider the fiscal 2006 bill in a timely, orderly and ordinary process.

With respect to specific agencies under the jurisdiction of my committee, I am pleased that this bill funds a staff fitness facility for the House. This important facility will provide a way for our employees to remain fit and healthy. None of us can properly discharge our duties without the support of our staffs and the other House employees. This long-awaited facility will be a tremendous addition to the House, making it, as well as our employees, stronger.

I am disappointed that the bill does not include a House provision, authored by the gentleman from Illinois [Mr. KIRK], eliminating funding for the Capitol Police mounted unit. In my judgment, the police have failed to articulate a sufficient rationale for spending hundreds of thousands, millions over time, for this purpose. There is little doubt that the U.S. Park Police can benefit from maintaining a mounted unit, since the Park Police must patrol thousands of acres of parkland in the District of Columbia, much of it well off-road. The Capitol Police faces no such situation, and in fact, will have to spend tens of thousands each year simply to remove the manure from the carefully manicured and fairly small Capitol grounds. Absent a sufficient justification that the Capitol Police mounted unit was worth its cost, I supported the efforts of my Illinois colleague to save the taxpayers' money. I look forward to the important report by the Government Accountability Office, due in March, on this subject.

I share the concerns expressed in the conference report about the ongoing efforts to reorganize the police. I look forward to reviewing the results of the GAO's contributions in this area. The conferees also directed the Capitol Police to review all existing operations and general expenses to determine whether any "outsourcing" opportunities may exist. That term has come to mean the wholesale transfer of jobs overseas, and as a result, its use in the report may disturb many. Naturally, I am eager to review the Capitol Police's report to the appropriators on this subject, and on the USCP's expensive but mechanically unsound Command Vehicle. It seems that these subjects, and many others related to USCP operations and expenses, would make excellent subjects for formal hearings next year in our committee.

In connection with the Capitol Police, I am greatly concerned that several legislative provisions within the jurisdiction of the House Administration Committee found their way into this appropriations bill. In November, I joined my chairman, the gentleman from Ohio [Mr. NEY], and the chairman and ranking minority member of the Senate Rules and Administration Committee, in a joint letter to the Capitol Police Board directing the Board not to request further such provisions in its future budget requests, and reminding the Board that it should bring proposed legislation to those committees for consideration. Only in this way can the authorizing and appropriations processes work as designed, and for the good of the men and women of the Capitol Police and the people they serve. The Capitol Police was certainly not the only agency within our jurisdiction which asked for legislative provisions in its budget request this year. The others should similarly heed the message we conveyed to the Police Board.

With respect to the Library of Congress, while I am pleased that the Congress will extend temporarily the authorization for the National Film Preservation Board and Foundation, which enabled the funding of this important work for another 2 years, I am dismayed that separate reauthorization legislation, under the jurisdiction of the Judiciary Committee and House Administration, has not passed. I trust these committees can quickly address this matter next year. I agree with the conferees, who lauded the work of the Copyright Office with respect to digitizing future and historic copyright records. The Copyright Office, which depends on the public to defray a portion of its expenses, is headed in the right direction in this regard. I also note the continuing good work of the Congressional Research Service, without which none of the Members of either House could do his or her work effectively.

I am hopeful that our committee can authorize a student-loan repayment program for the Office of Compliance. This important tool has helped numerous Federal agencies, including the House, to attract and retain the staff needed to build an effective organization.

With respect to agencies within our committee's jurisdiction and funded in bills other than the legislative appropriations bill, I am glad to see that the conferees agreed to fund the Election Assistance Commission above the amount proposed by the Senate. The $14 million appropriated will help continue the work started by the EAC to serve as the clearinghouse for Federal elections. Although, the EAC got a late start, with the commissioners not taking office until December 2003, they must continue working to improve the election process. If Congress considers a supplemental appropriations bill next spring, the EAC should consider requesting additional resources.

Yet again, I am not pleased that the majority bypassed the committee and inserted into this bill a provision allowing contributions to campaigns for Federal office to be diverted to campaigns for State or local office. While this may be a meritorious idea, I certainly believe it should have been considered in an orderly process in the committees of jurisdiction, and not simply added to a massive appropriations bill.

Finally, the Smithsonian Institution received an increase of 3.1 percent over the fiscal 2004 budget, an increase of more than $19 million, but still 2 percent below its request. The funding level was reasonable given the overall budget constraints this year, but, as in the past, will not fund an aggressive approach to the Smithsonian's aging infrastructure and inadequate maintenance. I hope that Congress will soon recognize that its year-by-year, finger-in-the-dike approach to budgeting actually accelerates the deterioration of the physical plant of our nation's greatest repository of knowledge and ongoing research.

Congress last year finally authorized the National Museum of African American History and Culture, which is in preliminary phases of engineering studies, staffing and planning, and which does not yet have a location or director. The $5 million request to continue the start up process was reduced to $3.9 million, which will impede the process. The Board of Regents expects to make a site recommendation to relevant committees, including House Administration, late next year.

Mr. Speaker, I appreciate the hard work of the Appropriations Committee and look forward to working with the committee on matters of common concern next year.

U.S. SLOWS BID TO ADVANCE DEMOCRACY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, when we convened for the lame duck session several weeks ago, I shared with our colleagues a very. insightful article from the Washington Post by Fred Hiatt pointing out the extreme gap that exists between the Bush Administration's claim that the advancement of democracy is a major goal of its foreign policy, and the almost complete absence of any real activity towards that goal in the execution of that foreign policy.

The elevation of the promotion of democracy to central status in the Bush foreign policy—in contrast to a great extent to the President's scorn about nation-building when he ran for office in 2000—came partly because of the need to find some substitute justification for the war in Iraq, after weapons of mass destruction and the tie to the 9/11 murders were both shown to be without factual basis. So, many of the neo-conservative supporters of the President—some of them actually believing it—argued that overthrowing Saddam Hussein was an essential step towards an administration policy towards implementing democracy in the Middle East.

This has of course proven to have no more factual basis than the weapons of mass destruction or al-Qaida tie. As Joel Brinkley notes in a long article in the New York Times for Sunday, December 4, "When Secretary of State Colin L. Powell and other senior American officials arrive at a summit meeting in Morocco next week that is intended to promote democracy across the Arab world, *they have no plans to introduce any political initiatives to encourage democratic change*." (emphasis added)

Contrary to those neo-conservatives who predicted that the overthrow of Saddam Hussein would begin an era in which America was hailed for its liberating role, and democracy would become almost infectious, as Mr. Brinkley notes, "Since then . . . the popular view of the United States in the region has grown so dark, even hateful, that American officials are approaching the meeting with caution and with a package of financial and social initiatives that have only a scant relationship to the original goal of political change."

Mr. Speaker, as we begin a new term for President Bush, with Colin Powell no longer available to provide a façade of moderation, the harsher realities of the Bush foreign policy are becoming clearer. Among these are the President's lack of any real commitment to the promotion of democracy as an American foreign policy goal. Joel Brinkley's excellent analysis is further strong evidence of this and I ask, because of the importance of this subject to our national policy debates, that his very useful article be printed here.

[From the New York Times, Dec. 4, 2004]

U.S. SLOWS BID TO ADVANCE DEMOCRACY IN ARAB WORLD

(By Joel Brinkley)

WASHINGTON, Dec. 4.—When Secretary of State Colin L. Powell and other senior American officials arrive at a summit meeting in Morocco next week that is intended to promote democracy across the Arab world, they have no plans to introduce any political initiatives to encourage democratic change.

President Bush started speaking in 2002 about the need to bring democracy to the Arab nations. Since then, however, the popular view of the United States in the region has grown so dark, even hateful, that American officials are approaching the meeting with caution and with a package of financial and social initiatives that have only a scant relationship to the original goal of political change.

Administration officials and their allies defend the change in strategy, saying the United States should no longer try to take the lead.

"Others have gotten involved in the political side, and that is a good thing," said Lorne W. Craner, who was assistant secretary of state for democracy and human rights until August and now is president of the International Republican Institute, a government-financed organization dedicated to advancing democracy worldwide. But administration officials said some senior officials in the State Department were frustrated by the unwillingness of their colleagues to raise political initiatives at the meeting.

A senior administration official involved in Middle East policy said that if the American program remained largely centered on business and financial initiatives, "that's not good enough." The United States needs "to hold people accountable," he added.

Another official working in the same area added that Arab leaders were "willing to take the aid, but they're not willing to carry out the reform."

Mr. Powell, in a radio interview on Thursday, said he hoped the summit meeting participants would "come to an understanding of the need for reform and modernization in the broader Middle East and North Africa region."

When the State Department set up a news media briefing last month on the Morocco meeting, it assigned Alan P. Larson, undersecretary of state for economic, business and agricultural affairs, to make the presentation. He said the meeting was intended "to create greater opportunities for the next generation in the broader Middle East" through grants and aid to small businesses, networking among regional financial institutions and exchanging "views about how to bring more capital in the region," among other ideas. The United States is involved in most of those efforts through its Middle East Partnership Initiative.

In an interview, Mr. Larson contended that these and other financial proposals would contribute to democratic change, at least indirectly.

"When you help small entrepreneurs, that creates a middle-class part of the social underpinning of a democracy," he said. "We see synergistic links between political and economic initiatives."

He and other officials said more direct discussions of political change would come from the Democratic Assistance Dialogue, a new program administered by Italy, Turkey and Yemen intended to foster discussion of political change. But after an initial organizational meeting in Rome last month, future meetings have not yet been scheduled, said Burak Akcapar, counselor in the Turkish Embassy.

The Middle East Partnership Initiative, which has received $264 million from Congress since 1993, has a political component. But a study by two scholars at the Brookings Institution, published this week, found that it was "increasingly shifting its resources from democracy promotion and engagement with local volunteer organizations, to the far less provocative path of regime-led economic development."

That "can have the effect of subsidizing an Arab government's attempts to build a kinder, gentler autocracy," it added.

"The whole thing rings hollow," said Steven A. Cook, a fellow at the Council on Foreign Relations, a nonpartisan research group based in New York. "What is missing is not technical and financial know-how, it is the political will to reform," said Mr. Cook, whose field of study is political change in the Arab world. "I don't think these programs mesh with the president's rhetoric."

At the briefing, Mr. Larson emphasized repeatedly that the Morocco conference was not "an effort to impose anything from the outside as much as to facilitate efforts that are already being undertaken in the region" and "share experiences, share ideas" among Arab foreign ministers.

Robert Satloff, executive director of the Washington Institute for Near East Policy, a public research organization said, "If only the Arab leaders are involved, that will be a brief discussion."

Anger about a perceived bias toward Israel in Washington and about the war in Iraq have made the United States quite unpopular among many in the Arab world. Then, in February, when an Arabic newspaper published a draft of a Bush administration plan urging the world's wealthiest nations to press for political change in the Middle East, several Arab leaders erupted in anger. President Hosni Mubarak of Egypt, a close ally of Washington, called the plan "delusional."

The administration quickly abandoned the plan.

The unspoken fact behind all of the discussions, said Leslie Campbell, director of the Middle East Program at the National Democratic Institute for International Affairs, a government-financed group that promotes democracy worldwide, "is that we are trying to work with a bunch of people who are going to be kicked out of office" if democratic change moves forward. For now, he added, "it's easier to support free-trade agreements than political change."

Now, not only do many Arab leaders oppose the plan for broad democratic change, so do some opposition leaders.

"The Bush plan is opposed by the ruling elites who fear losing their privileges and powers," wrote Amir Taheri, a political commentator, in Gulf News, "and by a variety of oppositionists who use anti-Americanism as the key element of their political message."

There is little question that Arab leaders prefer the new approach. A senior Arab diplomat said in an interview that when American officials spoke to his nation's prime minister about political change recently, "the prime minister told them: 'I have two trains, the political train and the economic train. And the political train cannot run ahead of the other.'

"So we started talking to them about economic development," the diplomat said.

A senior State Department official said discussions with several Arab states brought similar results.

In a speech to open a session of Parliament on Wednesday, King Abdullah II of Jordan emphasized that his country must continue "reform, modernization and development," which would enable "the Jordanian individual to actively take part in formulating the present and the future." He went on to emphasize that change should be focused on fighting "poverty and unemployment."

Mr. Craner, the former State Department official, said: "I would watch for the prominence of political versus economic and social reforms I discussed at the meeting. If it is mostly economic and social, it is not a good sign."

The senior Arab diplomat offered a broader warning.

"Something must happen as a result of this meeting," he said. "If nothing happens, it will be very difficult to keep this alive because there are lots of people who want to kill it."

CONFERENCE REPORT ON S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

SPEECH OF

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. HUNTER. Mr. Speaker, I submit the following for the RECORD:

BACKGROUND

As the lead House conferee on those matters before the conference involving support and execution of defense intelligence activities, I find it necessary to offer amplifying remarks on the intent of House conferees on these critical areas of interest. It is unfortunate that the conference leadership saw fit to reduce the customary statement of managers to the most cursory and minimalist of documents. With all the new organizational structures and revamped relationships required by this legislation, it is particularly critical that clear legislative intent be established to guide the executive branch in implementing and executing this legislation for decades to come.

Thus, the following remarks represent my attempt to provide such clarifying intent for selected provisions of the conference report on S. 2845 that was approved by the House of Representatives on December 7, 2004.

HOUSE ARMED SERVICES COMMITTEE CONSIDERATION OF INTELLIGENCE REFORM

During the late summer and early fall of this year, the House Armed Services Committee held a series of hearings on the recommendations contained in the 9/11 Commission Report prior to marking up H.R. 10, the House version of this intelligence reform legislation. The Committee on Armed Services' markup of H.R. 10 was limited to Title 1, the National Security Intelligence Improvement Act of 2004, which addresses the core issue of the commission report, namely the organization of the intelligence community. Thus, during the conference between the Senate and the House, I, as Chairman of the Committee on Armed Services, focused primarily on Title I provisions and the potential effect of these statutory changes on the ability of the Secretary of Defense to ensure that troops in combat have the intelligence support they need.

Since a large proportion of the funding and personnel involved in the national intelligence mission reside in the Department of Defense and exist in large measure to support troops in combat, the committee was concerned that the reorganization of the intelligence community does not in any way deprive combatant commanders of needed full spectrum intelligence. It was clear as we conducted our deliberations on this matter that the 9/11 Commission found no fault with the operation of the DOD elements of the intelligence community and did not intend to affect the ability of these agencies to support the combatant commanders. It was also clear in my deliberations with fellow conferees in both the Senate and House of Representatives that the conferees had no intent to negatively affect these delicate relationships. In other words, all conferees believe that the Secretary of Defense should continue to be able to manage the elements of the intelligence community resident in DOD to provide all necessary support to commanders in the field. So that there is no misunderstanding of that intent, I have prepared a description of how DOD intelligence support operates today, accompanied by a description of how the conferees intend for the new Director of National Intelligence (DNI) to implement his new authorities with respect to DOD.

DEPARTMENT OF DEFENSE SUPPORT OF NATIONAL INTELLIGENCE MISSION

The Department of Defense operates the majority of the nation's national intelligence apparatus through the National Security Agency, the National Reconnaissance Office, the National Geospatial-intelligence Agency, and the Defense Intelligence Agency. These agencies support the intelligence requirements of both the Director of Central Intelligence (DCI) and the Secretary of Defense under a well established partnership arrangement. That partnership works effectively today and was effective before September 11, 2001, according to testimony before the committee by the leadership of the 9-11 Commission.

The reason for this complicated arrangement is that our nation's intelligence assets are a unique and valuable instrument of national security policy that must serve multiple purposes. We do not have two separate intelligence systems. Today, the same national capability and the same satellites that inform the President and senior policy makers are also used by front line military forces to carry out their mission. The use of expensive, complex systems for multiple purposes is both efficient and synergistic to effective intelligence analysis. Our tactical successes in both Afghanistan and Iraq, while simultaneously providing strategic intelligence to national policy makers, demonstrate the flexibility and effectiveness of the current intelligence sharing structure.

This integration of national and tactical intelligence and the sharing of information to users up and down the command chain is a proven strategy that the House Armed Services Committee has been developing for well over a decade. Therefore, the suggestion that national and tactical intelligence operations and assets can be surgically split into separate organizations (and budgets) fails to understand the negative impact such a step would have on how we operate and perform on today's modern battlefield. Consequently, the budget authorities assigned to the newly created Director of National Intelligence (DNI) under H.R. 10 were carefully crafted to preserve the ability of the Secretary of Defense to rely on these agencies to supply critical military intelligence to combatant commanders, yet enable the DNI to effectively perform his national intelligence mission.

The system works today because of the delicately balanced partnership that exists between the DCI and the Secretary of Defense. Thus, as we codify this new organizational concept that creates a Director of National Intelligence to manage the community, the conferees sought to protect this critical partnership to ensure that we do not weaken those parts of the intelligence system that work well and are critical to the life and death of our men and women in uniform.

CONFEREES' INTENT

H.R. 10 was crafted in such a way that the prerogatives of senior cabinet officials were preserved and the delicate balance described above was maintained, while the Senate bill provided the DNI with more unilateral authority to manage the intelligence community. As would be expected, the conference agreement resulted in compromises that shifted the balance somewhat. In particular, in an effort to bridge the differences between the two bills, House conferees agreed to alternative language formulations on a broad range of issues, including those related to budget authority, budget reprogramming authority, and personnel transfer authority.

BUDGET EXECUTION

First, the new section 1011 provides the DNI with authority to determine the budgets for national intelligence programs operated by the elements of the intelligence community, including the four major national intelligence agencies that are part of the Department of Defense. The conferees clearly intend that the DNI will rely heavily on the recommendations of the Secretary of Defense in the development and management of the appropriations of any Department of Defense element of the intelligence community, and will not involve himself unnecessarily in the budget details of DOD agencies. Clearly, section 1018 of the conference agreement preserves the authority of the Secretary of Defense to operate his department, including and especially in regard to budgetary matters affecting his agencies. In section 1011, the conferees intended to provide the DNI with broad oversight of national intelligence budgetary matters to be able to assure that national intelligence strategic objectives and programs are adequately supported. Again, the conferees did not intend for the DNI to become routinely involved in internal execution of DOD intelligence programs.

CLASSIFICATION OF BUDGET INTELLIGENCE TOPLINE

The Senate bill contained a budget execution mechanism that would have resulted in the declassification of the total funding level provided to the intelligence community, known as the topline. The conferees agreed that topline number should remain classified, and deliberately designed the budget execution authorities in section 1011 to achieve that objective. This was an important negotiating point in conference discussions, and there should be no confusion over the intent of the conferees to preserve the secrecy of the total funding allocated to the intelligence activities of the United States.

BUDGET REPROGRAMMING

Similarly, the conference agreement, also in section 1011, provides the DNI with greater reprogramming authority than is found in H.R. 10. H.R. 10, as passed by the House, provides the DNI with unilateral reprogramming authority within the National Intelligence Program for up to $100 million annually per department for "unforeseen requirements." Even though the conferees agreed in the final conference report to allow the DNI to reprogram within the national intelligence program up to $150 million for any purpose that "increases efficiency," it is the firm expectation of the conferees that any large reprogramming should only be made to meet unforeseen requirements and that every effort should be made to execute such reprogrammings with collaboration and concurrence of the affected agency and department heads. As a matter of policy, the appropriate process for efficiency adjustments to an agency's programs is the regular budget process and not reprogramming actions. While the conference agreement provides the DNI with this reprogramming tool, the conferees expect that use of this authority would be exceedingly rare and in times of real emergency.

PERSONNEL TRANSFERS

Section 1011 also provides the DNI with unilateral authority to transfer personnel out of elements of the intelligence community under limited circumstances. Under the conference agreement, the DNI has the authority to create a new national intelligence center for any reasonable purpose and may transfer up to 100 personnel from anywhere within the intelligence community to the new center, without the concurrence of the head of the agency to which the personnel are assigned. The conferees expect that the DNI will use this authority sparingly and as a last resort. The conferees believe that any emergent need that mandates the creation of a new national intelligence center will be managed in a collegial fashion in any administration, with the DNI and agency heads involved able to jointly determine the appropriate staffing support for the new center. Further, the conferees expect the DNI to develop working agreements with all appropriate Congressional committees of oversight over agencies and departments within the National Intelligence Program to establish necessary notification procedures similar to those utilized for prior approval reprogramming of appropriations.

PERSONNEL MANAGEMENT

A significant proportion of the personnel working in the intelligence community are assigned to the Department of Defense, and military personnel are a large part of that workforce. The conferees agree that the DNI should have a role in the management and professional development of civilian personnel assigned to the disparate parts of the intelligence community, but do not intend that the DNI have the same authority over military personnel. Military personnel are subject to the personnel management provisions found in title 10, United States Code, and are promoted to senior grades based on meeting statutory requirements for joint service. The conferees agree that it would be inappropriate for military personnel to be managed by both the DNI and the Secretary of Defense, and intend that the personnel management authorities found in section 1011 of the conference report apply principally to civilian personnel.

ACQUISITION AUTHORITY

The conferees intend that the provision that provides the DNI with joint milestone decision acquisition authority over defense programs contained in the national intelligence program will be used in a spirit of cooperation with the Secretary of Defense, with each official giving due weight to the needs of the other as new national intelligence programs are procured. In no way do the conferees intend for the DNI to have veto power over DOD programs. The Secretary of Defense retains the authority and responsibility to develop and field intelligence assets that will support the troops in combat. The conferees expect that the Secretary will work with the DNI to develop and field systems that can reasonably accommodate both the DNI's national intelligence needs as well as combatant commander requirements, and expect the DNI to fully support the needs of the Secretary and the combatant commanders.

DNI CONTROL OVER MILITARY PROGRAMS

To ensure that combatant commander requirements were satisfied, H.R. 10 excluded from DNI controls all military intelligence programs within the Joint Military Intelligence Program (JMIP) and the Tactical Intelligence and Related Activities (TIARA) program. The Senate bill provided the DNI with partial control over JMIP programs, including non-national, or military programs. The Senate receded from its provision that would provide the DNI control over non-national JMIP programs, and the conference report provides that the Secretary of Defense will exclusively manage and execute JMIP programs.

The conference agreement also goes beyond H.R. 10 in regard to the intelligence tasking authority of the DNI. National intelligence assets provide real time, life and death information to our troops in combat, and must be available to the Secretary of Defense and the combatant commanders when needed. There is broad agreement among conferees that the needs of troops engaged with the enemy shall always take priority in tasking national intelligence assets. I only very reluctantly agreed to this language based on assurances of all the conferees and senior administration officials that the combatant commanders and engaged troops would never be denied the intelligence support they need, notwithstanding the statutory authority of the DNI to direct the assets elsewhere. Furthermore, combatant commanders need intelligence on a continuous basis, not only when engaged in combat operations. The conferees expect that combatant commander requirements will continue to enjoy a high priority for collection and analysis, in times of peace as well as time of war.

AUTHORITY OF DIRECTOR OF NATIONAL COUNTER TERRORISM CENTER

Section 1021 of the conference agreement, like H.R. 10 provides the Director of the National Counter Terrorism Center with the authority to conduct "strategic operational planning" of the nation's counter terrorism operations. Unlike H.R. 10, the conference agreement defines strategic operational planning with a specificity that could be misinterpreted in a manner that suggests the conferees intended for the NCTC director to become involved in tasking internal elements of agencies to perform such missions. To the contrary, the conferees have included specific language stating that the director may not direct the execution of counterterrorism missions and have included section 1018, which clearly preserves the prerogatives of the chain of command in operational matters. Some managers in the other body have made contradictory statements concerning the role of the NCTC in strategic operational planning. On the one hand, it is suggested that the NCTC would operate much like the Joint Staff, planning broad missions but not becoming immersed in the details. This first interpretation is in fact what the conferees intended. On the other, it has been suggested that strategic operational planning would involve the NCTC in selecting specific mission objectives, and possibly directly tasking subordinate elements of the Department of Defense and other agencies. This sort of activity was decidedly not contemplated by the conferees, and was one reason why House conferees insisted on the inclusion of section 1018 preserving the chain of command. In no case may the NCTC directly task an internal element of the Department of Defense outside the statutory chain of command. The use of military force to achieve national objectives is the statutory responsibility of the Secretary of Defense, and the conferees intend that Secretary will be fully and authoritatively involved in any instance where the NCTC or any other outside agency proposes to employ the assets of the Department of Defense.

CHAIN OF COMMAND PROTECTION

As noted above, the conferees included, with the President's full support, section 1018 that reaffirms the sanctity of the chain of command. The chain of command, by operation of title 10, United States Code, runs from the President to the Secretary of Defense to the combatant commander involved. There must be no confusion about who is in charge in the execution of military operations. The conference report provides the DNI with a broad coordinating and integrating role to ensure that the nation does not endure another intelligence failure, but the conferees have not bestowed upon the DNI the authority to independently direct and manage elements of the intelligence community that are part of other government departments, such as Justice, Treasury, Homeland Security, and most critically, Defense.

It has been suggested by managers in the other body that section 1018 does not authorize the President or department heads to override the DNI's authority contained in this legislation. That assertion is plainly wrong. The original language that the other body suggested for inclusion in the conference report would have made the DNI's authority in this legislation exempt from existing statutory language concerning the chain of command, such as sections 113(b) and 162(b) of title 10, United States Code. However, that language was not accepted by the conferees. The language of section 1018 that was finally agreed to specifically protects the military chain of command. Assertions that the President and the Secretary of Defense have no authority to override the DNI with regard to commanding and controlling all elements of the Department of Defense are not correct. Further, it is important to note that the President has consistently upheld this principle by endorsing the necessity of a clear "preservation of authorities" provision in this legislation. As stated in his letter to the conferees of December 6, 2004,

"Accordingly, in developing implementing guidelines and regulations for this bill, it is my intention to ensure that the principles of unity of command and authority are fully protected. It remains essential to preserve in the heads of the executive departments the unity of authority over and accountability for the performance of those departments. In particular, as we continue to prosecute the global war on terrorism, the integrity of the military chain of command must continue to be respected and in no way abrogated."

It is critical that there be no ambiguity about the intent of Congress as this legislation is implemented, and I will be particularly diligent in my oversight role to ensure that the intelligence needs of the Department of Defense are fully met as the various complex new relationships provided by this legislation are implemented in the years to come.

CONFERENCE REPORT ON S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

SPEECH OF

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. HOEKSTRA. Mr. Speaker, as chairman of the conference on the bill I would also like to briefly discuss the interpretation of this legislation.

The conference report embodies the substantial agreement between the House bill, H.R. 10, and the Senate bill, S. 2845, on the core reforms to be carried out by this legislation. It is also important to note, however, that the conference faced many challenges in reconciling often fundamentally different philosophies and visions underlying those reforms and the specific provisions in each bill. Accordingly, the conferees agreed to submit only a very limited Joint Explanatory Statement on the conference report, relying on the text of the legislation to represent our agreements.

Only that text, which is controlling, and the Joint Explanatory Statement were agreed to by both houses and reflect the intent of the conferees. I should also note that Chairman HYDE intends to submit a statement for the record reflecting bipartisan and bicameral understandings with respect to certain foreign affairs provisions of the bill. Other statements by Members of Congress outside the scope of the Joint Explanatory Statement, media reports, or the reports or work product of any of the outside panels or commissions whose work contributed to this legislation reflect their own views and should not be construed as determinative guidance with respect to legislative intent.

While that framework ultimately controls interpretation of the bill, I would like to note my understanding as chairman of the conference of several matters within this legislation.

AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE

The nature of the authorities to be granted to the Director of National Intelligence, DNI, and the relationship of the Director to other Federal officials were delicate and precisely negotiated issues, with resulting agreements reflected in the legislative language of the conference report. Only that legislative language controls the authorities of the DNI.

This principle bears special emphasis in a number of areas. With respect to budget formulation, the text of the agreement carefully and explicitly specifies the authorities of the DNI and the relationships between the DNI, the heads of individual agencies and organizations within the National Intelligence Program, and the heads of executive departments containing those agencies and organizations. Those roles and authorities should be construed solely by reference to the provisions of the conference report and existing law—no more, and no less.

For example, the text explicitly provides that both the heads of executive departments containing agencies or organizations within the intelligence community and the heads of those discrete agencies may each provide annual budget proposals to the DNI, based on the DNI's guidance, for the DNI to use in determining and presenting an intelligence budget to the President. Beyond this direction, the legislation does not specify how the budget proposals are to be developed or provided, and it is properly for the executive branch to determine how to execute the statute consistent with its text.

Similarly, the legislation provides, in amended section 102A(e)(2)(A) of the National Security Act, that personnel transfers are to be made in accordance with procedures developed by the DNI and the heads of affected departments and agencies. It does not specify what role is to be played in the transfers by department and agency heads pursuant to such procedures. Presumably, that matter will be determined by the executive branch within the agreement on procedures developed under the legislative text.

Consistent with basic constitutional principles, the legislation provides that the DNI's authority is "[s]ubject to the authority, direction, and control of the President." Accordingly, the text does not specify who is to perform the President's daily intelligence briefing or under what specific operational circumstances the President will interact with the Director of the CIA, which should be matters for the President to decide himself.

The legislation also contains a detailed provision dealing with the apportionment of funds. That provision textually speaks only to the apportionment of funds, not to apportionment plans or any other related matter. Similarly, the conference report does not specifically authorize the creation of an entity within the Office of the DNI to perform common services or of a Chief Financial Officer for the DNI. Nor does it provide that an open source intelligence center, if created, should be a new element of the intelligence community. Nor is the conforming amendment to section 105(a) of the National Security Act contained in section 1072(a)(2) of the legislation intended to substantively amend the authority of the Secretary of Defense. That provision merely clarifies that section 105(a) of the National Security Act should be construed in conjunction with the specified statutory authorities of the

DNI. Had the conference intended to address any of these matters in this legislation, appropriately specific provisions would have been included to do so.

NATIONAL COUNTERTERRORISM CENTER AND NATIONAL INTELLIGENCE CENTERS

The authorities of the National Counterterrorism Center were issues of great and delicate debate during the conference. This is particularly true with respect to the balance between the authority of the NCTC to conduct "strategic operational planning" and the authority of individual departments and agencies to plan and direct the conduct of the resulting operations. There was full agreement that the NCTC properly should assign "roles and responsibilities" to agencies participating in Counterterrorism operations. However, the text of the legislation specifies that the assignment of "roles and responsibilities" does not extend to directing the execution of any resulting operations. The legislation does not, for example, authorize the NCTC to determine which personnel or specific capabilities should be utilized by agencies in mission execution.

Similarly, careful discussions took place in the conference with respect to the detail of personnel to the NCTC, with the outcome memorialized in the legislative text. There is no specific direction to concentrate personnel holding scarce and desirable skills in the NCTC, nor is such concentration prohibited. In exercising authorities to transfer or detail personnel, it will be important for the DNI to weigh the needs of an effective NCTC with the needs of other agencies and the intelligence community as a whole.

The conference also reached compromise on the scope and authorities of any future National Intelligence Centers that might be created by the Director of National Intelligence. The conference report authorizes the DNI to establish, if appropriate and necessary to complete the mission, national intelligence centers that are administratively distinct from the other agencies of the intelligence community. However, it does not require that all National Intelligence Centers be created as separate and administratively distinct entities. As with the NCTC, it will be important for the DNI to weigh the needs of any additional National Intelligence Centers against the needs of the agencies within the intelligence community, with due consideration for the expert personnel that make the intelligence community effective.

INFORMATION FLOW AND INFORMATION SHARING

The legislation specifies that the information sharing system created in section 1016 is to facilitate the sharing of terrorism information, as specifically defined in section 1016(a)(4). The conference specifically chose to remove references to any specific system, network, or proposal as a model. As provided in section 1016(b)(1)(a), the system is to be established consistent with "applicable legal standards" relating to privacy and civil liberties.

Further, the conference did not establish specific qualifications for the program manager to be designated under the bill. While experience with managing an "enterprise architecture" is desirable, that expertise is a narrow category of necessary qualifications and it is equally important that the manager have program management and systems development expertise. I should also note that the legislation refers to the "Information Sharing Council." This is intended to refer to the "Information Systems Council" established by Executive order.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

The Privacy and Civil Liberties Board also was a carefully negotiated provision in conference. Once again, only the text of the legislation reflects our final agreement. The conference dropped a proposed provision that would have limited the board to providing advice only when requested by the head of an agency, choosing to remain silent on the specifics. Such silence should not be construed, however, as a requirement for executive branch officials to routinely or affirmatively consult with the Board. Such a requirement does not appear in the legislation, and again this is a matter for the Executive to carry out consistent with the legislative text.

In addition, there was extensive discussion of the exemption that is included in section 1061(d)(4) of the bill with respect to the authority of the DNI to withhold information from the Board for national security reasons. The legislation speaks for itself, but I would like to emphasize that the possession of a security clearance does not automatically provide a "need to know" classified information, especially where it is uniquely sensitive. This provision should not be used to routinely withhold information, but is instead intended to come into play where preventing potential harm to national security from disclosure precludes the "need to know" served by the interests of the Board.

It is also important to note that the conference did not have an opportunity to consider the relationship of section 1062, a sense of Congress provision dealing with designation of agency privacy officers, to similar provisions contained in the Omnibus Appropriations Bill dealing with Chief Privacy Officers.

PUBLIC INTEREST DECLASSIFICATION BOARD

Section 1102 of the conference report, dealing with the Public Interest Declassification Board, provides that the board may conduct review and make recommendations to the President with respect to requests from congressional committees of jurisdiction to declassify certain records or reconsider a declination to declassify certain records. It is important to emphasize that the text of section 1102(b) and, by reference, section 1102(e) refer only to requests from committees of jurisdiction and not individual Members of Congress, and that no authority for individual members to make such requests should be inferred.

DRIVERS LICENSE AND PERSONAL IDENTIFICATION CARD PROVISIONS

Finally, I note two provisions that were the subject of negotiation in section 7212 of the conference report, dealing with standards for drivers' licenses. First, a detailed specification of which "interested parties" should participate in the negotiated rulemaking provided for in this section was specifically omitted from the text. It is therefore erroneous to infer or suggest that a requirement for mandatory participation by any particular "interested party" or group in the rulemaking is intended in the bill. Second, a provision was removed from section 7212(b)(3)(E) that would have required the regulations developed in the rulemaking to include requirements to protect unspecified "civil and due process" rights of individuals applying for and holding drivers licenses and personal identification cards. This legislation is not intended to create or infer the creation of any civil or due process right relating to drivers' licenses or identification cards, nor is any such provision included in the text of the legislation.

My statement is not exhaustive and is without prejudice to interpretation of other items in the conference report, which I again emphasize in closing should be made solely by reference to the text of the conference report and the Joint Explanatory Statement.

IN RECOGNITION OF THE DISTINGUISHED CAREER OF MR. ARTHUR LIBERTUCCI

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor the career of Arthur Libertucci. On January 3, 2005 Mr. Libertucci will retire from his post as Administrator of the Alcohol and Tobacco Tax and Trade Bureau, capping a long and distinguished career of public service.

Mr. Libertucci's service has spanned four decades. He joined the Bureau of Alcohol Tobacco and Firearms in 1972 as an inspector in New York City. Over the years he has served in a number of positions at ATF headquarters and in field offices throughout the country.

Mr. Speaker, after working his way through the ranks of the ATF, Mr. Libertucci became a federal executive in 1989. He has held many executive positions in the ATF from Associate Director for Compliance Operations to Assistant Director for the Office of Alcohol and Tobacco.

Following the establishment of the Department of Homeland Security and the reorganization of the ATF, Mr. Libertucci was charged with establishing a new bureau to regulate the alcohol and tobacco industries. Mr. Libertucci's experience and commitment to public service made him the clear choice to lead the new Alcohol and Tobacco Tax and Trade Bureau.

Mr. Speaker, I have the privilege of representing some of America's premier wine regions and consequently, I have had the pleasure of working very closely with Mr. Libertucci over the years. He is a consummate professional who has gone to great lengths to ensure that the TTB is a partner of the American wine industry and not just a regulator. Under Mr. Libertucci's leadership, the TTB has played a significant role in fostering the growth and economic vitality of the domestic wine industry.

Mr. Speaker, it is appropriate that we recognize Mr. Libertucci for his service to our country and his commitment to public service. His efforts in the organization of the Alcohol and Tobacco Tax and Trade Bureau will have a lasting impact on the United States Government. I thank Mr. Libertucci for his service and I wish him well in his new endeavors.

A TRIBUTE IN HONOR OF THE STAFF OF CONGRESSMAN NICK SMITH

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. SMITH of Michigan. Mr. Speaker, I rise on behalf of all of us in the United States House of Representatives to pay tribute to several individuals who have contributed significantly to the operation and success of the 108th Congress of the United States.

I take this opportunity to especially recognize and thank the members of my personal staff for their outstanding work and dedication in serving the constituents of the Seventh Congressional District of Michigan. I want to commend their exemplary service in helping citizens, especially when the federal government bureaucracy was bogged down or hadn't addressed the real needs of the people. I praise my staff for their efforts to analyze and develop legislation that will make our country stronger and better in the future.

The individuals I pay tribute to today are: Keith Brown, Jennifer Burg, Dan Byers, Mary Christ, Soren Dayton, David Finger, Alan Knapp, Ruth Mayday, Greg Moore, Ammani Nagesh, Jared Page, David Rawson, Lindy Salem, Peter Saling, Kurt Schmautz, Ed Sharkey, Heather Smith, Priscilla Smith, Lee VanWychen, and Wendy Wieringa, and Gary Wolfram.

I applaud my staff's commitment to serving the people of this great nation and I extend my heartfelt thanks to them for their insight and hard work. It is individuals such as these that make members of Congress successful, enabling us to perform and serve in the best possible manner. On behalf of the United States Congress, I wish each of them the very best and every success in all their future endeavors.

CONFERENCE REPORT ON S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

SPEECH OF

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. NORTON. Mr. Speaker, I represent the people of the Nation's capital, perhaps the most conspicuous target for global terrorism in the world. I support S. 2845, the National Intelligence Reform Act of 2004. I could not afford to do otherwise. Nor can other Members, whatever their opinions of the considerable shortcomings of this bill. The controversy over S. 2845 and its many flaws have obscured the overriding reason for the bill in the first place. After an impressive, exhaustive investigation, the 9/11 Commission, which deserves the credit for the seminal document from which the bill derives, said that prevention of the 9/11 tragedy had been possible. "There were specific points of vulnerability in the plot and opportunities to disrupt it," according to the 9/11 Commission Report (p. 8). Various intelligence agencies each had parts of vital information about the imminence of an attack, but they rarely communicated and never collaborated.

S. 2845 goes directly at this tragic flaw through personnel and structural reform in two ways. First, the bill creates one overarching and fully accountable official, the director of national intelligence, with the budgetary and oversight authority to compel the communication and cooperation that was missing before 9/11. Second, the bill requires all information and intelligence to be funneled ultimately to a newly established national counterterrorism center instead of remaining scattered in 15 different intelligence agencies, as before 9/11.

There are many other important provisions in the bill less expansive in scope but vital in content that recommend its passage. However, regrettably S. 2845 contains some provisions that do not belong in a bill with this mission, were not recommended by the 9/11 commission, and could not have passed independently. Of particular concern to me, however, are related problems that had nothing to do with 9/11, but also deeply involve intelligence and the judgment of public officials. Our country and our troops are virtually trapped in Iraq today because of an unprecedented invasion. The invasion of Iraq teaches the necessity of assuring that competing information not only reaches but influences the President and that cooperation, consolidation, and coordination do not result in dreaded "groupthink" or in disproportionate influence by the new director of national intelligence or any other official. I am not entirely convinced that S. 2845 builds in the necessary checks and balances to assure against reinforcing a President's predispositions. Time and experience inform the Congress. We must be prepared to make changes as they become necessary.

Most disappointing was the weak civil liberties panel that is not in keeping with the concerns in the 9/11 Commission Report about the privacy issues raised by the new centralized intelligence network recommended by the 9/11 Commission. The panel has become a wolf watching the hen house. It has no subpoena power. The members will be totally beholden to the President, at whose pleasure they will serve.

I have been in the Congress long enough to know that allowing an opportunity to pass while we wait for a more perfect bill often means no bill, no bill for years, or no bill until another crisis comes. This bill is already late, delayed by the Bush administration at every turn, but finally delivered at the hands of the 9/11 families and the Commission their energy brought into being. We must seize this opportunity and pass this bill.

BAT FOR THE CURE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. WEINER. Mr. Speaker, each year, about 33,000 Americans die from prostate cancer and 256,000 are diagnosed for the first time. Aside from lung cancer, the disease kills more men than any other form of cancer.

On November 8, 1999, Ed Randall, one of the country's foremost baseball authorities, was diagnosed with prostate cancer. Early detection and the care of doctors like Nicholas Romas at St. Luke's-Roosevelt Hospital Center in New York City saved Ed's life.

In late 2002, Ed founded Bat for the Cure, a non-profit charity dedicated to the eradication of prostate cancer. With its prominent board of directors, including Bob Costas, Mario Cuomo, Len Elmore, Kathy Giusti and John Hennessy III, the charity has raised hundreds of thousands of dollars to fight the disease.

The organization has also enlisted well-known sports stars who are joining in the fight, such as Dustin Baker, Frank Robinson, Tom McCraw, Bob Watson, Don Baylor, Dave Winfield, and Rafael Palmeiro. Many of these celebrities have personal experiences with the tragedy of cancer.

Fortunately, prostate cancer is one of the slowest growing cancers, so proper detection and treatment can save lives. With Bat for the Cure's support, St. Luke's Roosevelt, the hospital that saved Ed Randall's life, is now helping many other cancer patients become survivors.

Mr. Speaker, I urge my colleagues to make prostate cancer research and early detection a national health care priority. Congress should act without delay to double prostate cancer research funding at the National Institutes of Health, fully fund the National Cancer Institute, and save prostate cancer research at the Veteran's Administration.

TRIBUTE TO KRISTINA KIIK

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is with great joy that I recognize Kristina Kiik. Kristina was elected and is believed to be the youngest elector in the history of the United States at the Texas State Republican Party Convention last June.

Next week will be a busy one for the 21-year-old Republican in Austin. On December 13th, she will cast her vote for President George W. Bush in the State Capitol at the Meeting of the Electoral College.

A smart and savvy student at Southern Methodist University, Kristina is an inspiration to young people across America.

While attending the Hockaday School in Dallas, the Richardson native beat out countless students across the nation for a coveted position as a Page in the U.S. House of Representatives. Now at SMU, she interned in my District office and continues to make a difference in her community.

What an honor to recognize her for her tremendous achievement and I have a feeling this could be the first of many trips for Kristina to Austin.

I urge my colleagues to join me in honoring this truly remarkable American.

Kristina, God bless you and God bless America.

A TRIBUTE TO DOLLY SEELMEYER, U.S. HOUSE OF REPRESENTATIVES PHOTOGRAPHER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 20, 2004

Ms. PELOSI. Mr. Speaker, I would like to express my deep appreciation for the distinguished career of Dolly Seelmeyer.

Dolly will retire at the end of this year, having served the United States House of Representatives for 32 years. Dolly started in the House in 1970 working for Congressman Joe Addabbo of New York. In 1972, she became the first woman photographer with the Office of Photography. Over the years Dolly has been a tremendous asset to Members of the House. Her body of work—literally thousands of memorable photographs—is greatly appreciated by the Members and their constituents.

Dolly has served as photographer, supervisory photographer and in recent years as the manager of the Office of Photography. We are grateful to Dolly for her many years of hard work to the U.S. House of Representatives. On behalf of the House Democratic Caucus, I extend our gratitude for your dedication and best wishes to you and your family on your well deserved retirement.

DIRECTING SECRETARY OF SENATE TO CORRECT ENROLLMENT OF S. 150

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SENSENBRENNER. Mr. Speaker, on November 19, 2004, the House passed both S. Con. Res. 146 and S. 150 under suspension of the rules by voice vote. The amendments made to S. 150 as it was passed by the Senate included a provision that ended some state taxation of Internet access previously interpreted to be allowed by the original 1998 moratorium grandfather exceptions. The final enrolled version of S. 150 was signed by President Bush on December 3, 2004, and became Public Law 108-435.

As Chairman of the Committee of jurisdiction in the House, I wish to remark further upon the meaning and intent of Section 1104(a)(2) of the final enrolled version of S. 150 that became Public Law. The intent of this section is to clarify ambiguities associated with the Internet Tax Freedom Act (Pub. L. 106-277, Div. C. Title XI (1998)) ("ITFA"), which created a moratorium on State taxation of Internet access and on multiple and discriminatory taxation of electronic commerce. The ITFA contained an exemption for States that had generally imposed or actually enforced a tax on Internet access prior to October 1, 1998. Thus, States that qualified for "grandfather" status could continue to tax Internet access.

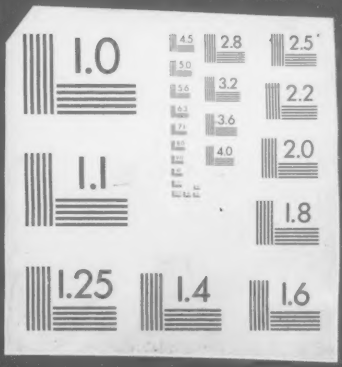
Subsequent to 1998, however, litigation arose between State taxing authorities and various Internet Service Providers (ISPs), who maintained that certain States wrongly taxed them and their customers for Internet access even though such States had never qualified for grandfather status. One example is that of Tennessee, whose Commissioner of Revenue had assessed sales and use taxes on Internet access based on the State's tax on "telecommunications services." An ISP (Prodigy) challenged the tax and, following several years of litigation, the Tennessee Court of Appeals eventually ruled that the provision of Internet access did not constitute a taxable event within the Tennessee statute. Thus, Tennessee had never met the requirements for grandfather status under the ITFA to tax Internet access.

Similarly, Wisconsin taxation authorities claimed to qualify for grandfather status under the ITFA based on a broad State tax on "telecommunications services" which was subsequently applied to encompass Internet access through an administrative ruling. Like Tennessee, ISPs have challenged Wisconsin's status as a "grandfathered" State under the pre-October 1998 provisions of the ITFA. The crux of the ISPs' argument is that the tax statutes of Tennessee and Wisconsin differ from those of other grandfathered States that meet the conditions of the ITFA. Where other grandfathered States' statutes impose taxes on all services unless an exemption exists, those of States like Wisconsin and Tennessee only tax services if they are enumerated in the statute specifically. Since neither State's statute taxed Internet access explicitly, they were never entitled to assess taxes on Internet access within their States as the ITFA was intended to be construed by Congress.

In order to provide clarity about the original intent of Congress and the ITFA, and in order to end further litigation, Section 1104(a)(2) states that the grandfather provision of the ITFA will terminate after November 1, 2007 with the exception of a State telecommunications service tax enacted by State law on or after October 1, 1991 and applied to Internet access through administrative code or regulation issued on or after December 1, 2002.

Section 1104(a)(2) should also serve notice that Congress finds particularly egregious the attempts of some States, like Wisconsin, to avoid the Congressional intent and the general moratorium by seeking to impose preexisting telecommunications taxes on Internet access after the enactment of the ITFA through administrative ruling rather than an act of the legislature. It is also the intent of this section to deter any similar efforts by States in the future.

As of November 19, 2004, Congress believes that only Wisconsin of the remaining grandfathered states under the 1998 ITFA meets the particular general qualifying criteria set forth in Section 1104(a)(2)(B)(i) & (ii). Therefore the effect of Section 1104(a)(2) will be to end Wisconsin's grandfathered ability to collect taxes on Internet access by November 1, 2006. However, if any other grandfathered States are subsequently found to meet the same generally applicable criteria, they should be treated similarly and their grandfathered taxation status should also end by November 1, 2006.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